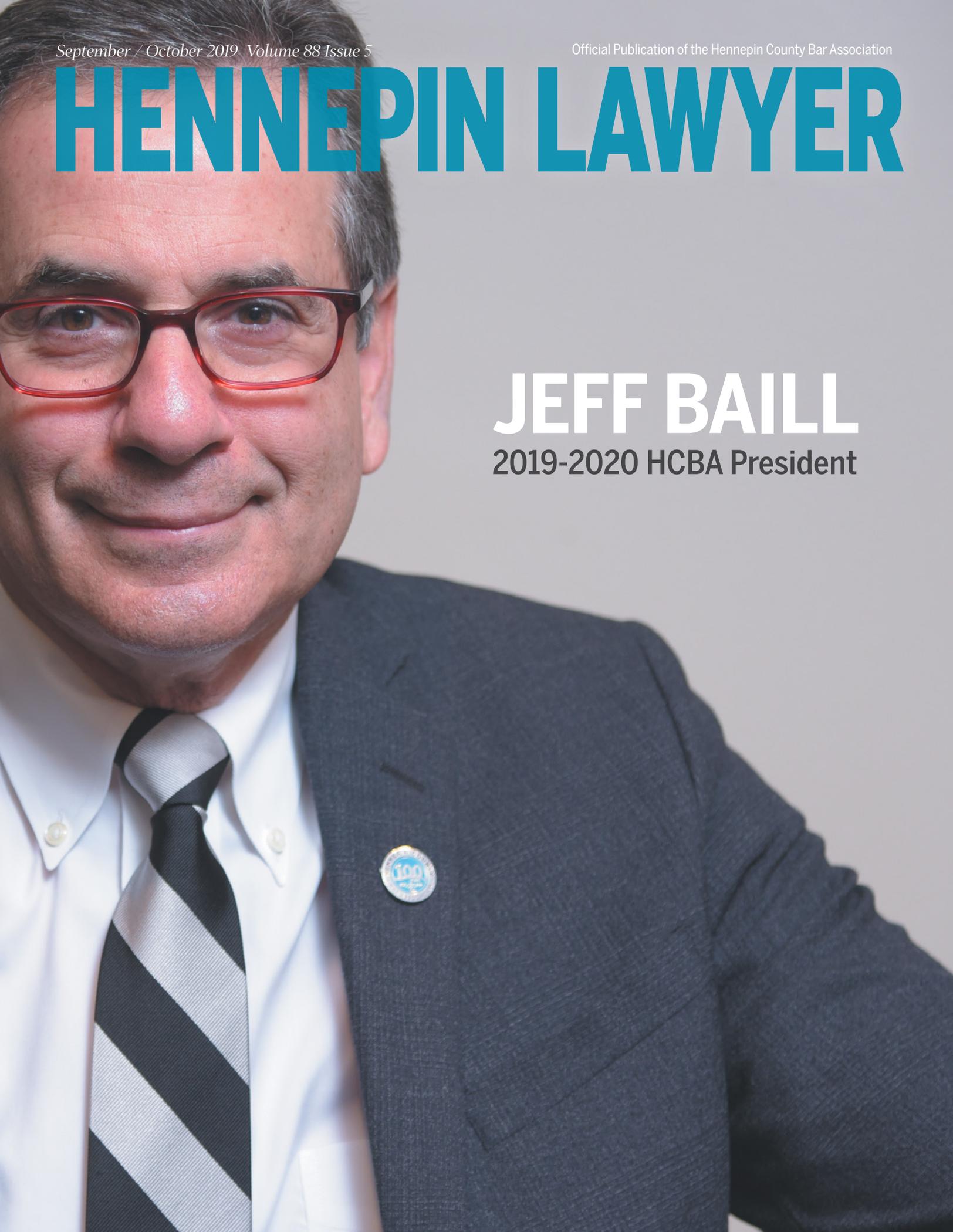


September / October 2019 Volume 88 Issue 5

Official Publication of the Hennepin County Bar Association

# HENNEPIN LAWYER



**JEFF BAILL**

2019-2020 HCBA President



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# HENNEPIN LAWYER

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# “How are you doing?”

Ask a lawyer you work with, you get lunch with, or you appear on opposite sides of the aisle with, “How are you doing?” And, with an open mind, no judgment, and a sincere desire to know, listen to the answer.

There is nothing like the emotions and excitement of finding out you are pregnant. In March, that was me. I went into my annual physical expecting a lecture about my weight, and, instead, learned I would be gaining more. My doctor, after sharing the news, immediately launched into a laundry list of instructions for me, number one or two of which was, “No alcohol.” I had no issues committing to a no-alcohol life, if that is what the doctor ordered. When I told colleagues or friends about my pregnancy, many asked, “How has it been not drinking?” My response was always, very truthfully, “Not as bad as I thought.”

In April, happily (or not) in the peak of my first trimester, I billed over 200 hours at work. On the one hand, I felt like superwoman. If I could work that much and perform that well while also being nauseous, hormonal, unable to eat, and, generally, a physical basket case, I could do anything. I might as well sign up to climb Mount Everest next year. But as April gave way to May and June, and the hours continued to stay high, comparably high levels of fatigue, sadness, and apathy began to set in. When I described these symptoms to my husband, he (very logically) said, “Well, you are pregnant.” “That cannot be the only issue, though,” I told him. I then listed off all of the characteristics of large law firm life or certain practice areas (or certain people) that present objective stressors. I said to my husband, “Maybe everyone else is just better at coping with it than I am,” and, almost facetiously added, “but maybe that’s because they can *drink* and I can’t.”

That is when it hit me. I was used to using a chemical coping mechanism to deal with stress. As a consequence of work or personal functions, I was in almost daily contact with alcohol. My

glass of wine with dinner was about more than my nerdy vino obsession; it helped take the edge off my anxiety. When that coping mechanism was removed, all of the stress and symptoms of burnout that I could usually stave off with the assistance of a California red blend crept in. Deciding that I needed some new or different coping mechanisms, I took my stress, fatigue, and insights to a therapist and asked for help.

This issue of the *Hennepin Lawyer* intends to join the current conversation about lawyer wellness and well-being in our community. You will read in this issue that the studies and statistics show that the practice of law is marked by the symptoms of an objectively stressful profession. This prompted the American Bar Association to launch its National Task Force on Lawyer Well-Being, which published the “Well-Being Toolkit for Lawyers and Legal Employers” in August 2018.<sup>1</sup> The Minnesota Supreme Court promoted the Toolkit at its Call to Action conference in February 2019.<sup>2</sup> The conference invited attendees to commit to fostering practices that promote supportive environments for holistic health and well-being.

The reality is that we all have a story to tell about balancing the stress of work with the curveballs of life, or the desire to perform with the desire to be happy. The articles in this issue raise awareness around those unique characteristics of our law student or lawyer journey that open the door to stress, and the business implications or life-threatening risks of failing to attend to well-being in the midst of that stress. There are also narrative articles that call to mind those experiences of being both a real person and a professional. These are the stories we need to share with one another because, whether a law student, non-practicing professional, lawyer,

or judge, we are connected by a piece of the human experience that makes us different from everyone else: we are in the legal profession.

If nothing else in the coming pages inspires or challenges you to talk with your colleagues about these topics, then my charge to you is this: Ask a lawyer you work with, you get lunch with, or you appear on opposite sides of the aisle with, “How are you doing?” And, with an open mind, no judgment, and a sincere desire to know, listen to the answer. Because, if nothing else, that is the conversation we need to have.

<sup>1</sup> A copy of the Toolkit can be found on the American Bar Association website at: [https://www.americanbar.org/content/dam/aba/administrative/lawyer\\_assistance/lis\\_colap\\_well-being\\_toolkit\\_for\\_lawyers\\_legal\\_employers.pdf](https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lis_colap_well-being_toolkit_for_lawyers_legal_employers.pdf)

<sup>2</sup> You can access the resources and information that came out of the conference on the MN Judicial Branch website at: <http://www.mncourts.gov/lawyer-well-being.aspx>



**Megan  
Bowman**

September/October  
Issue Editor

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Ms. Bowman is an associate at Fredrikson & Byron in Minneapolis. She formerly clerked for the Hon. William H. Koch, and graduated magna cum laude from the University of St. Thomas School of Law.

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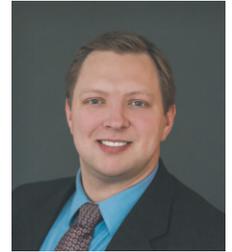
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An artifact from the I-35W bridge that collapsed sits in the Yost & Baill conference room. As lead subrogation attorney on the case, Baill was permitted to select a remnant from the site after the case was over. Baill selected this piece along with a local artist, who mounted it on a 400-pound piece of brass from the base of the bridge. Baill says that being involved in a case that helped so many innocent victims was a highlight of his career.

INTRODUCING  
**JEFF BAILL**  
2019-2020 HCBA PRESIDENT

*by Nicole M. Kustermann*

**H**aving celebrated its centennial this year, the Hennepin County Bar Association is entering its next century under the leadership of Jeff Baill, a consummate promoter of collaborative working relationships. Baill's belief that a small group of people can make a difference for many has guided and enhanced his career in the legal industry and beyond. Baill has practiced in the field of insurance subrogation since the day he became a lawyer, and, while accomplished as an attorney in that field, he is also devoted to his family and community, and to building associations that stretch well beyond himself.

## Camp Walden

Baill grew up as the youngest of three siblings in a modest, blue-collar home in suburban Detroit. Baill's dad was a truck driver and his mom stayed at home, caring for Jeff and his brother, Larry, and sister, Barbara. As described by his siblings, Baill was a smart kid, got good grades, and easily attracted others to him and his ideas. Larry and Barbara attended college at the University of Michigan and Jeff soon followed in their footsteps.

During college, Jeff spent summers at Camp Walden in Cheboygen, Michigan. Baill worked his way up to the position of kitchen manager, supervising a staff of 20 teenagers and ordering food for 600 campers. Baill believes that this experience provided his first dose of leadership. He remembers making a lot of mistakes, but also learning how to get things done. Jeff recognized at an early age that stepping up and taking charge could lead to good things for many.

## Public Utilities Commission

Jeff married Heidi Layne, his college sweetheart, the summer after they graduated. Jeff and Heidi moved to the Twin Cities to be closer to Baill's siblings. Chasing a childhood interest of becoming a lawyer so that he could "have control over his life," Baill entered law school at Hamline University. He attended school full-time and worked part-time jobs while Heidi worked as a teacher.

Baill recalls working at the Public Utilities Commission during his second year of law school. He worked with one of the commissioners to draft the "winter rule," which prohibited utility companies from turning heat off during winter months. During his third year of law school, Baill took his first legal job. He did everything but go to court for Ed Silberman, an attorney who shared an office with Baill's brother, who was a general practitioner at the time. Baill started in insurance subrogation—a niche area of insurance law that would come to define his career.

## Wasserman, Silberman and Baill

Upon graduating from law school, Baill was hired as the sole associate at Wasserman, Silberman and Baill, a firm that was formed in 1980. The firm eventually transitioned to Wasserman & Baill, and then to Yost & Baill. In the early years, the firm handled small auto and property subrogation cases primarily for one insurance company, with hopes that this would lead to defense work. When the insurance carrier stopped doing business in Minnesota, the firm took a chance by sending a letter to insurance companies in Minnesota, offering to handle subrogation claims on a contingency-fee basis. The firm now refers to that note as "The Great Letter" because it was the genesis of the firm's practice. Baill was surprised when a number of carriers began sending subrogation claims to the firm. Baill spent his early years as an attorney cutting his teeth in small claims court, meeting referees and judges, and, to his brother's surprise, winning difficult cases.

An example of Baill's visionary talent comes from the early years at Wasserman, Silberman and Baill, where he worked with his brother. Larry Baill credits his brother with convincing firm leadership to invest in (at the time) cutting-edge word processing technology. The investment paid off because it allowed the firm to create and utilize merged form documents, which allowed claims to be processed much more efficiently.



Jeff's entrepreneurial spirit showed at a young age when he convinced his mom to buy him junk food snacks, so he could sell them to his classmates.



While in college, Jeff and his future wife, Heidi, worked as volunteer ushers for when bands came to town. Often they were tasked with making sure concert goers didn't rush the stage. Jeff recalls that they once worked at a show for a young, up-and-comer named Bruce Springsteen.



Jeff is pictured here with his wife, Heidi, as well as (pictured left to right) his son and daughter-in-law, Andrew and Liz; and his daughter and son-in-law, Margot and Jeff.

## JEFF BAILL AT A GLANCE

### EDUCATION

1980 Hamline University Law School  
1977 University of Michigan

### BAR ADMISSION

Minnesota State Courts  
United States District Court,  
District of Minnesota  
United States Supreme Court

### EMPLOYMENT

1980 – Present: Yost & Baill

### PROFESSIONAL ACTIVITIES

**National Association of Subrogation Professionals**  
Founder, President, and 19 years on Board of Directors  
**Hennepin County Bar Association**  
Executive Committee Member  
**Hennepin County Bar Foundation**  
Board Member

### COMMUNITY

**Sabes Jewish Community Center**  
President  
**U.S. Tennis Association Northern**  
President  
**U.S. Tennis Association**  
Board Member

### HONORS

**National Association of Subrogation Professionals**  
Lifetime Achievement Award  
**National Creditors Bar Association**  
Don Kramer Award for “changing our industry and community forever”  
**USTA**  
2016 Volunteer Exceptional Service Award  
**USTA Northern**  
President’s Award  
**Super Lawyers**  
Multiple Year Designation

As a subrogation attorney, Baill has become a leader in the field. He was appointed as lead counsel for the subrogation interests arising out of the I-35W bridge collapse case. “Working on the 35W bridge case was a highlight of my career. I worked with the best and brightest attorneys in Minnesota while being involved in a case that strived to help so many innocent injured people,” said Baill.

