

Hearsay

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MSBA



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Greetings from the Chair

By: Joan M. Schulkers

I write this after a wonderfully long and restful vacation in Western Europe. No thoughts of work, responsibility, cleaning, cooking or paying bills for three whole weeks! I returned feeling refreshed, clearer-minded, and reenergized. Vacations are great in that they put life in perspective again, providing experiences outside the parameters of our own little world and the rat-race we live in.



Vacations and volunteerism, thus, have much in common. In both circumstances, I see how other people live, eat, work and commute. I see varying degrees of wealth and poverty, more often than not, the latter. The more I travel and volunteer, the more it is apparent the distinction between the haves and have-nots. The more I open my eyes to what I see, the more I am eternally grateful for all that I have. I also realize that we, as lawyers, and officers of the court, have an obligation to use our knowledge, abilities, and talents to help those less fortunate than we. In so doing, I assure you, we are given much more in return. We are given a new perspective on life, and an appreciation of what we have in our own lives. Therefore, I encourage all of you to take the time to vacation and to volunteer in the upcoming year.

Volunteerism provides a similar result. When I volunteer, I am given a new perspective on life and the lives around me. Usually the clients I choose to volunteer my services for do not live in my same, comfortable, little world. They have varying ethnic, socio-economic, and educational backgrounds, and have difficulties the like of which I have never had to endure.

News from the MSBA

The MSB*Advantage* Program Has Its Benefits!

By: Melissa Lindholm, MSB*Advantage* Manager

Members of the Minnesota State Bar Association are eligible to receive special deals and discounts on product and service purchases through the MSB*Advantage* program. This program combines the purchasing power of over 15,000+ members to save members time and money.

Visit the MSBA web site to view the latest deals on the many offerings <http://www.mnbar.org/advant.htm>. Programs include special deals on products and services like:

- Car Rentals
- Credit cards
- International travel to Europe and Asia as well as Caribbean cruise options
- Minnesota Twins Baseball Tickets
- Insurance programs
- *And more...*

Are we missing something? Let me know:
Melissa Lindholm mlindholm@mnbar.org

Linda Morrison Benefits from COLLEAGUE Program

By: Mary Gautschi, MSBA Section Services Manager

Linda Morrison is a graduate of Hamline Law School, and has been practicing for 2 ½ years. Since this past June, Linda has been a solo practitioner at Morrison Legal Services, LLC. At her office in Roseville, she has the *Bench & Bar* on her desk with the “gray pages” flagged. The “gray pages,” of course, constitute to the MSBA COLLEAGUE Program. Linda has found it most helpful in her practice.

Linda has used the program about 10 times and says that “it helps process and procedural things that you don’t learn in school and can’t read in a book.” As an example, she used the program for her first probate case on a contested will and also a case with a putative spouse issue. The call generally lasts about 15 minutes, and it is important, as Linda does, to do one’s homework before calling. She has found the program members “very welcoming, and not intimidating”. One of the calls led her to other contacts of groups who practice in the same area; and, she has been able to join them in lunch discussions.

On the other end of the telephone are members like Joseph Bruckner, vice-chair of the Antitrust Section Council. He has been a volunteer panelist for the COLLEAGUE Program for 10 years. In practice with Lockridge Grindal Nauen, he is a contact for antitrust cases. Joe says he enjoys being a part of the program because, “It’s important that we share the benefits of our experience. We all need other lawyers ‘down the hall’ that we can ask questions or bounce ideas off of. COLLEAGUE makes that available to any bar member.”

You can find a link on the MSBA website or the back pages of the *Bench & Bar*.



Linda Morrison, Morrison Legal Services, LLC

ABA YLD Conventions, Conferences, and Regional Meetings

By: Joan M. Schulkers, Borman & Schulkers PLLP

The mission of the ABA YLD is to serve the ABA's goals and purposes, and thereby serve the community and legal profession; to help shape the policies and priorities that affect young lawyers and the legal culture in which we practice; and to offer a forum for the exchange and expression of young lawyers' views, and a voice to advocate those views. In order to effectively manage a group comprised of over 20,000 young lawyers throughout the United States, the ABA YLD formed area districts, and within the districts, there are affiliate young lawyers' sections.

