

April 2021 Volume 33 Issue 3

2021 Memorials Session

Please join us on Friday, May 7 at 2:00 p.m. to celebrate the lives of those lawyers who have passed on. This year's Memorials will take place virtually and will be available to stream live via YouTube Live.

Learn more and join the virtual event at: www.mnbar.org/rcba-bar-memorial

*Honoring**

Hon. Russell A. Anderson
Peter Holmes Berge
David Wayne Blaeser
Jerome Dominic Ciresi
Charles Martell Cochrane
Willard L. Converse
Michael Fiske Driscoll
Arden J. Fritz
Hon. Daniel Gallagher
Lory Hartenberger
Hon. Doris Ohlsen Huspeni
Hon. Alexander MacDonald Keith

John R. Kenefick
Craig Lindeke
Mary Brigid McDonough
Hon. John C. McNulty
Robert W. Murnane
David Anthony O'Connor
Alberto Quintela, Jr.
Lawrence Michael Rocheford
Michael John Sheahan
Robert T. White
Gary Robert Wolf

*Additional individuals may be added. Please visit the RCBA website for a complete list of names.

For more information, contact Sharon Elmore at selmore@mnbars.org or 651-789-3756.

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WE ♥ OUR MEMBERS

RCBA Member Appreciation Day

Wednesday, May 12

We appreciate you, our members, and everything you do. To show that, we're inviting you to join us for the 2021 Member Appreciation Day, which will be held virtually this year.

More details and schedule to come. Please join us at **12:00 p.m. on May 12** for the event, which will include two FREE CLE courses, and social and networking activities. You can also join us for the passing of the gavel from this year's president, Susan Buckley, to our incoming president, Monica Dooner-Lindgren.

Register online to receive a link to join the virtual event at:
ramseybar.org

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Leading the Way, Leaving a Legacy

While thinking about Women's History Month, it occurred to me that RCBA women presidents, officers, board members, and members have offered great examples of service to the profession and community. It may not be surprising that because women have been underrepresented historically in the legal profession (8% of all lawyers in 1980 and 37% of all lawyers todayⁱ), women have also been underrepresented in leadership positions of the RCBA. The first woman president of the RCBA, Hon. Paulette Flynn, took office in 1989, decades after the founding of this organization in 1884.

