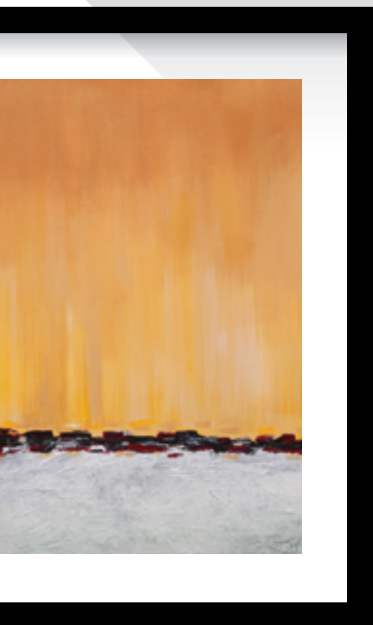


# HENNEPIN LAWYER



**ART**, LITERATURE *and the* **LAW**



# CONGRATULATIONS TO OUR PARTNER **BRANDON VAUGHN**

AS HE BEGINS HIS YEAR-LONG TERM AS PRESIDENT  
OF THE HENNEPIN COUNTY BAR ASSOCIATION.

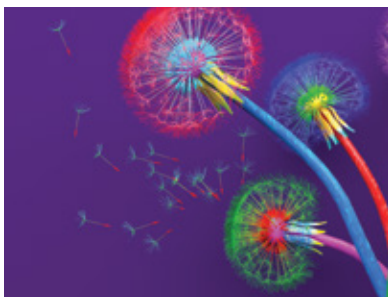


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# HENNEPIN LAWYER

Official Publication of the Hennepin County Bar Association



02 | Art is Blooming *By Will Ashenmacher*

03 | Navigating & Celebrating *By Esteban A. Rivera*

04 | Ask-a-Lawyer: What's On Your Wall?

## Art, Literature and the Law

06 | Attorney Expressions: Contributors

10 | Attorney Expressions: Visual Art

16 | Attorney Expressions: Poetry

17 | Attorney Expressions: Prose

21 | Attorney Expressions: Memoir

24 | Being an Attorney and an Author *An Interview with John Medeiros*

26 | Counseling Creatives *By Wynne Reece*

29 | A New Stage for CLE *By Will Ashenmacher*

32 | Professional Development: *Originals* *Summary by Lisa Buck*

33 | Grantee Spotlight: Rainbow Health

34 | Ethics: Antacid, Anyone? *By Eric T. Cooperstein*

36 | Judge Anna Andow: New to the Bench

37 | Member News

40 | 10 Questions with Traci Bransford



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# Art is Blooming



Each year, I look forward to Art in Bloom at the Minneapolis Institute of Art. Typically in late April, it brings together dozens of participants who use flowers and plants to create arrangements inspired by artworks throughout the museum. Some of the arrangements are literal (and astoundingly accurate) recreations of an artwork, and others are more conceptual and thought-provoking. All are beautiful. Thousands of people attend, and it's one of the surest signs that another long Minnesota winter is melting away and spring is preparing to arrive.

COVID-19 meant Art in Bloom couldn't happen in 2020, and in 2021 it had to go virtual. At first, I was disappointed. Staring into a laptop screen for the umpteenth hour that day just isn't the same as going to that beautiful Neoclassical landmark on Third Avenue South and seeing the displays in-person alongside people who are just as happy to be there as I am. It just isn't.

That feeling started to fade though, when I

saw all the programming the Art Institute had lined up. It created a gallery of arrangements from years past. It displayed newly acquired artwork from Dakota artist Holly Young, offered signature cocktail and mocktail recipes, and held virtual talks, tours, and Q&As. The staff at the Institute of Art had clearly put a lot of thought into providing an engaging line-up of events, and they succeeded. Sure, it wasn't like Art in Bloom events of the past, but that turned out to be okay. It was something new.

When the editorial board members of *Hennepin Lawyer* were discussing how to assemble this Art and the Law issue, we wanted to think broadly. We wanted to make sure we thought beyond the limits of narrow, accepted ideas of what art is—and I'm glad we did.

In this issue, we have an article that looks at providing CLEs through live theater. We take a look at the artwork several lawyers have on their walls and what it means to them, and we share pointers on how attorneys can provide

more and better service to creators. And John Medeiros, whose recently published memoir, *Self, Divided*, won the Howling Bird Press Nonfiction Prize, shares his writing experience and provides advice for other attorneys looking to publish a book.

In addition, we wanted to devote space in this issue to highlight artistic creations of HCBA members. Following calls to the membership for submissions, we're pleased to showcase these creative expressions, both on our cover and inside the issue. I hope you enjoy seeing work from some of these talented attorney-artists.

As long as we're thinking about art broadly, I suppose you could say there's an art to putting together issue after issue of substantive, thought-provoking content, the way the staff of *Hennepin Lawyer* does. My stint as a guest editor renewed my appreciation for those people and my fellow editorial board members. I think I speak for all of us when I say we hope you enjoy reading this issue as much as we enjoyed creating it. Thank you, as always, for the time you spend reading us.



**Will  
Ashenmacher**

July/August 2021  
Issue Editor

[ashenmacherw@ballardspahr.com](mailto:ashenmacherw@ballardspahr.com)

Will Ashenmacher is a licensed attorney, former journalist, and communications manager in the Minneapolis office of Ballard Spahr. In his role, he works across the national firm's seven Western offices to find and further stories about Ballard Spahr's attorneys, work matters, and firm culture. Ashenmacher volunteers with the University of St. Thomas' ThreeSixty Journalism program. He lives in the Longfellow neighborhood of Minneapolis with his dog, Kitsy.

# Navigating & Celebrating

Dear Members,

**I**t was a tremendous pleasure to serve as the president of the HCBA this 2020-2021 bar year. Even though it was a challenging year due to the worldwide pandemic, I enjoyed every minute of serving in this role. I want to take this opportunity to thank my fellow board members and officers for all the work they provided to the association over the course of the year. I also want to thank members of the Finance and Planning Committee, Section Chairs, and Committee Chairs. All of them spent so many volunteer hours to make this organization the best it can be. The work of the HCBA could not be done without these valuable volunteers. I would like all members to applaud and recognize this service to the organization and the legal profession.

I also want to thank the staff for all the great work they do for our members every day. Without the staff, the organization could not accomplish all the work that it does. I have always felt supported by staff and felt that they are committed to the organization and the legal profession. I would like to give a special shout out to our CEO Cheryl Dalby for all the support she has provided me over the last year. She and her team have been instrumental to help the HCBA navigate this difficult year.

The Finance and Planning Committee had a remarkably busy year. The committee had two subcommittees in charge with two of the main priorities of the year, namely: racial equity and new lawyers.

The Racial Equity Subcommittee provided two recommendations to be implemented this year: 1) In conjunction with the YWCA St. Paul, the HCBA will provide programming supporting the "21 Day Racial Equity and Social Justice Challenge" by which participants receive daily challenges intended to better understand racial and social injustice and identify ways to dismantle racism and discrimination. Those challenges include, for example, being asked to



At the May HCBA board of directors meeting, HCBA President Esteban Rivera virtually passed the ceremonial gavel to 2021-22 President Brandon Vaughn, whose term begins on July 1.



read an article, listen to a podcast, or reflect on an experience. 2) Improving and consolidating the existing resources for new attorneys and law students of color. The HCBA is connecting its large membership to those existing tools/programs. In 2021, the Diversity Committee is identifying and consolidating these resources, and it will promote those resources through our website and other channels.

The New Lawyers Subcommittee provided five recommendations: 1) Creating an HCBA New Lawyer Engagement Committee solely focused on addressing new lawyers' ongoing concerns to ensure recruitment and continued involvement in the HCBA and creating two new liaison positions to the HCBA board for New Lawyer Section's leadership. 2) Creating non-voting liaison to the board seats for the treasurer and vice president of the New Lawyers Section. 3) Developing a proposal to provide to the Minnesota Supreme Court regarding the association's views on the future of the bar exam in Minnesota. 4) Working with section leadership, through the council of sections, to encourage programming specifically targeted to new lawyers. 5) Creating an HCBA signature event sponsored by the New Lawyers Section to assist lawyers within the first five years of practice to network for jobs straight out of law school or in lateral positions.

This year we celebrated two Bar Memorial sessions. Both memorials provided a much-needed opportunity to remember and recognize the colleagues we lost over the last two years.

Even though we were not able to meet in person this bar year, I am happy to report that our CLEs, socials, trivia nights, and other events had strong attendance. I enjoyed my presidency very much and hope we can see each other in person soon.

Thank you again for giving me the pleasure and honor to serve you as your president.



**Esteban  
A. Rivera**

2020-2021  
HCBA President

[esteban@riveralawllc.com](mailto:esteban@riveralawllc.com)

Esteban A. Rivera is an attorney licensed in Minnesota and Ecuador. He practices mainly immigration and international law with emphasis in Latin America. He practices investment, employment, and family-based immigration law, as well as removal defense. He is very active in the local legal community and the local bar associations.

# What's On Your Wall?

The art we choose for our walls can say a lot about us. During quarantine, many of us turned areas of our living spaces into makeshift workplaces. Here, several attorneys share the artwork they've chosen to personalize where they work—be that in an office or at home—and why that art has significance to them.



"When I realized how long the pandemic might continue, I replaced the kids' toys behind me with different pieces of art that I had collected but were sitting in our basement. These are masks from South Africa and Namibia, an antique map I found at a Japanese bookstore, ticket stubs from my travels across Japan, and straw art from Bangladesh, where my parents were born. I spend a lot of time in my small home office, and these remind me of the wider world."

*Faris Rashid, Attorney, Greene Espel*



"This is an American icon painting another American icon. This is what I find extraordinary about Joan Baez's portrait of Associate Justice of the Supreme Court Ruth Bader Ginsburg. Justice Ginsburg was the commencement speaker for my University of Minnesota Law School Class of 1976. Both the subject and the artist show that a person can contribute to society and work for change well into their eighties."

*Robert Bennett, Partner, Robins Kaplan*



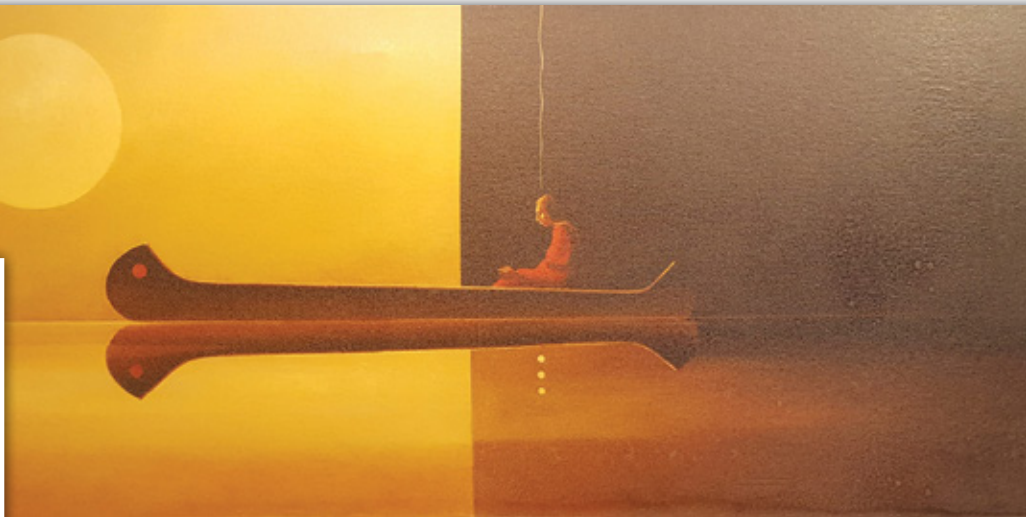
"This poster of Irish Writers calls to mind so many memories and, depending on my day, may evoke laughter, pride, a desire to read, or it may serve as a somber reminder of the challenges faced by both those who preceded us as well as those who are among us. The fact that no women are pictured makes clear how easily some groups are overlooked. Notably, the lack of color and the serious look on the faces of those pictured is in direct contrast to the humor, entertainment and levity found in many of their writings."

*Mary O'Brien, Of Counsel, Ballard Spahr*

The Feeding of the Spirit  
– Joe Geshick



Mitakuye Oyasin  
(We Are All Related)  
– Charles Hilliard



"Kubes Law Office serves design and construction professionals. Our firm is founded on the principles of gratitude and peace. My husband, who is Ojibwe, had the inspiration to move some of our Native American artwork to our law office, to share it with a wider audience. We have many items, and offer just a sampling for you, here. We acquired some additional pieces from our friend, Judge Jim Randall, who has a life-long connection to Ojibwe and Dakota/Lakota peoples and wanted to share the art with a wider audience. We have met some of the artists in the process of gathering these pieces together and giving them a home. We appreciate the artists and their life stories—many times showing us how their art and spirituality sets them free from experiences of pain and struggle. We are grateful to have these significant expressions of life and faith here among us."