He also represented the large subrogation claim in comedian Tracy Morgan’s bus accident case. Jeff regularly consults with insurance companies about best practices for running subrogation units. He has authored numerous articles and presented on a wide range of subrogation topics over the years.

## Jewish Community Center

As Baill’s career progressed, he began to get involved in activities outside of the office. In 1992, he and his wife led a mission trip to Israel sponsored by the Minneapolis Jewish Federation. Through the experience, Baill gained an appreciation of Jewish culture and the value of being a part of the Jewish community. As a new dad of two, Jeff wanted to provide his daughter Margot and son Andrew with a sense of belonging to the community. When he returned home from the trip, he began volunteering his time with the Jewish Community Center (JCC) and eventually was asked to help form the JCC Youth Basketball League. During Jeff’s time overseeing the program, it grew from 15 to 300 participating kids.

From there, Baill began serving on the board of the JCC. In 1995, he began a two-year term as president. Under his leadership, the JCC built a swimming pool and created its first-ever inclusion program for children with disabilities. During this time as board president, Baill learned extensively about committee structures and how organizations run.

## National Association of Subrogation Professionals

In the late nineties, Baill took a giant step forward in his legal and leadership journey. As a subrogation attorney, Baill often felt unwelcome

in the plaintiffs’ bar. Likewise, lawyers for plaintiffs did not feel comfortable around Baill and other subrogation attorneys because their clients were insurance companies—the very entities who were on the other side of most plaintiffs’ cases. In addition, Baill did not feel comfortable with the defense bar because he was not doing defense work.

Believing that he might not be alone in these feelings, Baill, his brother, and a few dozen other attorneys throughout the country met in Scottsdale, Arizona, to discuss the lack of educational resources available to subrogation attorneys. At this meeting, Baill proposed forming a trade association. Furthermore, as Larry Baill explains, his brother had great vision when he insisted that the group include not just attorneys, but the insurance company professionals and vendors who provide services to the industry. Baill’s idea was big. He recognized that the industry was going through an important change where insurance companies were moving from local operations centers to companies with more regional or national infrastructure. Providing opportunities for subrogation professionals to network with their national colleagues proved to be an invaluable resource for everyone involved. The National Association of Subrogation Professionals (NASP) was formed in 1998. Today, NASP has over 3,000 members and hosts two educational and networking conferences a year.

Baill has served on the board of directors of NASP, including as president and chair of numerous committees. His leadership and passion for the organization and what it was doing to bring people together was contagious. He did not sit idly by and let the organization become stagnant, but rather was a catalyst for nearly every initiative that moved the organization forward. To name a few, Baill was instrumental in creating industry benchmarking studies, creating a professional designation for subrogation professionals—the Certified Subrogation Recovery Professional (CSRFP), and creating the Executive Forum, a meeting of insurance company executives to discuss subrogation issues facing the industry. According to Ken Levine, former NASP board colleague, “Jeff is an optimistic, visionary leader.

You’ll find a number of toy alligators around Jeff’s office. He takes his role as a “subro-gator” seriously.





Jeff's love for tennis is on full display in his office.

He has a 'we can do that, and we should do that' attitude, while others sit around looking for reasons not to." NASP had an extremely positive impact on the growth and success of Yost & Baill and, at the same time, strengthened law firms, insurance companies, and other subrogation service providers throughout the country.

In 2017, Baill stepped away from NASP to make time for other things, including welcoming three grandsons to his family.

## United States Tennis Association

Another interest of Baill's that blossomed into a leadership position stems from his support of his son's tennis playing career in high school. Jeff was instrumental in convincing the Armstrong School Board to build new tennis courts while Andrew was playing. This experience led Baill to get involved in the northern section of the United States Tennis Association (USTA), where he would go on to become president. As president of the section, Baill participated in the Presidents Committee on the national level, and he was eventually chosen chair of the committee. From there, Baill spent four years on the national Learning and Leadership Development Committee, where he would be instrumental in creating a board orientation manual that would be used by section and district boards. Baill spent two years on the Nominating Committee, whose charge was to select future board members, and two years as vice-chair of the National Grievance Committee. In 2017, Baill was elected to serve on the National USTA Board of Directors and this year was elected for a second term. On the board, Baill has served on the Strategic Planning Committee and

the Audit Committee, as well as being the board liaison to five adult competition committees. According to Staciellen Mischel, the Associate General Counsel and Deputy Chief Legal Officer of the USTA, "Jeff has an innate way of cutting through all the *mashugana* [craziness] and getting to the point. He is able to sidestep the emotion of tough decisions, while still making people feel like their feelings matter."

When asked what he gets out of all of his volunteer service, Baill responded that he enjoys meeting new and interesting people and working with people to get things done.

## Hennepin County Bar Association

As HCBA president, Baill brings with him a fierce belief that associations can be difference makers in industry and in times of crisis. Baill's career in "disaster litigation" has provided a wide breadth of exposure to multiparty dispute resolution, which, in his mind, is always most successful through communication and collaboration. Baill's proudest contribution to the HCBA to date is his involvement in the idea and formation of the Law Firm Leadership program. This program has brought together three different cohorts of law firm leaders and prospective leaders to discuss issues and ideas for successful management of a law firm. This type of sharing amongst seeming competitors is the bedrock of Baill's visionary leadership. Baill is excited to share his experience and to work with other lawyers, on behalf of lawyers, to bring member value to HCBA members, to help build connections, and to make it easier to practice law with today's challenges.

Jeff takes a yearly trip to the U.S. Open Tennis tournament.



**"Jeff has an innate way of cutting through all the *mashugana* [craziness] and getting to the point. He is able to sidestep the emotion of tough decisions, while still making people feel like their feelings matter."**



## Nicole M. Kustermann

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Ms. Kustermann is a partner at Yost & Baill, where she manages the national worker's compensation subrogation practice group for the firm. She is a former president and longtime volunteer of the National Association of Subrogation Professionals, serving several years as an editor of the nationally recognized trade publication, the *Subrogator* magazine. She is an honors graduate from William Mitchell College of Law. She also volunteers time as the board secretary for the Osseo Maple Grove Hockey Association.

MEET

# LANDON ASCHEMAN

2019-2020  
HCBA SECRETARY



*The HCBA welcomes Landon Ascheman to membership on its executive committee for the 2019-20 bar year. At the HCBA Annual Meeting on May 30, Ascheman was introduced to the association's officer ranks as secretary, beginning a five-year leadership track that will have him serve as president for the 2022-23 bar year. Ascheman is a graduate of William Mitchell College of Law. He practices criminal defense law and owns his own solo firm, Ascheman Law.*

### Why did you become a lawyer?

With a background as an intelligence specialist for the U.S. Navy and degrees in philosophy and sociology, there's not a clear career path. I just gravitated towards law school as the next challenge. But friends, teachers, and everyone who had ever played board games with me were not surprised by my chosen profession.

### What is your favorite part about your job?

I really enjoy the chance to help people, whether it's helping clients try to clean up their record so they can get a job, helping them share their side of the story to the court, or helping them get treatment and get their lives back on track. Plus, as a solo practitioner, I'm able to schedule my calendar around all of the volunteer work I like to do.

### What do you enjoy doing outside of your law practice?

In addition to being a lawyer, volunteer, and mentor, I'm also a proud dad, and (when time allows) a swimmer.

### How did you get involved with the bar association?

As a solo practitioner, I thought it was important to get out and connect with others in the profession. I found the bar association to be a great chance to meet with other attorneys that I might not see in my practice. It's given me the chance to volunteer and help my community, shape the direction of future laws, and connect with other people that have the same passion for the profession.

### What was more difficult, taking the bar or swimming the ice mile?

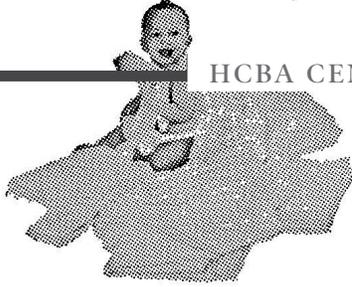
The Ice Mile, hands down. Although the bar was a lot of studying, memorizing, and training to take the test, it had nothing on the intensity of the Ice Mile. It involves swimming a mile in water that is 41°F or less. In my case, the water was 38°F, with an air temp around 9°F. When you get into the ice-cold water, hypothermia kicks in and your brain tries to switch into survival mode. Unfortunately, survival mode can get you killed. So it was a long steady process, and probably the most difficult mental and physical thing I've done. I was just glad to have my support crew, especially my wife Mara, with me.





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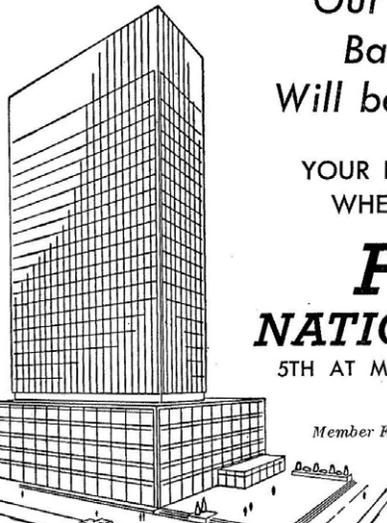
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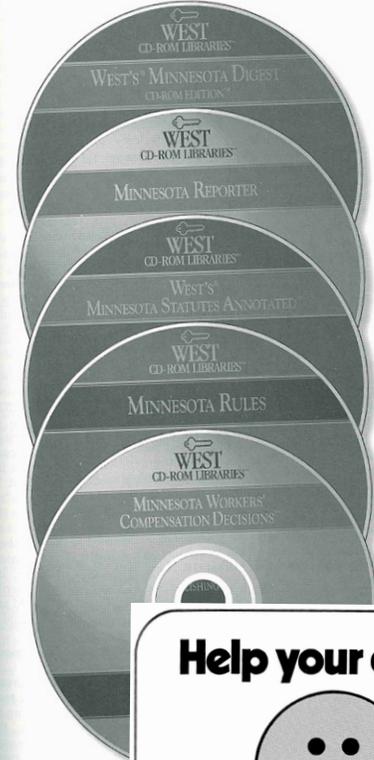
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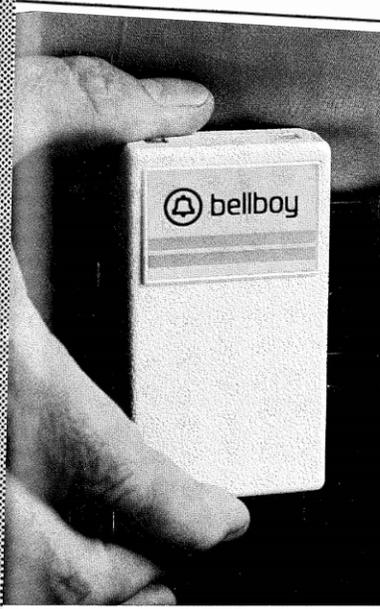
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# How do you recharge outside of work?



**Nadja Baer**  
Fredrikson & Byron

I run full and half marathons all over the world, combining the love-hate relationship I have with running and the love-love relationship I have with travel. In 2016, I ran a half marathon on the Great Wall of China.

Planning a race schedule well in advance ensures there is plenty of training time and always something to look forward to on the calendar. The looming deadline of race day keeps me from skipping training days when I am feeling overloaded with work-related stress. While many long-distance runners harbor a strong dislike for the treadmill, I've come to enjoy the meditative quality of a run where I do not have to spend much mental energy on staying alert and aware of my surroundings.

To date, I have completed 21 full marathons in 11 states, and, at the end of this year, I will be at 23 marathons in 12 states. I am a lifetime member of Marathon Maniacs, a worldwide running club, the entrance criteria of which are to either run two marathons in a 16-day timeframe, or three marathons in a 90-day timeframe. I am currently a silver-level member after running seven marathons in seven months last year. I am looking forward to running my ninth consecutive Twin Cities marathon and the New York City marathon this fall.



**Lynda Wilson**  
Civil Action Group

I have loved drawing and painting since I was a child. I began taking painting classes regularly after law school when I started work as a young associate in Atlanta. My reprieve from the stress of practicing law was attending a pastel and oil painting class once a week. When I moved to Minneapolis almost 20 years ago, I was lucky to find a similar escape at the Minnetonka Center for the Arts, where I have been taking painting classes off and on since 2000. I do not carve out much time to paint at home, so the art class is just what the doctor ordered. Recently, I have been painting pet portraits for friends and family.



**Jeffrey G. Carlson**  
EmployerConsult.com

I recently retired as an attorney from Brown & Carlson and started my new business, *EmployerConsult.com*. One reason I retired from the practice of law was to devote time to the things I most enjoy.

To me, getting away from the pressures of the daily legal “grind” mandates not only being physically away from the work environment but also focusing my mind on an intense activity that does not allow for work creep. While I very much enjoy the challenges of golf, the time between shots often results in my consideration of work stress. (A lack of attention, coupled with average golf skills, also results, far too often, in inflated scores.) Fun activities I enjoy that require a far more single-minded focus include tracking my Porche 911 up at Brainerd International Raceway with the local chapter of the Porsche Club of America, trap shooting, and wake surfing behind a V-drive boat.

Work is not something my mind wanders to while speeding down the long straightway at BIR, and going into Turn 1 with a down-hill, banked speed of well over 100 MPH. That is an experience unlike any other and requires your full attention (plus a strong constitution). Likewise, a lapse of concentration while surfing causes you to lose the “sweet spot” and fall. Thinking about anything but the clay bird while shooting will certainly result in a miss. I am admittedly still in the early stages of learning how to get better at these hobbies, but I have found a true passion for each. Without exception, I finish these activities with a sense of accomplishment and reduced stress.