Minnesota has six affiliate members of District 17 of the American Bar Association Young Lawyer's Division ("ABA YLD".) District 17 is comprised of Minnesota and Wisconsin. The Minnesota State Bar Association New Lawyer's Section ("MSBA NLS") is one of the affiliates. Other affiliates include Hennepin and Ramsey Counties, Duluth, Rochester and Mankato.

In order to reach out to the affiliates of each District of the ABA YLD, two national conferences are held each year, one in the spring and one in the fall. The conferences are usually held the first weekends in October and May. The primary objective of these conferences is to offer a forum for young lawyers to attend continuing legal education programs geared toward topics relevant to young lawyers and to hear presentations by other affiliates on successful public service projects. The conferences provide the opportunity for the young lawyers to get to know one another as well as providing an invaluable networking opportunity.

The ABA also has a midyear and annual convention for all of its members. The ABA YLD affiliates gather together at one hotel for several days, usually in February and in August. The primary objective of these conventions is to conduct the ABA YLD business meetings. During the business meetings, young lawyers hear and pass on resolutions that help shape the policies of the ABA YLD. It is also at these meetings where we, as young lawyers, are given the opportunity to express our views to each other on topics of relevance to this nation. These conventions offer a wonderful and reliable

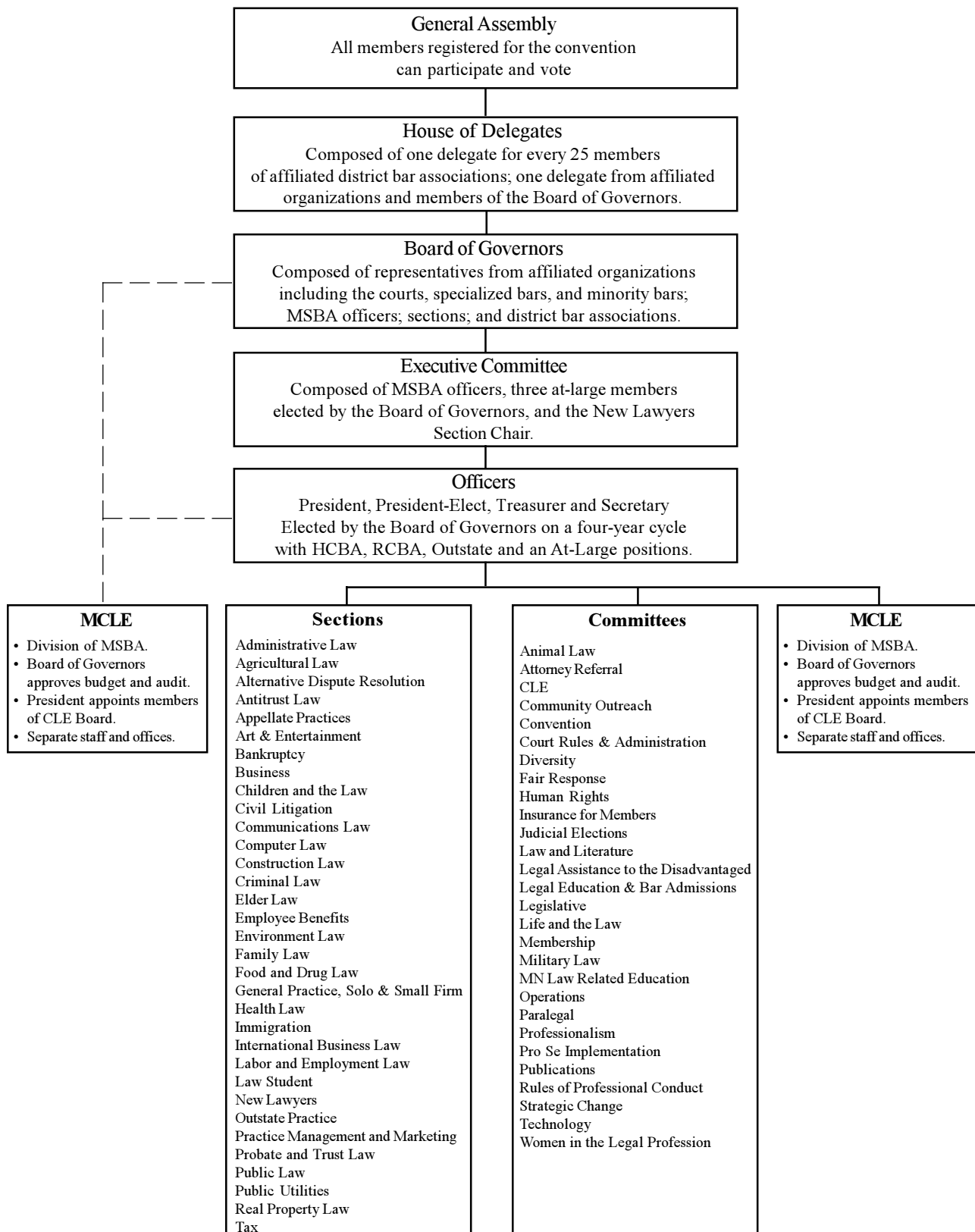
method for keeping young lawyers up-to-date on the political and legal topics of the year.

