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Official Publication of the Hennepin County Bar Association

HENNEPIN LAWYER

A portrait of Esteban Rivera, a man with short dark hair, smiling and sitting on a grey armchair. He is wearing a dark blue suit, a white shirt, and a pink tie. The background is a wall with a repeating geometric pattern.

**Esteban
Rivera**

2020-2021 HCBA
PRESIDENT

We're going **VIRTUAL** this year!



The Fund for Legal Aid and the
Hennepin County Bar Association
invite you to the

2020 Virtual Law Day Celebration:

Coming Together to Advance Equal Justice

Thursday, September 17, 2020
6:30 p.m. - 7:00 p.m.

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HENNEPIN LAWYER

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New Lawyer...ing During COVID-19



By way of definition, the HCBA defines a new lawyer as “a lawyer who has been admitted to practice before the Minnesota Supreme Court within the past six years, or is 36 years of age or younger.” However, I think it is fair to say that over the past few months many lawyers have likely felt like new lawyers or that they have had to face new challenges to how they practice law.

It has always perplexed me a tad that we call it “practicing law.” However, of the countless things I have learned over the past few months, two of the main conclusions I have reached are: (1) “practicing law” is absolutely the best possible phrase for what lawyers try to do and (2) in many ways we are all always going to be new lawyers.

As new lawyers, for better or for the most part worse, you have to just try new ways of doing your job. You do not know any better but you know you have a job to get done. So we do the best we can. We look up at successful more experienced attorneys and try to conduct ourselves as we see these attorneys practicing.

When I think of the lawyers, who in my own definition are the best and are the ones I look up to, they all view their profession as a practice. These lawyers are flexible, they try new ways of practicing law while at the same time maintaining the tried and true that helped them create their successful practice.

I have been excited and amazed at how lawyers have responded to COVID-19 and how lawyers have made the necessary adjustments to continue successfully practicing law. Lawyers, new and “seasoned,” alike have used video calling platforms to connect with clients. They have made adjustments to make technology work to their advantage. And they have focused on the future.

While none of us can know how long the current challenges will stay a part of our daily lives, or what future struggles we might face, I believe that lawyers can successfully meet the challenges by being willing to adjust to the times and try to be their best. We must always make sure we provide clients with solid representation and adhere to the obligations of our profession.

At the same time I think we should also continue to try new ways to practice law and provide for our clients.

As “New Lawyers” facing new and unexpected challenges to practicing law I recommend we keep in mind the words of Franklin D. Roosevelt when he said, “Take a method and try it. If it fails, admit it frankly, and try another. But by all means, try something.” If you have yet to try a video call with a client, try it and see if it works for you and the client. If it does, great! If not, that is fine too. Try other new ways to adjust your practice to these times.

And as a new lawyer myself, I know one of the best parts of being new and in the HCBA is that other lawyers love to assist newbies. So if you are unsure of how to use a new platform or what adjustments you can make, reach out to another lawyer. Tell them you are new and I am sure they will be more than happy to help.



**Nick
Ryan**

September/October
Issue Editor

nmr@ethicsmaven.com

Nick Ryan is an associate attorney at the Law Office of Eric T. Cooperstein where he represents and consults with lawyers facing legal ethics issues. Ryan also helps applicants to the Minnesota Bar and represents applicants before the Minnesota Board of Law Examiners. Previously, he was a law clerk at the Office of Lawyers Professional Responsibility. Ryan is also the Secretary/Treasurer of the HCBA New Lawyers Section.

2020-2021 HCBA Leadership

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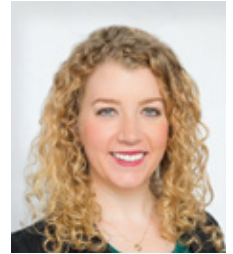
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INTRODUCING
**ESTEBAN
RIVERA**

2020-2021
HCBA PRESIDENT

by Lisa Buck





From growing up in Ecuador to practicing law in Minneapolis, Esteban Rivera has always strived to pay it forward.

This year, Rivera is paying it forward by serving as the 102nd president of the Hennepin County Bar Association. “I’m grateful for the opportunities this country and the Minneapolis legal community offer,” said Rivera, an immigration attorney. “I’m a testament to what’s possible.”

Rivera didn’t always want to be a lawyer. “As a kid, I was curious,” Rivera recalled. “I watched the news and read the newspaper. At family gatherings, the other kids sat at the kids’ table, but I sat with the adults so I could listen to the talk of politics and current events.” He envisioned a career in the Foreign Service and since law is one of the preferred degrees for that work, he enrolled in law school at Pontificia Universidad Católica del Ecuador. In Ecuador, law school is a five-year program in place of college.

“I liked that the law offered different paths—you can go into private practice, be an in-house attorney at a company, work for the government, or be a professor, for example,” he said. After graduation, Rivera practiced intellectual property and corporate law with two Ecuadorian law firms. He is still licensed to practice in Ecuador and travels there a few times each year.

In 2007, family and law school led Rivera to the United States, where he received his JD from Hamline University School of Law in 2010. It was during law school that Rivera first became involved with the Minnesota Hispanic Bar Association (MHBA) as a student representative. When he became an attorney,

he was chosen to represent the MHBA at the HCBA. He continued his active involvement with both associations over the years.

As the new HCBA president, Rivera had to change the direction he had planned for his term. “Some of my initial goals have been sidelined due to issues that are more urgent: the killing of George Floyd and COVID-19,” he said.

He sees the legal community as a voice for racial equity and justice. “The HCBA is in a unique position to educate the public and work on police reform with the state bar association, the affinity bars, the mayor, law enforcement, and the courts,” he noted. Rivera will also collaborate with Twin Cities Diversity in Practice.

Rivera’s other primary focus as president will be helping members adapt to the pandemic and its effect on work and well-being. “With the pandemic comes a new way to practice law,” he said. “There is reduced in-person contact, fewer lunch meetings, fewer happy hours. Social interaction is necessary for wellness and I’d like to see the HCBA educate members and provide ways for people to connect.”

Growing up internationally, Rivera has a unique perspective on work/life balance. “Other cultures tend to view Americans as living to work, instead of working to live,” he said. “The societal pressure to be constantly productive can actually be counterproductive. There is more to life than law.”

Rivera learned about paying it forward from a young age. His parents, both doctors, taught their children that they have a role in making society better. “They said, ‘We gave you the education and opportunity, but it’s on you to take that opportunity and make your life one of purpose.’”

ESTEBAN RIVERA AT A GLANCE

EDUCATION

Hamline University School of Law
Pontificia Universidad Católica Del Ecuador

BAR ADMISSIONS

Minnesota
U.S. District Court, District of Minnesota
Ecuador

EMPLOYMENT

Rivera Law Firm
Managing Partner, 2013-Present

Igbanugo Partners International Law Firm
Associate, 2011-13;
Law Clerk, 2010-11

Hon. Michael J. Roith, Anoka County District Court
Judicial Extern, 2010

Southern Minnesota Regional Legal Services
Summer Law Clerk, 2009

Falconi Puig Abogados, Attorneys at Law
Associate, 2005-07;
Law Clerk 2001-03

Crespo Abogados, Attorneys at Law
Law Clerk, 2003-04

PROFESSIONAL ACTIVITIES

Minnesota Hispanic Bar Association
(2015-16 President)
Hispanic National Bar Association
American Immigration Lawyers Association

COMMUNITY

Coach, Mitchell Hamline Uvaldo Herrera
National Moot Court Competition

HONORS

Rising Star by Super Lawyers,
2018-2020



When he's not working in the office, volunteering with Volunteer Lawyers Network, coaching a Mitchell Hamline moot court competition team, or mentoring law students, Rivera likes to spend time with friends, whether it's boating on the lake or having a night out at a comedy club.

"Minneapolis is a great place to live, but it can be hard to develop friendships, because many people are from here and hang out with their high school classmates," he observed. "But if you're friendly and persistent, you'll make amazing friendships."

To relax, Rivera exercises, does yoga, or listens to a wide variety of music (his favorite band is U2). In fact, if he weren't a lawyer, he might be a DJ.

He also likes to travel. "My goal is to visit 100 countries and the 50 states in my lifetime." His tally so far is 53 countries and 29 states. His favorite country to visit is Italy, where he studied abroad. In addition to his native Spanish, Rivera is fluent in English and Italian.

Although Rivera doesn't have much time to read for pleasure—"I read a lot for work, since immigration law is constantly

changing"—he enjoys learning about finance and entrepreneurship and is currently reading *Becoming Steve Jobs*. As an owner of a law firm and a real estate business, Rivera himself is an entrepreneur.

Rivera founded Rivera Law Firm LLC in 2013. He practices immigration law including employment, investment, and family-based immigration cases as well as removal defense and international law with a focus in South America. He enjoys the variety his career provides. "Every day is different," he said. "I could be at the office, in court, or traveling — it's never boring and each case requires different skills."

The most rewarding part of his practice? "Helping people," he said. "I can change a person's life with my work—I can help someone stay in this country legally or help a foreign entrepreneur generate jobs for U.S. employees. What I do has a real impact."

And that is paying it forward.



Esteban's goal is to visit 100 countries and the 50 states in his lifetime.

CURRENT TOTAL
53 COUNTRIES
29 STATES



Esteban listens to a wide variety of music (his favorite band is U2). In fact, if he weren't a lawyer, he might be a DJ.



**Lisa
Buck**

buck.lisamarie@gmail.com

Ms. Buck practiced corporate law in Minneapolis and was an adjunct professor at William Mitchell College of Law. She contributes to the *Hennepin Lawyer* and serves on the board of the Hennepin County Law Library. She is also a coach of a local high school speech team.



New Lawyers Spotlight: Working From Home



Jake Levine
Fredrikson & Byron

What have been some unexpected, positive outcomes that have come from working from home?

Working from home has definitely presented unique challenges, but I've loved being able to spend more time with my family, exercise at home, and cook a whole lot more. Finding a balance with work and home life has been more difficult now that my bed is 15 feet away from my office, but I've made a point to exercise daily, cook new recipes (usually vegan) a few nights a week, and go for lots of walks in parks around town.

What's the most creative way you've connected with clients or colleagues while working from home?

The amount of "down time" without engagements has surprisingly been a silver lining during this time, and it's not lost on me how lucky I am to be able to continue working during the pandemic. I try to stay connected to my colleagues and clients. I've decided one of the best things to do to that end is just pick up the phone and chat. In some respects, things are moving at a glacial pace, but the daily developments rock the worlds of so many individuals and businesses that it's good to connect often and authentically.



Dani Peden
Brandt Defense

What have been some unexpected, positive outcomes that have come from working from home?

Spending quality time with my husband. We are both very busy individuals and realized how little time we actually spent together when we were able to see each other for hours at a time and share lunch together. He has since returned to work, so another unexpected, positive consequence has been my elevation to the favorite dog-parent. Our puppy Piper now prefers me to my husband and I thoroughly enjoy my new status.

What adjustments have you made to your work-life balance as a result of working from home?

I find that I have a much more difficult time "checking out" and not working now that I am working from home. I end up bringing my laptop to the couch while watching a movie and continuing to work. I am trying to make a conscious effort to differentiate my work hours and my home hours for the sake of my husband and mental health. I do enjoy being able to sleep in longer though and avoid long commutes to hearings outside of the cities.

Allyson Kerr

Tuft, Lach, Jerabek & O'Connell, PLLC



What adjustments have you made to your work-life balance as a result of working from home?

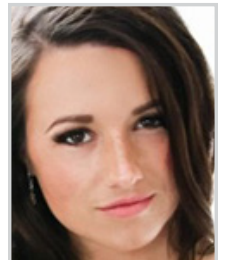
I find that it is important to be more intentional about my work schedule. While working from home it is easy to feel the need to be "on" and working all of the time, including well beyond regular working hours. I have tried to get in the habit of actually taking a lunch break, physically putting away my computer at the end of the work day, and turning off work notifications on my phone at the end of the day. For me, this helps distinguish clear work hours.

Have you picked up any new hobbies or habits working from home?

I have always loved cooking and baking. While working from home and not being able to go to restaurants, I have tried to take time each week to try and make a new recipe. It's been a fun activity to look forward to, with many successes and a few failures.

Nicole A. Lemon

Law Clerk – Hennepin County



What have been some unexpected, positive outcomes that have come from working from home?

Most of Hennepin County judges and their chambered staff has made exceptional progress in using technology to continue working from home. However, most of us on the criminal felony blocks are back in the government center handling new cases and the backlog of cases from the Stay in Place Order.

What adjustments have you made to your work-life balance as a result of working from home?

While working from home I have utilized my time much more efficiently. I woke up at 5:00 am, worked for a few hours before my toddler woke up for the day, took a break and brought him to grandma's to play, came back home to write several pending evidentiary hearing orders, and then would be done with an 8 hour day around 1:30 pm. Since I had about 3 hours before child pick-up, I was able to go for a run or ride my horse and take care of any tasks I had been putting off pre-pandemic. I had a list of extraneous projects and phone calls to make and accomplished 1-2 each day. This gave me a splendid opportunity to work on my mental and physical health which was otherwise eaten up by transportation into work.

MEET NICOLE KETTWICK

2020-2021
HCBA SECRETARY

The HCBA welcomes Nicole Kettwick to membership on its executive committee for the 2020-21 bar year. Kettwick joins the officer ranks as secretary, beginning a five-year leadership track that will have her serve as president for the 2023-24 bar year. Kettwick is a graduate of the University of St. Thomas School of Law. She is a partner at Brandt Criminal Defense.



Why did you become a lawyer?

Like so many lawyers, I became a lawyer so I could help others. I grew up with some big advantages, one of which was my dad was a lawyer. When I was young, he practiced in criminal defense and I always admired how hard he worked to stand up for an individual. I saw the challenges and great reward he experienced and wanted to do something similar. I was fortunate enough to meet some of his clients who told me about the impact my dad had on their lives. One even told me my dad saved his life. I cannot think of a more rewarding and impactful career. I am proud to say I have had clients tell me the same thing.

"This is a hard time in our world for many reasons. I am excited to be involved in an organization that will have a voice and an opportunity to make a difference going forward."

What is your favorite part about your job?

My absolute favorite part of my job is getting a hug from someone I helped through a tough time in life. But a very close second is trial work, cross examination, and winning in any fashion whether a trial or motion practice.

How did you get involved with the bar association?

I went to a New Lawyers Section meeting because I forgot a lunch and saw there was free pizza. I went back to a few more meetings and saw the impact the section had on the HCBA and made great friends along the way. I realized how valuable the connections I made were and continued to participate and stay involved. It has helped my career in too many ways to list.

What are you most excited about with joining the HCBA leadership track?