*Kristine Kubes, Kubes Law Office*



"The name of the piece is Vie by Tyrone Schuyler. Vie means "to compete" and Tyrone's representation of what a black boy competes with visually within his adolescence. I was immediately drawn to the young man's focus; although stoic, his head remains high. I must admit, this particular piece has created a bit of an opinion."

*Josh Franklin, Attorney*

# ART, LITERATURE *and the* LAW

**For the Art, Literature, and the Law issue, we wanted to highlight the creative side of our HCBA members. Why did we want to do this?**

First, as many lawyers know, the legal profession is fraught with issues like burnout, anxiety, and other serious mental illnesses. It's well documented that engaging in creative activities like writing, painting, or playing music can improve your overall physical and mental health—even if it's only for a few minutes a day.

Second, creativity helps you become a better lawyer. In a blog post for Clio, "10 Things They Don't Teach You In Law School (But Should)" author Jeena Cho discusses the importance of creative thinking as a lawyer. She spoke with Jack Pringle, a partner at the law firm Adams and Reese.

*Good lawyering involves finding solutions to difficult problems. The solutions are not immediately apparent, especially in these times of rapid change. Creativity (implementing new ideas based on seeing problems clearly) is crucial for problem-solving lawyers.*

Third, creativity helps create connections. We hope you can find a connection with your fellow attorneys in the following pages, or you get inspired to take up your own creative practice.



**MAGGIE FORSELL CAYARD** graduated from the University of Minnesota Law School in 2019. Previously, she worked as a law clerk for the Hon. Theodora Gaitas, and she now clerks for the Hon. Laura Thomas.

**How does having a creative outlet help you in your law career?**

Painting greeting cards helps me to unwind after a busy week in the office. Making and sending cards also keeps me connected to friends and family—especially during a pandemic.

**What artist or author inspires you?**

Mary Jo Milbrandt. She is a local artist from my hometown that captures beautiful images through watercolors.



**KYLE KROLL** is an attorney at Winthrop & Weinstine in Minneapolis. His practice includes business, intellectual property, and class action litigation in state and federal courts, at the trial and appellate levels. His work is an acrylic painting inspired by an arbitration trial he had with Bob Weinstine.

**What inspired you to take on a creative hobby?**

I started painting when I had my first winter break in college. Since then, it has turned into a fun challenge, and I enjoy sharing the art with others.

**How does having a creative outlet help you in your law career?**

The art-making process is a great way to open your mind to different ways of communicating a message.



**PAUL FLOYD** is an attorney at Wallen-Friedman & Floyd. He served as HCBA President in 2016-17, and currently serves as treasurer for the Minnesota State Bar Association.

#### How does having a creative outlet help you in your law career?

There is a strong element of control in brief writing and transactional drafting. With watercolors you do not totally control the medium as much as you allow the medium to surprise you. I once painted a scene only to turn it upside down and realize that it looked so much better reversed. It is my subconscious at work. Surprises in watercolors are a good thing. Surprises in the law are rarely, if ever, a good thing.

#### What advice/tips do you have for other attorneys looking to take on a creative hobby?

Starting small is fine. For me, I started with travel journals and worked up to larger pieces. Enjoy experimenting to find your own unique style. This applies to photography, watercolors, sculpture, and other artistic media. It is a skill that is honed as well as an art that is created. Finally, be open to learning and being taught by other artists. Friendships are developed by sharing a love of the art and media.



**AYAH HELMY** works as counsel for Bright Health and teaches at the Mitchell Hamline School of Law and the University of Minnesota. She formerly worked in private practice and as an assistant Ramsey County attorney, advising and litigating on behalf of county agencies.

#### How does having a creative outlet help you in your law career?

Drawing is my meditation. I've worked out cases while sketching; I've listened to hours-long witness interviews while painting or drawing. Having this creative outlet helps me clear my mind and lets ideas find a new place to settle that's been cleared of the cobwebs of the day. I also think that the practice of trial and error in art has taught me to be a better, more agile lawyer.

#### What artist or author inspires you?

Chinese artist Ai Weiwei is one of my favorites. He is one of the most brilliant artists of our time and his art is incredibly responsive to the global struggle for justice and human rights.



#### MADELINE "MADDY" BUCK

is always exploring how art and illustration can make legal communication less intimidating and more accessible. In addition to drawing on her walls and making whimsical art, she distills legal or other complex topics into illustrations or comics. By day, she works in international health and safety for the University of Minnesota. She shares her creative projects at [www.maddybuck.com](http://www.maddybuck.com).

#### What inspired you to take on a creative hobby?

My regular art practice started as a reaction to the formality of being a lawyer. I found some balance by making things that felt the complete opposite of law: they were wonky, colorful, silly, and involved no rules. Around this time, I also began exploring how drawing, comics, and illustration could be used to explain or reinforce legal concepts. Taking time to be creative every day is ultimately a mental health strategy for me.

#### How does having a creative outlet help you in your law career?

I've been told that my ability to "speak art and law" is consistent with my ability to think differently. I'm a creative person, I like trying new things, and I'm always wondering "why are we doing it this way?" I have also found that being able to draw and explain law visually (even when the visual is super simple) is rarely asked for, but almost always considered helpful.



**VICKI BITNER** is an attorney with Briol & Benson in Minneapolis, where she practices in the area of commercial and business litigation. She received her B.A. from the University of Minnesota and her J.D. from George Washington University in Washington, D.C., where she lived and worked for 13 years before returning to her home state to raise a family.

#### What inspired you to take on a creative hobby?

I'm not sure I was inspired so much as passing time on a few cold winter mornings. As Patty Digh wrote, "If you're alive, you're creative." I've taken pictures for years, but only recently began experimenting with a telephoto lens. In this case, I was simply watching the birds through our back window. When I reviewed the photos, I was mesmerized by the detail—their plumage, their expressions, their agility. I was hooked.

#### What advice/tips do you have for other attorneys looking to take on a creative hobby?

It can be fun to lose yourself in something you enjoy. Most attorneys I know are very creative. They are writers at heart and appreciate perfection. Just try your perfectionist hand at a different medium. Who knows?



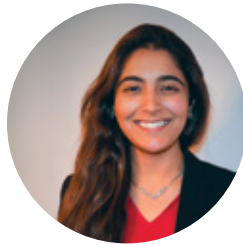
**STEPHANIE CHEN** is an associate attorney at Robins Kaplan in the firm's business litigation practice. She has experience in complex civil litigation in the technology, financial, agriculture, and healthcare industries. Chen also maintains an active pro bono practice representing entrepreneurs, artists, and youths in foster care.

#### What inspired you to take on a creative hobby?

My creative hobby is fine art (painting and drawing) and graphic design. I've been an artist since before I became (or even thought I would become) a lawyer—my mom and her side of the family are all talented artists, so I naturally was interested as a child and tried to copy them. I took some art classes in high school and got into art programs and scholarships for college, although my parents pretty strongly encouraged me to pursue other career paths. I took up a graphic design minor in college as a "compromise" with my parents and have kept up an interest since.

#### What advice/tips do you have for other attorneys looking to take on a creative hobby?

It's helpful to not be so goal- and objective-oriented when taking on a creative hobby. At least in my experience, I feel like as an attorney, it's easy to get sucked into the mindset of wanting to complete a concrete project with a particular objective and expect a particular outcome. That does not always work well for creative hobbies and defeats the purpose of being creative and having a hobby.



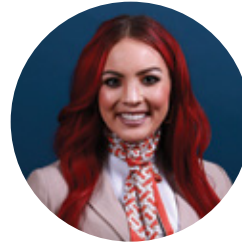
**MEHEK MASOOD** works in the Community Prosecution Division of the Hennepin County Attorney's Office. Prior to joining the office, she clerked for the Hon. Fred Karasov, the Hon. Paul Scoggin, and the Hon. Tamara Garcia. She graduated from Mitchell Hamline School of Law in December 2018.

#### What inspired you to take on a creative hobby?

I always loved arts and crafts as a child, and it provides a great escape for stress relief.

#### What advice/tips do you have for other attorneys looking to take on a creative hobby?

My advice for attorneys would be to find a medium that works for them, and just give it a try. We aren't all trying to be Picasso—I certainly am not! Just taking a paint brush, or clay, or even play dough and think of it as more of a journey, rather than a destination.



**CASEY MATTHIESEN** was adopted and raised on a farm in southwestern Minnesota. She is the third enrolled member in the history of the Yankton Sioux Tribe to become an attorney. Matthiesen's passion is telling her client's stories. As part of her art background, Matthiesen studied Art & Italian language at Florence University of the Arts in Florence, Italy. Currently Matthiesen practices personal injury, medical malpractice, and American Indian Law & Policy at Robins Kaplan.

#### What inspired you to take on a creative hobby?

I always gravitated toward art class when I was growing up—particularly when I realized how horrible I was at math! I grew up on a farm as an only child, which gave me a lot of time and opportunity to explore hobbies. Channeling my creativity was always a way for me to express myself and my ideas.

#### How does having a creative outlet help you in your law career?

"Pleasure in the job puts perfection in the work."  
— Aristotle

Whether applied in the context of my canvas or my performance in a courtroom, Aristotle's reasoning remains true. Art is a form of expression and the ability to create something out of nothing, which is often what we as lawyers do to achieve great results. I believe that my voice as a lawyer is amplified by my creative skillset because it allows me see perspectives and generate ideas in a different way than others. Having a passion for what you are doing makes all the world's difference in advocacy.



**ROBERT "BERT" K. RANUM** has practiced corporate and securities law for 37 years at Fredrikson & Byron, P.A. where he is now Senior of Counsel. Since 2010 he has worked primarily remotely from Gainesville, Florida, where his wife is a professor at the University of Florida.

#### What inspired you to take on a creative hobby?

After I was diagnosed with ALS in 2016, I began writing a memoir to tell my story. I may be the luckiest ALS patient alive, if you can call someone lucky with a disease that generally causes death three to five years after diagnosis.

#### What artist or author inspires you?

I love Ron Chernow's work and enjoyed both *Alexander Hamilton* and *Grant*. I'm currently reading *The Premonition* by Michael Lewis and recommend it highly.



**LESLIE KIMES** graduated from Hamline University in 1982 and Hamline University School of Law in 1985. She has practiced general civil litigation, probate, bankruptcy, and family law throughout her career and currently specializes solely in family law. She offices in Brooklyn Park.

#### What inspired you to take on a creative hobby?

My parents were both professional artists (actor, musician), and my mother has published a book and several poems and continues to write a newspaper column, so I come by creative writing honestly. It has been a way to express my creative side, which is so very different than legal writing.

#### What advice/tips do you have for other attorneys looking to take on a creative hobby?

I write in a stream of consciousness, free-form manner when something strongly affects me, such as the death of George Floyd, the Sandy Hook Elementary School massacre, the death of a friend. It has been cathartic and a stress reliever in what can otherwise be a wildly stressful day as a family law attorney.



**IAN TAYLOR JR** is an attorney and writer. He graduated from the University of Minnesota African American Studies program cum laude. His passion for addressing social inequality inspired him to attend the University of Minnesota Law School, where he was Lead Articles Editor for the Minnesota Journal of International Law. After graduating law school, he was a judicial law clerk in the Hennepin County District Court.

#### What inspired you to take on a creative hobby?

I have written in one form or another since I was a child. I've held on to this creative hobby largely because it is an important part of who I am. Writing helps me to meditate on my experiences and the world around me. Writing also allows me to share expressions with others and impact their lives.

#### How does having a creative outlet help you in your law career?

Creative expression supports my intellectual agility. It's like stretching my brain to write character dialogue in the morning and use legal analysis during the day. Writing also forces me to reflect on how to identify and communicate someone's story. The importance of understanding a client's story is vital for advocacy as well as building an attorney-client relationship.



**ARETI GEORGOPOULOS** is a published poet who represents employees and the occasional employer at Harmony Law Firm, which she founded in 2012. She focuses on unemployment insurance law, disability accommodations in the workplace, wrongful termination and discrimination claims pursuant to Title VII of the Civil Rights Act, the Minnesota Human Rights Act, the Americans with Disabilities Act, the Family Medical Leave Act, and the Minnesota Whistleblower Act, among others.

#### What inspired you to take on a creative hobby?

I have always been a creative writer, but creative writing has taken a back seat during my law career. When the pandemic hit, I felt a desire to return to my creative voice. I took a class at the Loft Literary Center and wrote my first poem in years. It has been a welcome renaissance.

#### How does having a creative outlet help you in your law career?

It inspires me to think creatively in my law practice. It affords me a fresh perspective on my work. It grants me a sense of calm and happiness that makes my daily routine more pleasant.



**CAROLYN V. WOLSKI** has practiced law for over 30 years, principally in the areas of business, land-use and environmental law. She graduated from the University of Minnesota Law School in 1988. Wolski enjoys writing, teaching and legal advising, as well as travel and bicycling.

#### What inspired you to take on a creative hobby?

Writing isn't a new hobby for me. I have loved writing since I was in grade school (in seventh grade I won first prize in a Daughters of the American Revolution poetry contest!) and I started my professional career as a newspaper reporter.