In our region, we also have an ABA YLD Midwest Regional Conferences in the fall, which is usually much less formal than the conferences and conventions. The host affiliate provides programming in the areas of substantive continuing legal education, public service, professional development, and most important, an insider's look into their city's culture, history and nightlife.

The MSBA NLS Executive Board appoints at least one delegate to attend each of the conferences and conventions. The delegate is provided funding pursuant to the bylaws, policies, procedures and current budget. For the fall and spring conference the ABA provides additional funding in the form of a per diem. With respect to the midyear and annual conventions, you must be a certified delegate in order to vote at the assembly. However, any young lawyer can attend all conferences and conventions, whether a delegate or not, and whether funded or not.

If you are interested in attending any of the ABA YLD conferences or conventions, please come to our business meetings to learn more. We are always looking for interested participants!

Minnesota State Bar Association Policy-Making Bodies



Rochester Affiliate News

By: Jaime Girgenti, Rochester Affiliate NLS Chair

2003 was a positive year for the Rochester New Lawyers. At the beginning of December, we wrapped up our Children's Book Drive to benefit the Rochester Public Library. It was a huge success! With boxes strategically placed at various locations in Rochester, the community was supportive. The Rochester New Lawyers ended up donating 500 plus books to the library! Thank you to all that participated in the drive!

The Rochester New Lawyers also participated in "Santa Brings a Lawsuit", which was also a huge success. The New Lawyers sought participation from the Olmsted Bar and as a result, have donated a large amount of suits and professional clothing to the Minnesota Workforce Center in Rochester.

To conclude the year, on December 18th, the New Lawyers gathered for a holiday soiree to socialize and spread some holiday cheer!

Many plans are underway for 2004. On January 28th, we are holding a one >hour Ethics CLE where a representative from the Professional Responsibility Board will travel down to Rochester and speak to us on how to avoid ethical dilemmas. The CLE will take place at the Government Center. Plans are also in progress for our Spring Community Service Project.

Jamie Girgenti is a Judicial Clerk for the Honorable Joseph F. Wieners in Rochester and can be reached at Jaime.Girgenti@courts.state.mn.us

Mankato Affiliate News

By: Joe Barnett, Mankato Affiliate NLS Vice-Chair

We meet the first week of every month to have a lunch meeting to discuss any business and socialize. Our next meeting is scheduled for February 5th at Old Country Buffet in Mankato. All are welcome to attend.

We also have monthly social hours at various local establishments, but we do not have any specific dates for the near future.

If anyone has any questions, feel free to email me at jbarnett@farrishlaw.com or Phil Elbert, President, at nice_email2000@yahoo.com.

Ramsey County Affiliate News

By: Laura Hage, Ramsey County Affiliate NLS Chair

Ramsey County New Lawyers kicked off the 2003-2004 year to a great start. We continue to have our monthly "meetings", or happy hours, at a local bar/restaurant on the second Thursday of each month. The attendance at these events continues to grow, with an average turn out of approximately 25-40 lawyers and law student. We'd like to give a special thanks to the President of RCBA, John Guthmann, who hasn't missed a happy hour and whose presence encourages the participation of both new and seasoned attorneys.

We look forward to continuing the year with upcoming happy hours at Axel's Bonfire Woodfire Cooking on Grand Avenue in February, The Lexington in March, and crossing the river to Minneapolis for the joint RCBA NLC/HCBA NLS Spring Social in April – location to be announced.