**Kaleb Rumicho**  
Fredrikson & Byron

There are many things I enjoy doing outside of the practice of law. First and foremost, I enjoy spending time with my family, especially my nephews and nieces. They teach me (and force me) to live in the moment. It is fun seeing them get joy out of the smallest things in life.

Second, I try to incorporate exercise into my daily routine. It helps me work towards my physical and mental health. On top of the physical health benefits, exercising has been my main method of stress management.

Third, I love to travel, whether domestic or international. Most trips in recent years have been domestic weekend trips to, primarily, the east coast where I get to visit family and friends. Weekend travels do not generally interfere with work and they are short and sweet. Plus, one of the benefits of being a transactional attorney is, if or when something comes up, I can take care of it remotely. On the international front, the most recent and exciting trips I've taken were to Istanbul, Beirut, Prague, and Vienna. I highly recommend each of those destinations—so much history, culture, and amazing food.

Last but not least, I love exploring the Twin Cities' food and coffee scene. It seems like a new restaurant or coffee shop opens up every other day. I use that as an excuse to gather friends and go check the newest spots around town. I recently did a restaurant crawl on Eat Street with a fun group of friends, and it was a blast. It's going to be my new method of exploration going forward.



**Erin Hutchinson**  
Rock Hutchinson

Exercise, outdoor adventures, and time spent with family and friends are key to my well-being outside of work. Although I try to squeeze it all in, sometimes it seems there is never enough time to enjoy all the adventures life has to offer. I feel the greatest sense of well-being when I do the things I love with the people I love. For me, that means running or biking with my sons or working out with friends at FitHAUS, our community studio. I also enjoy exercising with colleagues. I formed some of my best working relationships on the running trails outside of the company gym.

Weekends and vacations are another opportunity to replenish my physical and mental wellness. My best weekends are spent outdoors swimming, hiking, biking or boating. Vacations offer the promise of even greater adventures and deeper experiences with the people I value. My husband and I have abandoned the idea of relaxing vacations. Instead, we try to make each a unique and active adventure, usually involving a sailboat or ski slopes. Sometimes we are fortunate enough to share these adventures with our law school classmates and other friends. When I can enjoy my favorite activities and keep in touch with old friends, I am left feeling doubly fulfilled.



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# FINDING YOUR WAY

The Path to Lawyer Well-Being report defines well-being as, “A continuous process whereby lawyers seek to thrive in each of the following areas: emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purpose in life, physical health, and social connections with others.” To that end, it’s likely that you or a colleague is struggling with one or more of these pieces. We wanted to tell stories of members who are working towards well-being in their own lives, whether that’s healing after the sudden loss of a loved one due to suicide, finding strength after a cancer diagnosis, reevaluating work/life balance after experiencing burnout, or experiencing depression and seeking help. We hope these stories encourage you to be open with your fellow bar members about your own struggles, but also to focus on your own well-being.



## FINDING YOUR WAY

# After a Sudden Loss

by Alissa Harrington

On Friday, I was like so many other recent law school graduates, figuring out what final subjects and tasks to prioritize the weekend before the Bar Exam. I watched the “Secured Transactions” video and filled out my worksheets. I was absorbed in the endless activity of bar-prep.

On Saturday, everything stopped.

I was out with some of my closest friends, not paying attention to my phone. When I looked down, my father and husband had called and texted me over a dozen times with one message: “CALL NOW.”

I called my dad, panicked. He asked if I was with my husband. “No, but I’m with Becca,” I said. “You can tell me, is it Mom?” “No,” he responded. “Come home now.” My mind rushed with what could possibly be so bad, but was not the death of my parents. I came up blank. “I can’t wait,” I urged him. “You need to tell me now: what is wrong?”

“It’s Justin.”

Silence.

“Suicide.”

I screamed.

I always found the phrase, “You’ll never understand until . . .,” annoying and condescending. But, until I felt my soul crack and heard the unearthly wail come out of my mouth, I did not truly understand.

I didn’t understand grief could be so forceful that it shatters all of your projections and protections. I didn’t understand how a word could land like a thunderbolt, forever dividing my life into before and after. I didn’t understand grief, or any emotion, could be so powerful to leave me without words—because my words were what had gotten me so far. I came to law school after a decade working in government and politics as a writer and policy analyst. Words were what

allowed me to succeed, to present myself as a logical and reasoned person, and words were how I interacted with the world.

But words failed me in that moment. I cried as my friends drove me the short way home. When I saw my husband, I collapsed.

We drove to my childhood home, the one I had shared with my brother and our parents. I stumbled through door, the same door I left through the last time I saw my brother, singing carols at Christmas. The priest and my parents were waiting, and the weeping started anew.

On Tuesday, rather than opening up my Bar Exam test materials, I found myself opening up a Bible and a hymnal to plan my brother’s funeral. As my classmates celebrated Wednesday night, I put together photos from decades of celebrations with my brother.

Throughout it all, I triaged the phone calls you never expect to hear about your little brother. Did we want him cremated before or after a viewing? What vessel should his ashes go in? What should happen with his bank accounts? Who would access his union death benefits? Who would clean out his car, the last place where he was alive?

My friends and family have always turned to me in times of crisis. I was a Girl Scout, but I live by the Boy Scout motto of “Be Prepared.” I found several of my law school classmates were the same way. There is something about being a “fixer” that drives people to the law. And once we have our degrees, our family and friends rely on us even more to know how to fix problems.

Except, Justin didn’t call me; he didn’t call anyone. I couldn’t fix him. And I couldn’t fix the grief and pain I felt all around me. I couldn’t fix the tears of my parents. Or, the brokenness of Justin’s childhood friends who were like brothers to me. Most devastatingly, I couldn’t fix my own shattered self. I could not logic or reason my

way out of what my brother did and what it meant for me.

As attorneys, we are taught to rely on logic, reason, and the facts. From the first moments of studying for the LSAT, we are taught that our ability to logically proceed will be the key to our success. We learn to push down our emotions when interacting with the law and with each other. It isn’t a surprise such suppression leaks into our personal lives, too. Such practiced coldness means we are able to push through the worst of emotions with a seemingly calm demeanor.

As I sat with the priest at the back of the church before my brother’s funeral mass, the priest turned to my tearless face and said, “You’re lucky, you’ll just turn the lawyer part on and get through this.” He was right—I could turn it on. I held it together as I carried my brother’s ashes to the altar, gave his eulogy, and carried him one last time to his grave. It might not have shown on the outside, but it was the most difficult thing I have ever had to do.

But I wasn’t “lucky” to be able to get through it: I still had all the hurt, grief, and brokenness inside. In fact, it was hard to let go of being the strong one, the one who knew how to do things, and let myself grieve. It still is.

I was lucky because I have a loving husband, close friends, and a good therapist who understands the process of grief is not something you just “get over.” It is not something you can always set aside. Grief runs on its own timeline and will not be ignored when it comes to your door. Understanding this, though, does not mean I don’t resent how vulnerable I feel in my grief.

Days turned into weeks into months, and I thought I was through the worst of it.

Until I got a text from a friend: “I saw the report. It is about your brother.” The headline hit me, “OIG Investigates Veteran’s Suicide in

Minneapolis VA Parking Lot.” I was frozen. We didn’t know there was a report. We didn’t know there was an investigation.

I read the report to make sure the “veteran” was not someone else. But it was him. It was my brother. I tore through the pages. The report used cold, clinical words like “veteran” and “patient” to refer to the man who played trumpet as I entered my wedding. No name. No face. No story. Just a report of how the U.S. Department of Veteran Affairs had failed to follow their own protocols in his treatment. And how, in the end, he was found by a parking attendant. Justin was discharged from the hospital, but never left.

Reading the report was like losing him all over again. Through tears, I called my parents, my husband, and my best friend. I sent a text to my boss with a link to the story saying, “This is my brother.” I was so nervous about the response, but I received such a gift: “Take the time you need. Be with your family.”

We found out then-congressman Tim Walz had asked for the investigation into my brother’s death and the OIG report was the result. We contacted his office to tell him we were the family of the veteran. His staff asked us if we would be willing to let Representative Walz use Justin’s name and our names during his congressional testimony. It would mean we would lose privacy. The media would likely contact us. We would be asked to speak. We would be asked to grieve in public. But it also meant there would be a name, a face, a family, and a story behind the Office of Inspector General’s report. Where there were clinical terms, there would now be the full picture of a young man gone too soon and the family grieving him.

It also meant I could use those words that were lost to me months before in Justin’s memory. I could turn on my “lawyer part” to advocate for him and tell his story in his absence. It also meant, I would have to learn to take care of myself and let out my feelings safely. To do justice to his memory, I had to be able to speak of him not only as a “lawyer” but also as his sister.

We did the interviews. We spoke with local and national news agencies about Justin and, more broadly, about the crisis of veteran suicide. We put his music, his life, and his image into the stark numbers. I felt his spirit with me when I spoke at legislative hearings about the establishment of Veterans Suicide Awareness Day, and when I stood on the floor of the Minnesota House of Representatives when the bill was passed unanimously.

Advocating for Justin and for others doesn’t take away my pain. I am still a big sister who lost her little brother, and a daughter who watches her parents grieve the unimaginable loss of a child. But advocating lets me put my emotions into words to honor Justin.

Justin’s loss stripped so much away from me and left me only with the foundation of who I am. Since his death, I have started the difficult task of rebuilding in ways that are truer to who I want to be. I am still the person my friends and family turn to in crisis. I always will be, and I like that. But I have also learned how to seek out help, how to establish better relationships, and how to recognize the vulnerable human behind every lawyer, including myself.



**Alissa  
Harrington**

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Ms. Harrington is a law clerk for the Hon. William H. Koch in Hennepin County Criminal Court. She graduated summa cum laude from Mitchell Hamline School of Law in May 2017 and was a recipient of the Student Award of Merit. She also holds a Masters of Advocacy and Political Leadership from the University of Minnesota-Duluth, and spent the first 10 years of her career in public service.

\* The first Minnesota Veteran’s Suicide Awareness Day will take place on October 5, 2019.

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## FINDING YOUR WAY

# After a Cancer Diagnosis

by Mylene Landry

I like beautiful things: fine pens, fancy stationery, baubles with meaning. But as much as I respond to beauty that is intentional and crafted, I have come, more recently, to appreciate a kind of beauty that came to me when I wasn't looking for it. That is my story.

In July 2018, I received some news I wasn't expecting. I was 54 years old, healthy, getting ready to send one daughter off to college, and trying to help my other daughter navigate the last years of high school. I complained of some back and neck pain. My complaints were vague, but persistent. I was encouraged to see my doctor, and I did.

And at that visit, for what I thought was a muscle-related issue, I was presented with a diagnosis of cancer. Specifically, I was diagnosed with an aggressive form of non-Hodgkin's lymphoma. The treatment for this particular cancer would also be aggressive: 106 consecutive hours of chemotherapy, to occur every three weeks from July 2018 through November 2018, followed by 22 rounds of radiation which would end in early 2019.

I was assured it was a curable cancer.

I am not special, and I am certainly not the first attorney to hear the words "you have cancer." But I do consider myself fortunate. In fact, I consider myself blessed, not only because I survived cancer but also because I experienced the kind and gentle humanity of my colleagues in the legal community.

When people ask me what I do and I tell them I am an attorney, they give me that "I'm impressed" look. You know the one. When they ask what kind of law I practice, and I tell them family law, the look goes from "I'm impressed" to "Oh, that must be hard." For all of the obvious reasons, they are right. Our clients' issues are often heartbreaking, and we do not always have a legal remedy for their pain. On top of that,

litigation is demanding and emotionally charged for both the client and the attorney.

In some ways, I think that practicing law might be more difficult than practicing medicine. If a patient gets sick, a team of healthcare professionals works together toward the same common goal—to treat, to cure, and to save. When our legal clients are in pain, we advocate just like the physician. However, instead of one team with a common goal, there are two teams with competing goals. Often, that other team is set on taking steps that causes one or both clients to continue to suffer. It is like going into surgery with two surgeons—one who is focused on saving you and another who is focused on killing you.

That is the adversarial nature of litigation. We are on the front lines engaged in a battle where one client (and sometimes lawyer) ends up the perceived winner, and one client (and sometimes lawyer) ends up the perceived loser. It is hard to find the beauty in family law some days.

Many of us only see each other in our roles as adversaries, whether in mediation or trial, and we are often quick to judge our opponents without regard to their human side. I have certainly been guilty of characterizing the opposition as overly aggressive, unreasonable, or difficult. But something happened when I rode into battle for the first time as a cancer patient practicing law. I found surprising beauty.

My adversaries put down their proverbial swords and offered me their time, their prayers, and whatever else they had to give. Cards and calls and e-mails poured in from judges, referees, court professionals, guardians, neutrals, and attorneys I only knew professionally from my practice as a family law attorney. Such human beauty.

If I wondered for a second how I would maintain my legal practice while undergoing treatment, particularly when I was hospitalized for a week for each round of chemotherapy, I

don't remember. Judicial officers were quick to accommodate my treatment schedule and patiently overlooked my (not infrequent) long pauses as I searched for words or thoughts that just fell out of my head (chemo brain is a real thing, I swear). Opposing counsels graciously agreed to reschedule mediations and court dates, and colleagues volunteered to attend hearings on my behalf.

Do not get me wrong: it is not that I thought attorneys were incapable of basic acts of kindness. It is just a very different experience when you choose to see your adversaries first for their humanity, then as opposing counsel. There is beauty in that outlook.