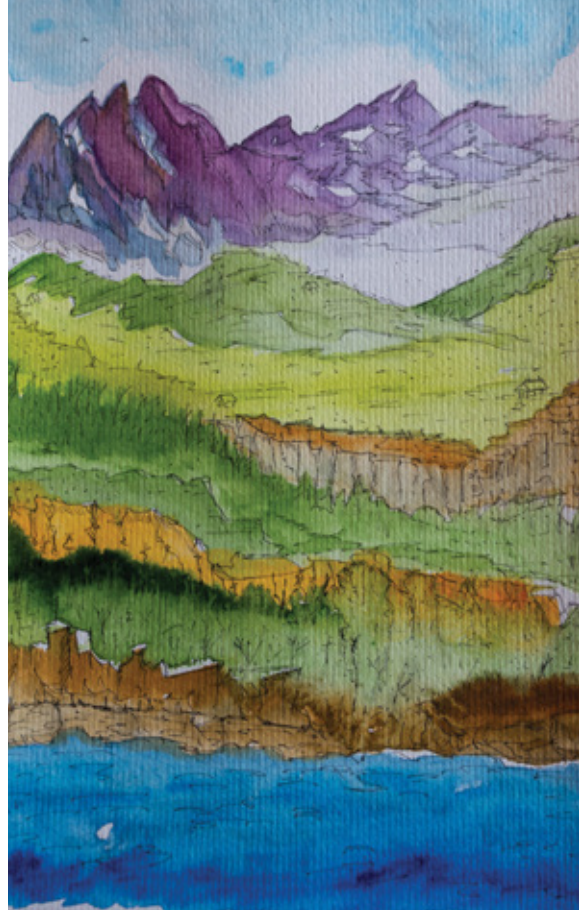
#### What artist or author inspires you?

Too many to name. Wallace Stegner and Willa Cather are among my favorite authors and I loved a recent short story in *The New Yorker*, *The Shape of a Teardrop* by T. Coraghessan Boyle.

MADDY BUCK  
Watercolor/Paper

We will  
get THROUGH  
this





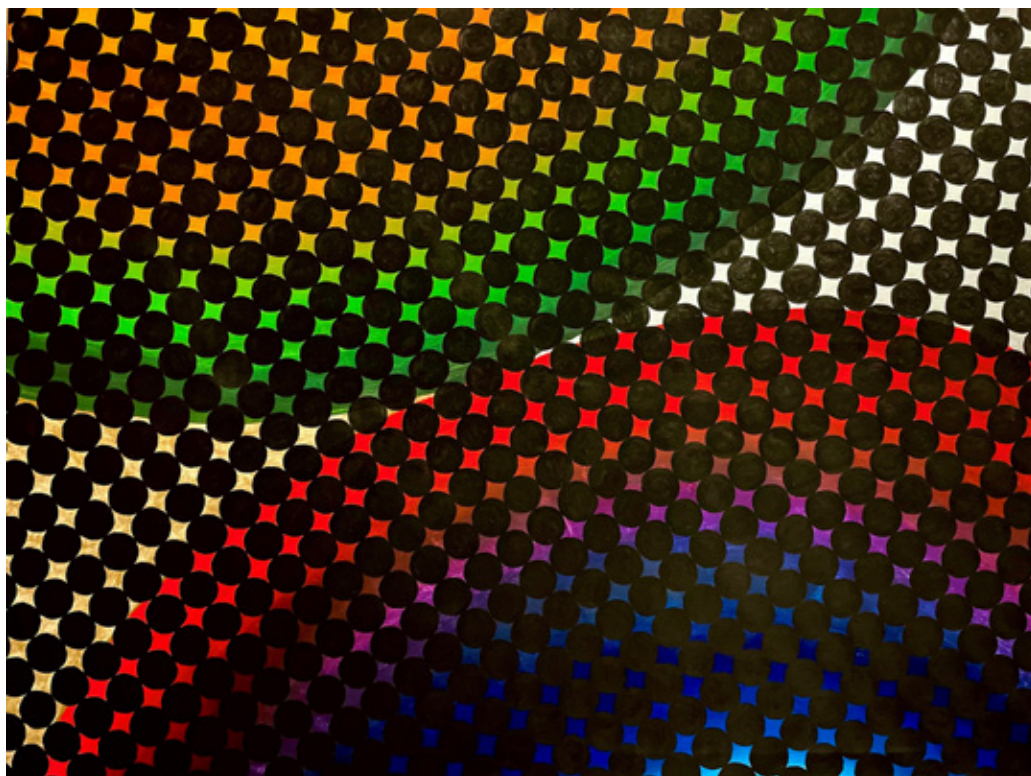
**PAUL FLOYD**  
*Watercolor*



**MAGGIE FORSELL**  
*Watercolor/Paper*

STEPHANIE CHEN  
*Painting*

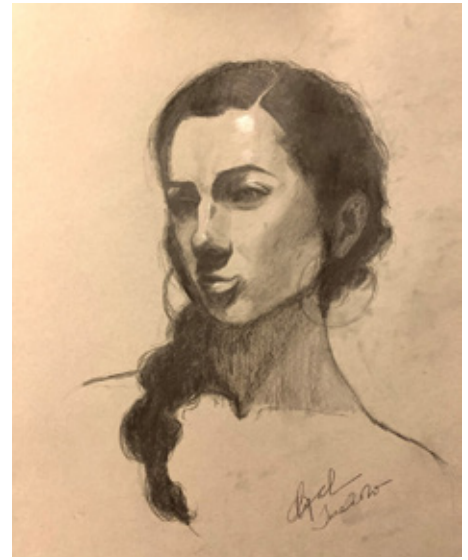
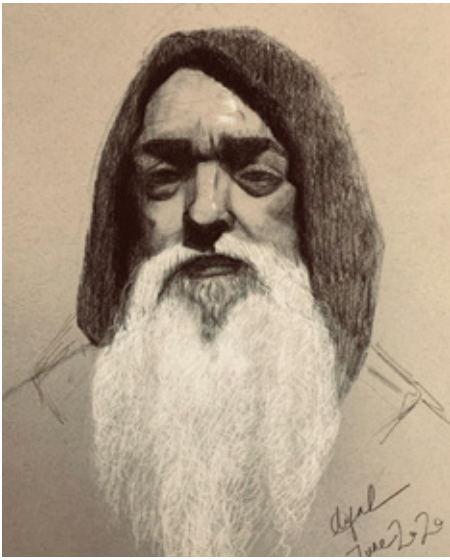




KYLE KROLL  
*Acrylic Painting*



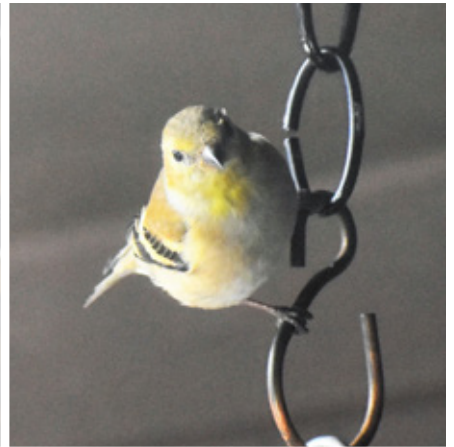
MEHEK MASOOD  
*Sculpture*



**AYAH HELMY**  
*Charcoal/Pencil Sketches*



**CASEY MATTHIESEN**  
*Acrylic Painting*



VICKI BITNER  
*Photography*

## REQUIEM

9 MINUTES 29 SECONDS

SAY HIS NAME.

GEORGE FLOYD.

SAY ALL OF THEIR NAMES.

GENERATIONS OF NAMES.

THE TIME HAS COME FOR OUR RECKONING.

NO MORE GROWN MEN CALLING  
OUT FOR THEIR MOTHERS.

NO MORE PAIN.

NO MORE SENSELESS HATRED.

LIVE IN LOVE AND COMPASSION.

MAKE THEM PROUD.

EQUAL JUSTICE FOR ALL.

WE SEE YOU.

WE HEAR YOU.

WE STAND BY YOU.

WITHOUT LOVE AND COMPASSION,  
HUMANITY WILL NOT SURVIVE.

— LESLIE KIMES

## Mothers

*I held my children's hands when they were small, and in a moment of ease, unaware, they let go.*

*They stepped into flight like an effortless wind.*

*Like rockets, they shot forth, self-propelled, fiery with intention.*

*Now, years later, they sit still. Next to my mother, they are quiet, as if in the presence of a bird that lands nearby and could easily fly away.*

*They listen, attentively. Her throat seeks to speak but cannot find sound.*

*Fledgling, my fear*

*Hovers, holding its breath.*

*A silent wound, long from healing, imagines the relief of a scar.*

*At night, when I lie still as undisturbed water,*

*Thoughts descend like birds in my mind, coming to rest, coming to roost, doing something so ordinary, instinctual, I almost miss it.*

*I close my eyes to hear them better.*

*In that moment, the cacophony of birdsong becomes music, a gorgeous chorus of pitches and affectionate notes.*

*I remember myself a child, lost and certain at once, young yet old.*

*The birds take me to the beach, where the tide swells.*

*The memory is alive, the water whooshing in my ears, the waves pulling at the shore, aggressive then restrained.*

*I wait for the feeling of expanse to flood me.*

*For the waters to rise in a*

*Heavy tug, like tentacles tethered to the seabed*

*Even though they have no anchor.*

*I return to my mother's side, to her stillness. Between us, currents of emotions flow.*

*Her eyes are alive with unspoken words. She blinks at me slowly, deliberately, like an elegant crane bending its neck, and I sense her determination, unfailing, encouraging me, as always,*

*to take to the sky and soar.*

— ARETI GEORGOPOULOS

# The First Day of Law School

By Carolyn Wolski

The first day of the first year of law school. I didn't expect it to be so confidence-shaking.

After some “get to know each other” parties the weekend before, there were hundreds of students in the law school's wide hallways that Monday morning in August. We were getting acquainted with the lecture-hall room numbers, looking for familiar faces, feeling nervous and excited.

The first class of that first day was, for me, Torts. The professor had given us a case to read (yes, just one case that first day) and assigned us to be prepared to discuss it. In the 15 minutes before Torts was to begin at 9 a.m., I was standing around with fellow section members. Tammy, a student who looked like she could be in high school and (I would later surmise) must have had a very large closet full of perfectly matched outfits, asked, “What if he calls on me?”

“I wouldn't worry,” I said. “With 100 students in the class, the odds are pretty low.”

Ten minutes into class, the professor posed the first question about the case. And then called on me to answer. A flash of panic shot through me like lightning. Every eye in the classroom was on me.

“Would you like me to stand up to answer?” I asked.

“No,” the professor said, “you may remain seated.”

The question was something about consequences for a person who had caused harm to another. My answer contained an observation that the actor did not have a “bad motive.” It sufficed, and the professor deftly wove my answer into his lecture. More students were called on, of course, but the shock of hearing my name as the first student called on stayed with me all day. (It must have been memorable for others as well. A few hours after class, as I walked past a group of students in a hallway, I heard someone say, “She was the first person to get called on in Torts.” And for months afterward, my friends took every opportunity to work the words “bad motive” into our conversations.)

Though the experience in Torts class had been a quick, zingy jolt, it was nothing compared to the way I felt after Civil Procedure, the last class of that first day of law school.

Our Civil Procedure professor had a reputation that preceded him. He was said to be a genius, possibly had clerked for the U.S. Supreme Court, possibly had married the daughter of Learned Hand. He was the smartest guy in the law school! The note-taking was fierce as this brilliant professor spoke about claims, original jurisdiction and appeals.

After class, I found myself in a huddle of students that included Mr. Feeney and Mr. Fratzke. Feeney was a short guy, heavy set with a face that was always flushed and sweaty. He wore glasses that were too tight on his face. Because we were assigned seats in alphabetical order, Feeney sat next to Fratzke, who was the opposite in appearance—tall, gangly, no color in his face at all. He, too, wore glasses, but they were the big kind that went from above the eyebrows to below the cheekbones.

In this particular huddle, Feeney was holding court, explaining to fellow students the civil-procedure concepts they had just begun learning about.

“Anybody can take any case to the Supreme court!” he proclaimed.

“Wait a minute,” I said. “Are you sure about that? That's not what I understood the professor to say.”