Once again the RCBA New Lawyers participated in and assisted with Santa Brings a Lawsuit in December. The event was a success, in large part due to New Lawyer Terry Duggins. Terry helped organize the event and

generously volunteered his time to man the drop-off site. There were over 600 individual clothing donations, which surpassed last year's total donations.

In November the RCBA New Lawyers joined forces with the RCBA Membership Committee for the first Breakfast with the Judges. It was a great opportunity for new lawyers to meet judges and to familiarize themselves with some tips on courtroom decorum. We look forward to more of these events in the future.

It is with great pride that we announce RCBA New Lawyers' victory at the 2nd Annual RCBA NLC v. HCBA NLS Flag Football game, which was held in October. The trophy, courtesy of Craig Sandok, is being closely guarded by Cheryl Dalby at the RCBA offices – where I'm sure it will enjoy a nice long stay.

Finally, the RCBA New Lawyers and the HCBA New Lawyers are planning the 1st Annual Kickball Face-off some time in May – yes, kickball; the game with the big red ball. We'll keep you posted.

Hennepin County Affiliate News

By: Kirsten J. Smith

The HCBA-New Lawyers are very active this year. Along with keeping our traditional activities, we are busy trying new projects, which have been very successful this year. Our newest project was the Attractive Nuisance Tour, which was held on November 5, 2003 at Famous Dave's BBQ for the benefit of the Loan Repayment Assistance Program and Minnesota Justice Foundation. This Tour consisted of various local bands, but with a catch — at least one member of the band was an attorney. All of the bands donated their services for the event and many sponsors and volunteers helped make the Tour a huge success! In fact, we sold out (575 tickets) prior to the event and raised over \$10,000 for LRAP and MJF.

In addition to the Tour, our social committee has been very busy with other events. Our last happy hour was at Gameworks and West Group paid for our bowling and food. It was a very fun event and well attended. Our next happy hour is scheduled for February 5, 2004 at a place yet to be determined.

The HCBA New Lawyers division is also busy lining up CLE's for new lawyers on various topics. We offer both the Brown Bag Lunch series, which consists of topics such as ERISA, Wills, and Criminal law, and the Breakfast with the Judges series. Our next Brown Bag lunch CLE is "What All New Criminal Lawyers Should Know About Practicing Law" and will be held on January 20, 2004. Our next "Breakfast with the Judges" CLE is "What Every New Lawyer Should Know Before Making a Conciliation Court Appearance" and will be held on January 12, 2004.

In addition to social activities and CLEs, the HCBA New Lawyers are continuing to participate in and sponsor two very successful community service programs — Santa Brings a Lawsuit and the Glass Slipper Project. For Santa Brings a Lawsuit, in conjunction with the MSBA, we accepted used clean dress clothes at the Hennepin County Government Center on December 18, 2003. This is a fabulous program that provides dress clothes for interviewing for those that cannot afford such clothes. We also sponsor the Glass Slipper Project every spring. For this project we gather prom dresses and accessories and donate them to intercity female high school students who would otherwise not be able to afford a prom dress and all of the fun accessories. The students are so appreciative and it is so much fun to see all of the students have their prom dreams come true! The HCBA-New Lawyers are very active and we have a lot of fun at our social events and also while we participate in community service projects. We encourage any Hennepin County new lawyer to participate in any of our events.

Kirsten J. Smith is chair of HCBA-New Lawyers. She is an associate at Courey, Kosanda & Zimmer, P.A. in Golden Valley.

News From Brainerd

By: Stephanie Shook

The first ever Brainerd affiliate New Lawyer's chapter met on October 28th at Poncho and Lefty's. A core group of members showed strong interest in getting the chapter up and running. Future agenda items which will be covered at the next meeting, which has yet to be scheduled, include submitting bylaws to gain affiliate status, and committing to and picking a public service project such as Adopt a Highway, or donating old suits to the Minnesota Workforce Center.

Attorneys interested in becoming involved with the Brainerd chapter can contact Stephanie Shook at the Public Defender's Office. A winter meeting will be scheduled based on feedback from interested attorneys for February, March or April.