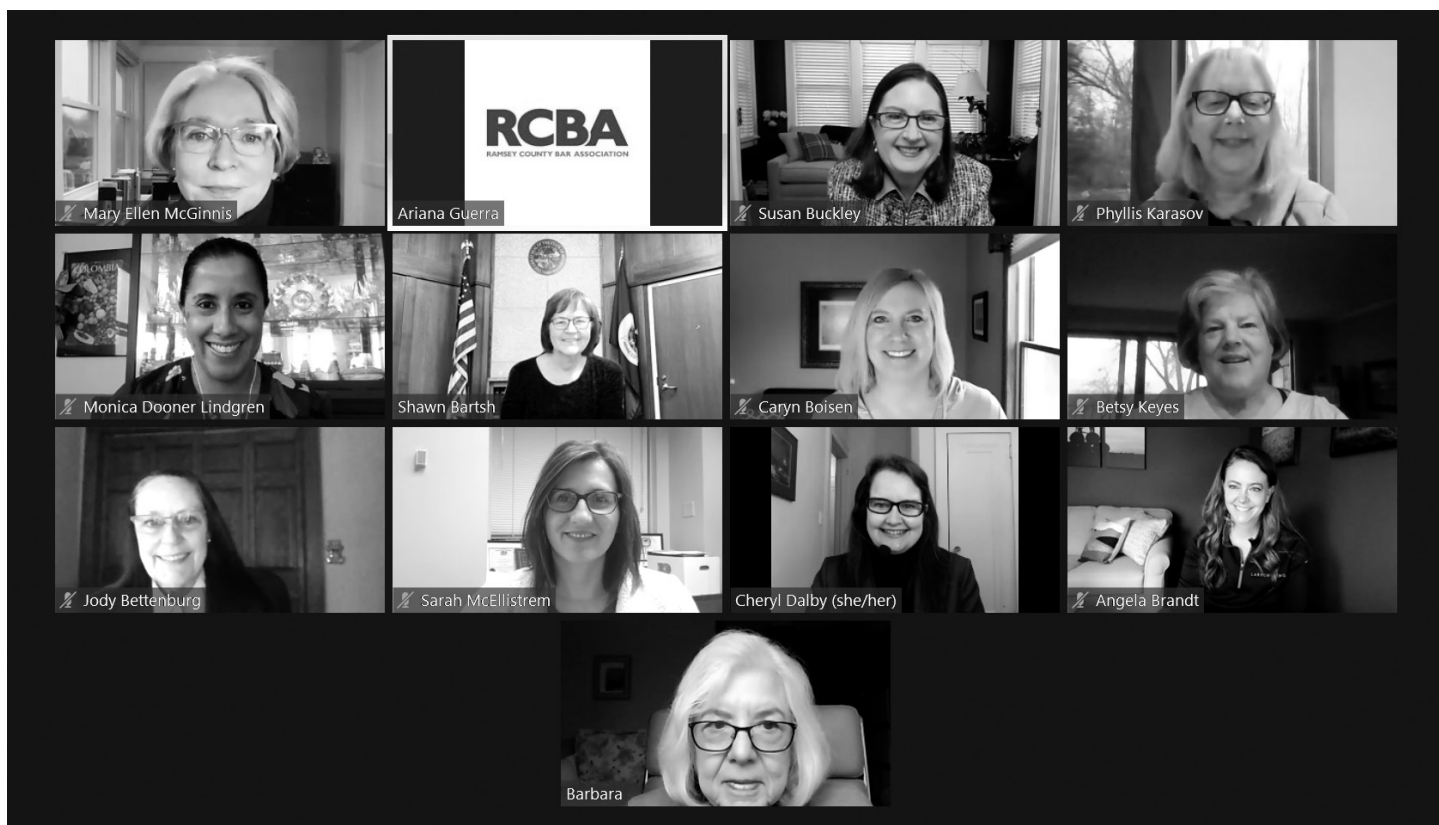
After Judge Flynn broke the glass ceiling, the RCBA has done a better job of having inclusive (at least women) leadership. In the 31 years since Judge Flynn served as RCBA President, 13 (14 if we include incoming President Monica Dooner-Lindgren) other women have followed in her footsteps. As only the 13th RCBA woman President, I reflected on how fortunate I have been to know many of these past women RCBA presidents through bar events and volunteer opportunities.

These women presidents have inspired me. When I became Vice President, I considered planning an RCBA women presidents reunion.ⁱⁱ While we would have loved to have had an in-person meeting, COVID forced us to meet virtually.

On March 10, CEO Cheryl Dalby and most of the presidents listed

"met" on Zoom. After introductions, Cheryl described changes at the RCBA, particularly the combined administrative functions for the MSBA, HCBA, and RCBA. She discussed the late Mary Ward's contributions to the profession and to RCBA, as well as how much we miss her. For those of you who did not have a chance to know President Ward, she served the RCBA Executive Committee as secretary, treasurer, president, was on the Second District Ethics Committee, Diversity Committee, Bench and Bar Benefit, Memorials Committee, and also served in MSBA Sections and Assembly. In 2013, she was honored with the RCBA Distinguished Humanitarian Service Award for her contributions to the bar and to the community.ⁱⁱⁱ

We broke into small groups to discuss the most memorable part of each woman's presidency and offered advice to incoming RCBA officers. Surprisingly, there was an interesting parallel regarding the memorable events: Phyllis Karasov and Hon. Mary Ellen McGinnis mentioned how much they enjoyed hiring Cheryl as RCBA Executive Director in 2000, and after nineteen years, Caryn Boisen and Sarah McEllistrem recalled that interviewing and promoting Cheryl to MSBA/RCBA/HCBA CEO was one of their most memorable moments as well. Barbara Penn noted that Cheryl has made great improvements in the Bar's operations, and everyone agreed how much confidence we have in her leadership today.^{iv}



