

Hearsay

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Greetings From The Chair

By: Jason Kohlmeyer

Dear Fellow New Lawyers:

I'm writing this month to talk about our profession, specifically the way in which our profession is slowly devolving into just another career choice, not unlike a car salesperson or a construction job. I wrote this article after recalling something that happened to me about 5 years ago. It was my first day on the job as a real lawyer and I attended the funeral of a local attorney who was very well respected and more importantly genuinely liked by the entire bar association. He died at a relatively young age (in his early 60's) during a farming accident (he was a gentleman farmer as well as an attorney). The senior partner at my firm was from the old school; he attended Harvard and was active in the state and national Bar. As we entered the church where the service was to be held, we encountered most of the local attorneys. The senior partner started asking if we, the Bar, were going to do the traditional act of entering the church together, last, and sitting together as a sign of respect for our departed fellow member of the bar. As he explained it no one seemed to want to do it, they all mumbled some excuse and entered the church separately and sat wherever an open seat was.

I think about that day a lot, how that day, even though the first day at a fantastic job in a new city as a freshly minted lawyer, was of profound disappointment. It was the day I realized that my newly chosen profession, one of the most respected in the world, was not all that special. It seemed to me that even though we are one of the few professions in which you directly confront your opponent; i.e., salespeople don't go head to head, they make their pitch to a third party and either get the sale or don't; doctors don't have another doctor trying to kill their patient; and while businesses compete against each other it's not in direct conflict. The only other profession I can think of in which there are two sides in direct competition with each other in a zero-sum game, is professional sports. When the Vikings play the Packers one team will win and one will lose. The goal of the Vikings defense is to stop the Packers from advancing. This is very gladiatorial, and very similar to the practice of trial law.

It is because of this that I always thought our profession was unique, that two attorneys could be locked in a hand to hand trial, in direct conflict and then the next day meet at the Bar social, have a beer and talk about the case. As lawyers we don't need to take the fight with us, we get to leave it in the file after the case is closed. One of the ways we get together and not hold onto the feelings of a passionate case is by the Bar, by an organization, an elite club if you will, that only lawyers can join and get together over lunch or a drink and get to know each other, not as opposing counsels but as attorneys. I have had the experience of fighting tooth and nail during a criminal trial, objections every five minutes, making offers of proof, and barely speaking to the other lawyer civilly that day, but the next day over a beer we talk about his kids and how yeah, it did suck to stay up all weekend preparing for this trial. I don't remember who won the case, but I remember getting a beer and having that conversation.

I find that the NLS is a perfect vehicle for increasing civility and camaraderie between lawyers. While we may not be back to the days of old yet, entering into the church together to pay respect for a departed brother or sister of the Bar, I think we are on the right track and if more new lawyers get and stay active in our Bar Association, I think we will be back to that day sooner than we think.

Jason Kohlmeyer
Chair, New Lawyer Section
Mankato, MN

Family Law Slant: Imputing Income To Homemakers

By: James Vedder

In marital dissolution cases the issue of “appropriate employment” is often raised when one of the parties is unemployed. It is often a very difficult issue, especially in the traditional marriage when one of the spouses has foregone employment opportunities to provide care for the parties’ children.

The two leading cases regarding the imputation of income to homemakers in spousal maintenance cases are Carrick v. Carrick, 560 N.W. 2d 407 (Minn.App. 1997) and Mauer v. Mauer, 607 N.W. 2d, 176, 180-81 (Minn. App. 2000) rev’d on other grounds, 623 N.W. 2d 604 (Minn. 2001). In Carrick, the trial court found that the wife’s failure to obtain full-time employment during the separation was in bad faith and imputed income to her. The Court of Appeals disagreed with the trial court and held as follows:

“As a matter of law, however, a Court may not find bad faith underemployment where as here, a homemaker has continued to work the same part-time hours at the time of dissolution as she did during the marriage, has been employed in the same type of position as she was during the marriage, and where there is no evidence of any intent to reduce income for the purpose of obtaining maintenance.” *** “There is no authority for finding bad faith underemployment at the time of initial award of maintenance merely because a potential obligee has not yet habilitated when the record indicates the obligee has continued in the same employment and there is no evidence of an intent to reduce income for the purposes of obtaining maintenance.”

Carrick, at 410.

In Mauer, the Court of Appeals reached the same decision as it did in Carrick and held that the trial court could not impute income in the context of spousal maintenance to a spouse who is forty-nine (49) years old and had been a homemaker only working part-time in the later years of the marriage. Mauer, 607 N.W. 2d at 180-181.