It has been said that every human being needs three things to live a beautiful life: identity, purpose, and, most of all, community. I have read and re-read your cards and e-mails over the past several months, and what I know for sure is that while we may be adversaries on a case, we are a supportive and caring community as a profession. They say it takes a village. If that's true, I found a village full of beauty and grace among my "adversaries." Thank you all so much.



**Mylene  
A. Landry**

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Ms. Landry is a partner at Honsa Rodd Landry. Drawing on over 22 years of experience in the field, She assists clients with legal matters related to child custody, child support, parenting time, spousal maintenance, division of property, complex business valuations, and many other issues. She also gardens to maintain her well-being.



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## FINDING YOUR WAY

# Depressed? Me?! Come on...

by Josh Bobich

I was 27 when I felt something I'd never felt before: dread, a lack of joy, hope or passion for anything. A dense, gray fog that felt endless and impenetrable overtook me. The timing wasn't particularly surprising. I had finished my first semester of law school a few weeks earlier, and I was back home in northern Minnesota with my parents, desperately attempting to find some semblance of holiday cheer. Those first few months had turned out to be the kind of experience I had read about before enrolling: stressful, intense, and isolating.

After about a week of lumbering around my parents' house, sleeping the vast majority of the time, eating here and there, and generally lamenting just about everything, my emotional barometer kicked in—moms just know their kids. My mom sat next to me, touched my hand and asked, "Are you OK?" That was enough to make me lose it. I was bawling, stammering, trying to find a word, any word, to describe what was going on in my head, my heart, my soul, my body. Where could I begin? I was terrified, but at the same time, the sense of relief I felt from simply *having* emotion again was liberating.

Although it may sound obvious from the experience I've described, depression didn't occur to me at first. I had never felt suicidal. I wasn't taking drugs to conceal what I was feeling. I wasn't using alcohol to self-medicate. How was I depressed? What did I have to be depressed about? I was healthy (at least physically), in the prime of my life, and I had a loving family, strong upbringing, and a good education. Plus, I was on my way to earning the coveted job title of "attorney." The world was at my feet.

I started my path toward understanding and addressing what I was dealing with by visiting a physician in my hometown. She diagnosed me with depression and transitional anxiety. Despite feeling terribly selfish and confused, I followed my doctor's recommendations. I started taking a light dose of an antidepressant and seeing a counselor (who, luckily, was made available to

me by my law school). What happened in the subsequent weeks significantly changed my life and my perspective on it.

What I learned through therapy and some grueling self-reflection was that my happiness was important, regardless of my background, my upbringing, or my privileges. It's well and good to want to help others and "make a difference." However, the odds of achieving any of that when you're not comfortable with yourself are extremely long. If you can't find any joy or satisfaction in helping others, what are the chances that you'll continue to have the desire to do more of it?

After my first experience treating my depression and anxiety, I felt better—way better. I went back to being who I really was. I engaged with my classmates. I made new friendships that have continued to grow and enrich my life in ways I can't begin to explain. This process had changed the course of my life, and continues to do so.

Because I was feeling "way" better, I decided I didn't need therapy or medication anymore. It seemed I had solved the problem and my rough patch was behind me. Without consulting my doctor, I stopped it all cold turkey about two and a half years after I had started. As you may have guessed, the ultimate results were predictable. The fog returned. The anxiety ramped up. My patience was nearly non-existent and my temper was explosive. It was all rushing back faster and more powerfully than ever. For a while, though, life was moving so fast I didn't notice my own decline in mental health.

Eventually and at the urging of those closest to me, I went back to my doctor and returned to what had pulled me out the first time. The right tweaks to my brain chemistry and engaging a new therapist helped lead me back toward where I had been before. I desperately wanted to be the best husband, father, son, brother, friend, and colleague I could be, and from my previous experience, I knew that was on me. I began to

**It's well and good to want to help others and "make a difference." However, the odds of achieving any of that when you're not comfortable with yourself are extremely long.**

find my way again. I was excited and hopeful again for everything in my life, especially my new job. That was in early 2016.

Then, as life always seems to do, just as I felt that I'd once again found my footing, the other shoe dropped. A Yeti-sized shoe. I found myself in the middle of a very unexpected divorce. At 38, I was staring down the barrel of being a single, co-parenting dad, separated from my former spouse, my first house, my dog, my neighbors, and some of my dear friends. Now I *really* understood the definition of "transitional anxiety."

The months that followed were difficult, confusing and challenging. At times, they certainly still are. But the strange and baffling part was this: I knew I would be okay. I knew things would be messy for a while, but I sincerely had no doubt that, together with the support of my family, friends, and professionals, I would make it through this latest challenge and have clarity, hope, and joy ahead of me. Without professional help, I shudder to think where I might be right now, both mentally and otherwise.

Almost exactly two years from that life-changing event, I'm right where I believed I would be. I have joy. I have ambition. I have passion. I want to see, feel, taste, and experience everything that I can. The "fog" is a distant memory. The biggest reason for all of this? Openness. I do my best not to hide these experiences. I'm willing and happy to discuss them. It's not only therapeutic for me, but my sincere hope is that others will hear my experiences and know they're not alone—they don't need to hide it.

There is a movement, and a wonderful and impactful one, to reduce the stigma that has existed for so long with regard to mental health. Mental illness or sickness does not make you weak or soft or less of anything. In my opinion, acknowledging a mental health problem and actively dealing with it is among the most brave and powerful—and extremely humbling—endeavors one can embark on.

The legal profession is still dominated by men and women who appear to have no flaws, and

are available to their jobs and clients 24-7-365, all while maintaining a perfect personal life. Showing weakness or humanity has historically been perceived as a flaw. However, it's no secret that attorneys have historically ranked exceptionally high among all professions for mental health issues, suicide rates, alcoholism/drug use, etc. Clearly, there's a disconnect somewhere, and more and more law firms and companies have realized this and are making strides to address it.

From what I have learned and experienced over the past 15 years, being more open, honest and vulnerable—in other words, more human—with my colleagues and clients has paid incredible dividends in my career. My relationships are deeper. My work is more satisfying. I'm a better professional and person because of it.

No matter the backstory, I believe my happiness and joy are important. So is yours.



**Josh Bobich**

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Mr. Bobich is an associate at Ballard Spahr. He counsels closely held and family-owned businesses on mergers, acquisitions, corporate governance, succession planning, shareholder buyouts and a variety of other transactional matters. He is a member of the board of directors and executive committee of the nonprofit The First Tee of the Twin Cities.

\*This article was originally published on the *Hennepin Lawyer Connections* blog.



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## FINDING YOUR WAY

# After Burnout

by Matthew Foli

On September 23, we will experience the fall equinox, which is one of two points in Earth's orbit where the sun creates equal periods of daytime and nighttime across the globe. Day and night will be in balance. I, like all of us (let's be honest), struggle with finding balance in the legal profession. I do not mean just work-life balance; I mean, where I fit in the legal profession and whether joining the legal profession was a good choice for me. For me, yoga helped me find balance, but it certainly wasn't always this way.

I attended my first yoga class in 2009. A co-worker challenged me to join her for a noon yoga class at the Hennepin County Government Center. The class ended like every other yoga class, in corpse pose. The Sanskrit term is "Savasana." All you do is lie still on your back, with your palms facing up in a receiving fashion. "Here I am, Universe, take your best shot!" It made no sense to me. I asked the teacher, "Why don't you just end class five minutes early so we can get on with our day?"

I stuck with regular yoga classes, but thought yoga was what I could do when I was too tired to do a real workout. I thought the benefits were the stretches and the exertion of attempting awkward shapes. It took several years of practice to realize that yoga has nothing to do with the poses.

In early 2014, my career was not going according to plan. On the first Monday in February, I attended a noon yoga class and purposely chose a corner of the room. The teacher said: "The Seattle Seahawks won the Super Bowl yesterday, and I read that they meditate, so let's begin class in seated meditation." The teacher had us shut our eyes and notice our breath. After five minutes, the teacher remarked, "If you continued to meditate for the whole class you would receive the same benefits as if you did the yoga poses. Or, if you are ready to move, I will guide you."

Since no other stress-relievers in my life were working for me, I figured I would keep meditating. I lasted for another 10 minutes or so.

At the end of the class, I approached the teacher and asked her what would be the benefits of meditating for an hour. Her eyes got wide, and she told me I would be more responsive and less reactive. I would be calmer. I would be less apt to interrupt, or to judge, or to criticize. I thought to myself, "I could use more of that in my life."



That is how I learned that yoga is a moving meditation. All you have to do is breathe, and add some movement. For example:

Breathe in, arms to the sky, look at your hands. Breathe out, bend to the right. Breathe in, bring yourself back to the center and stretch a bit taller. Breathe out, bend to the left.

I kept attending the Monday yoga class. I felt calmer after the classes. I also started listening to the teacher. In one class, she said, "Face the mirror, and try not to compare your version of the pose with the person next to you." She then added, "And when you leave the yoga studio, try not to compare yourself to others." That touched a nerve. Whether in the context of law school, or seeking a job after graduation, or practicing in my own field, I had spent over 20 years in the legal profession comparing myself to others.

Other bits of wisdom I learned in the middle of a yoga class:

- *Focus on the action, let go of the outcome.* Focus on completing the current pose, and let go of what it looks like. What if during my next CLE presentation, I focused on the presentation and let go of my attachment to the outcome?

- *The transition between two yoga poses is another yoga pose.* What does the transition look like between me reading an email and firing off a response? Or, stopping what I am working on to pick up the ringing phone? Or, lurching from one meeting to the next? Am I focused on the task at hand, or have I mentally moved on to the next task (e.g., the next yoga pose)?

Yoga is not a workout. Yoga is a work-in. It is a finite period of time where you can pay attention to yourself, and practice self-observation without judgment or criticism. You do not have to leave your problems at the door and enter some "Zen space." You can bring your problems in with you, and they will seem more manageable after that final Savasana (which I now realize is the most important part of class). It is a practice. You get do-overs. You do not have to be perfect at it.

And therein lies the balance.



**Matthew Foli**

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Mr. Foli is a real estate attorney/yoga teacher. He works at Guaranty Commercial Title, Inc., as a title examiner, and teaches yoga every week. He co-leads the HCBA yoga club.



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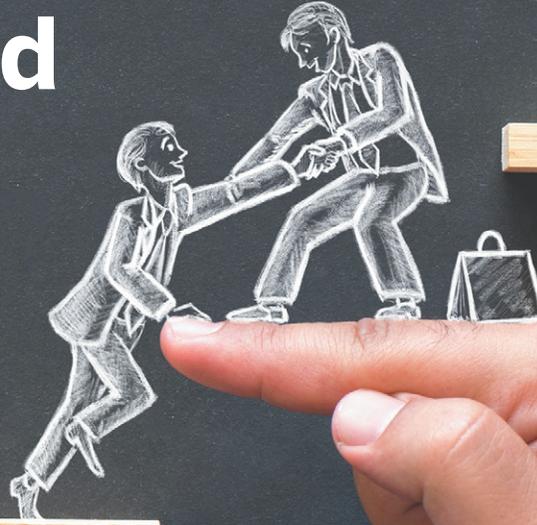
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# Well-Being and Beyond

## Saving Lives and Careers

By Joan Bibelhausen



In “The Path to Lawyer Well-Being, Practical Recommendations for Positive Change,”<sup>1, 2</sup> the National Task Force on Lawyer Well-Being stated, “We are at a crossroads. [T]o reduce the level of toxicity that has allowed mental health and substance use disorders to fester among our colleagues, we have to act now.”

Well-being: how easy is it for us to dismiss this as someone else’s opportunity or responsibility? We say to ourselves, “I’m doing okay.” “It’s not that bad.” “My organization would not support it.” In October 2018, the article, “Big Law Killed My Husband,” appeared in *The American Lawyer*,<sup>3</sup> and the headline soon splashed across outlets within and outside of the legal profession. Despite clear signs of extreme distress, the subject of the article, Gabe MacConaill, did not get the help he needed. His wife, attorney Joanna Litt, wrote, “[H]e would rather die than face the consequences of people thinking he was a failure.” We have to act now.

Here’s the challenge: As a spokesperson for MacConaill’s firm stated, support is available, but, in order to receive it, you have to ask for it. Because we are afraid to ask for it, we die.

### What Do We Do as a Profession?

Lawyers and judges are reactive. Think about it: We have work when someone else has a problem or seeks to create something for which our expertise is needed. Is there a new law that interests you? You can market yourself in that area, but you do not get to use it until there is a client or party who seeks your services. This need to wait has an impact on our ability to be proactive on our own behalf, and that is never truer than when we look at well-being. Sometimes well-being means asking for and encouraging changes that will result in better work and greater satisfaction. Sometimes well-being means saving a life.

### Understanding and Preventing Suicide

We all know this is a stressful profession. MacConaill’s story and others remind us of the potential impact of that stress. As a profession, we experience depression and alcohol use problems at a significantly higher rate than the general population. We also experience greater rates of anxiety, chronic stress, and divorce, and

we have a higher rate of suicide and suicidal ideation. If you have attended any of Lawyers Concerned for Lawyers’ CLE programs in the past several years, you have heard us talk about this, but all of us need to keep talking.

Our chronic stress may trigger depression or other illnesses and may lead to a sense of helplessness, increasing anxiety, and the inability to complete even mundane tasks. We are paid to solve the problems of others and feel we should be able to solve our own problems ourselves. We may feel shame because lawyers aren’t supposed to feel helpless. That helplessness can become hopelessness, and, from there, the risk for suicide grows exponentially.

What are the signs? The symptoms of depression, the No. 1 predictor for suicide, include:

- Loss of interest in normally pleasurable activities;
- Difficulty concentrating, remembering, or deciding;
- Changes in sleep, appetite, and weight;
- Fatigue;
- Having thoughts of suicide.