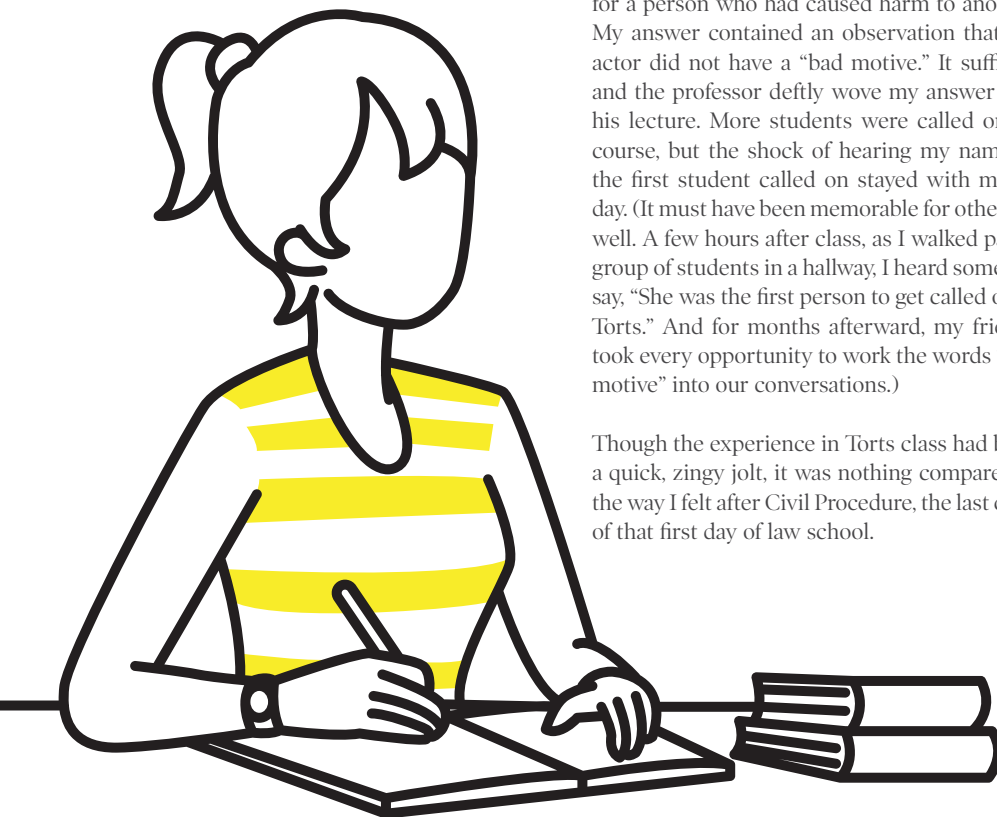
“Oh I'm sure. That is exactly how it works,” Feeney said. Fratzke nodded in agreement.

“Do you mean that if I had a speeding citation, I could take that case to the United States Supreme Court?”

“Yes, definitely!” Feeney replied with vigor, and in a completely self-assured way. “Everyone has the right to take any case to the U.S. Supreme Court!” Fratzke continued to nod in support.

I sensed that others were also skeptical, but Feeney's total confidence in his position led me to think that I must not have understood the professor. That I had it all wrong. That maybe I had no business being in law school. I resolved to work extra hard on Civil Procedure.

As the weeks and months progressed, it became clear that none of us students had all of the answers, least of all Mr. Feeney and Mr. Fratzke. They always seemed to be together, the iconic duo of short stout guy and tall thin guy, but they gave no indication of being the brainiacs of the class. When second semester started in January, Mr. Feeney and Mr. Fratzke were decidedly absent, never to be seen again. We later heard that they were both expelled, apparently for cheating on the Civil Procedure exam.





# *A Breeze Along the River*

*By Ian Taylor, Jr.*

**D**iamond was determined to speak to her brother, Prince, alone. He was guarded when their family asked why he decided to enroll in community college two years after dropping out of University and she wanted to learn more. An early morning walk was the only way they could talk without interruption. Prince agreed.

That morning, she almost forgot her large green glasses as she rinsed her face, threw on her coat, and tiptoed out the door. Prince grabbed a red jacket, too light for early fall in Minneapolis and shuffled behind her turning his cell phone off.

They lived in the River Bluff Homes near a small hill almost hidden among lines of trees. Prince and Diamond crunched through the fallen leaves along First Street, a two-lane road that curved down the hill toward Bohemian Flats Park. On the siblings' right was a thicket of bending trees with green and yellow crowns that seemed to rise to the new morning. The last duplex they saw as they finished the block had two plastic flowerpots, with healthy daffodils. Prince yawned and then stumbled on a break in the sidewalk before regaining his balance. They crossed 21st Avenue and the green and yellow on the trees was fuller than it was just a block away from their duplex. The crows started calling and the smell of fresh dew on wood hung in the air. The street followed a steep hill with a sharp curve at the bottom which led to West River Parkway.

Before they made it to the bottom, Prince noticed a rocky throughway that cut across the forest and led toward the park.

"Let's take the short cut," he pointed at the muddy path and scampered down.

As they emerged and crossed West River Parkway, they entered the park which sat on another grassy hill above the Mississippi river. They shuffled down the hill as a breeze whipped by.

Across the river were giant bouquets of orange, red and yellow. Diamond's eyes widened at the sight.

The river ran underneath the Washington Avenue bridge where the light rail hummed and dinged. To their left was a small steamboat docked by the park.

Near the edge of the wide lawn, Prince paused at a bench facing the river rubbing his eyes. He fell into the wooden frame leaning onto the bench. Diamond stood for a bit, then leaned into a slight stretch. The sky was a blanket of gray, though there were infinite shining folds of the river's currents. A rusted black gate was a few feet from the bench peering above the river. Prince and Diamond were finally alone on a bench at the bottom of the hill.

"How do you really feel about starting college again?" Diamond asked eagerly.

"Oh yeah, college," Prince said. "That starts soon I think."

Diamond rolled her eyes then squinted as she walked in front of the bench toward the Mississippi. Its endless currents reminded her of a story their father told them about how a plane once crashed in the river in one state and within a day showed up in another. The river's currents rushed

against the plane pushing metal through mud and stone.

"I'm proud of you," Diamond said as she faced the river.

Prince sat up.

"Why?" he asked.

Diamond looked at her brother. Her voice was steady, "I know you've been working hard to figure things out."

Prince folded his arms. "I'm not trying to 'figure things out.' I know what I'm doing."

Diamond raised her chin slightly. "All I'm saying is, I'm proud to see your growth."

"I've known what I've been doing for a while now," Prince huffed.

"What major have you chosen?"

Prince looked downward. "You know, since I've moved back home, I've been volunteering with social justice organizations here in the cities."

"Did you get an interest in anything from your experiences there?"

"After George Floyd, all these groups got a bunch of money. But I'm not sure what they're doing with it. No one's doing work I want to join."

"What do you want to do about that?"

"I want to help organizations work with people and make a meaningful impact," he sniffled and looked up again. "I want to major in social justice."

Diamond stiffened. It may have been the wind, or it may have been her brother's intent to sabotage his future, both had the same effect on her. "Prince," she sighed, "what kind of job will you qualify for with that?"

Prince's shoulders were erect though he was facing down again at the crumbled gold and orange leaves under Diamond's sneakers. "How else will people know I understand what I'm talking about when I work with them?"

"What would they hire you for?"

"I'd help them use the money for real change and better policies in black communities."

"Have you thought about data analysis? Where you could track the organization's spending?"

Prince's shoulders tightened. "I don't want to sit behind a computer all day. I want to work with people."

"I know...but can you find what you're looking for outside of your job? Why does your job have to be your politics?"

"It's nice for you, because you work with people every day, that's not something you have to search for."

Diamond recalled last year: middle schoolers fighting in the hallway, mocking her voice inflection in class while she poured her soul into teaching them. She sighed.

"Working with people isn't all you think it is."

"But every day you can influence a kid's life. I want something like that. How can I do that if I study something else?" Diamond was thinking of the parent teacher conferences: the yelling of entitled parents for their entitled students and the silence of absent parents for the students who needed the most help. Her voice softened.

"I just want you to have a balance." Another breeze rushed by.

Prince shivered "It was warm when we left the apartment this morning."

Diamond smiled. "We're closer to the river now...Wind moves stronger over the water than it does on the land, which is why it feels cool."

"Shoot, what you mean cool? It feels cold!" He pulled his light jacket tightly against his high-framed shoulders as he thrust his hands in his pockets.

"I told you to wear a coat," she scolded.

Prince noticed Diamond smile as she argued with him. Her eyes, even behind those big green glasses had some twinkle in them, that shone even when she was distressed or disappointed. The shine was at its best when she laughed or was excited for someone other than herself.

Prince grunted and waved his hand downward like he was slapping away her words in the air.

"If I wore a coat, I'd be looking like an Inuit like you, just less nerdy."

Prince stood up, his back toward the river thinking that would keep him warmer, but he stood still to spite Diamond. Prince noticed a woman on top of the hill they came down earlier. She wore a black hoodie and sweatpants. Her walk became a gentle bounce as she moved down the hill towards them. Diamond rustled the face mask in her pocket as the woman approached. Diamond thought the woman had a regal chin, like the women at her Mother's church, Pilgrim Baptist. She remembered the multi-colored palette on Sunday mornings of wide-brimmed hats: yellow, fuschia, jade, sapphire and a scandalous ruby for one or two. Diamond always remembered those Sundays in Autumn when the gold and amber trees dressed like the women, tall and brown. Prince followed Diamond's lead in putting on a face mask.

"Y'all got change for the bus," the woman asked.

Prince replied, "No ma'am." Diamond's hands were in her

pockets and her fingers rubbed the numbers along her credit card.

"God bless," Diamond told her. The woman's vacant eyes stared at them about a second longer too long.

"God bless *you*," the woman parried. She returned up the hill and headed south until she became a silhouette.

Prince crumpled his mask in his hand then looked at the river. "I think there will be more people who share my values in social justice courses."

"But you can find that by joining an organization. It doesn't have to be through that major."

"You couldn't find any jobs when you were applying after college!"

"Sure, there were limited opportunities, but after I got a master's in teaching that helped bridge the gap. Teaching helped link me directly to a job."

"A job you wanted?" Prince countered.

Diamond had aspired to be a teacher, but she was always baffled by the question of desire. Did she *want* to be a teacher? She noticed the clouds were clearing up and the sun's rays tinged the gray shade into an even tone appearing as morning more than dawn.

"What kind of job do you want?" Diamond asked.

"I want to work with people," Prince replied. Diamond looked at the river again and pondered why she pursued teaching.

As a child, she was fascinated by her mother's tomato plot. She would dig her tiny fingers in the soil where long green stems erected with orange bulbs blossoming from their heads. Water, dirt, seeds, hands. When she was nine, she would dream about those things and wonder if those same ingredients could grow things like peace, understanding and love. She still pondered that, though she stopped asking her parents about it. Her father said only God could grow things like that.

"People are trash," Diamond responded.

Prince snickered. "That's why I need people who share my values. I'm tired of fake liberals! It's hard to find people who are genuine about activism. The fake people in college sickened me."

"I wish other people didn't influence so much of your decision to go to college."

"Aren't the people I'm learning with important?"

Diamond took off her face mask. "Yes."

"I want this time to be different," Prince said.

Diamond rubbed Prince's shoulder.

"I hope it will be," she said.

Prince turned toward the river then admired Diamond. Her afro had blossomed into an amber crown of curls rising like flames on her head. Her hair mirrored how awake she was now that the day had started. Prince stood up and started walking back toward the apartment.

"Do you talk to your students like this?" he asked her.

"You mean the demons?" Diamond unzipped her jacket as the clouds had drifted away and a jogger bounced by.

"It's like that?" Prince chuckled.

Diamond looked straight ahead now, up the hill.

"When I was their age, when adults spoke, I listened. Even if I didn't want to do what they asked me, the adult had my respect." She sighed. "Today, I have to convince them that I am an adult worth listening to."

"You have to earn their respect," Prince said.

Diamond's eyes popped.

"I'm a black woman geologist and every day I work to meet them where they are at and it's not enough!"

"They may never appreciate you," Prince placed his long arm around her shoulders.

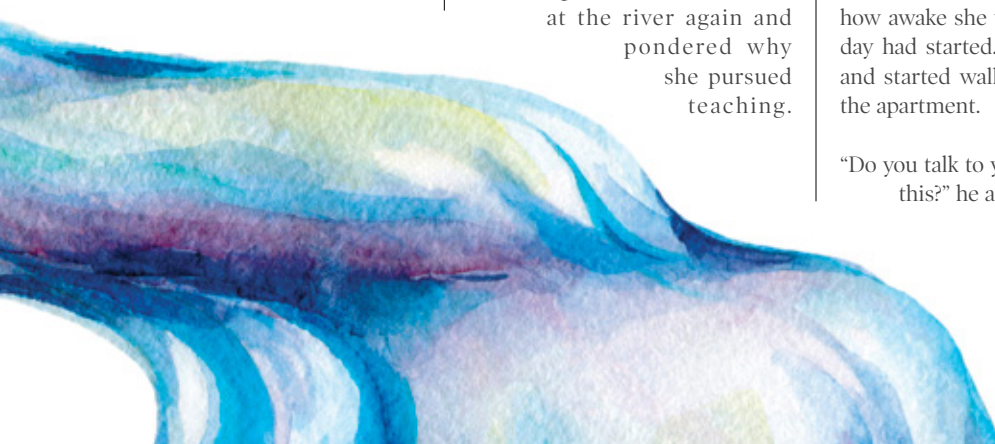
"I used to be passionate about just learning. I don't see that in my students. I don't think they even want to learn."

Prince hummed. "I too was fascinated by the wonders of dirt at that age. What's wrong with this generation?" Diamond punched Prince's rib. He could see her laughing through her eyes. He squeezed her arm gently. "The tools they're drawn to are the ones that move the world, and they don't see the use of what you're showing them."

Diamond burned inside at the thought that her knowledge and work was useless. She didn't know why she was still a teacher, at least for middle school.

"What keeps you going?" Prince asked.