News From Willmar

By: Tim Simonson

The Willmar Chapter of the New Lawyers Section appears to be off to a strong start. We had our first-ever meeting at the Green Mill in Willmar, and a strong contingent appeared, representing various agencies, both private and public, in the Willmar and surrounding areas. By all accounts, the Willmar Chapter will have strong representation at future events and gatherings, despite this being the first-ever time for an organization of this kind for this region of the State.

The Willmar Chapter has already received support from the local county bar, and we are planning to solicit sponsorship from the district bar as well. Our hope is to make this region of the State a more attractive area for new lawyers to come and start their practice.

Many of the more established attorneys in the area have expressed a strong interest in having their freshman counterparts participate in this group. Hence, in early December we had a productive first meeting, which we all agreed should be the first of many such future gatherings. Most of us in attendance expressed interest in becoming actively involved with other regional chapters of the New Lawyers Section around the State. In the coming year, we will be having regular meetings, and planning community events in the area. We will provide notice to all other chapters, and extend a hearty invitation to all interested, throughout the State, to come and meet with us in Willmar any time. We hope to see you.

Human Rights Committee Report

By: *Caroline Palmer, Chair*

The Human Rights Committee is small but active and its membership draws from all parts of the MSBA membership. Over the past year we have undertaken several projects that address the intrinsic connection between human rights and the practice of law. Most recently, for example, the committee passed a resolution opposing the reintroduction of the death penalty in Minnesota. The committee took this position early in fall 2003, before Governor Tim Pawlenty announced his intention to pursue death penalty legislation, and as a result we had already submitted this resolution to the MSBA legislative committee for discussion at the December Board of Governors meeting. We presented our resolution to the Board, emphasizing the various human rights and practical arguments relating to our opposition of the death penalty, and a lengthy and interesting discussion ensued about whether the Bar should take a position. We were pleased to have this important issue receive such a thoughtful approach and many members of the Board weighed in on the subject. Eventually the Board passed our resolution and it is now part of the MSBA's platform for the upcoming legislative session. We look forward to more discussion within the Bar on the death penalty and its impact on so many aspects of the legal system.

Another matter upon which the Human Rights Committee has passed a resolution this year is the issue of whether the Minnesota constitution should be amended to limit marriage as solely being between a man and a woman. The committee agreed unanimously to oppose any such constitutional amendment, a decision that follows upon our decision last year to oppose proposed changes to the Minnesota Human Rights Act that would remove sexual orien-

tation from the list of protected classes. We also invited the Commissioner of Human Rights, Velma Korbel, to speak with us, which she did last spring, and have participated in ongoing discussions with the Department of Human Rights about any new changes to the Act that might occur this year. The Human Rights Committee was also invited to prepare a panel for the 2003 Human Rights Day in December, and we successfully presented a discussion on specific issues encountered in employment law cases.

Finally, the Human Rights Committee has taken the position that access to legal representation and assistance is a human right, and to that end we have supported MSBA President James Baille's challenge to expand the availability of pro bono legal services. We are in the process of planning a CLE for this spring that will introduce possible opportunities to engage in pro bono representation and discuss the human rights implications of access to justice.

Past activities of the Human Rights Committee include convention CLEs on the attorney's role in the war against terrorism and racial profiling as well as discussions with local civil rights office representatives and attorneys practicing in international human rights. At present there are many challenges for attorneys working in, or interested in, the area of human rights and we welcome anyone who would like to join us in our work!

Caroline Palmer is an attorney with the Minnesota AIDS Project.

Women in the Legal Profession Committee Report

By: Anne T. Johnson, Co-Chair

As much as we all would like to think that gender equity concerns are a thing of the past in the legal profession, both objective and subjective data prove otherwise, and the MSBA is trying to do something about it. Specifically, the Minnesota State Bar Association's Women in the Legal Profession Committee ("WLP") recently launched the SAGE "Best Practices" for the hiring, retention and promotion of women. The Committee also announced the implementation of an annual recognition program for Minnesota legal employers making strides toward gender equity in the workplace.