This is a hard time in our world for many reasons. I am excited to be involved in an organization that will have a voice and an opportunity to make a difference going forward. As legal professionals we have an obligation to make our community a better place and we have some work to do. I think people are eager for thoughtful leadership and open to change and I am excited to be a part of it. I also am comforted knowing I am surrounded by other wonderful, thoughtful, and caring lawyers.

You've been chair of the New Lawyers Section and the co-chair of the Criminal Law Section, what advice do you have for new lawyers looking to find their place in the HCBA?

Say yes.

It can open so many doors for you in the future. Invest the time in doing some extras now.

Do not be afraid to "admit" you are a new lawyer.

The Twin Cities has a wonderful legal community full of people who will want to help you learn.

Get involved and stay involved.

Sometimes a connection can lead to exponential effects for you: referrals, friends, or even a new career. If you put in the time, it will be worth it. Just know it is a long-term investment into yourself and your career.

What's been the highlight of working from home during the pandemic?

Despite some challenges, the highlight of working from home has meant more time with my family. I am home for dinner every night and am enjoying the extra time with my three young kids.



The
Kettwick
Family



New Lawyers Section Report

A Look Back at 2019-2020 and a Look Ahead

By Roxanne N. Thorelli and Daniel S. Willing

H CBA membership is in decline and it has been for years. In fact, membership is down at all voluntary local, state, and national bar associations. There are as many theories for this decline as there are objections to a 50 page long request for discovery, but the most proximate cause for membership decline is easy to identify: new lawyers today are simply not joining bar associations in sufficient numbers to replace the normal attrition of members through retirement or cancellation.

Much ink has been spilled addressing this trend nationally, but not much had been done locally. So early in the 2019 bar year, then-president Jeff Baill asked the HCBA New Lawyer Section to create the New Lawyer Engagement Task Force to explore the issue of declining HCBA new lawyer membership with new lawyers themselves.

It is the Task Force's hope that the report and the recommendations will increase awareness of issues specific to the HCBA's new lawyer members, and our sincere belief that adoption of the report's proposals will meaningfully improve the HCBA's value proposition to new lawyers, leading to a significant increase in HCBA new lawyer membership. The entire report is available at: www.mnbar.org/HCBA-NLS.

We hope you find the report an enlightening look at the complex issue of new lawyer bar association membership.

In addition to the work of the task force, the NLS provided programming in a variety of areas, contributing to one of its most engaging and productive years in its history. The section hosted several CLEs and social events with strong attendance throughout, though events were not just the usual fare. Sure, you could still grab a drink after work at one of our pop-up socials, but the Section also embraced the Minnesota Supreme Court's Call to Action regarding attorney wellness and worked to create new events beyond the traditional "drinks at a bar" gatherings. This past year, NLS hosted an Escape Room event, continued its popular "net-workout" series, and worked with Lawyers Concerned for Lawyers to host a wellness CLE. The section continues to strengthen ties with local law schools and improve connections with law students through our outstanding membership engagement efforts. NLS also arranged an in-person training so that board members, as well as all other interested new lawyer attendees, can serve their community by volunteering with Wills for Heroes.

The rise of COVID-19 derailed many of the plans we made for the spring, but we adapted quickly. NLS hosted a timely remote-only CLE that addressed recent changes to student loans and repayment related to COVID-19, and also hosted a well-received virtual trivia event.

However, arguably the most important work done by NLS this spring was not related to a planned event at all. On April 22, 2020 the Minnesota State Supreme Court established a public comment period for the

"We believe networking will be one of the most effective ways to successfully secure employment in the current job market and we stand ready to help new lawyers in this regard."

petition filed by the Minnesota State Board of Law Examiners that sought changes to the timing of the July 2020 Bar Exam and certain amendments to the Student Practice Rules. In response, the NLS drafted and filed its first-ever comment, urging the Court to consider cancelling the July 2020 Bar Exam due to the unavoidable dangers presented by COVID-19, move toward administering an online-only Bar Exam in September 2020, and expand the amendments proposed by the Minnesota State Board of Law Examiners to be more inclusive. Submitting the section's first-ever comment on behalf of all HCBA new lawyers to the Minnesota legal community would have been enough of an achievement by itself, but our efforts were further rewarded when NLS was specifically named in the Court's Administrative Order as having identified issues that required further review and study.

Plans for the 2020-21 Bar Year

As law firms and companies throughout Minnesota transition to remote work due to the ongoing COVID-19 pandemic, and with no end in sight, everyone has had to adjust and learn to work differently. Though our new virtual lifestyle is still in its infancy, NLS has found an opportunity to connect its members in a new way: Zoom. As mentioned earlier, NLS has begun hosting events during the pandemic virtually with great success. Although there was initial concern that virtual events would struggle to draw significant attendance, to this point, we have found the opposite. For whatever reason, many members are finding it easier to make time to attend virtual events than in-person ones, and we believe it is more important now than ever to provide opportunities for social interaction for HCBA members during this time of isolation due to COVID-19.

In addition to the social aspect, the NLS believes that challenges presented by COVID-19 highlight the importance of bar membership from a networking and career perspective as well. With social distancing and no in-person networking, there are few opportunities for new lawyers to connect with more experienced attorneys organically for advice, networking, and

possible employment. New lawyers need these opportunities to develop and grow and NLS is here to provide them. Furthermore, many new lawyers are likely feeling particularly anxious about job prospects at this time, as many firms have scaled back new graduate hiring due to the financial impact of COVID-19. We believe networking will be one of the most effective ways to successfully secure employment in the current job market and we stand ready to help new lawyers in this regard.

It is for these reasons that NLS events for the upcoming 2020-2021 bar year will focus on fostering connections between law students, recent graduates, and the greater Hennepin County legal community with emphasis on building social and networking connections in our post-COVID-19 reality. We anticipate that most events will be virtual, but where possible, we hope to have some limited in-person events as conditions allow. The NLS Board is hard at work planning this year's slate of events right now, but here is a sneak peek at some of the events we are working on:

- One or more networking and job search event/s for recent graduates and rising 3Ls to connect and assist them in entering the job market during this challenging time.
- The return of our popular net-workout series, with events in the fall and spring. These unique events allow members to try small-group fitness classes with some of the top gyms and studios in Minneapolis, and afterwards, while you catch your breath, take the opportunity to chat and network with other members over some healthy snacks. Possible options this year include a group workout studio and a calming guided yoga session.
- We are pleased to announce we will be having a Murder Mystery dinner party—an NLS first. Keep an eye out for clues. There will be more details to come.
- Several pop-up happy hours, both in downtown Minneapolis, and in the suburbs.

The 2020-2021 bar year is shaping up to be an interesting one that will surely bring challenges for new lawyers, and NLS would like to invite

all lawyers who have been admitted to the bar in the last six years who live or practice in Hennepin County, or are interested in doing so, to become involved. Attend an event, come to a board meeting, join a committee—with virtual meetings, it is easier than ever! Not sure where to get started? Email Abby Ward—award@mnbars.org

On behalf of the entire HCBA NLS Board, thank you and be well.



Roxanne N. Thorelli

Current HCBA NLS
Director of Membership
Engagement (2018-21)

Thore145@umn.edu

Ms. Thorelli is an attorney at Fredrikson & Byron. She advises clients regarding mergers and acquisitions, debt and equity financing, and general corporate matters. Her childhood dream was to become an attorney and she has fulfilled that through her years of legal practice. She also has been an officer of the HCBA New Lawyers Section for three years and enjoys being involved in the legal community.



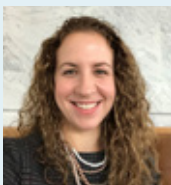
Daniel S. Willing

Past Chair of the
HCBA NLS (2019-20)

Daniel.willing@rbc.com

Daniel is an associate vice president and senior internal wealth strategist with RBC Wealth Management in Minneapolis where he serves as a resource to assist financial advisors, and their private wealth clients, develop sophisticated wealth management strategies related to estate planning, business succession, tax efficient wealth transfer, and asset protection. Willing earned his law degree from the University of Oregon School of Law.

Stephanie Willing was the chair of the NLS during the 2018-19 bar year. Stephanie is currently an Employment Attorney at Ecolab.



Tanner Moe was the chair of the NLS during the 2015-16 bar year. He is currently a partner at McEllistrem, Fargione, Rorvig, Eken & Moe, where his practice focuses on representing clients and their families affected by personal injuries.



Nicole Kettwick was the chair of the NLS during the 2014-15 bar year. Nicole is currently a partner at Brandt Criminal Defense, where her practice is comprised of representing clients facing a variety of criminal charges. She is also the current HCBA secretary.



Jennifer Olson was the chair of the NLS during the 2013-14 bar year. Jennifer is currently a Partner at Best and Flanagan, where her practice involves representing clients in complex commercial litigation.



Laurie Young was the chair of the NLS during the 2009-11 bar years. Laurie is currently a Senior IP Counsel & Data Privacy Officer at Katun Corporation.



Jonathon Nelson, the author of this article, is the vice-chair of the NLS in this 2020-21 bar year. Jonathon is currently an associate attorney in the Commercial Transactions and Litigation Department of Gurstel Law Firm, where his practice mainly involves creating practical solutions for commercial creditors.



New Lawyers Leadership and Career Journeys

Reflections and Wisdom from Past Section Chairs

By Jonathon Nelson

At what point in your career did you get involved with the HCBA New Lawyers Section (NLS)?

Tanner: The spring of 2013, a few months after becoming licensed and just before the end of the bar year.

Nicole: I joined the HCBA and NLS in 2010 after passing the bar exam.

Laurie: As a first year associate in 2007.

Jennifer: I joined the NLS in 2010, when I was a first year associate.

Stephanie: I joined the NLS in early 2013 – it was my first year as a new lawyer and my first year in Minnesota, so I was trying out various bar groups to see which one was the best fit.

Why did you decide to join the NLS and then pursue the position of Chair?

Tanner: I joined so that I could connect with other young lawyers and grow my network. I figured that other new, like-minded lawyers were my best bet to form real, solid relationships. I was fortunate to serve as secretary the very next bar year and start my track to chair, with the mindset that being a leader in one or two groups is better than being a passive member in six or seven.

Nicole: I was a first year associate so NLS seemed like an obvious section choice. It took going to a few meetings before I began to appreciate NLS but I quickly discovered it was a great support system and was making a difference in the legal community. Other lawyers drew me in and pulled me up, and I wanted to pay it forward.

Laurie: I joined the NLS to meet other new attorneys; I was the youngest attorney by at least 25 years in the firm and I have always had the drive to “lead” and “join.” I joined the organization and I saw they needed assistance, so I helped out as secretary and moved my way up. I was with a group of other attorneys I enjoyed spending time with and I saw the value in the HCBA to make connections and to learn from others who were not intellectual property attorneys.

Jennifer: I went to an out-of-state law school, and I joined the NLS to meet people in the Minneapolis legal community. The people I met through the NLS made me want to stay involved and eventually become chair.

Stephanie: The HCBA NLS stood out to me because it was a group of people that regularly showed up to events and genuinely seemed to like each other. It was a group I could see myself being a part of and where I eventually made friends and connections to the Minnesota legal community. The HCBA and NLS supported me early in my legal career, so I wanted to stay in leadership to provide that same atmosphere for other new lawyers.

Did your involvement in the HCBA NLS help you in your journey?

Tanner: I was a third year associate when I took the helm at the NLS. I can't say that the NLS helped me get to that point, but I can say that it aided in me eventually becoming partner because I was able to grow my network and gain referrals which made me valuable at my firm.

Nicole: I was an associate attorney at my law firm, Brandt Criminal Defense, and my involvement with the HCBA directly connected me to this job through a CLE. The NLS gave me a resume boost on its face, but it also provided other speaking and writing opportunities and helped me make meaningful connections in the legal community; with judges, mentors, colleagues I could lean on, and close friendships that I cherish to this day.

Laurie: I was an associate at a small intellectual property firm in Minneapolis and then midway through my term I went inhouse to my current company. My involvement as a leader with the HCBA NLS, and then on the board of the HCBA, gave me the confidence to speak up with more experienced professionals and advocate for my position or express my thoughts on a topic. It also gave me the confidence to take on new challenges which have advanced me in my career.

Jennifer: I was a mid-level associate when I became chair. My involvement in the NLS helped me develop and gain confidence in my leadership and public speaking skills.

Stephanie: I was an associate when I became chair. Many firms, mine at the time included, appreciated lawyers who take leadership roles in bar associations because it shows that they have the initiative to take out outside networking and the ability to balance it with legal work, which are useful skills for attorneys who are looking to make partner in a firm or take on leadership roles at a company.

Are there any memorable special projects or events from your time in the NLS?

Tanner: There was a lot of work done to address student loan issues, such as creating a task force. The NLS happy hours were my favorite times with the group. I was able to form some great friendships that I still have today.

Nicole: I did a project on student loan debt that involved creating a member-wide survey, interviewing members, creating a video about student loan debt, and presenting it at the HCBA annual meeting; I believe the video is still available on YouTube. I also worked with Tom Nelson (former HCBA President) to put on many events between the vintage lawyers and new lawyers which created rich, meaningful connections. I am very proud of the work we all did on student loan debt, and I was proud to present it to the HCBA membership. Some of my best memories are from an ABA trip to New Orleans as the HCBA NLS where I made some of my best friends to this day.

Laurie: I remember Jayne Sykora did a lot of work to put together social events for the NLS and really make large events for everyone to attend. We would go to St. Paul Saints games every summer and they were always a lot of fun; tailgating before, then enjoying the game, or just socializing during the game.

Jennifer: Tom Nelson and I worked together to introduce a series of pop-up speaking events co-hosted by the new lawyers and vintage lawyers. The events were a great way for new lawyers to develop relationships with more experienced lawyers they might not have had a chance to meet otherwise. I really enjoyed hearing all of the vintage lawyers' war stories at the events.

Stephanie: My focus was on bringing in speakers to make the monthly meetings interesting and informative. My time as social chair was the most fun because I had the freedom to plan new and different events, like pop-up socials and combined events with the Solo/Small Section of the HCBA.

Looking back, do you have any advice for yourself as a new lawyer?