Diamond stared at the river.





# CLINICAL TRIAL

## *An ALS Memoir of Science, Hope and Love*

*By Robert K. Ranum*

**A**fter I was diagnosed with ALS in 2016, I began writing a memoir to tell my story. I may be the luckiest ALS patient alive, if you can call someone lucky with a disease that generally causes death three to five years after diagnosis. I'm lucky because my wife, Laura, is an internationally respected scientist who knows more about my particular disease than almost anyone in the world. Her connections resulted in my participation in a clinical trial at Johns Hopkins for a new drug targeting the specific genetic mutation that I have. That may be why I am doing well over five years from diagnosis, still walking, swimming, playing guitar badly, talking slowly and generally enjoying life. Or it may be the paleo diet that we started years ago, or the metformin that I'm taking based on Laura's research, or the regular exercise we're getting or the no stress lifestyle that I've adopted. I write about all this in the Memoir. Sadly, the written word is to truth as a toy horse is to a real horse, but it is all we have. I am hoping to leave something behind that will remind my family how much I love them and tell the rest of those who might happen upon this book a little about my life. Not because my life was particularly important to anyone but me and my family, but because we all want to reach out to each other. I believe that's a good instinct. We should all reach out and connect and embrace our common humanity. There is much more that connects us than divides us.

### Florida

The conversation about moving to Florida started when Laura and I were in Costa Rica in January, 2009. Laura had organized a scientific conference in San Jose, Costa Rica and I joined her after the conference for a week of vacation. During a conference dinner one evening before I had arrived, she was chatting with a friend, Dr. Maury Swanson, from the University of Florida. Laura and I grew up, went to college and had at that time spent our entire lives in Minnesota except for occasional brief vacations or college studies abroad. Like every Minnesotan who escapes Minnesota in January for a brief but wonderful break from the long, cold, Minnesota winter, she was intoxicated with this new, warm, green paradise and wondering aloud why we lived in a place with such a hostile environment. That prompted Maury to suggest applying for a position at the University of Florida. He said, "We've got a position opening up. Why don't you apply to UF? We'd love to have you."

At the end of the conference, we left San Jose on a de Havilland Otter, a single engine prop plane seating about 10 people, operated by Sansa Airlines, and flew to Puerto Jimenez, a small town on Costa Rica's Osa Peninsula. The Peninsula is famous for the Corcovado National Park, known as having a diversity of biological species not surpassed by a region of similar size anywhere in the world. We landed on a gravel runway just as a goat crossed ahead of the slowing airplane. Our destination was the Bosque del Cabo, an ecotourism resort with luxurious accommodations set amid one of the only old growth rainforests on the Pacific Coast.

It was a perfect environment for Laura to work on persuading me to consider a move to Florida. The resort is located on a bluff overlooking the Pacific and the deck of our cabin gave us a wonderful view of blue water far below stretching to the horizon. As we admired the view and watched for Scarlet Macaws and monkeys, the icy bonds that tied



us to that frozen land in the North may have thawed a bit. Still, when Laura mentioned the idea of moving to Florida, I said, “Are you crazy? People go to Florida to die. No one goes there to work.”

I added, “And what would I do? You would have to get a big raise to replace my salary if I left Fredrikson.”

I had at that time been a lawyer at Fredrikson & Byron, P.A., one of the largest law firms in Minnesota, for twenty-six years. I was a business lawyer with a good practice that had allowed us to send our two kids to private schools and now college. I had some good clients in the Minneapolis area and enjoyed my work. A move would put my practice at risk and, from my point of view, just didn’t make sense.

I felt a little guilty about that conclusion, however. I had been a bit of an anchor on Laura’s career. Many professors move to advance their careers, but Laura had stayed at the University of Minnesota to allow me to pursue my legal career in Minneapolis. She completed her graduate work there, did a post-doctoral study there, became an assistant professor there and then finally a full tenured professor at the University of Minnesota. She was successful enough to get occasional questions about whether she would consider a move, but she rejected them all because she knew that moving the family would cause too much disruption.

The possibility of a position at the University of Florida was more interesting to Laura than any of the others for several reasons. She already had productive collaborations with several colleagues there and wanted an opportunity to build a broader research program focused on neurogenetics.

Also, the kids were leaving home. Paul was already away at St. Olaf College in Northfield, MN and Maddie, two years younger, would graduate from high school in the spring and start at St. Olaf in the fall. A move wouldn’t disrupt their lives significantly. We had lived in the same house at 2116 Carter Avenue in St. Paul for their entire lives, so at least in Laura’s mind, it was time for a change.

When we returned to frozen Minnesota from that trip to Costa Rica, the seed had been planted. But like most things in the Minnesota winter, it lay dormant for months. When Laura suggested that applying might cause her colleagues at the University of Minnesota to take her less for granted, I thought, “Right, that couldn’t hurt.” She worked up an application and sent it in. Maddie didn’t like the idea. She said with authority, “Mom, families are like trees. They spread roots. You can’t just uproot them and move them to a different state.”

I continued to go into the office every day, sit down at my desk and work at my computer and make and receive telephone calls. But now I observed my day with the possibility of change in my mind. Most of my meetings were internal meetings with other lawyers at Fredrikson about internal firm stuff, not meetings with clients. While they were enjoyable because after all those years most of the lawyers at the firm were good friends, it wasn’t really important for me to be there. As for client work that actually generated revenues, 90% of that was done by computer and telephone which I could do, I realized, anywhere.

My most important client, Cardiovascular Systems, Inc. (“CSI”) held board meetings every quarter which I attended, but the directors flew in for those. Why couldn’t I do the same? Even the CEO of CSI lived in California

and commuted, as needed, to Minnesota for company business. Although some board members complained about that, they let him get away with it. I began to think it might be possible to stay with Fredrikson & Byron, move to Florida and travel back to Minnesota as necessary for meetings.

This idea presented a couple of significant challenges. Each state has its own licensing requirements and a lawyer who practices law in a state in which he is not licensed is subject to enforcement action for the unauthorized practice of law. Some states, like Florida and California, are more aggressive about enforcing their rules on unauthorized practice of law because they see more lawyers from other states moving there and practicing law without a license. I knew I would have to get licensed in Florida in order to practice law there. And I knew to get a license in Florida, I would have to take and pass the Florida Bar Exam.

The other challenge would be generating new clients in Florida. I generally worked with early stage companies. This was fun because there is an energy in start-up companies that is often missing in large institutional organizations. I worked directly with the founders or management team and shared the adventure of each successful fundraising or merger or the excitement of an acquisition that provided a liquidation event for investors. I was a counselor to officers and board members, providing business advice as well as legal advice.

But early stage companies have a life cycle. Some don’t make it and often cease business, sometimes leaving Fredrikson with unpaid legal bills. Others, if they are successful, get acquired by a larger company that is represented by other legal counsel and we lose the client. CSI is the rare exception, a long-term client that I had represented since the founder and CEO came to me in 1994. I had represented CSI through its growth from a start-up company (that almost failed with the market turmoil in 2000) to a public company with a market capitalization in excess of \$1 billion. But I knew eventually I would lose CSI as a client also, most likely through an acquisition, I thought then.

Therefore, my continued success as a lawyer required developing new clients. That would be much harder in Florida, where most people would never have heard of Fredrikson & Byron, P.A. In Minnesota, Fredrikson is well known in the business community as one of the top law firms. Clients who hire me know that they are getting a team of top-notch lawyers to work on their matters. I can invite them to visit our impressive offices on the 34-40<sup>th</sup> floors of US Bank Plaza in Minneapolis. In Florida, my business card would have the name of a firm no one had heard of, and I would be working from home, at least at first.

In quiet moments, I thought about what I owed to Laura. Her work, although not as well compensated as mine, was more important. She was breaking new ground in research on neurological diseases, doing work that was one of a kind. I was doing work that could be done by thousands of other lawyers. She deserved more support than the University of Minnesota was giving her. She had shortchanged her career for me and the kids. Maybe I should take a risk with my career for her.

I also considered my age, 51, and the fact that my mother had died from ALS at age 62. We knew from the pattern of inheritance in my mom’s family that there appeared to be a 50% chance that I would inherit the gene that caused mom’s ALS and also die early from ALS. This made the risk with the career seem insignificant and strengthened my desire to support Laura

in whatever she wanted to do. We had been financially conservative and responsible all our lives and now had more resources to take risk than ever before. And it might be fun, I thought.

By the time that Laura received an invitation from the University of Florida to come down for interviews, I was willing to move ahead with caution.

## Gainesville

The recruitment process took a year and half. Laura went for the first visit alone in the summer of 2009 to give a seminar and have a round of interviews. That went well and so I joined her on the second trip in the fall for additional discussions and interviews. Laura presented her list of terms that she would like to see in an offer letter: A start-up package that would allow her to set up her lab, financing for a new Center for NeuroGenetics that Laura would lead, money for additional recruitments to the Center, and a salary with a nice increase from her University of Minnesota salary.

Laura's second visit was my first time in Gainesville. There is no direct flight from Minneapolis to Gainesville. Delta offers several flights each day from Minneapolis to Atlanta with a travel time of about two hours, but then the Gainesville traveler is required to connect to a flight to Gainesville almost always on the D concourse of the big Atlanta airport, served by one of Delta's partners operating a smaller plane, with a travel time of about an hour. That connection alone made clear that we were going to a small city. With time in the airports prior to flights and connecting in Atlanta, the trip takes about 5 hours.

Upon landing, we disembarked into the single waiting area of the Gainesville airport and after a short walk, we were on the street. I was struck by how small the airport was. I told myself, "small is good. The less time we waste in airports, the better." But I worried about the size of the market for lawyers like me.

We stayed at the Hilton Hotel on 34<sup>th</sup> street, near the UF campus. While Laura was away at meetings, I went for a run. It was hot. I ran through the campus to get a feel for the place. It was beautiful, with red brick buildings along tree-lined streets with a 20 mile per hour speed limit. I ran by Lake Alice and smiled at the exotic sight of a beware of alligator sign. I stopped to marvel at the Baughman Center, a curious chapel on the shores of Lake Alice with a gothic-inspired, modern design, with soaring windows. Eventually, I got to the Ben Hill Griffin Stadium, aka "the Swamp." As a sports fan, I was aware of the storied history of Florida football and the national championships in 2006 and 2008 and felt as though I was in the presence of greatness. I was surprised to see that the stadium was open and as I cautiously jogged up the ramp, expecting someone to tell me to get lost, I saw that others were running up the steps inside the stadium. After pausing a moment to admire the field and the empty bowl of the great stadium surrounding it, I too, ran some steps in the stadium.

On the way back, drenched in sweat, I thought maybe I could make this work. Gainesville was small but the University of Florida was an impressive place. I imagined opening a satellite office of Fredrikson & Byron in Gainesville with a few associates. If Laura wanted to come here, I decided, I would work hard to build a practice here.



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**John Medeiros** is a shareholder with the law firm of Nilan Johnson Lewis, where he leads the Corporate Immigration Group. He also serves as Chair of the Minnesota/Dakotas Chapter of the American Immigration Lawyers Association.

He recently published a memoir, *Self, Divided*, which won the 2020 Howling Bird Nonfiction Prize.

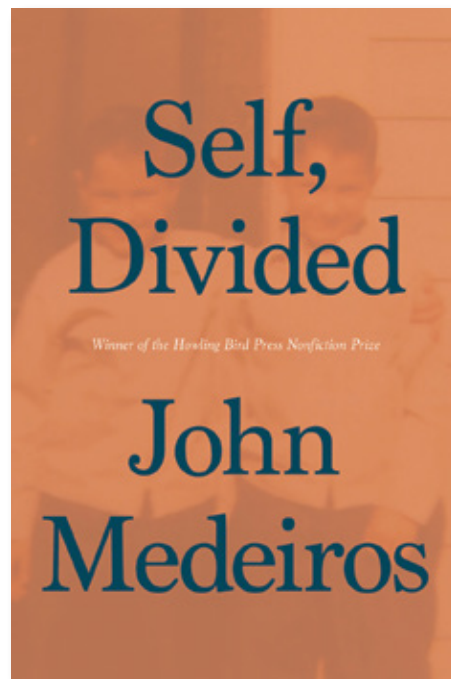
**From the description:**

*In 1995 John Medeiros and his identical twin brother participated in a gene therapy study in which the HIV-positive twin was infused with billions of genes from the HIV-negative twin. This memoir details, from a firsthand perspective, a time in our recent history when the world had to reckon with the emergence of a seemingly undefeatable virus. Self, Divided explores the dysfunctional yet enduring relationships that surround this pivotal moment in Medeiros's life and family, brilliantly capturing how we all are connected, in one way or another, to those around us.*

John discusses how he balances his writing and his practice, why he chose to write this book, and advice for potential attorney authors.

# Being an Attorney and an Author

## An Interview with John Medeiros



My writing during this time was legal writing, with an emphasis on the Trump administration's immigration policies. For this reason, I'm happy to have had a solid draft of the memoir written before that administration took office. The last year has been spent focusing on the revision process, which made it a bit easier for me. I like to think that going forward I can start working on new material.