The past presidents also offered advice to future leaders: both Jody Bettenburg and Sarah McEllistrem observed that challenges are met and goals are accomplished when there is a spirit of compromise and cooperation and leaders approach their tasks with a spirit of humility. Betsy Keyes, who continues to donate her time to the RCBA Golf Tournament and co-chairs the RCBA Memorials Committee, advised leaders to reevaluate and improve each event, even those iconic events like the Bench and Bar Benefit and Judge's Dinner, to keep them fresh and appealing. COVID forced this approach in 2020.

Finally, Judge Bartsh encouraged us to make an effort to reach out to new people—to address diversity and to be inclusive—by making cold-calls to connect with those not currently involved and inviting prospective members for coffee or to RCBA events. She suggested that we break out of our comfort zones to welcome these less represented groups in the RCBA. After all, it took decades before the first woman president was elected to lead the RCBA. We need to

ensure that historically underrepresented groups will not have to wait a similar amount of time before they assume the helm of the RCBA.

I am grateful for the leadership of those who preceded me and know that the future is in good hands with incoming President Monica Dooner-Lindgren!

Notes:

ⁱABA, www.2civility.org/aba-profile-of-the-legal-profession-diversity-and-well-being/, August 13, 2020, www.americanbar.org/content/dam/aba/images/news/2019/08/ProfileOfProfession-total-hi.pdf

ⁱⁱMany thanks to Cheryl Dalby, MSBA/HCBA/RCBA CEO and Ariana Guerra, Assistant to MSBA CEO, for coordinating this meeting for RCBA past women presidents.

ⁱⁱⁱKeyes, Elizabeth, *RCBA Memorials*, p. 35, April 12, 2019.

^{iv}We agreed unanimously that when confronted with challenging issues, we liked to think "What would Cheryl do?"

RCBA Women Presidents

1. Hon. Paulette Flynn - 1989-90
2. Barbara F. L. Penn - 1996-97
3. Joan Bettenburg - 1997-98
4. Phyllis Karasov - 1999-2000
5. Hon. Mary Ellen McGinnis - 2000-01
6. Mary Ward - 2005-06 (dec. 2018)
7. Elizabeth Keyes - 2006-07
8. Hon. Shawn Bartsh - 2011-12
9. Angela Brandt - 2013-14
10. Hon. Kelly Olmstead - 2015-16
11. Caryn Boisen - 2018-19
12. Sarah McEllistrem - 2019-20
13. Susan Buckley - 2020-21
14. Monica Dooner-Lindgren - 2021-22

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The RCBA Placement Service:

Q&A with Placement Director Sabina Zeenat

Working with a staffing service like us can help attorneys and law firms streamline their hiring process and save them a lot of time.

Can you tell us about the RCBA Placement Service; how it works, who it serves?

RCBA's service specializes in the placement of full-time, part-time, permanent, and temporary legal office support staff like paralegals, legal assistants, legal secretaries, receptionists, etc. We advertise the job openings and screen candidates. We interview them, test them for typing and grammar skills, check their references and refer only the most qualified candidates. We serve attorneys and law firms of all sizes and organizations, not just in Ramsey County but beyond.

What have you been hearing from local firms about staffing changes this year?

At the start of the pandemic, with uncertainties looming large, there was a drop in hiring. In fact, there was a hiring freeze for many firms at that time. But slowly and gradually, hiring has picked up. We have seen an upward trend since fall/winter of 2020. We are cautiously optimistic for 2021 and I hope we see an upward hiring trend for law firms in the current year and the years ahead.

How can law firms benefit from working with a staffing service?