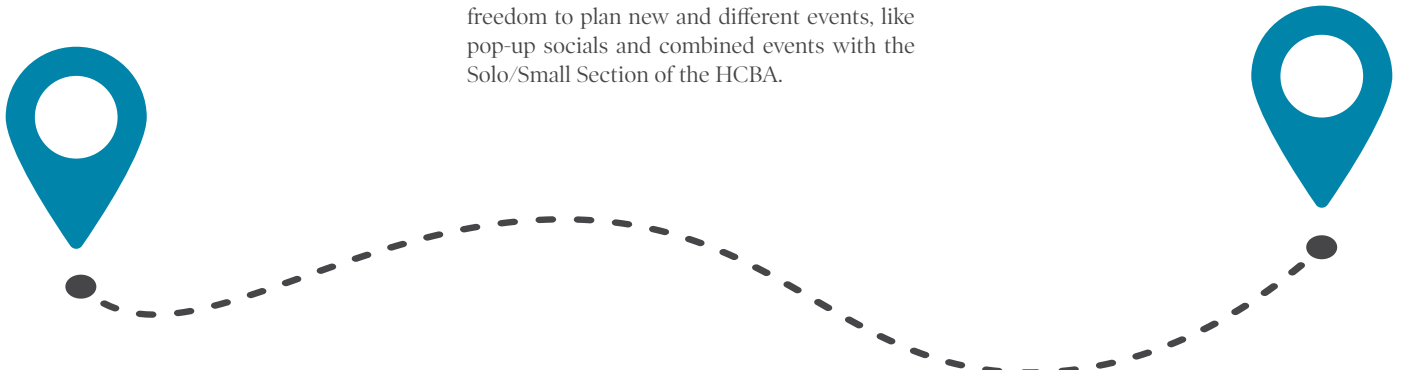
Tanner: Define your goal (e.g., make partner, try "x" number of cases, work at this fancy firm or another) and work backwards from there to chart your path to success. For me, my goal was to make partner at my firm, which meant I needed to generate clients and provide good work product on partner-issued cases. In order to generate clients, I needed to grow my network, which meant I needed to meet tons of people, which meant I needed to join groups and get my name out there, which led me to joining the NLS.

Nicole: Say yes. Get involved and stay involved. Looking back, I am blown away by all of the connections I made through the NLS. Minnesota has a wonderful legal community and lawyers will bend over backwards to help new lawyers. Don't miss the opportunities that the NLS provides. For me, it led me to so many wonderful things, but probably most important is a fulfilling career with a law firm I truly love being a part of.

Laurie: Do not make your work your life. Find a hobby, or lots of little things, that has nothing to do with the law. This will only help you find enjoyment in your work.

Jennifer: Stay curious about the world around you and ask lots of questions. You never know where the answers may take you.

Stephanie: Take the time to create connections within the legal community, but do it in a way that is true for you. Try different groups, clubs, associations, and find one where you can make genuine connections with people. Those are the connections that will be valuable in the long run.



Minnesota's 2020 Law Graduates

Leaders in Resilience and Compassion

by Jenna Saunders



The COVID-19 outbreak has challenged all lawyers to find new ways to serve clients and solve unprecedented problems. Among the lawyers who joined in this call-to-action are the 2020 graduates of Minnesota's law schools. Without skipping a beat, this group of new lawyers put their advocacy skills to work by building community support programs and fighting for equitable and safe solutions to the problems brought on by the COVID-19 crisis. This article showcases the ways that Minnesota's newest cohort of lawyers embraced their roles as legal leaders during the outset of the pandemic.

Supporting the Law Student Community

Mutual Aid for Students

Student efforts to ensure access to necessities were in the works the moment that Governor Walz announced Minnesota's Stay-at-Home Order in March 2020. With the leadership of 2020 graduate Emily Franco, the University of Minnesota Law School (UMN Law) created a mutual aid group for fellow students. This provided a space for students to offer and ask for assistance in light of the Stay-at-Home Order. For example, students picked up essential items for those without access to private transportation, distributed grocery-store gift cards to those with financial challenges, and phoned those who were sheltering in place alone to check on their well-being.

The law school community's willingness to support each other was paramount to maintaining student wellness. The University of Minnesota reported in 2018 that more than one in six students fear running out of food before they have enough money to purchase more.¹ With the sudden closure of all on-campus activities on March 17, 2020, and Governor Walz's Stay-at-Home Order commencing shortly after, this fear became a reality for many law students who lost their part-time income or access to public transportation. The student community's efforts to support their peers offered a necessary lifeline to these individuals.

Connectedness Kept Law Students Engaged

The connected culture at St. Thomas Law was a shining guidepost for its students as they navigated the COVID-19 crisis. Despite the move to online instruction, student leaders at St. Thomas Law maintained the institution's collaborative ethos by promoting virtual connection opportunities. Through these efforts, students engaged in at-home baking competitions, virtual happy hours with their professors, and legal-themed movie nights. For St. Thomas Law's 3Ls, the students put together a virtual memory board filled with photographs

of the various activities and accomplishments that had occurred during their time as students.

Mitchell Hamline School of Law's students similarly kept colleagues engaged by organizing daily health and wellness activities that promoted connection within and beyond the law student community. For instance, the student body organized a letter-writing campaign to thank first-responders for their work on the front lines of the COVID-19 crisis. These initiatives helped students maintain a connection to Mitchell Hamline and the surrounding communities despite their physical separation.

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While such efforts may appear at first glance to be inconsequential, these actions espouse the relationship-driven and teamwork-oriented qualities of student bodies at Minnesota's law schools. By putting these skills to work, student leaders ensured that the shift to remote-learning did not interrupt collaborative skill-building and, in fact, helped prepare students for future remote-work scenarios.

Supporting the Surrounding Communities

The 2020 law graduates also worked hard to support communities beyond the law schools. One student who made a significant impact on her community was 2020 UMN Law graduate Rebecca Hare, who led a tenant advocacy effort for individuals who were at risk of eviction. Most notably, Hare drafted a letter that tenants were able to adapt for their own use to request leniency from landlords for rent payments, rent increases, and so on.²

The impact of Hare's efforts reverberated much further than she had expected. HomeLine, a nonprofit Minnesota tenant advocacy organization, shared Hare's tenant advocacy letter on its own webpage for tenants across Minnesota to access. Further, after assisting her own living community, Hare's neighbors stepped up to help one another. One neighbor felt empowered to purchase essential living items for those in the community who needed but could not afford them.

The rippling effect of Hare's efforts shows the significant leadership role that even Minnesota's newest lawyers play in their communities. By using our skills to help people maneuver through thorny legal issues, those individuals are then freed to use their own special skill set to give back. As we all continue to move through this murky time, we can take bigger strides knowing that when we use our role as legal leaders to clear the way for someone else, that individual may then be empowered to do the same.

Advocating for Academic Equity

The graduating class at UMN Law also took a strong stance in favor of equity over prestige during the spring of 2020. Beginning in mid-March, several of the nation's top law schools announced pass/fail grading systems based on the multitude of new and unequally distributed challenges that COVID-19 created for students and professors.³ Students at UMN Law quickly jumped into the grading system debate, sharing their opinions regarding the propriety of an alternative grading system with one another and their professors.

On March 18, Michael Pettet and Corey Nevers—two 2020 UMN Law graduates—initiated a petition requesting that UMN Law adopt a pass/fail grading standard. This petition emphasized the fact that maintaining an A-F grading criterion during the spring semester would inherently grade how well students fared during the onset of a global crisis rather

than their academic abilities.⁴ The petition received overwhelming support, with over 300 signatures.

After much deliberation, UMN Law's faculty reached a consensus decision to transition grades for all current courses to a mandatory satisfactory/not satisfactory basis for the spring of 2020. Among the considerations taken into account, faculty at UMN Law acknowledged the concern that nuanced differences in standard grading among professors would more likely stem from factors unrelated to ability or work ethic, "calling into question the accuracy of [the] traditional letter grade system." Furthermore, the faculty recognized that "the impacts of this [pandemic] on students and faculty are endured in fast-moving and disparate ways" and that moving to the satisfactory/not satisfactory grading system recognizes "the significance of this disruption yet ensure[s] that all students move forward in their degree programs and maintain a baseline for a Minnesota Law legal education."

While this decision was controversial at the time, it was made with utmost care and deliberation, thanks to the advocacy of the UMN Law student body. In discussing the decision to initiate a petition to change the grading standard, both Nevers and Pettet acknowledged that the binary grading system would impose inequities among students hoping to improve their GPAs, but this was a much smaller detriment than what would fall upon students who were



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suffering unprecedented challenges in light of the pandemic. In short, students who favored the petition prioritized the mental and physical well-being of the entire student body over maintaining the status quo.

Ensuring a Safe and Timely Entrance to the Minnesota Bar

In addition, 2020 law graduates advocated for contingencies to the July 2020 bar examination. In late March, several jurisdictions postponed their July bar exams due to COVID-19 concerns, which raised the question of whether Minnesota would need to delay its own exam. Applicants to the Minnesota Bar took it upon themselves to offer alternatives in the event that Minnesota's July 2020 examination could not move forward. Students sent several petitions and letters to the Minnesota State Board of Law Examiners (BLE), including various proposals for expanded student practice laws, an online bar examination, or an emergency diploma privilege option, where passage of the bar examination would be replaced with receipt of a law degree from an accredited law school for May 2020 law graduates.

Students advocating for these solutions emphasized the detrimental economic impact that a delay in bar admission would have on May 2020 graduates, many of which will be expected to begin paying off their student loans in November 2020. Advocates also emphasized the increased need for legal assistance that communities are experiencing in light of the COVID-19 crisis.⁵

In response to these concerns, the Minnesota Supreme Court granted a petition by the BLE to update the student practice rules to expand the circumstances under which recent graduates can practice law in Minnesota, provided that such practice is performed under the supervision of a Minnesota licensed lawyer in good standing.⁶ The BLE also offered an additional bar examination date on September 9 and 10, 2020, to ensure adequate social distancing during the examination.

These were welcome changes for Minnesota bar applicants, who were assured that safety protocols would be implemented during the bar examination. However, applicants continued to advocate for alternatives to the exam based on their concern for immunocompromised populations who would be required to risk their health to join the Minnesota bar. These efforts continued up until two weeks before the

administration of the July 2020 bar exam, when the Minnesota Supreme Court denied a petition filed by three 2020 UMN Law grads requesting emergency diploma privilege for applicants registered for the July 2020, September 2020, and February 2021 Minnesota bar examination.⁷

While decisionmakers did not rule in favor of these advocates, the efforts by bar applicants to rethink the 2020 Minnesota Bar Examination were far from fruitless. Over 120 public comments were submitted to the Court in support of diploma privilege. Across these comments was the common message that no cohort of bar applicants has ever faced the challenges that the graduating class of 2020 is facing and simultaneously been asked to risk their health to obtain bar admission. The Minnesota State Bar Association also commented that "many of the arguments advanced in favor of the Petition regarding the importance, efficacy, and potential disparate impact of the bar examination have merit and deserve further consideration."

Thus, the efforts by these students initiated a public conversation about the bar examination in Minnesota that will continue beyond our current circumstances. As the world begins rethinking how we structure society to prepare for future pandemics, Minnesota's legal community is primed to begin rethinking how we ensure that Minnesota bar applicants have an opportunity to demonstrate their competence to practice law in a safe environment. It is quite poignant that the members of Minnesota's legal community who sparked this conversation are also the newest members of that community. Minnesota's most recent law graduates are duly passionate in their desire to enter the legal profession and to ensure every qualified law graduate is afforded that same opportunity.

Ready for Practice

This article highlights only a fraction of the ways that Minnesota's 2020 law school graduates supported their academic and local communities in the wake of COVID-19. These graduates plunged headfirst into their advocacy efforts, with the common good at the forefront in mind of every initiative. As a member of this class of soon-to-be Minnesota lawyers, I look forward to seeing the ways that my fellow graduates use the lessons learned during this time of advocacy, community-building, and crisis to support their new clients, employers, and communities.

Notes

- ¹ Boynton Health, 2018 College Student Health Survey Report, <https://boynton.umn.edu/sites/boynton.umn.edu/files/2018-11/CSHS-2018-UMN-Twin-Cities.pdf>.
- ² Tenant COVID-19 Letter, https://docs.google.com/document/d/1vgvKoEz3hzoGq9VC4ihT_krq6GSqAc7fWW4mq49Zea0/edit?fbclid=IwAR0Y9yRRKkT4v80_6bq8-u8n-Gs5LU9OgH9r2toI_xg07NCg3N3pbc9b314E.
- ³ <https://www.law.com/2020/03/18/law-schools-adopt-pass-fail-grades-as-they-move-online-amid-covid-19/>
- ⁴ https://www.change.org/p/university-of-minnesota-law-students-pass-fail-grading-option-for-university-of-minnesota-law-school-spring-2020-classes?recruiter=517597463&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition&utm_term=petition_dashboard
- ⁵ Letter drafted by UMN Law 2020 Graduate Kati Harris, <https://docs.google.com/document/d/1gvRljv6cYFWHfjXVmuifjSXkjsurSZm7l9V4gTj9uY/edit>; Letter drafted by Mitchell Hamline School of Law 2020 Graduate Hannah Scheidecker, <https://docs.google.com/forms/d/e/1FAIpQLSc9jCt5Spi0gExDPMPrXHL6nLyACYhAQCVuKvGXfcUCUaXeQA/viewform>.
- ⁶ <https://www.ble.mn.gov/wp-content/uploads/2020/06/Administrative-Order-Adopting-Supervised-Practice-Rules-Effective-July-1-2020.pdf>
- ⁷ <https://abovethelaw.com/2020/06/law-school-grads-petition-for-diploma-privilege-state-supreme-court-agrees-to-take-it-up/>



**Jenna
Saunders**

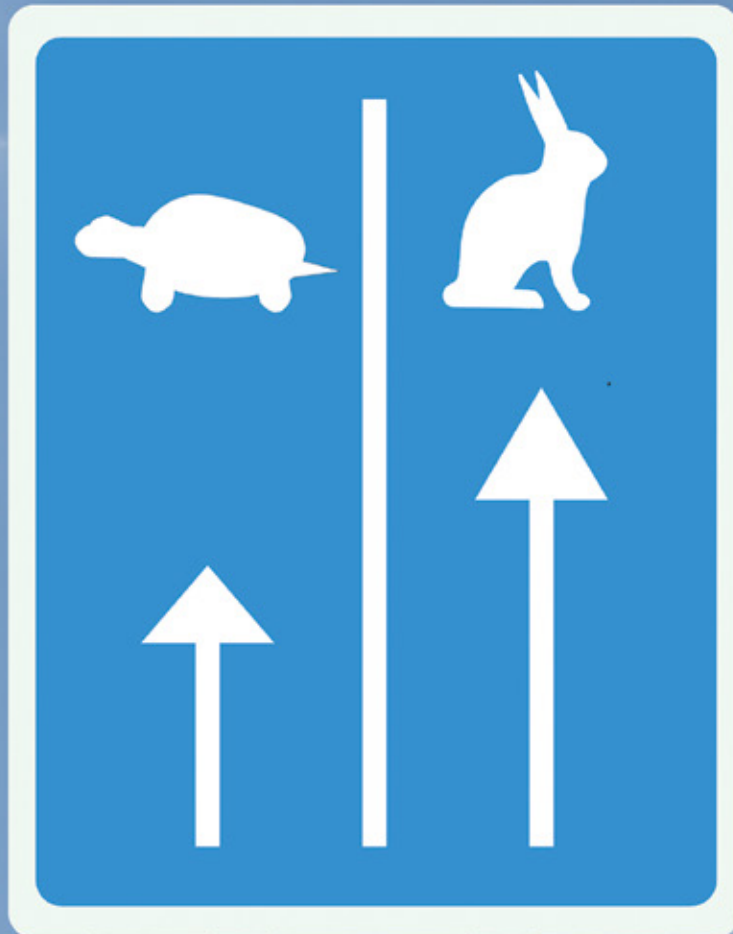
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Jenna Saunders graduated from the University of Minnesota Law School in May 2020, where she focused her studies in intellectual property law and civil litigation. During law school, Saunders was a Note & Comment Editor of the Minnesota Law Review, taught legal writing, and participated in judicial externships with the United States District Court for the District of Minnesota and the Minnesota Court of Appeals. She will be joining Faegre, Drinker, Biddle & Reath LLP as a first-year associate in January 2021.