Since the Mauer and Carrick cases, the Court of Appeals has addressed the issue of imputing income to spousal

maintenance obligees in a number of cases. The Court of Appeals has qualified and limited the apparent holdings of Carrick and Mauer.

In Robert v. Zygmunt, 625 N.W. 2d 537 (Minn. App. 2002) the Court of Appeals rejected an obligees contention “that he is entitled to pursue his chosen non-remunerative vocation and be amply supported by Respondent is without merit.” Id at 845. The Court of Appeals clarified its rationale in Zygmunt as follows:

“We reason that when a spouse is the homemaker and primary caretaker of the children, imputing income to that spouse without finding bad faith would ignore that spouse’s contribution as a homemaker in the marriage and punish her for maintaining the homemaker lifestyle. Here, Respondent, not Appellant, was the homemaker and primary caretaker of the parties’ children. We also observed that Appellant’s financial and professional circumstances are far removed from those addressed in Mauer and Carrick, where we considered the diminished earning capacity of female homemakers in so-called traditional marriages. Although Appellant’s desire to seek remunerative employment may have diminished as a result of the financial support he received from Respondent during the marriage, his earning capacity has not. The trial court appropriately imputed income to Appellant.” Id at 545.

In Youker v. Youker, 661 N.W. 2d 266 (Minn. App. 2003), the District Court was reversed when it attempted to apply Carrick to convert a temporary spousal maintenance award to a permanent maintenance award. The Court of Appeals held Carrick is not applicable to the duty to rehabilitate during a temporary maintenance award. The Court of Appeals overturned the trial court as follows:

“The District Court mistakenly relied upon Carrick (citation omitted) and Mauer (citation omitted), in holding that Respondent’s continued employment at the same full-time position that she held during the marriage did not constitute bad faith underemployment. Carrick and Mauer addressed the *initial* establishment of spousal maintenance, while the instant case addresses the *modification* of a

maintenance decree. Both of those decisions focused on whether the spouse was “underemployed in bad faith” before the District Court had entered the decree of dissolution. A spouse is not required to search for new employment in the relatively short time between the petition and the dissolution decree. In contrast, this case involves the duty to attempt rehabilitation during the three year temporary maintenance period awarded by the decree of dissolution.” Youker, at 270-71.

The Court of Appeals has also addressed the issue of imputing income to homemakers in numerous unpublished opinions. In Mielke v. Mielke, unpublished (Minn. App. 2001), the Court of Appeals upheld the imputation of full-time income to an obligee and distinguished it from Carrick and Mauer. The Court of Appeals distinguished Carrick and Mauer from the party requesting spousal maintenance because those cases involved “long term marriages with full-time homemakers that did not work outside the home for most of the marriage.” In the Mielke case there were no children and the parties had been married for only fourteen years during which the obligee had worked as a registered nurse excluding her from the category of the “traditionally dependent spouse the case is intent to protect.”

In the case of Readio v. Readio, unpublished (Minn. App. 2003), the trial court awarded a wife temporary maintenance as opposed to permanent maintenance based on her ability to become self supporting as a lawyer after the parties’ minor children are in school full time. The Court of Appeals affirmed the trial court’s findings concerning wife’s ability to become employed as follows:

“The record supports the Court’s finding that Appellant will become self-supporting. Appellant is a lawyer, still practices part-time and the records support the finding that her skills as an attorney have not become outmoded. The Court recognized that in a few years the children will no longer be in school and Appellant will not need to limit her work to be available to her children.”

The Court of Appeals went on in Readio to state:

“Here, the Court calculated Appellant’s ability to meet her expenses based on the monthly child support and spousal maintenance. After considering these factors, along with the children’s ages and Appellant’s testimony regarding her law practice, the Court determined that Appellant will become self-supporting in a few years. The Court did not impute income to Appellant, and did not find bad faith underemployment. Appellant mistakenly views the Court’s finding as to her present income and her potential future income as

equating to a finding that she is, at this time, voluntarily and in bad faith, underemployed. The District Court made no such finding and neither do we. Appellant and Respondent worked out a rational agreement between two working professionals to provide for the needs of their children. It is not unreasonable for the District Court to assume that as the children become young adults, Appellant will become able to continue her present career and work more hours.”