**Your poetry has been published before, what were the differences between publishing a book of poems and a memoir?**

The main difference is the audience. When you write poetry, you're less concerned about who's reading it, and which of those who are subjects of your material will receive that material. The opposite is true with memoir. When I knew this book would finally get published, I had deep conversations with family and friends who are featured in the book to make sure they were aware that pieces of their stories and their memories would also make their way into the world, and I didn't want that to be a surprise to anyone. Also, the readership for poetry is not the same as the readership for memoir, so I knew the memoir would reach a larger audience.

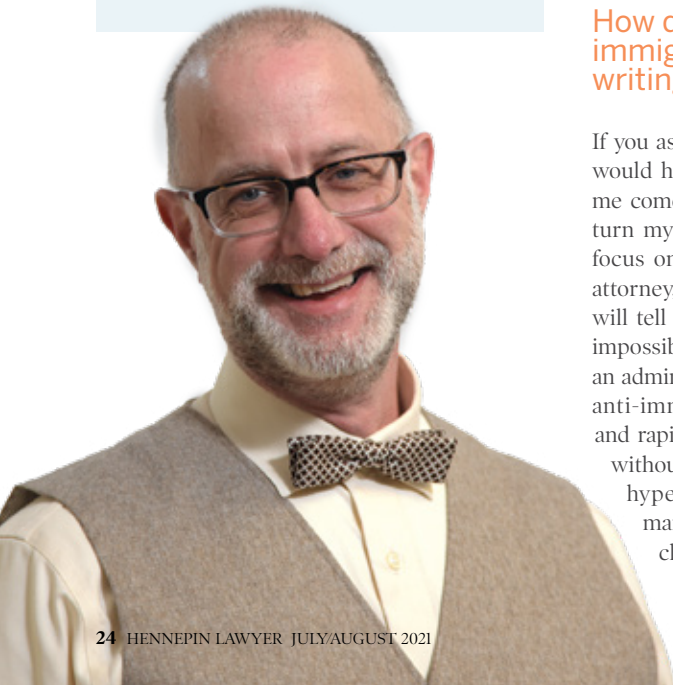
**In a profession that isn't known for vulnerability, what made you want to tell this very personal story?**

This is an excellent question. For many years I kept my personal life in one corner and my professional life in another, and the twain had no reason to meet.

I like how you say that the legal profession isn't known for its vulnerability, and I think that's particularly true with corporate lawyers. While I am an immigration lawyer, it's important for

**How do you balance your immigration law practice with writing a memoir?**

If you asked me this question five years ago, I would have said that the writing process for me comes mostly in the evening, when I can turn myself off to the rest of the world and focus on my craft. But I am an immigration attorney, and as most immigration attorneys will tell you, the last four years have made it impossible for us to turn ourselves off. With an administration that prided itself on its very anti-immigration positions, and with swift and rapid changes to policies and procedures without a hint of warning, I've had to remain hypervigilant if I wanted to be able to manage my practice—not to mention my clients' expectations—during that time.



me to mention that my clients are primarily corporate clients, and my practice focuses on employment-based immigration. Corporate clients are very different from individual clients; their expectations are different, and their needs are different. But the people within those companies are human, just like you and me. With the publication of this book, I knew my personal and professional lives would come together in a very public way, and I like to think my story resonates with other legal professionals as well as with my clients.

The memoir is a quest for identity. It raises the questions of how we claim identity when we are all, in some way or another, connected to others around us. I use the metaphor of my identical twinship to raise that question. Valarie Kaur, in her book *See No Stranger: A Memoir and Manifesto of Revolutionary Love*, refers to this as looking at others as a part of ourselves we do not yet know. I love this perspective because it opens the door to diversity by asking us to consider other ways of looking at things and people around us. I'm grateful that my

colleagues in the legal profession and that my clients understand the value of diversity and appreciate the lessons we can learn from others whose stories are different from ours.

### What advice do you have for working with a small publishing house?

This book required a very specific publishing house—one that would be able to read the manuscript with the eye of a poet (the narrative is very lyrical and even uses white space the way a poet uses white space) while at the same time understanding the challenges of a longer prose narrative. My advice would be to know your book. Know its strengths, know what you want the final product to look like, and then research publishing houses who share your vision. This does not mean you won't have to make sacrifices in the editing process (that's a given), but it does mean the sacrifices you make will be sacrifices you both agree on. Remember, you and your publishing house are a team. And that team needs to be able to work together.

### What was the most enjoyable part of writing this book?

I have to say it was the revision process. Even though this is something many writers detest, it really does require a re-visioning of the larger piece. And it really is part of the larger writing process. It's amazing to me how the larger piece takes on different shapes and different forms. I've written this piece in both the present tense and the past tense. I've written it in the first person narrative, second person, and third person. I've revised it to have a non-traditional format as well as a traditional format. And each iteration allowed the manuscript to shine in a different way and to take on different meanings. I enjoyed that because as a writer interested in the interplay between poetry and prose, and between narrative and form, the possibilities seemed endless.

*Self, Divided* is available for purchase at [bookshop.org](http://bookshop.org), [spdbooks.org](http://spdbooks.org), and other major retailers.



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# COUNSELING Creatives

By Wynne Reece

*“Lawyers are scary, they are expensive, they don’t understand what I am asking, I don’t understand what they are saying, they tell me no...and honestly, I have no clue where to start.”*

I can’t tell you how often I heard some iteration of this messaging before I started The Creative’s Counsel® in late 2015. The practice of business law and intellectual property was not a new type of law, but for some reason this messaging still persisted, which got me thinking—why?



As professions, the law and creative work can seem diametrically opposed. One leans conventional, structured and risk averse; the other—innovative, fantastical and adventuresome. But a perceived diametrical opposition isn't an impermeable barrier, rather it highlights an opportunity for attorneys to embrace a timely update to the lawyer-client approach.

I recall the first time I spoke to a room of Creatives about the law. I stood there, suited up, in front of 50 faces with nothing more than an inkling of this industry's perception of lawyers. I knew many of the attendees from my prior life in the events industry, but rather than a joyous twinkle, I saw eager-to-learn eyes filled with apprehension because, well, the topic was the law. At that moment I realized this practice area, my future practice, would be anything but conventional.

The world of creative entrepreneurship is ever evolving on a micro and macro level. On a micro level, entrepreneurs are pivoting to stay afloat in the digital era. On a macro level, there were over 803,000 businesses less than a year old in the United States in 2020. *Ok, yes, I hear you saying that is because of lay-offs and the pandemic*, but in 2019 there were over 770,600, and there has been a 43.5 % growth of new business startups since 2010.

While this is likely attributable to a variety of reasons, I think it boils down to the evolution of expectation in work-life balance, and the self-assessed value of one's time. Creative entrepreneurship isn't just a profession, rather it is a way of life, and as counsel to Creatives, it is important to both recognize and respect that.

*So, who are these Creatives?* The answer may surprise you. Logically, one would think of persons who are in business in a creative field, such as content creation, brand design, writing, film and music—anyone from an Etsy seller to Walt Disney. However, I have found that the idea of what is creative is incredibly broad, and rather than focusing on the profession, the question more often takes into account the person(s) behind the business. We work with those logically fitting into the “creative box,” yes, but also with fellow attorneys, community group developers, dentists, city coordinators, financial advisors, psychologists, and architects, all of whom have decided to infuse creative energy into their traditional professions, thereby self-identifying as a Creative. Creatives embrace collaboration and are generating new ideas, redefining conventional wisdom and taking action (or furthering existing action) to effectuate change in their respective industries.

### Three Things to Remember When Representing Creatives

First, it is incredibly important to support Creatives in defining their niche. I wouldn't say that it is appropriate to tell someone what their niche is, but through business counseling, competitive analysis and asking questions—*What are you good at doing? What makes you money? What do you enjoy doing? What do you dread doing?*—you can support them coming to their own definition. One theme that holds true is that Creatives dream big—it is what makes them so fantastically unique, but it also can be an Achilles heel. Opportunity is endless when you are dreaming, it is easy to become overloaded with projects and directions when risk is not top of mind. While my clients will tell you that I am a strong advocate for exploring various paths in one's profession to find a niche that will fulfill them, finding their niche is also imperative in bypassing their competition and finding financial success.

Second, address their legal basics. Many Creatives you work with will likely have the knowledge of business basics somewhere in their brain. However, growing up in the home of a musical composer, I can say from personal experience that creative thinking is a different kind of brilliance. Even the most successful Creatives may need assistance with the legal elements of a business: incorporation, worker classification, which parameters can be legally imposed on whom, client contracts, and identifying risk.

Third, it's important to address defending their business, both the legal and practical remedies. I suggest doing this from the outset, as it may shape decisions that are made throughout business growth. Now, it's been said that no one will value what it took to build a business more than the person who in fact built that business. In working with Creatives, you can help educate them about the importance of being inspired by those who came before them, but also how to identify and combat opportunistic behavior. Nothing upsets a business owner more than when a budding entrepreneur emulates what they have built or riffs off of their brand, an unfortunately common problem in today's evolving entrepreneurial world.

There are issues with breaches of restrictive covenants, infringement of intellectual property, and violation of human principle and decency. The reason? Some of those copying may not see a problem with it and label it as standard competitive practice 'which everyone does,' and usually those whose businesses are being copied are so focused on protecting what they built that they are frantically looking for real help in trying to stop it.

However, to defend one's rights, even in a nearly open and shut case, can be very expensive and will usually take enormous time and energy away from the work Creatives love and need to do for their livelihood. As a lawyer for Creatives, it is important to try to come up with solutions to this practical problem. These solutions require creativity by the lawyer tailored to the problem at hand and may be outside the scope of standard legal ramifications.

### The Lawyer-Creative Relationship

Working with Creatives is my greatest joy, but in understanding how the term Creatives is defined we must also look at how Lawyer is defined in this relationship. It is vital in the early days of your lawyer-client relationship to address roles and expectations. I often have Creatives ask me, *"What makes you different from another lawyer?"* and my most common response can be boiled down to the simple fact that I am me, and they are them. Relationships really matter when working with Creatives. And it is OK to say no to the wrong clients in order to open yourself up to the right ones. Choose the clients you truly believe in, with whom you have mutual respect and with whom you share similar principles.

The resounding message for lawyers representing Creatives is to become comfortable with being uncomfortable. That pesky risk factor that lawyers stay away from, Creatives leap into. The conventional work product lawyers have banked for years is not appealing to Creatives. They don't like the way it sounds and don't want to work with drafts to fix it. In fact, many would rather turn to downloadable forms, which can be relatively inexpensive to buy but which often require an inordinate amount of time to tailor them to the clients' business. The formality of conferencing is countered with coffee-filled walks around their neighborhoods. The communication which most Creatives who I have worked with seem to prefer often happens outside of working hours (including on weekends and vacations), over text, voice notes, Instagram DMs or some other informal platform. When we aren't counseling on their business, we are supporting them emotionally, dreaming of innovative business solutions and being their friend.

When it became apparent that this was the direction my legal career was going, I flew to New York City to spend the weekend with my elected Godmother, a brilliant attorney who specialized in international law at a large firm. She shared with me her insight, her years of experience and her perspective on working with Creatives. She passed away just a few years later from breast cancer, but her mantra, shared by one of the great legal minds in our lifetime at her life celebration is something I carry with me daily—*may the wonder of your work always dazzle you.*

My respected colleagues, I leave you with this: when working with Creatives, one must always look for that dazzle, for Creatives are fantastically unique and they seek out a team that shares the wonder that lies within creative entrepreneurship.



**Wynne Reece**

[wreece@reece-law.com](mailto:wreece@reece-law.com)

In less than four years, Wynne Reece started two successful businesses and at just 30 years old, she successfully sold one of them to devote her energy to a legal niche, The Creative's Counsel®. The Creative's Counsel focuses on supporting business owners, by offering them affordable and approachable legal work, with counsel they can relate to. Reece Law was founded in 2013 and to date she has worked with over 900 businesses in an outside counsel capacity, as well as quite a few more individuals.



# A New Stage for CLE

By Will Ashenmacher

Wurtele Thrust Stage at the Guthrie; photo by Jim Gallop

For Chris Carlson, it seemed that CLEs didn't have to be as static and stiff as many of the ones he'd attended had been. Theaters across the Twin Cities agreed.

Carlson, an attorney and professional actor, has worked with the Guthrie and Mixed Blood theaters to create CLEs presented by live actors. Most have focused on elimination of bias and ethics, and virtually all were designed to encourage greater audience participation and engagement.



Chris Carlson

"I always say in these courses that art has a greater ability to put us in the shoes of other people than the law has. What we're able to do with art is get people to feel differently and have a better chance of getting them to think and behave differently," Carlson said. "At the core of, for example, elimination of bias CLEs is changing someone's understanding and, at the heart of it, how they see things.

The more we can get people to feel what it might be like to treat someone differently, or to be treated differently, the more effective we can be at changing behavior."

Lauren Anderson, education co-manager for the Guthrie, estimates the theater arranges around three in-person CLEs per year. (Due to COVID-19, there were no CLEs last year.) "We believe that, in learning, the more connected you are to the material, the more it will inspire," she said. "By making it more participatory, we're hoping to engage the room into the work. You're not just sitting back and watching something. You're involved in it."