Meritocracy or Mirrotocracy?

Reexamining Hiring Practices of New Lawyers

By Jessica Timmington Lindstrom



*“The world as we have created it is a process of our thinking.
It cannot be changed without changing our thinking.” – Albert Einstein*

*“Everyone thinks of changing the world, but no one thinks of changing himself.”
– Leo Tolstoy*

In the chaotic stages of the social and political upheaval we face today, I find that quotes from revered individuals of our past are especially relevant in the world as it exists today. Take a moment to ponder Einstein and Tolstoy, individuals who lived well before our time. They were intellectuals who understood the flaws of individuals, who wrote about those flaws, who challenged established behaviors, who directed individuals to reflect on their own actions, and who, ultimately, encouraged their peers to think differently. For in thinking differently and upon reflection of our actions, real change may occur. The fact is that what challenges us today is not so markedly different from what challenged our forebearers. In current times, we are challenged once again to reflect on ourselves and our actions, to take a different approach, seemingly to take a left turn instead of a right turn. As we dig deep to uncover truths about ourselves, we must also do the same within the legal community, an institution with deep-rooted traditions, one that is slow to change and evolve. The time has come, in the here and now, to make meaningful strides in our community by looking within, and evolve with the coming tides of change or risk getting swept up in the debris and mired in outdated and obsolete practices and thinking. As Albert Einstein stated, the world “cannot be changed without changing our thinking.”

I find these words ring especially true for the legal world today. For many years, individuals have spouted that change is coming to the legal world or that the legal world has already changed. But as many lawyers may attest to, change is not altogether swift for those who wish to join our community today and in the future. The global pandemic has forced change upon us, made us uncomfortable, and forced the majority of law firms to pivot from demanding that attorneys remain in their offices to demanding that they remain at home. This pivot has not come without its challenges, but, for the most part, we have seen successful change where we were once convinced it would never work, where we imagined the integrity of the profession would be reduced, and where our stalwart traditions of being the last one to leave the office would mar our ability to judge who was hard at work.

As these success stories continue to be told, it has been made apparent that our previous thoughts no longer hold true and we can no longer stay entrenched in what we previously believed was the “only way.” With ingenuity and technology we have achieved what we were previously told could not be done. The thinking that tradition is too important and change is too hard has been successfully challenged. Given the data before us, why would we not tackle broader issues such as the LSAT and how we, at times, arbitrarily decide on who is selected to join law firms. We need to change our thinking, change ourselves, and pivot with the constant change we face today in a seemingly unrelenting global pandemic to think differently and make better choices for those law students and recent graduates who are the new foundation of the legal community.

The Tortoise and the Hare

The podcast *Revisionist History* by Malcolm Gladwell produced an episode titled “The Tortoise and the Hare.” This podcast is particularly relevant to the discussions we are having today. It challenges the thinking and actions taken related to the LSAT, the Bar Exam, and selection of candidates to join law firms. Importantly, it challenges implicit bias in the legal field, especially in hiring practices, and calls for a change in thinking or, rather, a pivot of the legal field.

While Gladwell attempts to tackle the prevalent issues regarding the LSAT, why, for example, does the test reward those who are the fast test takers when the law and an attorney’s actual application of fact to law is often arduous and slow. I will not take up that issue entirely. Rather I encourage you to listen to what Gladwell has to say, and to challenge your own thinking on standardized testing. Ask yourself, is standardized testing really the most efficient way to weed out those who should not attend law school or is it just “what we do” because it is easier than trying to develop a better way?

Within the podcast, Gladwell attempts to tackle implicit bias and “mirrortocracy.” Mirrortocracy is a term used by Parker Analytics, a company

that assists law firms by placing the right talent in the right law firm.¹ At its core, mirrortocracy embodies the actions taken by a group of individuals or an individual tasked with hiring new talent. The phenomenon of the “mirror” occurs because the individuals tasked to hire new talent are more likely to select an individual who “mirrors” their own success and story rather than select those candidates who may actually be better suited for the position. Studies time and time again have shown that individuals who hire do so based on how alike the person applying is to the person hiring and not, in actuality, the individual who will be most successful at that particular law firm. By hiring someone like yourself, you sustain a closed feedback loop that negatively impacts the growth of a balanced, successful business.

Justice Scalia

Gladwell uses the example of Justice Antonin Scalia and, in particular, his selection of law clerks to demonstrate mirrortocracy in action. In the podcast, we hear Scalia praise his very best law clerk, the one of whom he is “most proud,” who, in fact, did not graduate from a T-14 law school (one of the 14 hardest law schools to gain admittance to) or have a particularly impressive LSAT score. The clerk was hired by a different justice but, in a roundabout way, came to work for Scalia. In fact, Scalia verbally stated that he never would have hired the clerk in the first place.

Why would Scalia never have hired a clerk whom he touted as his very best and the one of whom he was most proud? Because the clerk did not have the credentials that Scalia thought were predictors of talent and brains. What are those credentials that Scalia held so dearly? In a recorded speech included in the podcast, Scalia identifies the most important credential as having graduated from one of the T-14 law schools. He assumed, as do others, that only the “best and brightest” get into T-14 schools. Yet, unbelievably, in the very same breath he states that the schools “may not teach very well but they make a silk purse out of a sow’s ear” and that “if they are very good going in, they will be very good coming out.”

This is truly a statement to ponder given we admit law students to schools by a standardized test, the LSAT, which arguably tests students' ability on how well they take a test and how fast they can do it. We don't admit people to law school based on their grades, personality, background, or work experience. Instead, we admit individuals based on a score that is ultimately determined by the test mentoring they receive. Scalia who graduated from a T-14 school and had a path to success embodied this notion of a mirrortocracy. He selected people to be law clerks who had gone to top schools like he did because he believed they predicted success as an attorney. He thought it a safe choice.

Even though Scalia had the proof before him, that an individual who didn't fit his criteria could actually not only be successful but also be considered the best, he still continued his practice of only hiring clerks from T-14 schools. This entrenchment, of never changing one's thinking on a subject, even with the proof in front of you, is something we must pause to consider. Why, when the legal profession is desperate to attract a new perspective and infuse

new life into the profession, would we continue to entrench ourselves in what does not predict success? Antonin Scalia was perhaps one of the best and brightest of our time, a person trained to think at the highest level, and yet he didn't attempt to break the cycle.

Focusing on Different Facts

When law firms seek to hire graduates, they first seek to attract individuals from a T-14 school, arguably because a T-14 school is a school the firm can market towards clientele and justify billing practices. By solely focusing on the name brand of an elite school, LSAT scores, and sometimes work experience, law firms miss abundant opportunities to hire talented individuals. Research and data have proven multiple times over that the school a person graduates from does not directly correlate to a person's success or effectiveness in the legal profession. In fact, the data shows that where a person goes to school is just a random predictor of whether he or she will be an effective attorney and what success he or she may have. Of course, graduating from a top law school opens

doors and provides opportunities unavailable to graduates of a lower echelon school, but that school is not a predictor of one's ability to perform well, analyze fact patterns, process legal briefs, and apply the law in a meaningful way. I would argue that an individual's dedication, passion, drive, time spent, effort, and receipt of one-on-one mentoring are, in actuality, the predictors of a person's ability to practice law and to practice it well. What if, instead of focusing on the name of the law school a person attended, hiring personnel sought out a different set of facts to determine if the individual is actually a good fit for the firm? What if law firms and judicial officers were barred during the hiring process from knowing the law school the person graduated from? What if? How would this change the face of the legal profession? Would firms be more willing to see past the mirror, to see past the brand, and hire those considered less desirable simply because of where they went to school?

Considering the data, if the law school a person graduates from is just a random predictor and has no correlation on how well a person will actually do in the legal world—then why do large law firms focus much of their search at the T-14 schools?



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What if you challenged this thinking, what if you changed this thinking, and started looking at new talent with a different set of criteria? For example, the data from Parker Analytics reflects and correlates the commonality amongst successful rainmakers in large firms with those who attended night school, who have blue collar backgrounds, who attended lower echelon schools, and those who turned to the legal profession as a second career.

Breaking the Loop

The data and facts are before us, yet the struggle continues wherein we remain entrenched in old hiring practices, thereby continuing the same feedback loop from which we so desperately need to depart. The time is now to challenge one another to start thinking in different ways, to approach hiring in different ways, and to look at new lawyers in a different manner. We need to hire new lawyers based on their knowledge, grades, personality, overall fit with the firm, interests, goals, and ability to work in the legal industry, not primarily based on where they went to school.

We are faced with the fact that we must first change our thinking and change ourselves to halt the feedback loop we remain entrenched in for meaningful action and lasting change to take root. It is our responsibility as legal professionals to act as gatekeepers to this profession, we must protect it, we must nourish it, and, in doing so, we must be nimble and meet change head on. Gladwell argues that as gatekeepers we must select new recruits on the basis of fit and ability, not on their skill at answering 25 questions in 35 minutes, thereby determining their entrance to a law school. The time is now to challenge one another to think deeply about these ideas, to step up to our responsibility, and to dig deeper into these issues. Tradition is important but if we don't bend, flex, and stay nimble, tradition will become obsolete and change will be forced as we have seen firsthand during this global pandemic. Why not meet change head on and embrace it?

¹ Parker Analytics, Evan Parker, founder, works to increase diversity, challenge established thinking, accelerate progress, and eradicate inefficiencies in the legal world.



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Taking the Leap into Solo Practice as a New Attorney

By Cresson Gackle



Solo practice is an adventure. It is the experience of being both the firm and the attorney at the same time. It is a traditional and common enterprise in the law, where many lawyers start and finish careers and how many well-established firms started out. Solo practice is ultimately a practice of self-reliance, patience, and continuous refinement. As a newer, younger attorney, it is a leap into a world of small business, direct client interaction, and the community.

I started a solo law practice in September 2019, to advocate for youth and families in juvenile and family law matters. Before that, I clerked for a state district court judge. I spent about a year developing a business plan, attempting to identify each step necessary for the business to be successful, at least on paper. I had never practiced law on my own before nor with a law firm. After just over 10 months into this adventure, I can report that solo practice is not only possible for a new attorney, it can be immensely fulfilling.

Answer the Question of Why Solo Practice

Before entering solo practice, I asked myself, “Why would I want to be a solo practitioner?” I spoke with several attorneys about their experiences opening up a solo law practice and had many conversations with my mentors about whether solo practice was right for me. As a new attorney, it’s probably a common experience to be told or to feel as though you lack the sufficient knowledge and training to step into the practice of law by yourself. If you are considering solo practice and begin floating the idea among your family, friends, and mentors, expect pushback. I was told flat out it would be a bad idea for me to start a solo practice, that I didn’t have the experience, wherewithal, or grit to survive in it. I was also told *Minnesota-nicely* that it would be a bad idea for me to start a solo practice, that it would be better to find a job with a firm for a few years and gain more experience and mentorship first.

But the first question is not whether it will work or whether it’s risky. There’s no way to know if it will work for you until you’re doing it. And there’s no question as to risk; it’s risky to start your own practice as a new attorney, both financially and for your career. The first question must be: “Why is solo practice right for me?”

For me, it was about proving to myself and others that I could do excellent legal work, that I was committed to the field of law I had chosen, and that I was willing to fight to do exactly the kind of legal work I wanted to do. It was about self-determination, about wanting to build something myself, and about serving the clients to a standard I would set.

Opening a solo practice is about being a business owner first and a lawyer second. It’s about starting, managing, and maintaining the flow of legal work and money. Without that flow, there is no firm and there is no long-term sustainability in solo practice. To that end, I was willing to learn all I could about starting and running a small business. How is each and every process—from finding clients to client intake to managing client

funds—going to actually work in practice? I was fascinated by the prospect of building something from the ground up and immersing myself in the continuous process of refining a business.

Solo practice is also about being able to rely on yourself to get the work done, whether it’s direct, consistent, and prompt communication with clients, problem-solving on emergencies, or completing essential administrative work. It is not writing memo after memo or brief after brief. It’s sitting down with clients, evaluating the facts presented, explaining their options in a way they understand, and finding routes to success, however defined, through the law. It’s a continuous process of problem-solving and engaging with clients about the problems they face. This is also something I knew that I loved and wanted to do every day.

Solo Means You’re on Your Own

At the end of the day, it’s up to you to return the call to the client, follow up with court administration or opposing counsel, make sure deadlines are met, and practice law. It requires direct, clear, and consistent communication with clients from start to finish, on every aspect from signing an engagement letter to understanding options to dealing with outcomes. Every day, I am tasked with evaluating whether a client or potential client’s position is something I can advocate for in the law. Every day, I am tasked with returning calls and emails, giving legal advice, and tracking the financial state of the business. It is a business that begins without the luxuries of firms, whether it’s templates, paralegals, or consultants. (Your consultant may be a lawyer down the hall who knows what to do in a given situation.)

Solo Doesn’t Mean You’re Alone

There is an amazing and supportive community of practitioners in Minnesota who are willing to answer questions and find solutions, including the section forums of the Minnesota State Bar Association. Finding mentors who are willing to speak with you about legal issues, to confirm or reform your legal thinking, is essential to competency and confidence in practice. I call and email mentors to discuss the generalized problems my clients are facing. The issue-spotting abilities and instincts of an experienced practitioner have been an invaluable resource to me as a new attorney. Being out on your own in practice does not and should not mean existing on an island.

Ask around about the actual experience of solo practice and decide if that’s an adventure you want to go on. Whether you’re willing to accept that the practice of law is one slice of the work you’ll be doing on a daily basis will be crucial to deciding whether you want to leap into doing it all on your own. If you’re invigorated rather than drained at the thought of returning phone calls and emails to clients and attorneys, living with your cases to solve your clients’ problems, and building a business every day, solo practice may be right for you.