RCBA Placement Service takes a very personalized approach to staffing. We pay close attention to the specific requirements of the job and accordingly screen candidates. We try to understand both the hard and the soft skill sets that attorneys and firms are looking for in candidates so that we find the best fit for them. Once we find the right candidates, we check their references, do a detailed background check (if requested by the firm) and refer only the most qualified candidates. Working with a staffing service like us can help attorneys and law firms streamline their hiring process and save them a lot of time. I am happy to say that in spite of the pandemic, we have been able to screen, interview and place qualified candidates at law firms.

Our placement service fee is 10% of the first year salary of the hired employee which is relatively inexpensive compared to other staffing agencies in the market. RCBA also provides a prorated 90-day guarantee on employees.

In addition, if firms want to pay the placement fee in installments, we provide that flexibility. Our goal is to make our services as convenient as possible for our attorney members and local firms.

What challenges have firms faced onboarding staff during the pandemic? Do you have any advice for them?

Even though we have come a long way adjusting to this new normal, I think the biggest challenge that we are all facing during this pandemic is the sense of isolation. This is particularly true for the new employee who is starting his or her new job without a physical work environment. So, to make them feel welcome from day one, schedule brief video calls to introduce the new staff member to the entire team and also with coworkers with whom they will interact with on a regular basis. It is also a good idea to schedule informal video check-ins with the new employee's immediate team where they get to know each other on an informal and a more personal level.

You can also create an onboarding checklist where you can break down tasks and goals by day or week. This way the new employee has a clear idea of what is expected of them during the onboarding process.

What's the most satisfying part about placing a candidate in with a firm?

The most satisfying part is when I am able to find the best fit for the firm and the firm is happy with their new hire. We put all our sincere efforts in finding the right candidate and when our due diligence pays off, it is a sweet feeling.

For more information about the RCBA Placement Service, visit mnbar.org/ramsey-county-bar-association/member-center/placement-service or contact Sabina Zeenat at szeenat@mnbars.org.



APRIL EVENTS

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

4	5	6	7 <i>CLE Oversight Committee Meeting</i>
11	12	13 <i>The Future of the Bar Exam CLE</i>	14
18	19	20	21
25	26	27 <i>RCBF Golf Tournament Committee Meeting</i> <i>Diversity Committee Meeting</i>	28 <i>Family Law Section CLE</i>

Regular Section Meeting Times (Dates subject to change)

Criminal Law Section - Dates vary

Family Law Section - Fourth Wednesday of each month

Real Estate Section - Third Tuesday of each month

Solo and Small Firm Section - Fourth Thursday of each month

Trusts & Estates Section - Second Tuesday of each month

THURSDAY

FRIDAY

SATURDAY

1	2 <i>Legal Writing - Striving for Clarity CLE</i> <i>Executive Committee Meeting</i>	3
8 <i>Trusts & Estates Section CLE</i>	9	10
15 <i>New Lawyers Section CLE</i>	16	17
22 <i>Solo/Small Firm Section CLE</i>	23	24
29	30	

For April CLE course presenters, descriptions, and registration information, please see page 8.

SAVE THE DATE

2021 RCBA Memorials
May 7, 2021

Member Appreciation Day
May 12, 2021

2021 RCBF Charity Golf Classic
August 2, 2021
Keller Golf Course



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RCBA programming is currently being offered via remote participation unless otherwise noted.

For the most updated event information, please visit our website: www.ramseybar.org

APRIL CLE AND SECTION PROGRAMMING

(Unless Otherwise Noted)

Location:

All RCBA programming is currently via remote participation only.

Time: Noon – 1:00 p.m.

Cost:

\$15 RCBA members
\$30 non-members

Credit: 1 standard credit applied for

Register at ramseybar.org or call (651) 222-0846.



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April 2 | Legal Writing - Striving for Clarity

Presenter: Hon. Robert Bacharach | United States Court of Appeals for the Tenth Circuit

Judge Bacharach will illustrate principles from his recently published book (ABA Press) entitled Legal Writing—A Judge's Perspective on the Lessons from Science and Rhetoric.