In conjunction with the Guthrie's staging of Edmond Rostand's *Cyrano de Bergerac*, a play in which the homely titular character tells a handsome,

tongue-tied friend what to say in order to woo the woman they both love, the Guthrie presented an ethics CLE focused on the ethical ambiguities inherent in legal representation around speaking for someone else. To coincide with Henrik Ibsen's *Enemy of the People*, a play about a town that has to confront the fact that its tourist-attraction hot spring has become dangerously contaminated, the CLE involved the creation of an imaginary law firm. Participants were asked to set guiding principles for the kinds of cases they handle. They then watched a scene from the play and had to reach a decision to decide whether to take the case.

"The use of storytelling is how we have continued to evolve. It's how we develop empathy and learn to connect with one another," Anderson said. "With the CLEs, it's a less-clinical approach. Examining these scenes and the interplay between the characters helps create an element of humanity and apply perspective that helps expand ideas. The purpose is not to make people adopt a specific point of view. It's more letting the audience member see the story, take it in and work with his or her own judgment. I think that's a really beautiful way to learn about one another."

Carlson estimates that over the course of his career, he's arranged almost 70 CLEs incorporating live theater.

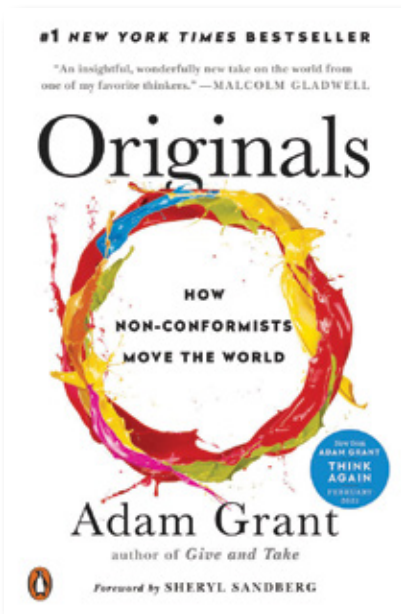
"If we can make participants feel something, if we can make them invoke that empathetic imagination, that's huge. That's huge for the dignity of the profession, and it's huge for the artists, too," Carlson said. "Lawyers, at the end of the day, are human, and they can have their imaginations piqued and tapped into. When you're at one of these CLEs, you don't see people reading newspapers or working on their phones or walking out nearly as much as you see in the average CLE."

Will Ashenmacher is a licensed attorney, former journalist, and communications manager in the Minneapolis office of Ballard Spahr.

# Originals

## HOW NON-CONFORMISTS MOVE THE WORLD

Summary by Lisa Buck



Book by Adam Grant

“Never doubt that a small group of thoughtful citizens can change the world; indeed, it’s the only thing that ever has.”

— Margaret Mead

According to psychologists, there are two paths to achievement: conformity and originality. Most of us are in the first category. In *Originals: How Non-Conformists Move the World*, organizational psychologist and Wharton professor Adam Grant examines the habits of people in the latter category, dubbed “originals”. Originals are the creative non-conformists who see things in new ways and drive change in the workplace, their community, and the world.

Grant says that originality is not a fixed trait; we can all enhance originality in ourselves and our colleagues, thereby fostering diversity of thought, generating better solutions, and championing novel ideas to improve our business.

Let’s take a look at some of the traits of originals that you can adopt to boost your originality.

### Be Curious

Originals are curious—they question the status quo. Originals ponder why something is the way it is and consider whether it can be changed or improved. Many of us accept the defaults in our lives and our jobs; originals question the defaults.

#### Example:

Four graduate students who were friends wondered why eyeglasses were so expensive. Their research indicated that the cost of goods did not justify the price, and that 80% of the eyewear market was controlled by one company, explaining the high price tag. The friends wondered if consumers would buy cheaper glasses online. The result was Warby Parker, a successful company which revolutionized the eyewear industry. Warby Parker got its start because of the curiosity of four students.

### Face Fear

Originals are not immune to fear and self-doubt. Originals feel fear and grapple with self-doubt, *but they take action anyway*.

#### Examples:

- Dr. Martin Luther King was apprehensive when asked to lead the civil rights movement; his dream was to be a pastor and college president. But when asked to lead the bus boycott and march on Washington, he accepted.
- Michelangelo did not want to paint the Sistine Chapel when he was commissioned by the pope, as he considered himself a sculptor. He did it anyway.

### Balance Risk

Being original requires some risk. After all, you are proposing something new or doing something in a novel way. The word *entrepreneur* literally means “bearer of risk”. However, originality does not require extreme risk.

Grant notes that the most successful originals offset risk in one area with caution in another realm. Entrepreneurs who start a new business but also keep their day job (at least initially) have a lower rate of failure.

#### Examples:

- The founders of Warby Parker did not drop out of school to focus 100% on their new business.
- Nike founder Phil Knight worked as an accountant for five years after he started selling athletic shoes.
- Grammy winner John Legend worked as a management consultant for two years after releasing his first album.

## Adopt a Creative Mindset

In business, Grant says the biggest barrier to originality is not idea generation, it's idea *selection*. Evaluating ideas, products, and solutions to select the best one is not as simple as it seems.

In the workplace, it's hard to accurately assess novel ideas. Managers tend to be risk-averse, focused on cost and the status quo, and they often do not accurately predict the success of an idea or product.

To more accurately judge an idea, Grant recommends adopting a creative mindset. Spend time generating ideas/brainstorming immediately before evaluating the proposed idea. The time employees spend generating ideas makes them better at discerning which suggestions and proposals from colleagues are worthwhile.

## Engage in the Arts

Having an interest in the arts tends to influence how creative you are at work. The personality trait most associated with an interest in the arts is *openness*. Openness is the tendency to seek out novelty and variety, which leads to originality.

Nobel Prize-winning scientists are dramatically more likely than their scientist peers to be engaged in the arts (drawing, painting, literature, music, or even performing magic tricks). People who start businesses and contribute to patents are also more likely than their colleagues to have leisure time hobbies that involve the arts.

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## Seek Diverse Experience

Successful originals don't necessarily have the deepest expertise, but they seek out broad perspectives. Diverse experiences and perspectives foster creativity. Steve Jobs once said that in order to be innovative, "you have to not have the same bag of experiences as everyone else does."

The more expertise a person gains in an area, the more entrenched they become in a particular way of viewing the world. According to Grant, the people best suited to evaluate new ideas have *moderate* expertise in the domain and *broad* experience elsewhere, such as in another field or working abroad. If we have deep knowledge in the area but lack broad experience elsewhere, we limit our creativity and ability to be open to creative ideas.

### Examples:

- The show *Seinfeld* was rejected by television executives as too unconventional, but a producer saw potential in it—he did not have experience in comedy or sitcoms, so he was more open to a show that didn't follow the typical sitcom formula.
- Many publishing agents rejected the first *Harry Potter* book, believing it was too long for a children's book. They adhered to rigid ideas of what children's literature should look like.

## Choose a Role Model

Originals often have role models or mentors who inspire them to be creative. Role models for originality open our minds to unconventional paths. Even fictional characters can be role models in creativity.

### Examples:

- Dr. King said his role model was Mahatma Gandhi.
- Elon Musk's favorite book series is *Lord of the Rings*, a tale of a hobbit's adventures to destroy a dangerous ring of power.
- Business titans Sheryl Sandberg and Jeff Bezos were influenced by *A Wrinkle in Time*, a story of a young girl who learns to bend the laws of physics to travel through time.

## Procrastinate Strategically

Being original does not require you to be first; it just requires you to be different and better. Procrastination can actually enhance your chances of success. Being first (a "pioneer") is an advantage in certain markets such as tech and social media, but in most markets, being first is a disadvantage. A pioneer is more likely to fail than someone who comes along later (a "settler"). Settlers learn from pioneers' mistakes. Grant says procrastination may be the enemy of efficiency but not of creativity.

In embarking on a project or idea, Grant suggests carving out time to deliberately pause and wait. That allows time for more diverse thought and creative brainstorming. Grant notes that procrastination only works if one has motivation, not if it is to avoid effort.

### Examples:

- Leonard de Vinci worked on the Mona Lisa on and off for a few years and didn't finish it until near his death.
- Dr. King was still making revisions to his "I Have a Dream" speech while he waited backstage minutes before taking the podium. In fact, the dream idea was not written into the speech at all.

## Avoid Groupthink

In a groupthink culture, people are pressured to conform to the dominant, default views instead of championing diversity of thought. Groupthink is the enemy of originality.

Thoughtful disagreement and open-minded debate generates conversation and helps prevent overconfidence and people being afraid to speak up. This leads to original breakthroughs and productive brainstorming, not only generating more ideas but higher quality ideas.

Dissenting viewpoints are important because they stimulate thought, lead to more novel solutions, and prevent a rush to judgment. Teams that encourage dissent make the best decisions. Studies show dissenting opinions are useful even when they are wrong.

Grant advises organizations to build a culture that welcomes dissent. Challenge, not merely reinforce, others' perspectives. In addition, leaders should embrace upward feedback and role model receptivity to criticism from employees.

### Example:

Polaroid failed because of its adherence to the assumption that customers would always want hard copies of photos. The key decision makers failed to question this assumption, a classic example of groupthink.

## Focus on Cultural Contribution

Companies often assess a candidate's cultural fit when interviewing. Grant advises leaders to assess a candidate's cultural *contribution*, instead of cultural fit.

When leaders prize cultural fit, Grant says, they end up hiring people who are similar to the decision makers, sacrificing originality. Originality comes not from people who match the culture but from people who enrich it. Grant suggests that before hiring, leaders identify diverse backgrounds, skill sets, and personality traits that are missing from the culture and place a premium on those attributes in the hiring process.

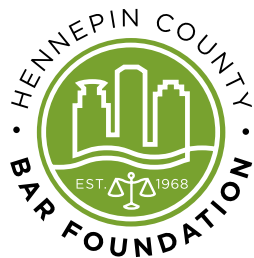
By adopting these habits, starting with curiosity, we can enhance originality in ourselves and our colleagues, to improve the workplace and the community.



**Lisa  
Buck**

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Lisa Buck practiced corporate law in Minneapolis and was an adjunct professor at William Mitchell College of Law. When she isn't writing for the *Hennepin Lawyer*, you can find her behind the lens at Lisa Buck Photography.



# 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 \$250,000 in grants each year to dozens of local nonprofits. For more information visit [mnbar.org/hcbf](https://mnbar.org/hcbf).

Originally founded in 1983 by the first Minnesotans diagnosed with AIDS, the Minnesota AIDS Project grew into Minnesota's largest, and now longest-running, organization serving HIV-positive persons. In 2018, the Minnesota AIDS Project merged with the Rainbow Health Initiative, a long-standing health advocacy and education organization, to become JustUs Health, newly renamed Rainbow Health.

Rainbow Health employs a diverse team of over 70 professionals united by their passion for health equity. They help people, primarily HIV-positive persons, LGBTQ+, and communities of color, navigate healthcare systems by breaking down barriers. Their mission is to work for equitable healthcare access and outcomes for people experiencing injustice at the intersection of health status and identity.

Since opening their doors, the legal needs of people with HIV have changed quite drastically. At its inception as the Minnesota AIDS Project, staff primarily assisted clients with end-of-life planning. Now, end-of-life planning is still a service offered, but one among many. When people become diagnosed with HIV/AIDS, even though it is more manageable and not the same death sentence it used to be, they still need assistance organizing and planning for end-of-life.

End-of-life planning is a portion of Rainbow Health's direct legal assistance. Led by veteran supervising attorney Lynn Mickelson, Rainbow Health Legal Services provides comprehensive disability planning services that include estate planning, debt advocacy, and disability benefits advice and representation. Mickelson helps individuals understand the process, get legal documents in place and secure and protect disability benefits.

In the advocacy realm, another staff attorney, Phil Duran, uses his legal expertise to help those with barriers to health insurance, including transgender individuals and minors. Duran identifies cases that help an individual or family gain access to the gender-related care they need but also to help change larger systems at work. If someone is denied by medical assistance or by a private health insurer, Rainbow Health can work to reverse that decision.

Rainbow Health has also expanded to serve other issues such as aging and, more recently, the effects of the COVID-19 pandemic. Last year, Rainbow Health was forced to shift all operations to function almost 100 percent remotely. This included legal services, HIV support services, education programming, and behavioral health services.

According to Jeremy Hanson Willis, Rainbow Health CEO, there was a great sense of urgency behind getting their services, especially their behavioral health services, available remotely. Many of Rainbow Health's clients live in Hennepin County, and two-thirds of those served are people of color. "A lot of our clients were affected by the pandemic coupled with the killing of George Floyd. That increased the need for mental health services across the board," said Hanson Willis. In the past year, Rainbow Health staff have seen an increasing number of people requesting services for mental healthcare, about half of whom were new to the organization.