Take the Leap

Starting a solo practice as a new attorney requires looking before leaping. The leap is a risk; there will be many questions without solid answers until you are actually in practice. It took me over a year to evaluate whether I would actually be a solo practitioner so that should give you some indication of how terrified I was of taking the leap. How would I handle all of these rules on trust accounting? How would I find clients? How would I withdraw from representations that went awry? What would I do when I couldn't find the answer to a client's question? If I didn't make a dime for several months, could I survive? These were questions I had to answer for myself before I started, even if the real answers would only emerge in practice. I developed a business plan and tried to think through every process and answer every question above. There is no guarantee of success, but if you do business planning as carefully as you can at the beginning, you set a foundation for success in practice by avoiding common mistakes.

I knew I would need a net. I reached out to everyone I knew to tell them I was considering starting a solo practice and I started meeting with people. I introduced myself, my interests, and my plans, and followed up with emails and thank-you notes to those gracious enough to speak with me. In doing so, I developed a network of mentors in both solo practice and in the particular areas of law I was planning to practice. I joined the sections of the bar associations and reached out to attorneys. I asked direct questions about how things are actually handled in practice. I asked that they consider me for projects, such as document drafting or review. It has been critical to my competency and confidence in the practice of law to have a network of experienced attorneys to reach out to when I need to be pointed in the right direction.

I ran a budget and ran it again in a worst-case scenario. I calculated how many matters the firm needed to have, how many hours I needed to bill per month, and how many hours I'd have to work for the firm to be able to pay me. Of course, in practice, my estimates of everything were far off, but the process of taking account of the real risk I was taking was essential. I vastly underestimated the time it would take to secure clients through administrative processes, from phone calls to emails to engagement letters, all things that occur before performing billable work. I also had to consider the cost of paying my own health insurance and other essential living expenses. The budget, despite being an impressionistic portrait of reality, gave me an essential idea of what I was getting into: a life of small business in which every dollar counts and every expense must be justified.

Starting the Business

The process of starting a business is relatively simple. Follow the requirements for your chosen business type with the state and federal governments. Claim your social media presence and reserve at least a landing page of a website. Obtain malpractice insurance and study trust accounting. Keep the Lawyer's Professional Responsibility Board's advisory opinion number in your contacts and reach out liberally. Watch on-demand CLEs on trust accounting and review the applicable ethical rules. Tell people you've started, what you do, and how you can help. Be open to every kind of legal work, from document review and drafting to consultations. Every person who is willing to speak with you is a lead on business.

What is challenging is maintaining a sustainable practice. Starting out, I had the idea of an efficient, yet comfortable office in or near downtown Minneapolis. That was a head-in-the-clouds idea that was quickly cleared up by a look at the long-range costs of not only a lease but also parking for myself and my clients. Minimizing overhead costs is essential and avoiding long-term contract commitments is the number one practical piece of advice I received from multiple solo attorneys. The fancy capabilities of the major legal research companies are attractive; but, if you start calculating the cost of those services over the life of a contract, you start feeling your shoulders sink below water. Evaluate the necessity of every cost. To date, I have made use of a virtual office arrangement and that's kept costs well below the expense of a lease. Clients are happy to conduct matters virtually or over the phone, especially now, and meetings in-person can be arranged at courthouses, state law libraries, and hourly conference rooms.

Find your first client. This is the question that kept me up at night for months: how am I even going to get my first client, let alone enough clients to keep the doors open? One key is to start looking before you start the firm. Let people know you're starting a practice, let them know your experience, passion, and expertise, and ask for referrals to start as soon as you open for business. Be willing to take cases at lower rates and know that your initial work is watched closely. Referral sources and clients who feel heard, respected, and well-served by you will be your primary sources of work. When I started out, I had the philosophy of getting as busy as possible as quickly as possible, and so I asked for cases from everyone and volunteered to do pro bono work. Demonstrating you can advocate well and getting into court as quickly as possible are, after the business aspects, the first steps to building a law practice.

What It's Like in the Wide World of Solo Practice

The solo practice of law is about two main things: client communication and diligence.

Client communication is initially about gaining the trust of your clients so they can have confidence in your abilities and your loyalty to them. From there, it's about expectation management, letting them know frankly the prospects of success and failure. Be prepared for clients to overestimate what you can accomplish for them. The ordinary client does not understand the law, the rules lawyers follow, or what is important to a court. I know I deliver a service if I am clear and direct about expectations for the client's relief in light of the law and the court's decisions.

The practice of law is not just about explaining the state of the law or applying the law to the facts, it is about giving advice that is counsel. It is about counseling clients on the impact the litigation will have on them, on those they care about, and on others. As a solo practitioner, I am in the litigation with my clients and I see the intersection of their personal lives

with the pressure of being in court. I assist my clients in solving problems not only through legal arguments but also by helping them see a compromise as an option that can save them time, money, and stress.

Diligence is doing what's required and what's expected promptly and to the best of your ability. It is your responsibility to maintain the ethical practice of law, including careful trust accounting, competent representation, and avoidance of ethical pitfalls. As lawyers, enormous trust is placed in our abilities, particularly when the course and conduct of people's daily lives are at stake. I rely not only on myself but also on what I learn from the community of practitioners, my mentors, and experience. The practice of law is a continuous process of refinement. There is an incessant and unending stream of legal updates, business applications, and client problems. Finding a way to sort through everything promptly, consistently, and competently is the practice of law.

Making It

As attorneys, every time we look up, we see someone higher and think, "I'll have made it when I'm in their spot." As a solo attorney, I feel I'm making it every day. I see good legal work yielding good results and I'm making an impact by building my own business and serving my clients in their time of need. There have been numerous setbacks and mistakes, but it has been an adventure I'm glad to be on. I took the leap. New attorneys should know that despite the challenges, solo practice is an invigorating, satisfying, and worthwhile way to practice law as a new attorney.



Cresston Gackle

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Cresston Gackle is a solo practitioner of juvenile and family law and a part-time public defender of children in child protection and delinquency matters. Before entering solo practice, he was a law clerk in the Fourth Judicial District. Originally from Iowa, Gackle pursued his education at the University of Minnesota as an undergraduate and then as a law student. Pre-COVID-19 pandemic, Gackle was an avid fair and festival goer and he now spends most of his leisure time learning and playing modern board games online.



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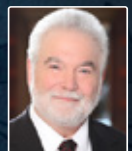
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Making My Way in Minnesota

A New Lawyer on the Move

by Reggie Snell



I began my studies at Mitchell Hamline School of Law in August 2017. Having spent the summer in a prelaw program at Mitchell Hamline, I had begun to develop relationships with my fellow students as well as some of the faculty and staff. The school's diversity and inclusion practices put me at ease, and I felt totally welcome and ready to be successful. These relationships have been my saving grace, helping me to find a home in Minnesota where I had no previous friends or family.

Moving to St. Paul, Minnesota, from Huntsville, Alabama, to attend law school was definitely the biggest and probably the best life decision I've made thus far. However, this move has not come without some serious adjustments. Probably the biggest adjustment I made was adapting to the frigid winters. My first winter in St. Paul I experienced over 65 inches of snow and January nights with average temperatures of 7 degrees. I read somewhere that St. Paul is one of the warmest places in Minnesota. Huntsville, Alabama, has such a different climate where in an average winter we may see 2 inches of snow, which usually melts in a day or two. January nightly temperatures hover around 30 to 40 degrees. My move to Minnesota has caused me to make some serious wardrobe changes.

As an undergraduate student at The University of Alabama in Tuscaloosa ("Roll Tide!"),* school was just 156 miles from my home. I was able to drive home on weekends for visits with parents and grandparents, look up a friend or two, get a couple of home-cooked meals, and get some laundry done. A tank of gas was usually all that was needed to take care of one of these weekends. I'd take off after class on Friday and be home before dark. I am now a little over 1,000 miles from home and travel takes a lot more planning and a much bigger expense. Flying is the only practical way to spend long weekends with my family and only if my workload permits. I treasure these trips more than I thought possible. On a lighter note, it has been a delight to live in a state and in close proximity to a city with a professional football team. Nowhere in Alabama is there a professional football team. In order to attend one of these games, I would have to travel to Nashville, Tennessee, or Atlanta, Georgia. I quickly became a SKOL fan in Minnesota.

Things were running smoothly and before I knew it the 3L period was upon us. My parents had secured an event room in downtown Minneapolis for my graduation dinner, and family and friends were making travel and hotel

accommodations to come celebrate with me. And then COVID-19 made its presence known. In mid-March, in-person classes were cancelled and the remainder of courses resumed remotely. Although some students returned home to their families, I remained in Minnesota to finish my studies. Graduation day was quickly approaching and it became clear that it would be devoid of the traditional pomp and circumstance we had all looked so forward to. Our ceremony was bittersweet as family and friends throughout the country tuned in to a Zoom broadcast on Facebook Live. I had also looked forward to attending other law school graduations throughout the Twin Cities to congratulate other students I had met throughout my journey in law school.

Thankfully, the coronavirus did not prevent me from networking in anticipation of my professional career as an attorney. I was fortunate to build meaningful relationships with attorneys throughout the Twin Cities. Beginning January 1, 2020, I was selected to Larson King's Mentorship Program, which helps develop a law student from a diverse background successfully traverse obstacles in the workforce. The mentorship program created by Larson King helped me develop strong relationships with some of the attorneys at the firm as well as gain insight to the workings and caseloads of a top law firm. Work with these attorneys will help me transition from law school to a successful career as a trial attorney. Despite the impact of the coronavirus, which has frustrated the way we live our

lives, we must push forward to maintain the business of conducting life in accordance with the law.

My generation of incoming lawyers will face unprecedented challenges as we join the workforce as administrators of justice and equality in the era of coronavirus. The process of leaving my family and starting a career in a new state has been made easier by finding like-minded individuals who have uplifted me and assisted my transition into the workforce. I appreciate the connections I've made throughout my time in law school because they made a world of difference. They have made Minnesota feel more like home.

"Roll Tide!" is the rallying cry for the Alabama Crimson Tide.



Reggie Snell

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Reggie Snell is a 2020 graduate of Mitchell Hamline School of Law and former President of Black Law Students' Association. He is from Huntsville, Alabama, where he graduated from the University of Alabama in Huntsville. He enjoys watching basketball, working out, and spending time with his family.

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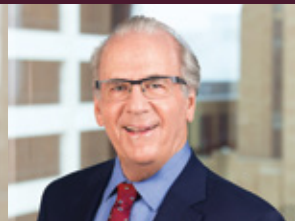
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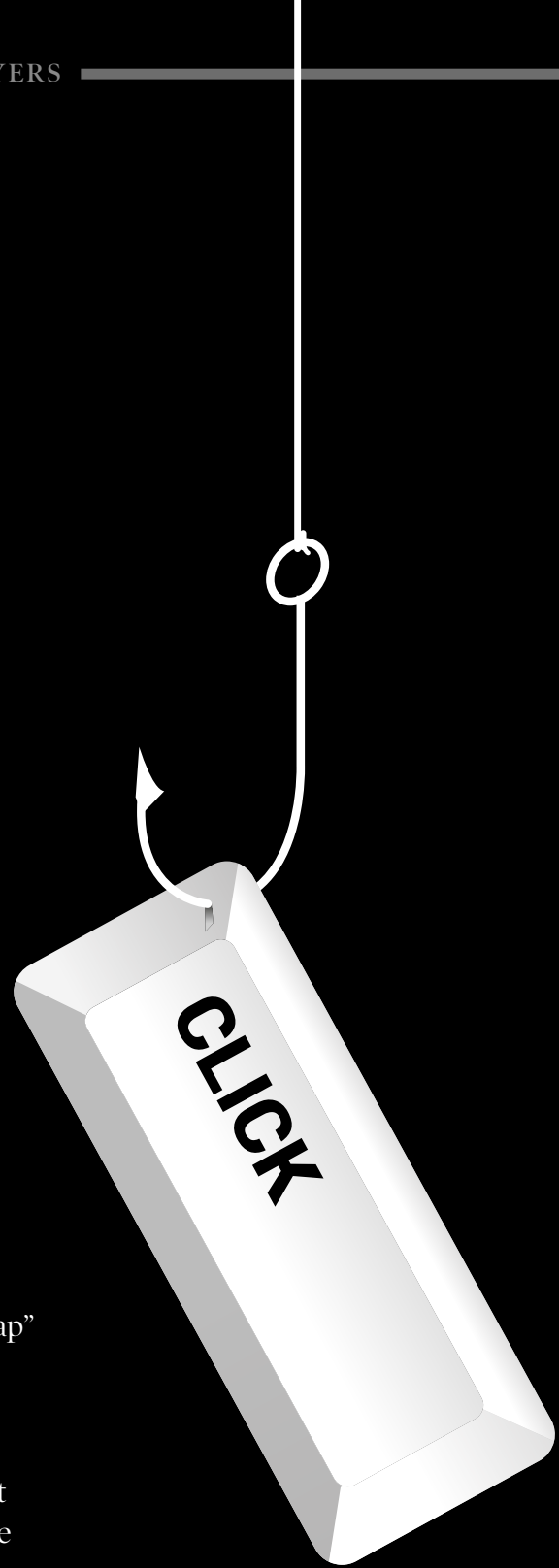
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THESE THREE **CLICKBAIT** **HEADING** **INSIGHTS** COULD CHANGE YOUR LEGAL WRITING FOREVER

By Kyle R. Kroll

Did I get your attention with that title?¹
Are you curious to read more? Sensational or “clickbait” headlines have that effect: they draw interest and prompt a reader to fill the “curiosity gap” left by the headline. Sometimes they use colorful language to heighten the intrigue.²

Instilling the desire to read more is one of the most elusive challenges in legal writing. So that made me wonder: do clickbait headings have a place in legal writing—and, if so, how? Can legal writers learn anything from the success of clickbait headlines in online journalism? My research revealed useful insights applicable to legal writers of all stripes.



This is why clickbait headings have some of the qualities of strong headings in legal writing, but also serious potential downsides.

The key strength of a clickbait heading is that it catches attention and generates interest. An enticing headline leaves out just enough detail to motivate the reader to inquire further. Who could resist this standard clickbait fare:

If You're Serious about Blogging
to Get New Business, Read Me!³

Can You Solve This Ancient Riddle?
90% of People Gave the Wrong Answer.

This Law Student Skipped the Reading,
and You Won't Believe What Happened!

Judges Won't Be Able to Resist Your Arguments
If You Use This Simple Trick.

Do Pineapples Make Great iPhone Cases?⁴

Persons of even modest curiosity would want to channel their inner salesperson, test their wits, satisfy their sadism, learn a new tip, and get a chuckle. Strong headings in legal writing should also include interesting, particularized content that catches the inquisitive eye.