At the same time there may be a rising sense of anxiety, as if every unfinished project is a ticking time-bomb. Suicide enters one's thoughts as a reasonable solution to a seemingly insurmountable problem. The suicidal person may express a wish to die or make statements that appear to be saying goodbye. He may give away prized possessions, quickly wrap up files, or put his affairs in order. She may make a plan and acquire the means to carry it out, and that plan may simply be consuming enough alcohol to be deadly.

The signs are not always verbal. Some warning signs of suicide include:

- Hopelessness
- Withdrawal
- Desperation
- Increased use of alcohol and other controlled substances
- Impulsiveness or high-risk behavior
- Loss of engagement or sense of humor
- Deterioration in functioning
- Growing intensity of performance that is still viewed as never enough.

People who talk about their suicide can die by suicide. We all need to talk about it. Our profession is addressing these concerns through several initiatives, including the Well-Being Report discussed at the start of this article. The Well-Being Report demands that we begin a dialogue about suicide prevention. Lawyer Assistance Programs have also worked to increase awareness of these issues for decades and are grateful to have additional allies in this critical effort. The Well-Being Report's call to action recommends events to raise awareness of mental health issues, sharing stories of those affected by suicide, providing education about signs and suicidal thinking, learning signs of distress, and making resources available. These are all good things that can make a difference.

We lawyers sometimes think we need to be perfect, and if we are not, we are a failure. Any possible failure becomes an opportunity for intense self-scrutiny and every move we make can become defined by winning or losing. A compromise or settlement may be seen as a failure because we didn't get everything we asked for when we reached for the sky. In MacConaill's case, even though he filed the big bankruptcy case that had been consuming him, he still died. Litt believes he met criteria for maladaptive perfectionism, a concept that "combines unrealistic standards of achievement with hypercriticism of failing to meet them." Though he did the work of three lawyers, he feared he would be fired once the case was filed. It didn't have to be that way. As colleagues, we can be observant and meaningfully give encouragement and permission for self-care.

## What Can You Do?

Have the courage to ask and to act, and be sure you have the time to listen if you personally choose to reach out. If you observe any suicidal, self-critical, or depressive behaviors, ask directly, but ask in a way that is true to you: "Have you thought of harming yourself? Are you in a lot of pain? Do you feel unsafe? Are you thinking of suicide?" Never ask in a way that suggests to the person about whom you're concerned that you need a "no" answer, such as, "You're not thinking about suicide, are you?" Asking directly allows the person to speak freely. If he says "no" and you are still concerned, rephrase it and ask again. Give a reason why you asked—the person who said "no" may be ready to change her answer if you ask again and show you care. The person who is so depressed that he is mentally paralyzed may not be able to affirmatively ask for help but may be able to answer a direct question honestly.

What happens next? The next step is to listen, just listen. Do so calmly, because this is not your situation or your crisis or your thing to fix. Give your full attention and be prepared for the time it takes to learn why the pain is so great that dying by suicide seems to be a reasonable option. If you believe suicide may be imminent, get the person to professional help and be supportive

when he or she gets there. If he or she has a therapist, call that number. If not, consider taking the person to an emergency room. Call 1-800-SUICIDE or 1-800-273-TALK—both are national suicide prevention hotlines. Counselors are also available 24/7 through LCL at 612-646-5590 or 1-866-525-6466.

Once the immediate crisis is past, support is critical to ongoing recovery. Therapy can help someone through the immediate mental illness and provide tools to develop resilience in the future. Medications are often appropriate, especially in the early stages. It's hard for a lawyer to admit he is struggling financially, but many are and LCL can provide connections to resources to support the cost of ongoing treatment. Personal support and acceptance are critical.

If these words generate thoughts of someone you're concerned about, or if you recognize some of these symptoms in yourself, please act. Call for coaching if you need help on how to reach out to someone. Call for yourself if you find yourself realizing, "I've thought about suicide." You can come out on the other side of debilitating pain. Hundreds of your Minnesota colleagues called LCL for help last year on many different issues that cause stress or distress in their lives. You're not alone, and LCL is here to help.



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## Teamwork is Critical

Lawyers, judges, and law students are at risk. According to the American Bar Association (ABA) Hazelden Betty Ford Foundation Study in 2016,<sup>4</sup> 20.6% of us use alcohol in unhealthy ways; 28% have experienced depression; 23% overwhelming stress; and 18% diagnosable anxiety during our careers. Over 10% of us have thought about suicide! This same study showed that stigma keeps us from asking for help. As long as we see self-care as the opposite of success in our profession, we're doomed. To make true change, teamwork is essential. Who is on the team?

## Each of Us, Individually

We sometimes fear that a perceived “weakness” in us will be perceived as a weakness in our work, our service, or the case. In turn, we hide, we minimize, and often we suffer. We drink at unhealthy levels. We experience depression at greater than average levels. What is perhaps less known is that our profession is filled with people who have accessed help and are better for it today.

One lawyer<sup>5</sup> talked about a constant sense of dread and used alcohol as a means to cope and forget. As a person in recovery, that lawyer now talks about being confident, being able to deal with ups and downs, and feeling professionally fulfilled. Another lawyer noted that since receiving help for depression and anxiety, the lawyer is much more aware of the people involved in their cases, not just the technicalities. That has resulted in stronger client engagement and loyalty, and a more successful and fulfilling practice. Like the powerful anthem “This Is Me” in *The Greatest Showman*, these lawyers are accepting who they are, as they are.

This is what recovery looks like and a diagnosis is not required. The stories of others who have walked through that door can help empower our profession to act together to make change. As the Well-Being Report notes in its discussion of core steps for a sustainable culture, the tone of the profession can be changed, step-by-step, to place “health, resilience, self-care and helping others at the forefront of what it means to be a lawyer.” The first step might be your own call to LCL to say, “I would like help.”

## Each of Us, as Allies

How often do we walk past a troubled colleague and see nothing? Even when we notice our colleague is troubled, we may leave him or her alone and hope things change. The suffering lawyer we leave alone until someone *has* to intervene may face major career and life consequences. Can we act sooner, so that the consequences might be less severe? Even if we do not know what to say and believe it is none of our business, it is our business. What do you look for? First, a change. This can take many forms and may not seem like much from day-to-day or week-to-week. However, if you think about a colleague who has changed, think back further. How different is she from six months or a year ago? Is he drinking more, angrier, withdrawing, or avoiding? Are deadlines just barely being met? Conversely, is the attorney performing at superhuman levels and still trying to do more? Are support staff appearing frustrated or are they actively expressing concerns? If they have concerns, would they feel safe telling someone? Are excuses being made for lateness, absences, or behavior? None of these incidents presents a diagnosis, and that's not our job, but they are all red flags.



MEDIATOR.

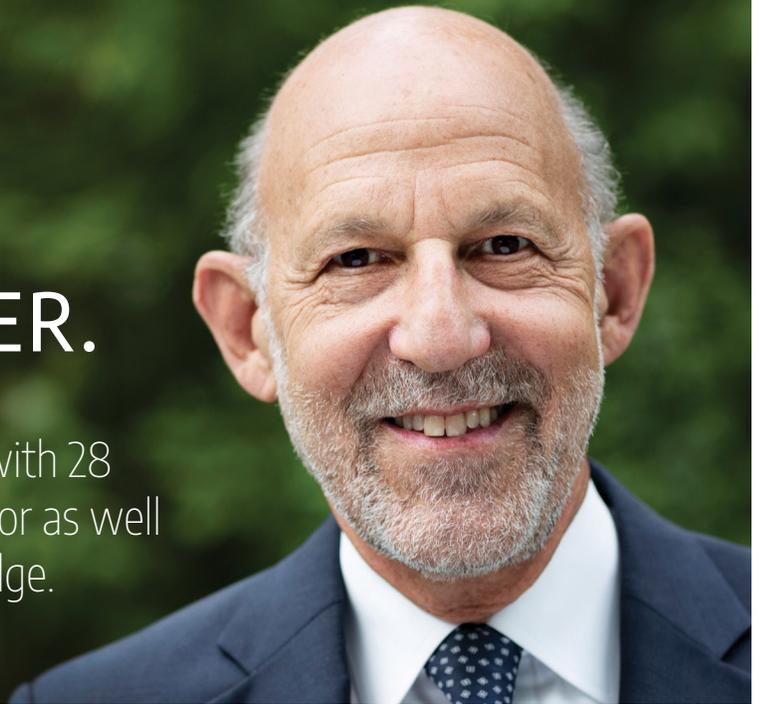


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## Unless we are willing to collaborate as individuals and organizations and to take responsibility for building and thriving in a culture that supports us, our culture will continue to be toxic.

You don't need to wait until you fear someone is suicidal to offer care and concern. You can ask, "Are you okay?"<sup>6</sup> Our tendency is to reassure someone expressing concern, so if that happens, ask again with an example of why you are concerned. That immediate first answer may change if you show you are truly interested by continuing to engage. Listen calmly, give your full attention, and be prepared for the time it takes to learn more. Be ready to suggest LCL or another resource. Pick up the phone yourself.

You can call LCL and we will guide you through how to approach your colleague. If appropriate, we'll help you make a plan ranging from suggestions for nonjudgmental language to assisting with an intervention. If this is a colleague outside of your firm or organization, a family member, or a friend, LCL can help you approach them, too.

### Our Law Firms and Other Employers

A representative of MacConaill's firm stated, in an interview with *Financial Times*, that help would have been available to MacConaill had he asked for it.<sup>7</sup> But a former colleague noted, "There are resources available, . . . [b]ut there is not a culture or feeling of safety. . . . You can have resources in place, but unless you have the right culture, people aren't going to feel safe using them or approaching someone to ask for help."<sup>8</sup> Following the Well-Being Report, the ABA released the "Well-Being Toolkit for Lawyers and Legal Employers" and the Well-Being Pledge

Campaign.<sup>9</sup> These efforts provide numerous recommendations and guides for law firms and other organizations to support attorney well-being. The race to commit to the pledge has been swift, with over 100 signatories, including several in Minnesota. Seminars (including LCL training) and support for well-being practices are critically important first steps. But often, the commitment to promote well-being is much more complicated. If people believe that their career will be in jeopardy if they ask for help, they will not do it. This perception can have a particular impact on members of underrepresented groups whose work may face added scrutiny. Any organization that is committed to diversity and inclusion must face this fact.

### Bringing Our Team Together

In her book *Positive Professionals*,<sup>10</sup> Anne Brafford discusses "work engagement" as critical to individual and organizational success in the profession. Meaningful work and transformational leadership are both necessary for work engagement. Characteristics of work engagement include the following narratives:

- My work and I matter;
- I am growing, capable, and energized;
- I understand how I am doing and how I can be even better;
- I am capable of dealing with the ups and downs (remember, that's what recovery looks like).

The Well-Being Report identifies three reasons to take action: First, there is a business case. Untold dollars are lost when problems are not dealt with and greater lawyer satisfaction results in increased retention and productivity. Second, there is an ethical case. Our best thinking and our competence require that we support well-being. The cognitive impact of any impairment can result in lower performance particularly in executive functions, and the stress of feeling unable to ask for help can result in cognitive impact. Third, there is a humanitarian case. Unless we are willing to collaborate as individuals and organizations and to take responsibility for building and thriving in a culture that supports us, our culture will continue to be toxic. If you're reading this and thinking about challenges for yourself or in your organization, that's what this article is about. Call LCL. We'll help. A firm culture where asking for what you need in order to do your best thinking is not only accepted but also welcomed and encouraged. Such a culture might have saved MacConaill's life. Creating that culture will certainly save others.

### Notes

<sup>1</sup> <https://lawyerwellbeing.net/>

<sup>2</sup> The Centers for Disease Control defines well-being as "the presence of positive emotions and moods (e.g., contentment, happiness), the absence of negative emotions (e.g., depression, anxiety), satisfaction with life, fulfillment, and positive functioning." <https://www.cdc.gov/hrqol/wellbeing.htm>. Lawyers assistance programs not only respond to crisis issues but have been engaged in prevention and education on well-being issues since their inception.

<sup>3</sup> Litt, Joanna, "Big Law Killed My Husband: An Open Letter from a Sidley Partner's Widow," *The American Lawyer* (November 12, 2018). <https://www.law.com/americanlawyer/2018/11/12/big-law-killed-my-husband-an-open-letter-from-a-sidley-partners-widow/>. Minnesota lawyers have also died by suicide. This article honors their memories as well.

<sup>4</sup> Patrick R. Krill, Ryan Johnson, and Linda Albert, "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys," 10 *Journal of Addiction Medicine* 46-52 (2016). See the March 2016 issue of *Bench and Bar* for a more thorough report on the study.

<sup>5</sup> These stories are an amalgamation of the experiences of several lawyers who have sought LCL services. All are used by permission and details have been altered to protect confidentiality.

<sup>6</sup> See [www.makeitok.org](http://www.makeitok.org) for a Minnesota campaign to reduce the stigma of mental illness.

<sup>7</sup> "The Trillion-Dollar Taboo: Why It's Time to Stop Ignoring Mental Health at Work," *Financial Times*, July 10, 2019, <https://www.ft.com/content/1e8293f4-ald9-11e9-974c-ad1c6ab5efdl>

<sup>8</sup> *Id.*

<sup>9</sup> The toolkit and additional resources are supported by the ABA President's Working Group to Advance Well-Being in the Legal Profession, [https://www.americanbar.org/groups/lawyer\\_assistance/working\\_group\\_to\\_advance\\_well-being\\_in\\_legal\\_profession/](https://www.americanbar.org/groups/lawyer_assistance/working_group_to_advance_well-being_in_legal_profession/)

<sup>10</sup> Brafford, Anne, *Positive Professionals: Creating High-Performing Profitable Firms Through the Science of Engagement* ABA Law Practice Division, 2017. Brafford served on the Well-Being Task Force that produced the report and authored the toolkit.