During the pandemic, Rainbow Health became a core partner of the Minnesota Department of Health in working on their COVID-19 strategies. The Department of Health partnered with 10 community-based organizations. Rainbow Health became their primary LGBTQ+ partner and received funding to create a COVID-19 hotline and facilitate education and outreach so LGBTQ+ individuals and others could have access to information about COVID-19 prevention, testing, vaccinations, and more. A challenge faced by Rainbow Health today is that many low-income individuals have limited access to technology, creating barriers to accessing information, document signing, etc. "We had to create opportunities for people to meet in person," said Hanson Willis. "Our staff went above and beyond to make sure clients had what they needed."

In response to the growing need for these services, Rainbow Health has received great support from Minnesota's philanthropic community. Many foundations and various funders reached out to offer assistance during the past year. The majority of Rainbow Health's funding comes from government contracts, specifically from Hennepin County and the state of Minnesota, using Ryan White HIV/AIDS Program funding. The Ryan White HIV/AIDS Program provides grants to city and state governments, as well as community-based organizations, to provide care and treatment services to people with HIV to improve health outcomes and reduce HIV transmission.

Government contracts are the base of the support but not sufficient to meet the needs of the organization's many clients. Additional fundraising from foundations, corporations, and individuals helps expand programming from the level that state support provides. Many of Rainbow Health's programs have waiting lists. Grants from organizations such as the Hennepin County Bar Foundation help staff to serve more low-income individuals.

To contribute financially to Rainbow Health's mission or to find more information, visit [rainbowhealth.org](https://rainbowhealth.org). Rainbow Health also works with summer law clerks and volunteer attorneys to assist in the Legal Assistance Program. If you are interested in volunteering, or have any questions, contact Lynn Mickelson at [lynn.mickelson@rainbowhealth.org](mailto:lynn.mickelson@rainbowhealth.org).

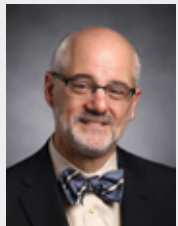
# Antacid, Anyone?

By Eric T. Cooperstein

When a lawyer receives an ethics complaint from a client, often the lawyer is not completely surprised. Not because the lawyer knows they made a mistake—typically the lawyer has provided very good service—but because the client was so difficult to work with that the lawyer already feared that the relationship would not end well. The lawyer remembers having qualms about accepting the representation in the first place and regrets not listening to their “gut.”

Your gut—your client microbiome, if you will—is much more sophisticated than you may give it credit for. It is a complex ecosystem built from myriad experiences over your personal and professional life. Your gut helps you compare the behavior of one client to all the clients you have served before. When the client's behavior is an outlier, that's when you are likely to get client indigestion.

Even though each of our client microbiomes are unique, there are certain pathogens that affect even those with the hardest constitutions. Turning away these clients feels difficult in the moment because lawyers often believe too much in their powers to calm, educate, or reason with a difficult client. In fact, as your gut is trying to tell you, many of these clients' temperaments will not change for the better. See whether your gut recognizes these problem clients:



**Eric T. Cooperstein**

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

**The Caller or The E-mailer:** The client leaves four voicemail messages for you in one day, or calls, emails, and texts you within a few minutes. In one case I recall, a client “text bombed” the lawyer by sending hundreds of repetitive text messages over the course of several hours in the evening. It is axiomatic that many people who contact lawyers are anxious; in some cases, the anxiety may be part of an undiagnosed mental health issue or the result of a failure to take prescribed medications. Some people, however, are so self-absorbed that they will never appreciate that they are not your only client. This is where your gut is important: to distinguish between ordinary anxiety levels and complete disrespect.

**The Accuser:** In the course of telling you the story of their case, the client says the opposing party is a liar. Then the client says opposing counsel is a liar. The judge that heard the case? Also a liar. You will eventually make the list as well.

**The Hard Luck Case:** This person has a very sad story, having honestly suffered an injustice. The lawyer's initial sense of the case is that there is not likely a legal remedy or that the maximum damages are well below the small claims court limit. But the lawyer thinks that if they wrote a couple of letters or made a few calls, maybe the lawyer could get the client a modicum of relief. Surely, the lawyer thinks, the client would be better off than they would be without the lawyer's help at all. The lawyer gets sucked into the case, maybe for a reduced fee (but, alas, with no retainer agreement). Then the facts change for the worse, the lawyer feels they cannot withdraw, the client does not pay the small fee, and the client becomes upset that the lawyer has not fixed the problem. The phrase “no good deed goes unpunished” could have been coined by a lawyer who received an ethics complaint from the ungrateful client they tried to help.

**The Bully:** Some clients insist on controlling every situation, including your representation. Their techniques may include anger, persistent criticism, and threats. These behaviors are

unlikely to change. There may have been a time when lawyers thought that their clients' threats, even when they implied violence, were just talk. That time is long past. Every threat of harm, to a lawyer, the lawyer's staff, or to other parties, should be taken seriously and considered grounds for withdrawal. Lawyers should have zero tolerance for such client conduct.

Threats to report a lawyer to the Office of Lawyers Professional Responsibility should be met with only one response: it is certainly your right to file a complaint if you believe I have acted unethically. Do not let a client bully you into concessions over your case tactics or your fees.

**The Quibbler:** If a lawyer has multiple clients who challenge the lawyer's invoices, then the problem could be the way the lawyer is charging for their time. But when few clients complain, the one who picks apart every bill is likely the outlier. The client's critique may say less about the client's ability or willingness to pay than it does about the client's lack of trust in the lawyer. A personal conversation with the client may help but if it persists, it is not likely the behavior will change. There is a high risk that those petty grievances will snowball into complaints about all manner of the lawyer's representation.

There are all kinds of caveats one might apply to these situations. Newer lawyers, for example, with a less-developed client microbiome or in greater need of business (and hence forced to take greater risks) will inevitably agree to represent clients despite initial concerns. Some lawyers have a higher tolerance for bad client behavior. Part of the reason the practice of law is stressful, however, is because lawyers mistakenly believe that suffering their clients' aberrant personalities is unavoidable. The ethics rules permit lawyers to withdraw when the client renders the representation “unreasonably difficult.” Popping Tums throughout the day is neither part of a balanced diet nor part of a healthy, ethical practice.



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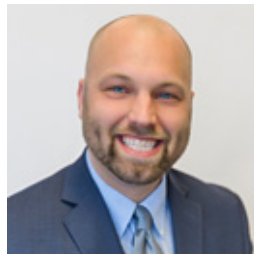
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# Judge Anna Andow

## New to the Bench



### Why did you want to become a judge in the Fourth Judicial District?

I have dedicated my whole career to serving the public and I strive to continue to do so in a different capacity. As the only full-time Spanish speaking family law attorney at Mid-Minnesota Legal Aid, I honed my litigation skills while representing a very diverse population struggling not only to navigate the legal system, but also struggling to make ends meet. In my role as a child support magistrate, it was crucial that I listened to everyone's circumstances, especially once the pandemic crippled our economy and devastated many families. It was certainly my intent to help families move forward and overcome any financial hardships the pandemic caused.

And now in my present role, I think about the impact that court decisions have on people's lives. I keep that in mind when presiding over various matters. You simply cannot have a cookie cutter approach when presiding over different cases because no two lives are the same. Everyone has different needs, circumstances,

and factors that impact their everyday lives. It is important to give people the opportunity to be heard and it is crucial that we do so in order to arrive at a fair outcome.

### What was your career path before becoming a judge?

I was a child support magistrate at the Family Justice Center here in downtown Minneapolis from March of 2018 to March of 2021. I was then appointed to the district court bench. Prior to working as a child support magistrate, I was a full-time family law attorney at Mid-Minnesota Legal Aid for 11 years. I have learned so very much from each position that I have held. I use the skills I have honed throughout my career along with my personal experiences in an effort to arrive at a fair outcome for all. I consider myself incredibly grateful and very privileged to be a judge.

### What has it been like being onboarded as a judge during the COVID-19 pandemic?

Challenging and incredibly stressful, yet exhilarating! It is difficult to not have direct contact with the public or colleagues. Little details do matter. Greeting everyone and asking participants how they are doing, how their day is going, and whether they have any questions that the Court can answer is just a small way of bringing a bit of humanity into virtual hearings. Although the pandemic has certainly presented many challenges to holding court hearings, huge strides have been made in accessing the courts, resulting in an increased participation by the public in court hearings despite the pandemic.

I certainly want to take this time to thank the public for their patience while the court irons out all tech issues. Additionally, I want to profusely thank all court administrators, especially all court clerks, for orchestrating and navigating all court tech issues and making it possible for the public to access the courts even during such trying times. A big thank you to everyone for all your hard work. I couldn't

possibly do my job without your hard work and dedication to serving the public.

### What do you think is the most pressing issue facing our judicial system today?

Addressing racial inequities that exist throughout our society, as well as the growing financial disparities. Equal access to jobs, quality education, affordable housing, and racial disparities in the judicial system are just some of the areas where such inequities are pervasive. It is important that we continue to address such issues in order to move forward as a society toward a future which includes equal opportunities for everyone. Not doing so simply undermines the integrity of the courts and jeopardizes our justice system.

### What's your favorite thing to do outside of work?

I don't have one specific favorite thing. I do, however, love spending time with friends and family, exercising/playing sports, enjoying outdoor activities, and traveling. I love trying different foods and restaurants as well as embarking on new adventures with friends and family.

### What's one book, one movie, and one musician/band you recommend?

I enjoy a wide array of books, movies, and music genres. However, the last two books I read were *A Man Called Ove* by Fredrik Backman and *The Brief and Wondrous Life of Oscar Wao* by Junot Diaz. The last movie I saw in a movie theater was *Parasite*. If I am feeling nostalgic and I am thinking about my grandparents, I listen to anything by Pedro Infante, especially "Cien Años" or any other one of his songs, and anything by Los Panchos, but my favorite is "Sabor a Mí," which was one of my grandmother's favorite songs. Overall, I listen to all kinds of music. It just depends on what I'm doing and what I'm in the mood for.

# Member News

Winthrop & Weinstine announces that **Catherine “Trina” Sjoberg** has joined the firm’s real estate development & transactions practice.



Meagher + Geer announces that **Sinloria Macrae** has been promoted to associate attorney.

Larkin Hoffman welcomes attorney **Christopher A. Young** to the firm.

**William Bornstein** has joined the firm Zelle.

Fisher Bren & Sheridan announces the addition of three new attorneys: **Matthew P. Lawlyes**, **John F. Thomas**, and **Nora J. Steinhagen**.



associate attorneys: **Michelle M. Gibbons** and **Charles A. Horowitz**.



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# 10 QUESTIONS

## TRACI BRANSFORD

Partner, Stinson

### 1 What is your elevator pitch?

I represent clients in the entertainment and sports field. I also serve as general counsel to some of Stinson's clients in health, retail, education, and media industries. My practice also often intersects with the estate planning division based on some of the professional athletes and entertainers that I represent that have philanthropic endeavors requiring that level of expertise.

### 2 What is the best part of your job?

Working with a variety of super interesting, talented, and creative clients that I serve on a daily basis. Each day is different, and I love that.

### 3 Why did you decide to go to law school?

I chose law school because I enjoyed my political science and sociology classes at Spelman College. Also, because many of my mentors in the legal field told me that I could enter many different professions with a legal degree, which is true.

### 4 What are the top three skills or traits that are important for a successful entertainment, media and sports attorney to have?

The ability to listen is number one, because my clients will share what they need for me to know and not necessarily what I want to hear. So, to be responsive and block out the "industry" noise is extremely important to address their needs. Sometime this takes many long hours of conversation, but that is what builds the trust. The ability to dissect a contract during review and reject what may appear to be standard in negotiations, as the devil is always in the details.



The ability to enjoy your clients' professions: attend their events, support their industry functions without getting lost in the notoriety of what they do for a living. With those traits you remain objective and can handle their business and not fall into the status of "fan," which often plagues sports and entertainment attorneys.

### 5 You represent pro and retired athletes. What is your favorite sport, and why?

I can't pick one. I've always loved track and field, perhaps because I ran track in high school. I love watching basketball and football, too. I also have a soft spot for watching boxing.

### 6 What advice would you give to young attorneys of color?

Enter "big law" with your own sense of self. Don't look for the firm or anyone else to provide you with what you personally need

to feel good about yourself in your position, as that should be instilled in you from within, before you join the firm. Positively approach the profession you have chosen because the privilege of practicing law is just that. As a black woman in big law, you won't see many people like yourself because the numbers just aren't there for a variety of reasons, but it is your duty to reach down and pull someone up with you to help make a better profession for all of us.

### 7 You practiced law in New York and California before moving to Minnesota. How does practicing law here differ from other places?

Practicing law in Minnesota is cloaked in "Minnesota Nice." That is not the case in California or New York, and I will let the

readers decide what that means to them on an individual basis.

### 8 If you weren't a lawyer, what would you be?

A doctor.

### 9 What book is on your nightstand?

*Becoming* by Michelle Obama.

### 10 What is your go-to for handling stress and managing work/life balance?

I do a variety of things given the particular day and stressor. Some days I exercise, get quiet, take a nap, meditate, listen to music, watch mindless television, or laugh with family and friends—because at the end of the day we cannot afford to let stress take us out as life is truly too short.

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