Clickbait headings also have the benefit of being declarative. In this way, they are similar to strong "point headings" in legal writing.⁵ Point headings are full-sentence propositions that advance a premise. Generally speaking, a point heading is better than a pointless heading. Compare:

Article II of the U.S. Constitution
with
Article II Provides No Basis to Override
the Florida Supreme Court's Decision.

What makes the second (point) heading better than the first is that it declares a proposition, which makes the brief in which it is written more focused, readable, interesting, and—ultimately—persuasive. A point heading not only orients a reader to the subject matter but also makes known (and in the best examples *shows*) its relevance.

Declaring a point does not guarantee engagement, however. An analysis of over 100 million headlines revealed that the most engaging clickbait headings contain the following phrases:

Starting Phrases	Linking Phrases	Ending Phrases
"X reasons why"	"will make you"	"the world."
"X things you"	"this is why"	"X years."
"This is what"	"can we guess"	"goes viral."
"This is the"	"only X in"	"to know."
"This is how"	"the reason is"	"X days."
<i>(to name the top five)⁶</i>		

Notice the use of terms such as "this," which are ambiguous without context and thus arouse curiosity. Linking phrases establish a connection

between the subject and the potential impact and importance to the reader—they explain why the reader should care about the subject of the writing. Effective headings in legal writing should accomplish that same goal. Engaging clickbait headings also typically include reference to a list with "X" items. The most engaging number is 10, and 5 is second best.⁷ Listing the key points (usually 2 or 3) in support of a proposition is also good practice in legal writing, when it can be done succinctly.

The most effective clickbait headings are also short; they tend to have just 15 to 20 words.⁸ Bryan Garner recommends 15 to 35 words for point headings.⁹ Two lines of heading text are often advantageous in legal writing (usually around 20 words). Three is appropriate if the added detail transforms a conclusory heading into a plausible one. Four, and it might as well have its own heading. But if clickbait headings are not detached from their sensationalist origins, they are ill-suited for legal writing. For example, clickbait headings often over-promise and under-deliver.¹⁰ A lawyer who over-promises or under-delivers is unlikely to be writing briefs for very long and will have nothing to promise, nor deliver. Because clickbait headings often seek to entice by intentionally omitting the lead, they frequently lack the necessary detail to make a cogent point.¹¹ That can frustrate a legal reader. For many judges, clickbait vernacular is also likely too informal and unprofessional for legal writing. Misleading a reader could even be unethical¹²—not to mention illegal.¹³

See three ways in which clickbait-inspired "curiosity headings" might work well in legal writing.

The topic of clickbait headings in legal writing has received little-to-no attention. Nevertheless, headings that blend the hallmarks of strong point headings with the interest-piquing characteristics of clickbait headlines could be effective in legal writing in specific situations, and if drafted in an ethical and professional way. A suggested name for this kind of hybrid heading is the "curiosity heading."

In addition to simply piquing interest, a curiosity heading could be used to vary content, thereby better maintaining and bridging reader interest section-to-section:

I. The USPTO's determination whether a petition for inter partes review is time-barred under 35 U.S.C. 315(b) is not judicially reviewable.

A. The text, structure, and history of the AIA demonstrate that the USPTO's Section 315(b) determinations are not reviewable.

B. This Court's decision in *Cuozzo* confirms that the USPTO's Section 315(b) determinations are not reviewable.
to
B. This correct holding in *Cuozzo* is the reason the USPTO's Section 315(b) decisions have been properly unreviewable for 10 years.

C. Precluding review of the USPTO's Section 315(b) determinations is consistent with the AIA's purposes.¹⁴

Turning the bland B subheading in the above list into a curiosity heading could generate intrigue and increase the likelihood of keeping the reader's interest in the middle of the argument, which otherwise typically receives less attention than the beginning and end.

Curiosity headings may also be appropriate to identify a specific list of key points, thereby heightening reader intrigue, impressing upon the reader the importance of the points, and improving memorability of each of those points. For example, in *Gubarev v. BuzzFeed, Inc.*¹⁵—which involved the kingpin of clickbait, online social news site BuzzFeed—counsel used a clickbait-style title for the plaintiff’s opposition to BuzzFeed’s motion to dismiss. It read: “Six Ways BuzzFeed Has Misled the Court (Number Two Will Amaze You) and a Picture of a Kitten.”¹⁶ This strategy was effective; the court denied BuzzFeed’s motion.

In a similar fashion, explicitly identifying a list could make a memorable impression on a reader, particularly if the reader investigates with eager anticipation:

These 10 Key Witnesses Say They’ll Never Trust the Defendant Ever Again, and Neither Should the Court.

Of the Five Accused Products, Not a Single Consumer in 100 Guessed That These Four Products Were Counterfeits.

The Three Procedural Reasons the Court Can Dispense with This Case Without Ever Reaching the Merits, Which Are Nevertheless Also in Defendant’s Favor.

A reader who encounters these curiosity headings is more likely to remember that there are 10 key witnesses, four highly deceptive counterfeits, and three dispositive procedural deficiencies—in addition to remembering the facts pertaining to each of those items in their respective lists.

Finally, because curiosity headings naturally introduce spark and flair, they may be well-suited as headings for thematic and policy-based arguments:

Six Ways BuzzFeed Has Misled the Court (Number Two Will Amaze You).¹⁷

This Unthinkable Tragedy Will Befall Healthcare Workers If the Court Overturns Its Long-standing Collective Bargaining Precedent.

These Astonishing Admissions about Nutrition Will Have Everyone Eating Organic Vegetables after the Conclusion of This Case.

Despite these potential opportunities, given that this style is unconventional in legal writing, curiosity headings should be used sparingly. Know your audience’s preferences before adding any to your brief. Always employ professional diction. Think about how each curiosity heading will fit into the entire structure of the brief, and its placement in the table of contents (if your brief includes one). And make sure to deliver what is promised.

Notes

¹ Special thanks to Noah Sattler for his research assistance on this topic.

² 100 Mil Headlines Analysis. Here’s What We Learned, BuzzSumo (June 26, 2017), <https://buzzsumo.com/blog/most-shared-headlines-study/>; Curiosity Gap, Wikipedia, <https://en.wikipedia.org/wiki/Clickbait> (last edited July 16, 2020).

³ Laurence Bodine, *If You’re Serious About Blogging to Get New Business, Read Me!* WISCONSIN LAWYER, Vol. 92, No. 10 (Nov. 6, 2019) <https://www.wisbar.org/NewsPublications/WisconsinLawyer/Pages/Article.aspx?Volume=92&Issue=10&ArticleID=27319>.

⁴ G. Clay Whittaker, *Do Pineapples Make Great iPhone Cases?*, POPULAR SCIENCE (June 7, 2016), <https://www.popsoci.com/do-pineapples-make-great-iphone-cases/>. Answer: No. See Betteridge’s Law of Headlines, WIKIPEDIA, https://en.wikipedia.org/wiki/Betteridge%27s_law_of_headlines (last edited June 14, 2020).

⁵ Bryan Garner, *Good Headings Show You’ve Thought Out Your Arguments Well in Advance*, ABA J. (Sept. 1, 2015), <http://www.abajournal.com>.

⁶ BUZZSUMO, *supra*.

⁷ *Id.*

⁸ *Id.*

⁹ Garner, *supra*.

¹⁰ *Tantaro v. Fox News Network, LLC*, No. 17-CV-2958 (GBD), 2018 WL 2731268, *4 n.8 (S.D.N.Y. May 18, 2018) (quoting Clickbait, Merriam-Webster Online Dictionary, <https://www.merriam-webster.com/dictionary/clickbait> (last visited May 14, 2018)).

¹¹ See Samuel Jones, 100 Times ‘Stop Clickbait’ Hilariously Summarized Clickbait Articles and Saved You a Click, BORED PANDA, <https://www.boredpanda.com/funny-stop-clickbait-headings/> (last visited July 16, 2020); see also Amanda Alge Bales, *In 34 Words, A Powerful Writing Tip from Joseph Pulitzer* #writinglegally, LEX TALK (July 29, 2015), https://www.lextalk.com/b/lextalk_blog/archive/2015/07/29/in-34-words-a-powerful-writing-tip-from-joseph-pulitzer-writing-legally.aspx.

¹² Emily Hillhouse, *Clickbait: The Good, the Bad and the Ugly*, PLATFORM MAGAZINE, (Nov. 20, 2018) <https://platformmagazine.org/2018/11/20/clickbait-the-good-the-bad-and-the-ugly/>.

¹³ *Gabiola v. Sarid*, No. 16-CV-02076, 2017 WL 4264000, at *6 (N.D. Ill. Sept. 26, 2017).

¹⁴ Brief for the Federal Respondent Supporting Reversal, *Thryv, Inc. v. Click-to-Call Techs., LP*, No. 18-916 (U.S. Sept. 2019), <https://www.justice.gov/sites/default/files/briefs/2019/09/04/18-916bsunitedstates.pdf>.

¹⁵ 253 F. Supp. 3d 1149, 1152 (S.D. Fla. 2017).

¹⁶ *Six Ways BuzzFeed Has Misled the Court (Number Two Will Amaze You) and a Picture of a Kitten*, *Gubarev v. BuzzFeed, Inc.*, No. 0:17-CV-60426-UU (S.D. Fla. Mar. 27, 2017), 2017 WL 6040977.

¹⁷ *Id.*



**Kyle
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Kyle R. Kroll is an adjunct professor of legal writing at the University of Minnesota Law School and an attorney at Winthrop & Weinstine in Minneapolis, where he practices business litigation at both the trial and appellate levels. The headlines in this article are those of the author alone, and not of any other person or organization.

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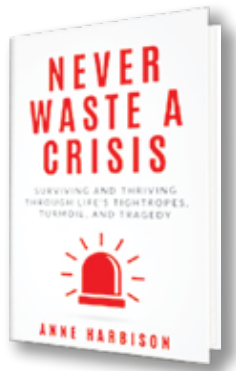
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Crisis Control: Resetting & Recalibrating

by Lisa Buck



Never Waste a Crisis
by Dr. Anne Harbison

Sports teams huddle; professors go on sabbatical; toddlers have a time out. In nearly every stage of life and work, taking oneself out of the action to reflect and redirect is a healthy strategy. But for many workers—certainly in the legal arena—taking a hiatus from daily demands to reflect on how to improve sounds like a fool’s errand. With the clock ticking and the case docket growing, who can afford the time to regroup and refuel?

Evidence from the fields of psychology, management, and physiology indicates that an unrelenting drive for productivity leads to diminishing returns, and at times devastating health and safety outcomes. Skipping lunches and vacations, and pushing past the state of exhaustion may make it seem like we are achieving, but that intensity is seldom sustainable, especially when crisis hits.

Hennepin Lawyer interviewed leadership expert Dr. Anne Harbison about her research on leading in times of upheaval and her upcoming book *Never Waste a Crisis*.

Let’s start with the basics: what do you mean by “Never Waste A Crisis”?

AH: By definition, a crisis is something that topples the world as we know it, putting us in danger physically, fiscally and/or psychologically. It can be very personal—a failed relationship—or societal, such as the COVID19 pandemic or social unrest relating to police brutality. In any

case, our routine has been disrupted, emotions are tense; the outcome of the situation is uncertain and things we care about are at stake. Often, we are in a state of shock, confusion, and anxiety—at the very time when we most need clear and calm thinking.

Ironically, this is also the ideal time to revisit the basic decisions, commitments, routines and assumptions around which our “before” world was constructed. Without the forced interruption that a crisis brings, we can be on automatic for years, unconsciously repeating the same unhealthy and unproductive patterns. A crisis can be a wake-up call for addressing what has not been working in our life or career, as well as a positive opportunity to learn.

So, what specifically do you recommend a professional should focus on during a crisis?

AH: Any time there is a natural break in the action—a vacation, a milestone birthday, decreased workload—we should revisit the basics of our lives: who we love, what we value, what activities bring us joy and fulfillment, and how we are using our talents to serve others. Nearly everyone strays from their original intents and ideals. Reminding ourselves of our core commitments not only helps us recalibrate during and after a crisis, it also generates the positive energy and vision we need to survive really tough days.

Another opportunity is to decide what you want to bring forward into your “new normal” and what you actually want to leave behind. When projects, client demands, or deadlines are put on hold, we shouldn’t assume they are still priorities coming out the other side of a transition. You may want to “pick up” a new exercise routine, journal subscription, volunteer activity; and you may want to “let go” of meetings that weren’t productive, activities that had become a resented obligation. Right now we all have permission to reassess; it’s better to give a strong “no” than a “yes maybe” in a crisis, and long after. Be in or be out.

What advice would you give lawyers struggling with the uncertainties of a Covid-19 pandemic environment?

AH: Recognize that although we are all in the same storm, we are not all in the same boat. Some of us are busier than ever, working longer hours with less resources. Some have more time on their hands, using it to volunteer, read, or invest in development that they’d never had the opportunity to pursue before. And of course, some are deeply suffering physically, financially or with relationships. As we have this conversation, Minneapolis is literally burning from unrest and injustice.

Whether COVID-19 has personally impacted your family or profession, you are no doubt surrounded by others experiencing great pain and suffering. We are only at the beginning of this world-altering experience. This is a time for compassion, deep listening, and patience—for yourself and others around you.

This feature will be offering professional development resources from the fields of psychology, management, leadership, and behavioral economics. What would you say to a lawyer who doesn’t see the need for professional development that doesn’t relate directly to legal expertise?

AH: Regardless of how much technical precision a profession demands (such as law, medicine, engineering), it is relationships, purpose, and human impact that create a meaningful career. What we know in our head and skills we have in

our toolkit make us competent at our jobs; but it is the “soft skills” (human dynamics, motivation, engagement, communication) that lead to deep personal satisfaction and sustained excellence.

That is always the case regarding professional and personal fulfillment, but is essential during a time of shared crisis. In our professional role, we can respond to emergencies and solve problems; but we must also cultivate basic human abilities to build confidence, trust, and reassurance in those around us. That is not just of the role of elected officials or leaders in formal positions of authority. Whether it is our colleagues, staff, clients, or even family and friends, how we show up as full people in a crisis—not just accomplished legal professionals—will make all the difference in the long run.



**Lisa
Buck**

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Ms. Buck practiced corporate law in Minneapolis and was an adjunct professor at William Mitchell College of Law. She contributes to the *Hennepin Lawyer* and serves on the board of the Hennepin County Law Library. She is also a coach of a local high school speech team.



**Anne
Harbison**

www.anneharbison.com

Anne Harbison holds a doctorate in executive development from Harvard. For the last 20 years, Dr. Harbison has been researching, teaching, and consulting with organizations about how they can thrive during times of turmoil and transition.