**Joan Bibelhausen**

Ms. Bibelhausen is executive director of Lawyers Concerned for Lawyers. LCL offers training and consulting to organizations generally and for specific situations. LCL provides free and confidential peer and professional support to lawyers, judges, law students, and their immediate family members on any issue that causes stress or distress. There is someone to talk to 24 hours a day and counseling is offered throughout Minnesota. You can help LCL reduce the stigma. To learn more or get involved, go to [www.mncl.org](http://www.mncl.org), call 651-646-5590, or email [help@mncl.org](mailto:help@mncl.org).

# Staying Well as a Law Student

By Brittany A. Dingman

**O**ur unwellness as a profession has been measured and analyzed. A recent survey conducted to assess law student well-being found that among law students:

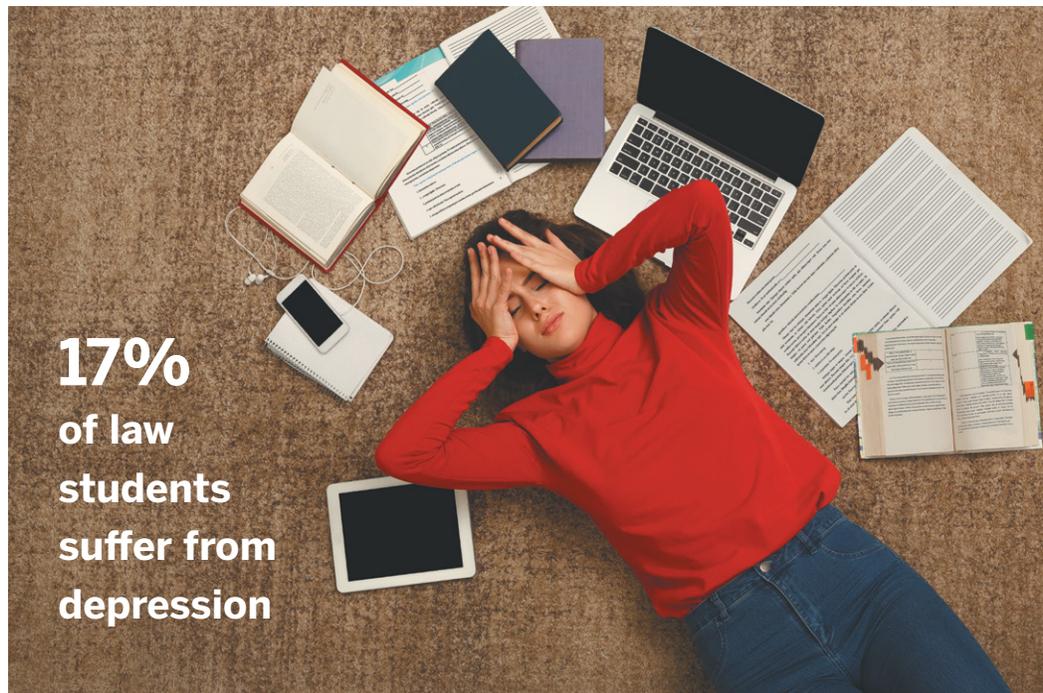
- **17%** suffer from depression
- **14%** suffer from severe anxiety
- **6%** reported suicidal thoughts in the past year
- **22%** engaged in binge drinking during the past year\*

These statistics are unsettling to say the least, particularly when we consider how mental health and coping mechanisms affect the quality of life for law students, impact everyone in their circle (family, friends, coworkers), and contribute to long-term habits that may affect students' performance as attorneys. "Most students come to law school to do good in the world, to make systems more just, and to provide outstanding services to clients," says Erin Keyes, the Assistant Dean of Student Affairs at the University of Minnesota. "Ironically, though not surprisingly for those of us in the profession, the work of becoming a lawyer and practicing law can undermine those goals."

What can we, as a profession, do about it? As a recent law school graduate and now attorney, here are some suggestions:

## Law schools need to make mental health a priority

From the moment we begin our professional journey, mental health should be a focus.



This means law schools need to talk about mental health during orientation. During orientation, law schools should address the stresses of the Socratic method, hours of reading dense case history, and hours of preparing outlines for finals, while also including information on how to maintain healthy habits such as early morning runs and healthy food choices. Mental health resources available to law students should also be highlighted. When law students struggle, they should know how and where to turn for help. For example, Mitchell Hamline's faculty recently passed a first-year curriculum that includes modules on mental health resources available to students, time and stress management, empathy and empathetic listening, and self-care. If mental health is not talked about openly at the outset of a student's law school career, law schools risk not preparing their students to succeed.

Law schools also should provide mental health and wellness programming throughout the school year. For example, both the University of St. Thomas and Mitchell Hamline have counselors on staff who are available to students as mental health resources. The University of Minnesota also recently opened a dedicated student Welcome & Wellness Room, which allows both individuals and small groups to take a break from studies to build community and connections, explore wellness and support resources, and take time for prayer, meditation, yoga, or other stress management practices. The goals of any programming should be to foster an open environment in which to talk about mental health. For the 2019-2020 academic year,

the University of St. Thomas School of Law is partnering with Mayo Clinic Sports Medicine to improve the law school community's knowledge and implementation of best practices for overall well-being.

Lastly, law schools should offer support and programming to those preparing for the bar exam. Bar-prep can be the most intense and emotionally taxing time for a recent law school graduate. While most law students participate in a structured bar-prep course, mental health is often not addressed by bar-prep companies. Law schools should step up to provide mentoring and programming during this crucial period.

## Employers need to build wellness into new attorneys' practice

The need for resources and support in maintaining well-being continues after law school. While there are many different employment paths after law school, employers should help new attorneys build wellness into their practice. This should include setting up mentor relationships with more experienced attorneys within the firm or company, so new attorneys know whom to talk to about internal issues and billable hour requirements. Employers should also provide wellness benefits, such as gym memberships and mental health days.

Employers should not forget about those lawyers who have been practicing for many years. From an outside perspective, it may seem like a lawyer is doing really well—exceeding those

billable hour requirements, managing a large caseload, and making a ton of money. But the important thing to remember is that anyone can struggle with mental health issues. Sadly, most of us probably know of a lawyer or law student who died of suicide. Employers should not be afraid to check in with their experienced lawyers, particularly if they feel a lawyer is taking on too much. This also sets the tone for how junior attorneys perceive management and firm values. If a junior attorney's supervisors or work providers are prioritizing wellness, it encourages the junior attorney to speak up and prioritize wellness in their own practice.

These are just a few suggestions for how we can make our profession healthier. In the last few years, I have seen positive steps being taken by law schools and employers alike. Let's continue pushing forward and making mental health a priority. After all, we are all in this together.

### Quick tips: How do I find a therapist?

#### Step 1: Knowing when you need to talk to someone.

If you are experiencing any of the following, you should talk to a mental health professional:

- Feeling numb to activities that would usually bring you joy.
- Feeling anxious or frantic all the time.
- Having panic attacks.
- Having suicidal ideations.
- Wanting to talk to someone.

Panic attacks are a physical response to a mental issue. Your body is trying to clue you in to say, "There is something in my life that I am not dealing with in a healthy way."

If you are having suicidal thoughts, please contact the National Suicide Prevention Lifeline at 1-800-273-TALK or 1-800-273-8255. It is available 24/7.

You know your own mind and body the best. If you think something is off, or that you could in any way benefit from talking to someone—do it.

#### Step 2: Finding someone to talk to.

You should treat finding a therapist similar to finding a new primary doctor: look at the person's experience, practice area, treatment type, location, and insurance coverage. To start, it can be as simple as a Google search.

Finding the right therapist for you can be a trial-and-error process. You may not know for a few sessions if a therapist will be a right fit, so schedule a few sessions right away. If, after a few sessions, you do not feel like you can talk to your therapist, consider finding a new one.

#### Step 3: Go to the appointments.

The most important piece is to actually go to the appointments. Your first few sessions may feel overwhelming or like progress is not being made, which is completely normal. You won't know how far you have come until you are there. Just do it: your future you will thank you. Being a healthier person means being a healthier lawyer.

#### Step 4: If you are comfortable, talk about your experience with others.

One key aspect in improving mental health as a profession is ending the stigma around emotional disorders. Share your experiences with others so they know it is okay to talk to someone too.

*Jerome M. Organ, David B. Jaffe & Katherine M. Bender, Ph.D., "Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns," 66 J. Legal Educ., Autumn 2016, at 1, 116-56.*



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# Making Sure Wellness Programs Are Inclusive

by Nick Hansen and Athena Hollins



**L**enora White almost quit law school over her mental health. During her 2L year, she was struggling with balancing school work, living in a different state, and her father's recent stroke. "By December, I was a mess," she said. "It was probably a crisis that I didn't even recognize." She was so distraught that she typed up a resignation letter, but never submitted it.

She got help, but it wasn't a smooth process. As one of the few African-American students in her class at the University of St. Thomas School of Law, she had trouble finding someone who understood her experience. "There were resources, but there was no one who looked like me. So I wasn't necessarily comfortable," she said.

Today, as an investigator for the Minnesota Department of Human Rights, White is zealous about making sure law students and attorneys of color take care of their mental health. "Mental health is a thing," she said. "If you start feeling isolated or angry, or if you don't feel like yourself, it's okay to reach out to someone to ask for help."

The legal world's difficulties in addressing mental health and diversity are well-documented. While there have been many initiatives to address these issues, it's critical for lawyers and law firms to take note of how the two issues intersect.

"It is an issue of race 'and,' it's not just race by itself," said Summra Shariff, the executive director of Twin Cities Diversity in Practice. "It's the compounding intersectional identity of race plus the fact that you are dealing with something else."

Attorneys of color often face a double stigma—feeling the need to over-perform at their job, but also not wanting to appear weak by asking for help from a professional. This is compounded by the fact that communities of color are underrepresented in the mental health field, cultural stigmas often prevent attorneys from seeking help, and unique race-based stressors affect attorneys of color.

"We have to stop talking about diversity and inclusion separate from well-being. That way we can really move the needle for both," said Shariff. While diversity and mental health are vast issues that will not be solved easily, here are some steps firms and legal departments can take to create a culture where mental health is valued for everyone.

## Show leadership from the top down

Having buy-in from leadership is a crucial part of ensuring well-being programs are inclusive. 3M made inclusiveness a central part of its well-being initiative from early on.

"We chose to include inclusion in our Workplace Inclusion, Satisfaction, and Energy (WISE) initiative because wellness and inclusion are two sides of the same coin," said 3M senior vice president, general counsel & secretary, Ivan Fong. "An important part of 3M's culture is to be powered by inclusion. A more inclusive company is, in my view, also one that values and promotes wellness and well-being."

3M's approach included signing the ABA Well-Being Pledge, prioritizing mindful meetings, and initiating a department-wide "energy audit" that gauged where employees were wasting physical, emotional, mental, and spiritual energy.<sup>1</sup>

Fong emphasized the importance of modeling inclusive behaviors from the top down. "Having our legal department's leadership support well-being and give attention to mental health has been essential to raising awareness and changing the way we think about these issues," he said. "Many of the concrete steps we have taken, such as signing the ABA pledge and speaking at the event sponsored by the Minnesota Supreme Court, are just the beginning."

## Encourage openness in the workplace

The thought of exposing one's own vulnerability is not particularly appealing to most lawyers, but Rudhir Krishtel—a former attorney who now is

**Creating spaces for attorneys to be vulnerable without repercussion will shift the legal workplace toward being healthier — and, ultimately, more sustainable.**

a workplace coach—said that law firms need to allow attorneys the space to open up. “Creating spaces for attorneys to be vulnerable without repercussion will shift the legal workplace toward being healthier — and, ultimately, more sustainable,” he said.

Women and attorneys of color are often not given the opportunities to be open about the stressors of a law career. Krishtel suggests that law firms create spaces where attorneys can speak candidly without fear of reprisal. Some ways to do this are by conducting focus groups, encouraging dialogue about workplace stressors, and creating leadership circles. And it’s essential to ensure that all participants are practicing active listening.<sup>2</sup>

Krishtel pointed out that the National Asian Pacific Bar Association Leadership Advancement Program made it a priority to set up an environment where attorneys could talk honestly about their struggles. “The number one thing participants mentioned in their review was ‘Thank you for allowing a place where we could be vulnerable,’” he said.

## Support and value the “opportunity tax”

What is perceived as a good activity for the legal community can often come at a huge price. “Often times there is this opportunity tax on people of color,” Shariff noted, “where you are not only expected to do your day job, but you’re also being asked to be on panels, to be a part of a D&I effort, to be a part of an affinity bar association and take on a leadership role there.”

Law firm leaders have started to take notice of this. “It’s just an added burden,” said Bill Stoeri, a managing partner at Dorsey. “You feel strongly, you want to do it. But it tends to really take time and then people are told, ‘Well, your hours don’t look good.’”

Stoeri said his firm has now made it a policy to recognize 50 hours of “diversity time” every year as if the hours were billable. Qualifying activities include attending diversity educational sessions, presenting on diversity-related topics, serving on diversity and inclusion committees, or taking a leadership role in affinity bar organizations.



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## Review company insurance plans

Lenora White eventually got help for her mental health issues, but she found it hard to locate a therapist who looked like her. A 2018 report from the American Psychological Association indicated that 86 percent of psychologists in the U.S. workforce were white.<sup>3</sup> She wanted to find a black, female therapist, but of the few she found, none were in her health care provider's network. "To me, that's a problem," she said. Making sure employees have access to therapists who are culturally competent is a vital part of ensuring everyone in the workplace has access to quality care.