The "Best Practices" themselves represent the culmination of six years of work, including the compilation of both longitudinal survey data and anecdotal information about the experiences and practices of legal employers. The Self Audit for Gender Equity or SAGE was designed to collect data on hiring, retention and promotion rates, women's opportunities for career advancement, participation in management, compensation criteria, and policies regarding gender-based discrimination, sexual harassment, and work and family life. The survey results showed some areas of progress toward gender equity, but also showed there were many areas in which improvement should be made.

On the private side, despite the positive fact that women are graduating from law schools and being hired by law firms at roughly the same rates as men, the great majority of partners in private firms are male; male attorneys are more highly compensated than their female counterparts; and experienced women lawyers leave firms at a higher rate than men. While more women serve on firm committees, the percentage on management committees remains proportionately low. On the bright side, however, more men are taking advantage of leave and alternative scheduling options, and more firms have processes in place for handling sexual discrimination and harassment complaints.

In the public arena, the results of the SAGE survey are similarly mixed. For instance, the employment numbers for women are positive with more women being hired into these jobs than their male counterparts. These numbers even out, however, the longer women are out of law school. Unlike the private employment side, women are not leav-

ing their public legal employment at disproportionate rates. Rather, men and women leave at approximately the same rates and for similar opportunities. Also, both men and women take advantage of the alternative work schedules frequently offered by these employers. Compensation is still an area where progress could be made as men are more likely to be higher earners in their first years out of school than women. Complete reports for the private and public employer surveys are available on the MSBA website at www2.mnbar.org/reports/sage.htm.

Once the data was collected, the WLP Committee determined that legal employers cannot afford to be complacent, but must continue to confront gender equity issues in their workplaces. To that end, the Committee developed the SAGE "Best Practices" for the hiring, retention, and promotion of women in the legal profession to be used to inspire and assist employers in raising their own practices to a higher level. The challenge was to develop practices that would be helpful benchmarks for all legal employers, regardless whether they are public or private, located in the metropolitan area or a small town, or employ two lawyers or 250.

Taking the feedback provided at several focus group meetings with legal employers and the data from the SAGE surveys, the Committee drafted a set of Best Practices addressing six major areas: equal access, workday issues, governance, evaluation/promotion, retention, and compensation.

The Best Practices range from the more commonplace and easily implemented, such as "adopt and enforce anti-discrimination and harassment policies, including gender discrimination, or harassment," to the more complex, such as "provide women with equal access to clients and equal opportunity for challenging work assignments through succession and practice plans reviewed and adopted by the legal employer's management." Other examples of Best Practices include providing access for junior lawyers to more senior lawyers for training, evaluation, networking and mentoring purposes, offering viable and equitable alternative part time and flexible work schedules, conducting exit interviews to determine reasons for departures,

and ensuring participation by women in compensation decisions. The entire SAGE Best Practices document is available on the MSBA website at www2.mnbar.org/committees/women-in-profession/index.htm.

As the results of the SAGE study pointed out, achieving gender equity in the legal profession is still a goal on the horizon. Finding the “time” and “resources” needs to be a priority, or the goal of gender equity will never be met. While the SAGE Best Practices will provide an important tool to reaching this goal, there are still years of work ahead. To make sure the issue of gender equity and the Best Practices stay “on the radar screen,” so to speak, the Committee has designed a recognition program that creates continued dialogue and focus on the issues surrounding gender equity.

Asking legal employers to commit to the SAGE Best Practices annually, and giving them recognition for doing so, will keep these issues front and center. Legal employers will have to reexamine the Best Practices each year and renew their commitment to them. This will provide them with the impetus to review their progress annually and continue to make the changes necessary to reach gender equity. Each employer who commits to the Best Practice will receive a certificate of participation from the MSBA and annual recognition for being proactive in the pursuit of gender equity.

Although the Best Practices program places the burden on legal employers to be proactive in ensuring gender equity, an equal burden rests with new lawyers to keep the discussion going. Every new lawyer should read the Best Practices and reflect on whether her/his employer is actively working toward true gender equity. New lawyers can and should push their employers to commit to the Best Practices and to keep working to implement them. New lawyers can also nominate their employer for recognition if they feel their employer has made significant achievement in implementing the Best Practices or other progress toward gender equity. Finally, new lawyers are encouraged to join the WLP Committee and continue to work on those issues confronting women in the profession. For more information, contact Sue Bores at the MSBA at 612-278-6325 or sbores@statebar.gen.mn.us.

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