Whether your life has changed in dramatic, or relatively subtle ways during the pandemic, these personal guidelines from Dr. Harbison apply to all of us:

Practice space and grace. It’s not only physical space that we need to create; we also need to provide “psychological” space in our relationships—whether it’s with our spouse and kids, or the next person in line at the store. Being more patient, more forgiving, and more generous in every interaction is vital. Don’t re-ignite past grievances, give people the benefit of the doubt. Now, more than ever, you never know the burden that the person next to you may be carrying.

Get back to basics. What was your earliest passion as a kid? What really makes you laugh? What talents or interests led you to a career in law? Even if you’ve veered off course from your original ideals and longings, this is a ripe period for reflecting on what started you down this path in the beginning.

Recognize the difference between “not now” and “not ever.”

It’s been heart-breaking watching high-school and college seniors miss in-person graduations, hearing about weddings postponed, or even memorial services delayed. As disappointing and real as these losses are, not being able to graduate, celebrate or mourn together *right now*, doesn’t mean *not ever*. Recognize that our current state is not a permanent one, and still relish the true accomplishment, honor, or memory.

Marketing Yourself Internally

By Paige Haughton

As a new lawyer, it can be challenging to find ways to express who you are, identify your work style, and determine what you want in your career. You quickly discover that working as a practicing attorney requires a new set of skills, only some of which you acquired in law school. One of these new skills includes the ability to internally market yourself within your law firm.

“Internal marketing” generally refers to developing a personal brand and extending it throughout your organization—be it a firm of five attorneys or 500—for the purpose of professional growth and development. I have found five techniques that have helped me market myself internally throughout my three years as a junior attorney.

1 Seek out skills, not tasks: As a new attorney, you have the opportunity to learn new skills with every task you complete. You may gain depth and expertise in one area if you repeatedly perform the same task, but you do not necessarily expand your skill set. Beginning your first year and continuing throughout your career, consider what skills you want to develop and what projects will help you gain these desired skills. Then, be bold and ask for these projects. Although it may be intimidating, your mentors and more senior attorneys will likely appreciate your initiative, especially if you explain clearly and succinctly why you want the work and what you have to offer. If you are consistent and professional in your request, you will eventually work your way toward receiving the work you desire and the support from the senior associates and partners ahead of you.

2 Be open to new workstyles: Just as every law firm does things differently, every attorney within a firm uses a unique style to engage with their clients, colleagues and projects. When you're new to an organization, it can be difficult to grasp not only a new process, but also understand *why* you are following it. Although your research skills are freshly polished and you've likely had one-on-one attention to hone your analysis and persuasive writing skills, you should learn from the working styles of those who have had the experience to figure out what works, and what doesn't work, before you. The important thing here is that you are open—open to trying a different method, open to listening to what someone else has to say, open to having a new and unexpected experience. If you can display flexibility and adaptability, your coworkers will want to engage with you. And remember—you do not need to stick to a method that does not work for you. Remaining flexible and open to new methods and experiences allows you to gain a reputation for being easy to work with, and that will help you gain more internal clients and work.

3 Practice diplomatic honesty: Every new attorney has had the gut-wrenching experience of being asked to do something that he or she has no idea how to do. There are several different ways to approach this, but the approach that has worked best for me is to respond with an equal measure of willingness and candor. For instance, you could respond by saying, “I would be happy to help you with this. I have never done this kind of task before, but I am interested in learning.” Another option is to highlight that you have performed comparable tasks and explain how they might apply to the task at hand. This approach helps you internally market yourself by staving off the possibility that you receive an assignment that you are not equipped to handle (a very real possibility when you are still learning the ropes), resulting in work product that tarnishes your brand.

4 Routinely ask for feedback: Do not let your firm's formal feedback process be the only time you ask people you work with for their impressions. Annual reviews are good, of course, but they are not enough. Tactfully and concisely asking for feedback should become part of your normal process. This will show your colleagues you are open to feedback and interested in improving, and allow you to use this information to continually improve your skills.

5 Update in a timely fashion: There is no kind of marketing that is "one and done." Consistency and judicious repetition can help drive a message home. Instead of asking a more senior attorney out for coffee once, ask her out for coffee and follow up six months later with an email. When you get the opportunity to join a team for a project, keep your eyes open for a similar opportunity and reach out again, showing that you are just as eager to help as you were with the first project. Repetition will become a habit, and soon, your internal marketing plan will become second nature.



Paige Haughton

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Paige Haughton is an associate in the Employee Benefits and Executive Compensation Group of Ballard Spahr. She assists clients with the design, administration, and governance of retirement, health, and welfare plans. In addition, Haughton works with clients to ensure compliance with applicable statutes and regulations, including ERISA, the Internal Revenue Code, HIPAA, and COBRA. She holds a J.D. from the University of Minnesota Law School.

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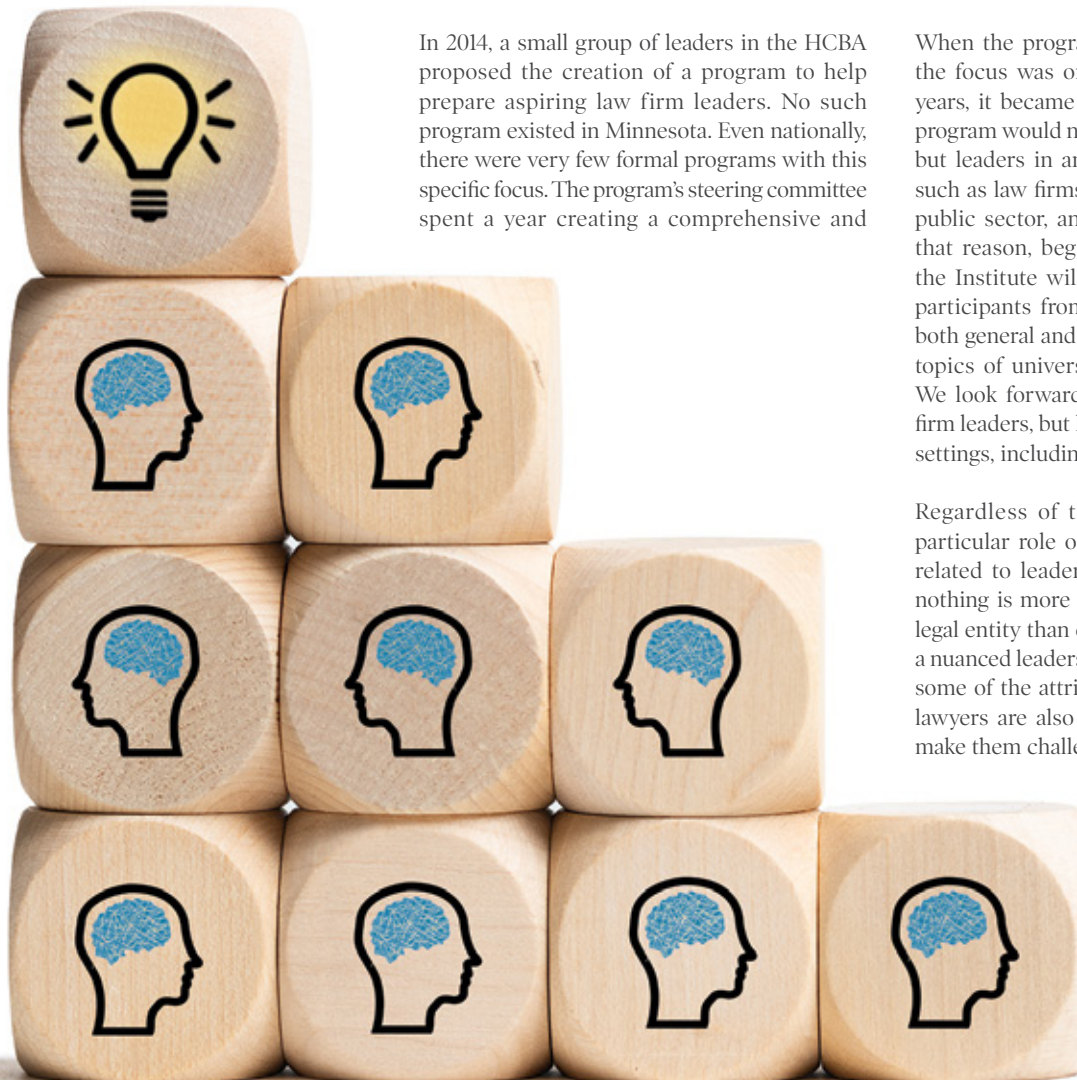
We are proud to announce that the HCBA “Law Firm Leadership” program will now be known as “The Institute for Leadership in the Legal Profession.” This new title reflects the evolution of the program over the last six years as well as the reputation and level of educational gravitas the program has achieved.

In 2014, a small group of leaders in the HCBA proposed the creation of a program to help prepare aspiring law firm leaders. No such program existed in Minnesota. Even nationally, there were very few formal programs with this specific focus. The program’s steering committee spent a year creating a comprehensive and

cutting-edge leadership curriculum, and the program’s first class matriculated in 2015. The HCBA series continued to be offered in alternate years, and now has alumni from three cohorts with a fourth cohort beginning in 2021. In addition to the formal program curriculum, alumni of all three cohorts meet regularly to discuss current leadership issues and other topics of interest.

When the program was originally conceived, the focus was on law firm leaders. Over the years, it became clear that the content of the program would not only serve law firm leaders, but leaders in any kind of legal organization, such as law firms, nonprofit organizations, the public sector, and governmental entities. For that reason, beginning with the 2021 cohort, the Institute will be open to and focused on participants from a variety of settings, using both general and break-out sessions to address topics of universal and specific applicability. We look forward to welcoming not only law firm leaders, but leaders from a variety of other settings, including legal aid organizations.

Regardless of the kind of organization or particular role one fills, one thing is clear as related to leadership in the legal profession: nothing is more important to the success of a legal entity than competent leadership. It takes a nuanced leadership skillset to lead lawyers, as some of the attributes that make people great lawyers are also the very characteristics that make them challenging to lead and manage.



THE 2021 INSTITUTE BEGINS FEBRUARY 17

Learn more at www.mnbar.org/ILLP

Every year, the Institute's planning committee, chaired by Kendra Brodin, chief attorney development officer at Taft, Stettinius & Hollister, carefully reviews participant feedback from prior iterations of the program. Brodin explains that "while the foundation of the Institute's programming is strong and proven, there is always room for improvement. For each new cohort, we carefully recalibrate and polish the program so that it gets better every time it is offered." This constant responsiveness to the needs of future participants, the feedback from past participants, and the latest learnings on leadership has made the Institute one of the most advanced programs of its type in the nation. Many Institute graduates have gone on to manage their organizations, and many of those leaders have returned to serve on the Institute's planning committee.

The curriculum of the Institute is divided into three core areas: (1) individual leadership strengths, styles, and self-awareness; (2) leading groups and teams; and, finally, (3) organizational leadership with a cohort model being central to the program. Lasting professional relationships are formed over the course of the program. Respected and experienced leaders, teachers, and experts present on their areas of leadership expertise. Participants also learn what not to do as a leader by considering cautionary tales of leaders and organizations that have struggled or failed in order to learn how to avoid those same mistakes.

The program is created for current and aspiring organizational leaders. The skills learned in the program can propel participants into leadership and significantly deepen and strengthen the skills of current leaders.

The 2021 Institute begins on February 17, 2021 and will be held for 7 sessions on alternate Wednesday afternoons. All programming will be offered virtually and in-person at the HCBA offices if conditions permit related to COVID-19.

Some of the topics that will be covered in the 2021 Institute include:

- Discovering the skills, attributes, and abilities necessary for effective leadership
- Building personal, professional, and leadership development plans
- Navigating the unique challenges and demands of leading lawyers
- Developing and modeling emotional and interpersonal intelligence
- Creating an inclusive workplace where everyone's individual contributions are valued and where everyone thrives
- Navigating difficult conversations and conflict with others
- Incentivizing the behaviors and actions organizations desire
- Appreciating the power of organizational culture and alignment to the bottom line and mission of the organization
- Counteracting implicit bias and understanding the processes and norms that undermine diversity and inclusion efforts
- Leading an organization through change, such as crises like the current pandemic, reorganizations, evolving technology, and leadership succession planning.

Due to the cohort model of the program and the close professional relationships developed during the program, participation is capped in order to allow for group interaction and individualized learning. Many past participants have credited the Institute and their participation in the program as a "game-changer" in their development into the leaders they are today.

For the full agenda and to register online go to: www.mnbar.org/ILLP. If you have any questions at all, please contact Kendra Brodin, Institute Planning Committee Chairperson, at kbrodin@taftlaw.com.

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PRO BONO

— Challenge —

HCBA Centennial Pro Bono Challenge

Congratulations to these attorneys who completed the Challenge

In honor of the HCBA's 100th anniversary last year, members were challenged to provide 100 hours of pro bono legal services between July 1, 2019 and June 30, 2020, to low-income individuals at no fee and without expectation of a fee. Members who self-reported their completion are listed here. Thanks to these individuals and all of our members for all that they do in support of increasing access to justice.

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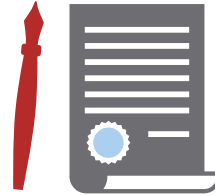
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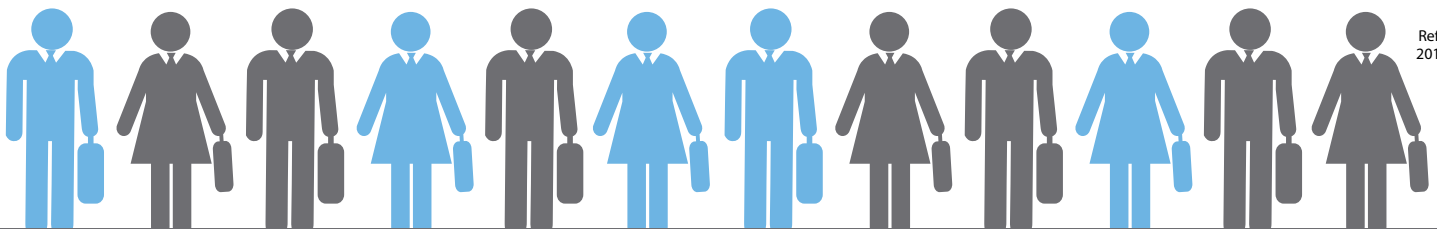


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HCBA's membership publication features substantive law articles, practice tips, profiles, and news that local lawyers rely on. Subscription is included with your membership.



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Serving as the charitable arm of the HCBA, the Hennepin County Bar Foundation promotes access to justice within our community through its annual distribution of grants to local legal services organizations.

Thanks to the dedicated commitment and contributions of HCBA members like you, the foundation has been making a positive impact in Hennepin County since 1968, giving over \$2.5 million in grants to law-related nonprofits.