## Communicate at all levels that it's okay to ask for help

According to Bree Buchanan, the chair of the ABA Commission on Lawyers Assistance Programs, "Studies show the biggest difference in 'normalizing the issues' is when people who have these issues are willing to speak out. If every law professor and every partner who has had a stint with depression or is in recovery would be willing to speak up, that would be a huge game-changer. Showing leadership from every level of the legal community is one of the most important things."

## Be sensitive to the unique stressors for attorneys of color

Research has linked racism to a host of other problems, including psychological distress, physical health problems, depression, anxiety, binge drinking, and eating disorders.<sup>4</sup> "One thing I don't think we talk about," noted Shariff, "is what it's like to be on the receiving end of bias and the toll that that takes on people. While we

all have unconscious bias and we all have things that we need to work on, there are some of us who are on the receiving end more than others."

Making sure mentors and leaders understand implicit bias, cultural competency, and active listening helps ease tension when discussing issues that can be emotionally fraught. Krishtel noted that hearing colleagues speak without rushing to judgment or defensiveness is vitally important.

## Just listen

Sometimes the best way to express support for attorneys of color is simply to create an environment where dialogue and openness are valued, as opposed to a results-oriented session. Having a place where people feel listened to without having an end goal to fix something is a good first step for encouraging trust and connection. "Sometimes, that's what the system needs—release," Krishtel said. He suggests organizing dinners that bring together attorneys from different practice areas.

Taking practical and thoughtful steps like these will help to foster trust in your wellness efforts—which, in turn, can help every lawyer at your firm. "If you create a more inclusive environment, it helps everyone," said Shariff.



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<sup>1</sup> Visit [theenergyproject.com](http://theenergyproject.com) for more information; Visit <http://www.mncourts.gov/mncourtsgov/media/CIOMediaLibrary/Lawyer%20Well-Being/Call-to-Action-In-House-Counsel-Breakout-Presentation.pdf> for more information on 3M's efforts.

<sup>2</sup> National Association for Law Placement *PD Quarterly*, May 2019

<sup>3</sup> <https://www.apa.org/monitor/2018/02/datapoint>

<sup>4</sup> (Williams, M. T., Malcoun, E., Sawyer, B., Davis, D. M., Bahojb-Nouri, L. V., & Leavell Bruce, S. (2014). Cultural Adaptations of Prolonged Exposure Therapy for Treatment and Prevention of Posttraumatic Stress Disorder in African Americans. *Behavioral Sciences*, 4(2), 102-124.)



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# Hon. Todd M. Fellman

## New to the Bench

By Priscila Barron Sanchez

Judge Fellman is taking the challenges his new position presents him in stride. Facing a large caseload and great responsibility, he focuses on providing justice and fairness efficiently. After re-tooling his prosecutorial lens, Judge Fellman's dedication to justice has not wavered, but strengthened, "When litigants appear before me, I want to make sure they feel that they've been heard and that they've been treated fairly and that attorneys, in zealously representing their clients, practice civility, and professionalism."

Deep in paperwork in chambers, Judge Fellman described his process to becoming one of the newest faces on the bench. It was December 20, 2018 when he received the call. He recalled taking a moment to close his door and sit down to brace himself for the news that Gov. Mark Dayton had selected him to serve on the bench. A public announcement would go out sometime the next day and he was told to refrain from sharing his news until it was made public. He joked that it was the ultimate test of a lawyer in keeping confidentiality. It was not until 3 p.m. the following afternoon that the public announcement went out and congratulations began.

After the holiday, he was left with two weeks to wrap up his work at the Hennepin County Attorney's Office where he supervised a team

of 10 lawyers and paralegals. On top of the conclusion and transferring of his work, which included evaluations, special projects and his own cases, Judge Fellman began receiving district court obligations regarding the transition to his new role.

After spending over 25 years at the Hennepin County Attorney's Office, Judge Fellman was ready for a new challenge and adventure. For years, his peer mentors noted he should think about a judgeship. As a lifelong litigator in public service, Judge Fellman had extensive and invaluable experience in the courtroom. He was ready for the next step in his career and the new work it would require.

Hailing from Red Wing, Minnesota, Fellman came to the Twin Cities for school and quickly became acculturated to the diverse and dynamic community. He graduated from the College of Saint Thomas (now University of Saint Thomas), *magna cum laude*, in 1990. Fellman went on to the University of Minnesota Law School and graduated *cum laude* in 1993. From there, he went to work at the Hennepin County Attorney's Office.

Immensely proud of his work at the Hennepin County Attorney's Office, he was ready to continue to serve the community he dedicated his career to, in a different role. He was leaving

a job he loved for one he hoped to love even more. He made the transition as part of a trio, with colleagues and friends, Judge Angela Wilms and Judge Michelle Hatcher.

He spent the majority of his professional career in this community. Living in the far western part of Hennepin County, off a gravel road, Judge Fellman likes to spend time with his wife of 25 years and their daughter. He enjoys fishing, hunting, and camping in his sparse free time.



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Ms. Sanchez is a law clerk for the Hon. William H. Koch in Hennepin County District Court. A recent graduate of Mitchell Hamline School of Law ('19), she was an Associate Editor on the Mitchell Hamline Law Review and President of the Latinx Law Student Association. She was recently selected to join the Army Judge Advocate Corps.



# Hon. Michelle Hatcher

## New to the Bench

*By Dani Peden*

**T**he pursuit of equal justice is what drove Judge Michelle Hatcher to pursue a position on the bench. She feels the most rewarding thing about being a part of the justice system is the direct impact she can have on the community, especially the poor, minority community. She stressed that it is imperative for all individuals to see themselves reflected in the courtroom, in order to feel confident in its application and integrity. Judge Hatcher hopes through her appointment, she will be able to help promote integrity and trust in the justice system. It is important to her that when an individual leaves her courtroom they feel they were treated fairly, respectfully, and were not subject to any pre-judgements.

Although she is looking forward to her transitioning role in the justice system, Judge Hatcher would like to highlight that she is the same person she has always been, with the same values and the same commitment to equal treatment for all. She wishes for her courtroom to be a welcoming, respectful arena for all voices to be heard.

Judge Hatcher was leaving the office after a long day during the holiday season, when she received a call informing her that she was to be appointed to serve as a District Court Judge in Hennepin County. Her first reaction was an excited scream, and she was delighted to later

learn that her close friend Todd Fellman would also be appointed.

Although Judge Hatcher has no memory of living in Jamaica as a young child, Jamaican culture has been a strong influence in her upbringing and current lifestyle. Judge Hatcher was raised in and attended school in Canada until she graduated from the University of Windsor in Ontario with a Bachelor of Arts degree in Criminology. She then moved on to law school at William Mitchell College of Law.

Law school was the clear path for Judge Hatcher since she was a young child. She grew up in a poor neighborhood which consisted mainly of immigrants and minorities. She recalled repeatedly seeing an unequal application of the justice system to individuals around her. A consistent lack of access to affordable attorneys, funding for bail, and other necessary resources were issues she witnessed frequently. This repressive pattern was the driving force behind the decision to pursue law school.

During law school, Judge Hatcher worked as a certified student attorney for the Ramsey County Public Defender's Office. After graduation, she clerked for the Honorable Mary Steenson-Dufresne. She was then hired as an Assistant Scott County Attorney, before working at the Hennepin County Attorney's Office for the next four years.

She then dabbled briefly in the civil field and took a position as a Litigation Associate at Rider Bennet. She quickly found herself missing the public sector, the courtroom presence, and the human interaction and returned to the Hennepin County Attorney's Office in 2005. In 2013, Judge Hatcher moved to Virginia with her family and spent two years working as a prosecutor on the therapeutic docket for the Office of the Norfolk Commonwealth Attorney's Office. This is where she conducted her most rewarding work being actively involved in the drug program there and participating in the rehabilitation of individuals struggling with drug use. Judge Hatcher then moved back to Minnesota in 2015 and served as the Senior Assistant Hennepin County Attorney before her current appointment to the bench.



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# You're Not So Special

By Eric T. Cooperstein

**Y**ears ago, I heard a sermon about the way people carry secrets around with them. Not Rule-1.6-client secrets. Personal secrets borne of living a life: crimes committed, large and small; flings and affairs; errors and omissions, and so on. Most of us, the sermon suggested, have secrets we protect from disclosure at all costs. People can hold, bury, and guard their secrets so well and for so long that at some point they may not even be aware they are doing it. But secrets ultimately eat away at us. It's difficult to be a whole, healthy person when your brain is busy maintaining your emotional forcefields and anti-disclosure missile systems.

One of the humbling aspects of being an ethics lawyer is that attorneys share their secrets with me. Some come spilling out over trembling lips. Others must be coaxed, after establishing some trust. I've been surprised over the years how many lawyers say to me "Everything I tell you is confidential, right?" Of course it is. I'm your lawyer.

Spoiler alert: there are no spoilers here. I'm not sharing the secrets lawyers share with me. But in representing lawyers over the last dozen years, some common themes have emerged which may help others who tote a heavy bag of secrets around with them.

One is the relief that lawyers experience from merely saying out loud what they have been holding inside. This is true of everything from "simple" errors in handling a client's case—a missed deadline, a misread statute, a file mislaid for too long—to more serious lapses of judgment. The embarrassment associated with ethical lapses can become its own kind of creature. A boggy from the Harry Potter series—the creature that peers into your mind, figures out what you fear most, and then appears as that thing. The incantation a lawyer needs to vanquish it is to describe it to someone else.

**One of the most remarkable patterns I have noticed in private practice is how understanding and forgiving lawyers' friends are.**

Even after the facts are on the table, anxiety runs high amongst my clients. It is somewhat ironic that the lawyers who have committed a minor offense or perhaps are being investigated despite no apparent violation at all display more anxiety than lawyers accused of more serious misconduct. Conscientious lawyers, despite their overall competence and success, may experience acute anxiety from the uncertainty involved in the investigation process, second-guessing their own abilities or practice methods, and questioning why they bother practicing law at all. This anxiety can become, even for otherwise healthy lawyers, debilitating. A healthy person should not hesitate to seek informal or formal assistance when he or she finds that anxiety is regularly distracting them from or interfering with work, family, or other commitments.

Lawyers who choose to share their own history of mental illness or substance abuse, as well as the traumas that underly their disorders, also have a lot in common. There is a standard fear that sharing with one person means the whole world will know, which of course is not the case,

especially when sharing with a lawyer. More concerning is the fear that the lawyer will be disciplined more severely for having a disorder, when in fact the opposite is actually true, as long as the lawyer is willing to take steps to understand and seek treatment. Closely related to this is a fear that the lawyer will be labelled as someone who is unable to do their job, thus bringing a rapid end to the lawyer's ability to find clients. One of the great benefits of seeking help through Lawyers Concerned for Lawyers or a 12-Step program is that you meet people just like you who are successfully living with their illness.

Lastly, one of the most remarkable patterns I have noticed in private practice is how understanding and forgiving lawyers' friends are. I regularly see people, lawyers and non-lawyers alike, who are able to get past the human errors that lawyers commit and stand by them. There are people out there waiting to help you, if you let them in on the secret.



**Eric T. Cooperstein**

[etc@ethicsmaven.com](mailto:etc@ethicsmaven.com)

Eric T. Cooperstein, the "Ethics Maven," defends lawyers and judges against ethics complaints, provides lawyers with advice and expert opinions, and represents lawyers in fee disputes and law firm break-ups.



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# Grantee Spotlight:



## MISSIONS INC. PROGRAMS

### MISSION STATEMENT:

Missions Inc. enables people struggling to meet fundamental human needs, to obtain safety and healing and to pursue justice in their lives.

Missions Inc. has been serving the community for 124 years and has been based in Plymouth since the 1920s. Initially, their core service was to provide housing for unemployed and homeless men. Since then, Missions Inc. has been adaptive in meeting the needs of the community, and they work to serve the underserved by addressing two main areas: domestic violence and chemical dependency.

In regards to chemical dependency, they offer medically monitored detoxification services, as well as transitional supportive housing for people in recovery. People live there from weeks to months to years, depending on their needs. In the area of domestic violence, they offer free legal services through the Home Free Community Program (HFCP) and housing through the Home Free Shelter, both of which began in the 1980s. They also serve immigrant women who, in addition to the existing support services, need assistance with legal immigration issues.

A team of five at the HFCP serves an average of 700 families impacted by domestic abuse per year and the shelter serves another 550 women and children each year. Victims access these services primarily through their 24-hour crisis line. Sometimes it's police who call, and Missions Inc. staff reaches out to the alleged victim to offer support and options. Staff answering the crisis line first determines if the caller needs immediate help, like housing, or a longer-term solution such as legal assistance. Missions Inc. advocates provide a multitude of services such as: writing Orders for Protection; monitoring child custody and divorce cases; and training court personnel. "Whatever system they need to navigate, we walk alongside them," said Elsa Swenson, HFCP Program Manager.

Even though the HFCP primarily provides victims with legal services, Missions Inc. is unique in that they also provide comprehensive services to victims of domestic violence. Sometimes what is most needed is helping pay a security deposit or removing a car from impound. Missions Inc. is mindful of the fact that there is a connection between tangible solutions like this and the resulting day-to-day life of the victim.

"A woman was in her home and her abuser broke down her door; therefore, she needed a new lock to be safe in her home," described Swenson. Missions Inc. has an emergency fund for situations of this nature. They are able to offer free assistance and services through significant state funding, individual donations, and grants. Sources of emergency fund assistance for crime victims have shifted focus, reducing access

for victims of domestic violence, including Missions Inc. clients. So grants and donations to organizations like Missions Inc. are extremely helpful and much needed.