Time: 12:00 to 1:15 p.m.

Cost: \$10 RCBA, MSBA, and HCBA members; \$30 non-members

Credit: 1.25 standard credits approved

April 8 | Trusts and Estates Section: Building an Estate Planning Practice - Practical Insights from a Panel of Experienced Estate Planners

Panelists: Chris Courtney | Courtney Law Office, PLLC; Jayne Sykora | Sykora & Santini, PLLC; Jennifer Santini | Sykora & Santini, PLLC; John Worrell | Hoene & Worrell; Dan Steinhagen | Stein & Crist, PLLP

Learn about the business side of starting and sustaining a practice, as well as some substantive topics that attorneys new to this area of the law need to know.

Sponsored by Valbridge Property Advisors

April 13 | The Future of the Bar Exam

Panelists: Colleen Case | Treasurer, MSBA New Lawyers Section, Hennepin County Family Justice Center; Carol L. Chomsky | University of Minnesota Law School; Emily J. Eschweiler | Minnesota Board of Law Examiners, Board of Continuing Legal Education; Hon. Juan Hoyos | Hennepin County District Court, Minnesota Board of Law Examiners; Jennifer Thompson | Thompson Tarasek Lee-O'Halloran PLLC

Moderator: Leanne Fuith | Mitchell Hamline School of Law

An important discussion about the bar exam as a measure of attorney competence in an evolving legal profession and what the future of the bar exam might look like. The Minnesota Board of Law Examiners will also provide an update on the steps it has taken to safely administer the bar exam during Covid-19.

Time: 9:00 to 11:00 a.m.

Cost: \$10 RCBA, MSBA, and HCBA members; \$25 non-members

Credit: 2.0 standard credits approved

April 15 | New Lawyers Section: Discriminatory Covenants and the Just Deeds Project - Acknowledging the History of Systemic Racism in Housing

Presenters: Maria Cisneros | City Attorney, City of Golden Valley; Jared D. Shepherd | Hoff Barry, PA

Learn about the history of discriminatory covenants and other forms of systemic racism in housing in Minnesota, and how cities, realtors, and residents are engaging with the Just Deeds Project and their communities to acknowledge this shameful history. If you're interested in getting involved with the New Lawyers section, please join early (4:30 p.m.) for a section meeting.)

Time: 5:00 to 6:00 p.m.

Cost: FREE for RCBA members; \$10 non-members

Credit: 1.0 Elimination of Bias credit

April 22 | Solo/Small Firm Section: You Do Not Do This for Free

Panelists: Theresa A. Bofferding | Ortner & Bofferding, LLC; Michael Ortner | Ortner & Bofferding, LLC

How to practice law AND get paid as a solo practitioner or small firm. We will provide practical tips from A to Pay on how to assess potential clients, draft your representation agreement, stay on top of receipt of payments, and know when and how to turn the matter over to collections.

Time: 8:30 to 10:00 a.m.

Cost: \$20 RCBA members; \$30 non-members

Credit: 1.5 standard credits

April 28 | Family Law Section: Supervised Visitation and Co-Parenting Skill Building

Presenter: Alysha Price | The Price Dynamic

Insider look at The Price Dynamic, a single & co-parenting coaching and consulting firm that offers supervised visitation and monitored exchange for court ordered families. Speaker Alysha Price will share the ins and outs of supervised visitation during the pandemic as well as her unique approach to co-parenting coaching and education. This session is sure to ignite thoughts about systems change and the power of collective impact.

Sponsored by Soberlink

The Future of the Bar Exam: Q&A with Associate Professor Leanne Fuith

What are some of the concerns that have been raised about the bar exam?

The effectiveness of the bar exam in measuring attorney competence to practice law has long been the source of concern. In daily practice, attorneys need the knowledge, skills, and ability to understand their clients' issues, consult relevant law, and assist clients and other parties in solving problems. The format of the bar exam does not fully reflect the realities of practice.