MINNESOTA Lawyer Referral

Our Lawyer Referral program—renamed and expanded as the Minnesota Lawyer Referral and Information Service—has been serving the profession and public for 70+ years, by helping individuals connect with and hire attorneys. Lawyer Referral is the best place to direct those with legal matters outside your practice.

In addition to helping 10,000+ callers each year, Lawyer Referral coordinates with Hennepin County District Court to ensure that attorneys are available to assist the public at the Court's Legal Access Point and at Misdemeanor Court arraignments. Your bar membership supports this valued public service.



The Volunteer Lawyers Network is the pro bono arm of the HCBA and provides civil legal services to low-income people in our community. In its commitment to access to justice, the HCBA provides a variety of services for the public through its own programs and through support of VLN—made possible by your bar membership.

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- Plug in to mentoring and networking opportunities for every stage of your career.
- Gain management and leadership experience through committee work and projects, including diversity initiatives, programs supporting professionalism, and access to justice.
- Events and socials connect you with attorneys (from within and outside your areas of practice), members of the bench, and others in community. Expand your contacts and referral networks.
- Members interact with the Fourth District Court Bench through events, training, and advocacy efforts.
- Member clubs let you connect to attorneys with shared interests (such as yoga, biking, and photography).
- The *Hennepin Lawyer* magazine keeps you in the know about the law and local legal community and more, and gives you an opportunity to showcase your expertise.
- Legal education and outreach programs, such as our speakers bureau, support the Hennepin County community and provide you with ways to give back.
- A weekly e-newsletter provides you with updates and an events calendar so you will always be tuned in to what's happening in the local legal community.
- The HCBA website provides even more opportunities to create connections and maximize your membership. Create networking groups, start a blog, update your profile page, and more.

Member News

Submit your HCBA member news to thl@hcba.org for consideration.

Jim Lodoen has joined Spencer Fane as a partner in the firm's bankruptcy, restructuring, and creditors' rights practice group.

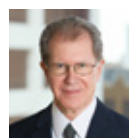


Yost & Baill announces the election of its new executive officers: **Jeff Baill** assumes the role of Partner Emeritus. **Dan Boerigter** continues to serve as Finance and Operations Partner.

Bassford Remele announces that **Kaitlyn E. Hennessy** has become an associate of the firm. **Tal A. Bakke** has also joined the firm as an associate. Shareholder **Michael Klutho** was elected to the ACA International, Inc. board of directors.



Henson Efron announces that **Stuart Williams** has been elected chair of the Minnesota Drug Formulary Committee.



Collins, Buckley, Sauntry & Haugh announces that **Victoria A. Elsmore** has been named a Fellow of the American Academy of Matrimonial Lawyers.



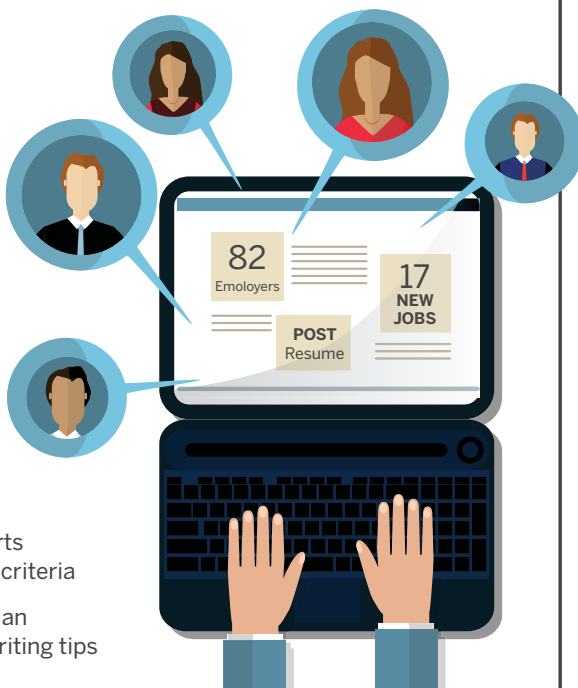
Janet G. Stellpflug, a veteran of the Minneapolis legal scene, has founded a new boutique commercial litigation firm, Stellpflug Law, focusing primarily on construction and product liability defense. Joining Stellpflug as a partner is attorney **John F. Thomas**.



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10 QUESTIONS

with Jeryn Konezny and Julie Close

Co-founders of The Glinda Factor

1 What inspired you to launch the educational website, The Glinda Factor?

Our teenage daughters were the inspiration for The Glinda Factor—we have five girls between the two of us. As mothers, our goal is to instill confidence in our daughters. We both love history and had discussed our mutual concern that women's stories are too often missing from traditional history texts. Generations of American women have been pushing boundaries and blazing trails, and we believe in the power of sharing their stories. So we decided to team up and start The Glinda Factor, which celebrates the stories of amazing women throughout American history. Our mission is to encourage the next generation of women to believe in their own power and become the leaders of tomorrow.

2 How do you decide who to include in The Glinda Factor?

The rebel in both of us gravitates to women who have been forgotten by history or defied conventional norms of their day. But the lawyer in both of us requires that we are methodical about ensuring a variety of ethnicities, time periods, and professions. We developed a content strategy based on these factors and how they are connected to relevant current events. We feature a new "Glinda Gal" every week. Also, each story includes a section titled "Power of the Wand," which highlights a current tween, teen, or woman carrying on the Glinda Gal's legacy. The National Women's History Museum has added our website as one of their online resources.



3 You both earned law degrees from the University of Michigan and then practiced at large Minneapolis law firms before pivoting to this venture. What was your career fork in the road?

Jeryn: When our oldest daughter was born, it was clear that she needed me on a full-time basis (she has a number of special needs). So I have been home with our daughters ever since. Over the years, I have volunteered with a number of nonprofit organizations that are close to my heart, such as the Minneapolis Institute of Art, St. David's Center for Child & Family Development, and Children's Minnesota.

Julie: My professional life is a tale of two loves: solving legal puzzles and teaching others how to solve them. I left my firm to teach legal research and writing at a local law school, and then took a hiatus after having two children in 20 months. My hiatus lasted longer than I planned. I filled my need for solving legal puzzles by serving on various nonprofit boards where my experience came in handy. I channeled my love of writing, research, and education into creative projects, usually with strong women at the center. Jeryn and I had weekly

writing dates. After years of discussion about our separate projects, we decided to tie them together with The Glinda Factor.

Learn more about The Glinda Factor at www.theglindafactor.com or at the National Women's History Museum in the "Women on the Web" resources.

4 How does your legal experience influence your work on The Glinda Factor?

Jeryn: My legal experience taught me to love a good challenge. I also draw heavily upon my research and writing skills—I particularly like searching for needles in haystacks and figuring out how to explain complex topics in a simple way.

Julie: My experience as a litigator taught me how to follow a research thread to find information. Litigation is also about framing and storytelling, which helps me choose each woman's "Ruby Shoe Moment" and tell her story through that lens.

5 Many of the women you write about took the road less traveled. Tell us about a time you followed a different path.

Jeryn: A few years ago, I self-published three books based on our family's summer learning projects—the 50 States, the US Presidents, and the First Ladies. It felt like a huge risk to put my work out there for anyone to read (and it still does, if I'm completely honest).

Julie: I have never thought of myself as a risk taker. But upon reflection, I realize that my philosophy of life involves risk on a smaller, but no less real, scale. I question authority. I don't like to follow rules that aren't fair or just. I speak up when power is exercised arbitrarily, even if doing so could make someone angry. So many of our Glinda Gals were told no, and not for any real or meaningful reason. They believed in their own power. I think that is why I am so drawn to them.

6 You both studied history in college. If you could have coffee with one historical figure, who would you choose?

Jeryn: I am fascinated by America's first ladies. As Pat Nixon said, it's "the hardest unpaid job in the world." So I would be thrilled to have coffee with any of them. If given a choice, however, I would love to meet either Dolly Madison or Eleanor Roosevelt.

Julie: If I had to choose just one, it would be Amelia Earhart. What a life she led: she fought hard for her education, volunteered in military hospitals during World War I, contracted and survived the Spanish flu, worked odd jobs to pay for flying lessons, and completed legendary solo flights across the Atlantic and from Hawaii to California. Her disappearance while attempting to fly around the world is one of history's biggest mysteries.

7 How do you like to spend your free time?

Jeryn: I love to row on Lake Minnetonka, especially in the morning when it is just me and the loons, before the boats come out. In the fall, our family enjoys long walks, bonfires, and lots of caramel apples.

Julie: I enjoy being outside with my family and friends whether on a boat, bike, trail, ski run, or sledding hill. Our family watches a lot of football in the fall—our extended family has alumni from seven Big Ten schools so there is a heated rivalry pretty much every Saturday. We will have a void to fill with the 2020 season postponed, so may need to start a new tradition of family football games in the backyard.

8 You mentioned that your families inspired your work. What is your most unusual family tradition?

Jeryn: Since our daughters have grown out of Easter egg hunts, we started the tradition of an egg hunt for our two dogs—the girls put dog treats into plastic eggs and "hide" them in the yard. It is both chaotic and hilarious.

Julie: The four of us do an old-fashioned pen-to-paper family NCAA Basketball Tourney draw. The competition is fierce and the winner gets bragging rights for a year and their choice of restaurant for the victory celebration. I still have the story my youngest wrote about her picked champion losing in the first round (they were a #2 seed) where she called the school "a destroyer of dreams."

9 What book is on your nightstand?

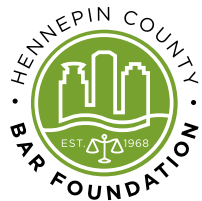
Jeryn: I always have a number of books on my nightstand, just waiting for me to stay awake long enough to read them. I currently have a few by Jill Lepore, including *The Secret History of Wonder Woman* and *Book of Ages: The Life and Opinions of Jane Franklin*.

Julie: I'm currently reading *The Guest House* by Sarah Blake for my book club. The book that is always on my nightstand is my favorite of all time: *A Ring of Endless Light* by Madeline L'Engle. I first read it in when I was 11 and re-read it at least once a year. It is the book that had the biggest influence on the adult I became.

10 If you could click your heels like Dorothy and be transported anywhere for a day, where would you go?

Jeryn: I would love to spend the day browsing through treasures in the Vatican Secret Archives—the Chinon Parchment, trial of Galileo, excommunication of Martin Luther, and letters from royals such as Mary Queen of Scots and Henry VIII.

Julie: Last summer I was lucky enough to visit the tiny island of Naxos in Greece with my family. We went on a small catamaran cruise and the captain anchored in a little bay just off the village where he grew up. We spent one of the most blissful afternoons of my life swimming, snorkeling, scrambling up rocky cliffs, and just floating. It was a special moment in time in a beautiful place.



Grantee Spotlight:



The Hennepin County Bar Foundation is the charitable giving arm of the HCBA. The HCBF fulfills its mission of "promoting access to justice for the people of Hennepin County" by giving more than \$200,000 in grants each year to dozens of local nonprofits. For more information visit mnbar.org/hcbf.

When the U.S. Government relocated some American Indian families from their reservations in the 1950s to large cities such as Chicago and Minneapolis, they did so promising families that there was housing and jobs to be had. But upon their arrival families found scarce affordable housing and no jobs. Ecumenical church leaders in Minneapolis stepped in to help, establishing the Division of Indian Work (DIW) in 1952.

Since then, DIW has provided services to meet the needs of the Twin Cities metro area's American Indian community which is comprised of many different tribes. For many years this was a program of the Greater Minneapolis Council of Churches (GMCC). In 1995, after a successful capital campaign, DIW moved into its beautiful building on Lake Street and 10th Avenue, which was designed by award-winning Arapaho artist, Dennis Sun Rhodes.

In 2016, GMCC decided to take their organization in a different direction and DIW realized it was an opportune time to strike out on their own. Subsequently DIW applied for and received its own 501(c)(3) in 2017 and finalized the separation in July 2018.

DIW retained its building as well as the Anpa Wasté house which offers affordable transitional housing to young American Indian moms and its Healing Spirit House which provides supportive housing to long-term foster care American Indian boys.

Now its own tax-exempt agency, DIW completed its new five-year strategic plan in December 2019. Its mission is to support and strengthen urban American Indian people through culturally based education, traditional healing approaches,

and leadership development. DIW's services are provided free-of-charge to over 3,000 people annually.

Because culture is vitally important to Indian people, DIW has long incorporated traditional practices into its work with clients who represent many different tribes. "We really try to make sure we are doing right by all tribes," says development officer Ardie Medina.

Since 2015, the Hennepin County Bar Foundation has supported DIW's American Indian Legal Advocate position which is officed at the Hennepin County Domestic Abuse Service Center (DASC). The Legal Advocate position is part of DIW's Family Violence Prevention Program (FVPP) which works with individuals to end family violence through culturally sensitive groups and individual counseling in anger management and other areas.

DIW has provided men's anger management groups for over 27 years and serves those men who are court-ordered to the groups. Once the men complete their 15 or 17-week group, they graduate from the program. While the recidivism rate of men in the program rises and falls during any given year, there was one year not too long ago when the recidivism rate was at 0 percent. "We don't have many programs in the community that serve American Indian men," Medina says, "and we are trying to be deliberate, wherever possible, in seeking funding that will help us establish programs that will support their efforts to improve their lives."

DIW's programs have been impacted by the COVID-19 virus and they have had to create and implement new ways to serve their clientele while maintaining masking and social distancing rules put in place by the state. For example,

FVPP's educators/counselors began mailing homework to the men in group, many of whom completed it and sent it back either by mail or email. They even had several men graduate on time during the stay-at-home order.

Another example, its Horizons Unlimited food shelf has remained open Mondays, Tuesdays, Wednesdays, and Fridays from 12 noon to 3 p.m., but instead of food shelf users coming inside, groceries are prebagged and placed on tables set up in the garage bays so that people can come up, get their food items, and leave. "We're such social people that having to distance has been especially hard," says Medina, "but everyone is getting used to it and they follow the rules closely."

In addition, the Youth Leadership Development Program staff set up Zoom meetings to keep in touch with youth and continue to help them with homework.

In August, DIW groups began meeting on-site again, practicing the rules of social distancing, masking, and convening groups of less than 10. Medina believes this is going to affect some grants as the number of people that can be served are much less than the numbers estimated in proposals. Still, DIW continues its work with its community as best it can in these challenging times.

If you would like to support DIW and its programs, the best way for now is to donate by going to their website at www.diw-mn.org or mailing a check. Volunteer opportunities have been put on hold due to COVID-19 but people can check out the website for updates. If you have any questions or would like to get involved, please contact: Ardie Medina, development officer, at amedina@diw-mn.org.



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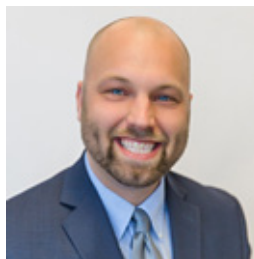
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