In 2019, the Hennepin County Bar Foundation supported Missions Inc.'s critical work in the community by providing funding for new cloud-based software. This software will increase efficiency by allowing mobile access to case files, and protecting participants' privacy. As part of a larger IT project, Missions Inc. plans to implement a central database that integrates all three domestic violence services: the Home Free Community Program, Home Free Shelter, and Immigrant Program. "The ultimate goal is seamless service for all clients," said Development Director Kristin Rigg. This new system will also allow Missions Inc. staff to identify trends in their data and any potential gaps in the service areas provided.

Missions Inc. seeks volunteer attorneys to provide short-term assistance to staff and clients in the areas of immigration, divorce, OFPs, and child custody. "To be able to have attorneys on-call to help clients is the dream," said Swenson. Volunteers can help in a non-legal capacity as well by serving as an interpreter, providing residential support, making an individual donation, or bringing in a group to paint and garden. If you would like to learn more about or take part in the important work done at Missions Inc., please contact Development Director Kristin Rigg at [krigg@missionsinc.org](mailto:krigg@missionsinc.org) or 763-559-1883.

# Events and Meetings

Visit [www.hcba.org/events](http://www.hcba.org/events) for more information

**SEPT 4**

**Family Law Section Social**  
 CRAVE Restaurant,  
 Minneapolis  
 4:30-6:30 p.m.

**SEPT 9**

**Workers' Comp. CLE**  
 PTSD in Minnesota – Where  
 Do We Stand? A Discussion of  
*Smith v. Carver County*  
 Noon

**SEPT 17**

**Landlord/Tenant CLE**  
 Minnesota Landlord-Tenant  
 Anti-Retaliation Law after  
*Central Housing*  
*Associates v. Olson*  
 Noon

**SEPT 17**

**New Lawyers  
 Section Meeting**  
 11:30 a.m.

**SEPT 26**

**Solo/Small  
 Section Social**  
 The Local, St. Louis Park  
 4:30 – 6:30 p.m.

**OCT. 24**

**Solo/Small  
 Section Social**  
 The Local, St. Louis Park  
 4:30 – 6:30 p.m.



**WEDNESDAY, OCT. 30**

**HCBA Judges Social**

US Bank Stadium,  
 Minneapolis



**MONDAY, SEPT. 23**

**Tee It Up for Justice  
 Charity Golf Classic**  
 +  
**Pedal for Justice  
 Charity Bike Ride**

Town & Country Club,  
 St. Paul

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# 10 QUESTIONS

## with SUSAN TEGT

Shareholder at Larkin Hoffman

### 1 When and why did you decide to pursue a career in law?

I have to admit I feel a little like I stumbled into the profession after being uncertain what career I'd pursue after college. Even though I majored in political science at the University of Wisconsin-Madison, I wasn't quite sure what path I wanted to take. I took a couple years off to wait tables and travel. I ultimately decided that a legal career would fit my goals, one of which was to find work where I would be constantly challenged. I was really fortunate to have some time to clear my head and decide on what would be the best fit. I think that is one of the reasons I've been successful.

### 2 Professionals often have a 30-second elevator speech, a quick synopsis of their services and skills. What's your elevator speech?

I am an experienced business attorney who focuses on commercial, franchise, and distribution law. My multidimensional practice helps clients in all stages of business, from mitigating and managing risk to zealously resolving disputes.

### 3 What is the most rewarding part of your work?

I enjoy being a part of a team. My colleagues and clients are great, and I enjoy collaborating with them. I also enjoy the mentoring relationships I share with my colleagues, both as a mentor and a mentee. I've been incredibly fortunate to have strong mentoring relationships and continue to learn and grow in my career thanks to their support. I strive to pay that forward to newer attorneys to help them grow and develop professionally.

### 4 What's the most challenging part?

The stress. I care deeply about my clients and tend to get pretty invested in my work. I try to take on as much as I can so that my clients can focus on growing their businesses even while involved in litigation or arbitration. As a result, it can sometimes be challenging to unwind at the end of a busy day, but as I've progressed in my career, I've developed ways to maintain a healthy balance between my personal and professional life.

### 5 What's your go-to for handling stress?

No matter how busy I am, I make sure to prioritize a few hours a week to exercise to clear my head and focus on my overall health. I also try to get 7-8 hours of sleep each night, even when I'm in trial or otherwise really busy. I'm much more efficient on a good night's sleep and getting a little more rest versus trying to put another hour into writing a brief is almost always a good idea.

### 6 What are your favorite fall activities?

Fall is my favorite season in Minnesota. I'm an avid cyclist and the fall weather is the perfect biking weather. I also love taking my dog on long early morning walks near the Mississippi River to enjoy the fall colors.

### 7 What is the best advice you ever received?

Spend non-billable time getting to know your client's business. I dedicate a fair amount of time meeting with new clients to learn about more than just their specific legal needs. I like to dig into their long-term goals, day-to-day operations, and other needs because once I understand the whole picture, I am able to better represent them. I also spend time with my existing clients catching up on their new challenges and strategies. This is incredibly helpful when a dispute arises because I am able to better understand their overall dispute resolution objectives and understand the internal pressures that may be driving some of the issues.

### 8 What attorneys have inspired you?

My mentors have been the biggest inspiration to me, each in different ways. My first mentor had the trust in me to work directly with clients and to work independently on complex matters, which provided the confidence I needed early in my career. The mentors that followed have supported me by challenging me in my daily work, providing critical feedback, and by providing opportunities to expand my practice and gain recognition as an expert in my field.

### 9 Who is your favorite musician?

I've seen the Foo Fighters more times than I can count and was fortunate to get to see them in 1995 at First Avenue when I was in high school. I think I enjoy them because they bring back a lot of fond memories but also always put on a really fun show. I'm a huge fan of live music and try to schedule vacations around fun shows or travel to music destinations like Nashville or New Orleans.

### 10 Where do you see yourself 10 years from now?

I really enjoy what I do and I don't expect much to change 10 years from now, except that I plan on developing my practice even further. I'm hopeful that as my practice continues to grow, I'll be able to provide even more mentoring opportunities to newer attorneys, particularly other women.

# Member News

Submit your HCBA member news to [thl@hcba.org](mailto:thl@hcba.org) for consideration.

**Amarachi Ihejirika** has joined Blackwell Burke as an associate.

Beisel & Dunlevy welcomes **Thomas M. Hart** to the firm.

**Paul Dimick** has joined the ACLU-MN and will focus on immigrant detention issues.

**Leah Indrelie** and **Matthew Goldfine** have joined Bernick Lifson as associates.



**Evan Berquist** has been promoted from associate to member at Cozen O'Connor.



**Janet G. Stellpflug** of DeWitt law firm has been elected to the State Board of Legal Certification by the Minnesota Supreme Court.



**Shauro Bagchi** has been appointed to serve as co-chair for Maslon firm's Business & Securities Practice Group.



Meagher & Geer announces that **Tyler Hartney** has joined the firm as an associate.

**Robert Aronson** of Fredrikson & Byron began as chair of the HIAS Board of Directors.



**Lisa Spencer** of Henson Efron was elected President of the Minnesota Chapter of the American Academy of Matrimonial Lawyers.



**Andy Dossall** has joined Briggs and Morgan as an associate in the business litigation section.



**Mark Bradford**, shareholder with Bassford Remele, was elected to the American Academy of Appellate Lawyers.

## JAMS Welcomes...



### Daniel H. Mabley



Handled a wide range of civil and family matters during 26 years on the Hennepin County (Minnesota) District Court; also spent 15 years in prosecuting attorney roles in Dakota, Hennepin and Ramsey counties

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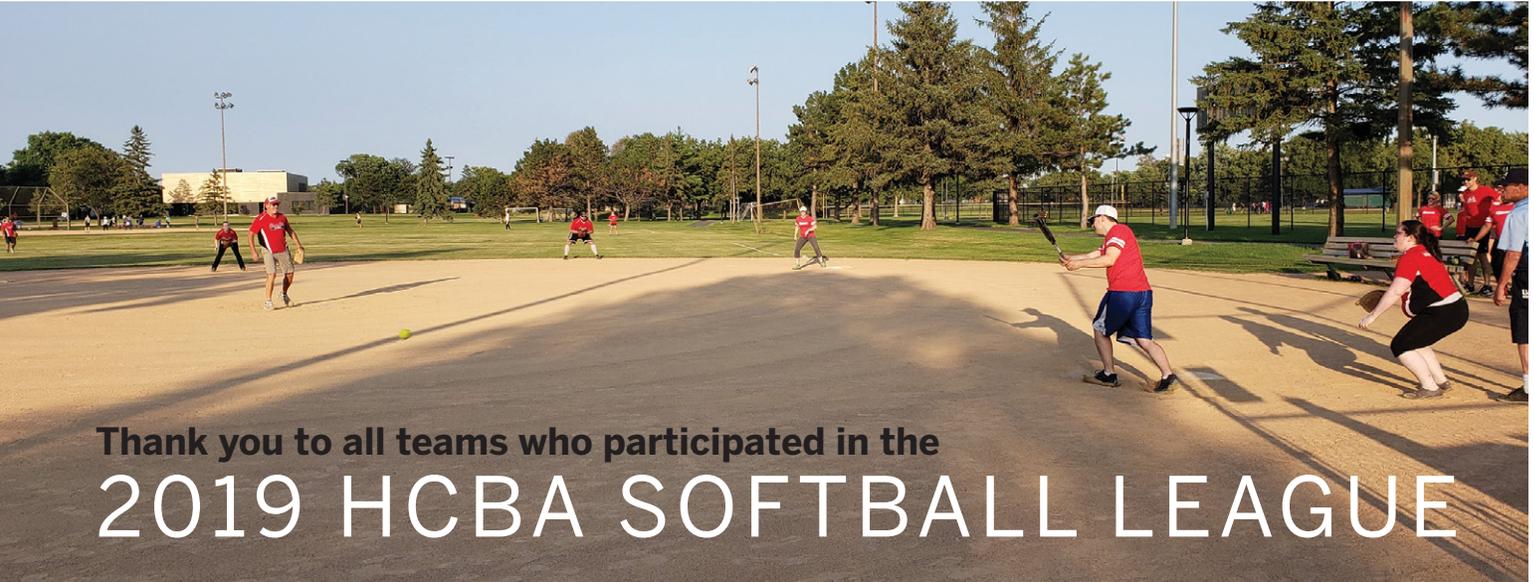
### Lawrence Zelle, Esq.



Fifty years of experience as a lawyer, arbitrator, mediator, negotiator and settlement broker; earned a national and international reputation for expertise in disputes involving questions of insurance or reinsurance

[jamsadr.com/zelle](http://jamsadr.com/zelle)

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# Thank you to all teams who participated in the 2019 HCBA SOFTBALL LEAGUE



## SOFTBALL TEAMS

- Bowman and Brooke
- Briggs and Morgan
- Class Act  
*(Lockridge Grindal Nauen, Zimmerman Reed, and Gustafson Gluek)*
- Minnesota Court of Appeals
- Dorsey & Whitney
- Faegre Baker Daniels
- Federal Clerks
- Fredrikson & Byron
- Henson Efron
- Jones Day
- Larson King
- Minnesota Association of Criminal Defense Lawyers
- Meagher & Geer
- Merchant & Gould
- Minnesota Attorney General's Office
- Nichols Kaster et. al.
- Robins Kaplan
- Stinson
- U.S. Attorneys' Office
- University of St. Thomas School of Law

**Softball Chairs:**  
Allison Plunkett  
Chad Pennington

If your firm is interested in participating next season, contact [sjohnson@mnbars.org](mailto:sjohnson@mnbars.org)



**2019 CHAMPIONS:** Faegre Baker Daniels (above) won the championship game against Henson Efron (below).





# 2019 TEE IT UP FOR JUSTICE



# 2019 PEDAL FOR JUSTICE

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**Monday, September 23**  
Town & Country Club  
300 Mississippi River North, St. Paul

Proceeds benefit the **Hennepin County Bar Foundation**—the charitable giving arm of the Hennepin County Bar Association. Since 1968, HCBF has made a positive impact on the community by funding over \$2.6 million in grants to nonprofit legal organizations that support our mission “Promoting Access to Justice for the People of Hennepin County.”

## GOLF REGISTRATION INCLUDES:

green fees, golf cart, lunch, and cookout dinner

**11:00 AM: REGISTRATION & BOX LUNCH**

**12:00 PM: SHOTGUN START**

**5:00 PM: COOKOUT DINNER & PRIZES**

**\$250 per golfer**

*Please note: This tournament is scramble format.*

*Golf registration above \$180 is a tax deductible contribution to HCBF.*

**Add-ons:** +\$40 per team. Bernie Zimpfer Memorial Cup Challenge  
+\$25 Players Card Per Person

## BIKE REGISTRATION INCLUDES:

bike ride and cookout dinner

**1:30 PM: REGISTRATION & SNACK**

**2:00 PM: BIKE RIDE**

**5:00 PM: COOKOUT DINNER & PRIZES**

**\$75 per biker**

### NOT A GOLFER OR BIKER?

Join us for the cookout dinner and prizes at 5 PM

**\$50 per person**

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Call Amanda Ildinge at 612-752-6614 regarding sponsorship opportunities or to register/pay by phone.

**In 2019 your Hennepin Bar Foundation granted \$270,400 to justice related nonprofits. Your support provided grants to the following:**

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Conflict Resolution Center  
Discapitados Abriendo Caminos  
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Domestic Abuse Project

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Immigrant Law Center of Minnesota  
JustUs Health  
Lawyers Concerned for Lawyers  
LegalCORPS  
Legal Rights Center  
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Minnesota Assistance Council for Veterans

Minnesota Elder Justice Center  
Minnesota Justice Foundation  
Minnesota Wills for Heroes  
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