Critics have also raised concerns that the bar exam has served to gatekeep who can become a lawyer and that it works to exclude individuals along race, class, and gender lines. This is of particular concern in a profession that desperately needs to become more diverse and inclusive to ensure access to justice for our clients. The significant amounts of debt that law students incur while attending law school is also a major hurdle. For many, passing the bar exam is not just a requirement to fulfilling their dream to become a lawyer. It is also a requirement for their financial survival.

Most would agree that we need some type of assessment of new lawyers to protect the public and ensure the integrity of the legal profession. In fact, the American public still overwhelmingly supports the requirement that law school graduates pass a bar examination before being allowed to practice law.ⁱ The question is what should we evaluate for and how can we do it in a way that is both accurate and

rigorous and accessible and inclusive? It is imperative that we find a better way of assessing attorney competence.

Changes to the bar exam were announced earlier this year. What were those about and will they solve the problem?

In January 2018, the National Conference of Bar Examiners convened a task force to evaluate whether the bar exam continues to test the knowledge, skills, and abilities required of lawyers in a rapidly changing legal profession. Earlier this year, after three years of study, the Board of Trustees of the National Conference of Bar Examiners approved the NCBE Testing Task Force's recommendations for building a better bar exam.ⁱⁱ

The NCBE has estimated that the changes proposed by the Testing Task Force will take 4-5 years to implement. The changes are expected to include, among other things, drafting new exam questions that test both knowledge and skills in an integrated way, ensuring examination accessibility for all candidates including those with disabilities, analyzing and reviewing the exam format to ensure fairness for candidates of diverse backgrounds, and studying options for administering the exam in-person and online.ⁱⁱⁱ

Continued on page 10

The NCBE's proposed changes to the bar exam are a good place to start the discussion but the concerns about the bar exam are complicated and run deep. Change that will make a real difference will likely require much more.

How have states handled administering the bar exam during the COVID-19 pandemic?

The past year has been challenging in so many ways and the impact of the pandemic on our new law graduates seeking to sit for the bar exam has been absolutely crushing. Amidst a global health crisis that has forced us into our homes, isolated us from our communities, and caused us to daily confront increasing health risks for ourselves and our families, our new law graduates have also had to navigate preparing for the bar exam before they can enter the legal profession.

States have handled administering the bar exam differently and that has been challenging as well. States like Minnesota have administered the exam in-person taking as many precautions as possible to protect examinees. Other states have attempted to administer the bar exam online with mixed success and others have scheduled, rescheduled, deferred, or cancelled the bar exam. Change and uncertainty has been

the only constant.

Notes:

ⁱwww.ncbex.org/news/national-survey-bar-exam/ In a recent survey, 60% of Americans supported a supervised in-person bar exam with masks, social distancing, and compliance with all other local health guidelines during the COVID-19 pandemic.

ⁱⁱwww.ncbex.org/news/ncbe-bot-vote-approves-ttf-recommendations/

ⁱⁱⁱ www.ncbex.org/news/ncbe-bot-vote-approves-ttf-recommendations/

Leanne Fuith is an Associate Professor at Mitchell Hamline School of Law and the Dean of the Career of Professional Development. She is also co-chair of the RCBA CLE Oversight Committee.

**Don't miss our upcoming CLE on
"The Future of the Bar Exam" on April 13.**

Details on page 8.



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During 26 years on the bench, Judge Gearin presided over a wide range of civil cases, from family law to complex commercial matters, and gained a reputation for her integrity, decisiveness and sensitivity. As Chief Judge of her district, she frequently dealt with sensitive cases, including the Coleman-Franken Senate recount and the longest government shutdown in U.S. history. She is available as a mediator, arbitrator, special master and discovery referee in cases involving **business/commercial, employment, family law, governmental/public agency, insurance, personal injury/torts, professional liability and real property** matters.

The JAMS Minneapolis panel also includes:

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