In the case Handlin v. Handlin, unpublished (Minn. App. 2003), the Court of Appeals distinguished the facts of that case from Carrick and Mauer. In Handlin, the wife was a homemaker who had been taking courses in graphic design. The Court distinguished Handlin from Carrick and Mauer as follows:

“Barbara Handlin also argues that there was no credible evidence to support the District Court’s conclusion that she had unjustifiably failed to make reasonable efforts that would result in her financial independence. She cites to the case of Carrick v. Carrick, 560 N.W.2d 407 (Minn. App. 1997) in which this Court held that when a spouse was underemployed during the marriage, her continuing work at the same level, absent a showing of intent to reduce income for the purpose of obtaining maintenance does not reduce her entitlement to maintenance. But Carrick unlike this case, did not involve a permanent maintenance award. The District Court may attribute income to a spouse in fashioning a permanent maintenance award that balances a lack of reasonable effort with a spouse’s inability to provide for her reasonable needs. Hecker v. Hecker, 568 N.W.2d 710. At the time of the motion hearing Barbara Handlin was employed at the wage of \$14.38 per hour. She has provided no further documentation to substantiate her claim that she was not able to support herself due to her physical and mental condition. The District Court therefore did not abuse its discretion in imputing income to Barbara Handlin or in denying the motion for maintenance modification.”

The above is a limited discussion regarding cases expanding on the holding in Carrick and Mauer. If a practitioner is interested in a further discussion regarding cases addressing Carrick and Mauer, please feel free to give the writer of this article a telephone call to discuss additional cases.

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Opportunity Knocking: Is It The Right Time For You To Make Your Move?

By: Craig D. Sandok, Esq.

With summer quickly approaching, many attorneys are shifting their focus from billable hours and business suits to boating and bathing suits. Others attorneys, however, are focusing on finding something more valuable to them than a tan...finding a new job.

Why change jobs? A new job can offer professional and personal benefits. It can be a springboard for your career, one that could increase your salary, one that could give you more time with your family and friends, one that could raise your spirits and make you wake up *before* your alarm goes off. Sound appealing? Then how about putting “search for a new job” on your list of summer projects? (It’s okay if you still want the perfect tan.)

Not every associate-level attorney is properly positioned to make a move. It is important that you know what the job market is like for different levels of experience. What follows is a general overview of today’s legal job market.

1-3 Years: Stuck in the “Kiddie Pool”

As a junior associate, you are still learning how to practice law. As a result, this period becomes a very difficult time to make a move. Many firms and companies are content in letting someone else train an attorney and then recruiting them when they are more comfortable with their skills. Further, most firms recruit their junior associates from their summer associate pool, eliminating many opportunities for the junior associate.

Making a move is not impossible, however. Excellent candidates find the market full of opportunities. Successful candidates have demonstrated excellence in two ways: what they did to get to their current position and what they have done since they have been there.

A junior associate’s law school transcript still speaks volumes about the attorney. Be sure to think about all that you did in law school and highlight it when you are ready to make a move. Think beyond the Law Review and Moot Court experiences. Were you involved in any

student organizations? Did you volunteer your time? Were you well-rounded?

The next thing that employers will look at is what you have done for your current firm or company. This may be a little harder for you to identify. Many associates underestimate the importance of their work. They don’t realize that they have done great things for their employer and feel that they have just been taking projects from a partner or supervisor. If that is the case, find some way to highlight your excellence. Maybe you can say “in just 2 years, I have been given increasing case responsibility and have taken over 15 depositions and argued 4 dispositive motions.” Whatever it is, make sure it highlights your ability to take on new challenges and provide a quality work product.

In sum, if you are 1-3 years out of law school, you have some hurdles to overcome when you make a move. You are on the cusp of becoming an extremely valuable commodity on the job market but, due to your limited experience, may face an uphill battle. Many companies and firms, without some outside influence, may pass on your resume until you reach a level that you can come into their organization and hit the ground running on their legal issues.

3-5 Years: Surf’s Up!

If you are 3-5 years out of law school and have been diligent in learning how to practice law in your field, then now is a perfect time to make a move. Indeed, attorneys are most marketable to law firms at this experience level. As such, you should definitely ask yourself if the firm you are currently with is the one in which you want and/or can make partner.

Making a move at this experience level is important because it may be the last time that you will have the opportunity to change firms without a book of business. Law firms view attorneys with 3-5 years of experience as having enough training to be able to hit the ground running when they make the transition to a new firm, but they do not necessarily need to have their own clients.

You may find it difficult to move in-house at this level. Many corporations are looking for a little more experience before they bring in an attorney.

In sum, if you are a mid-level associate, there is no better time to look at opportunities at other firms and it may be a good time to test the waters for an in-house opportunity.

5-7 Years: The Beach Party Is Coming To An End

Congratulations, you are a senior associate. You are the envy of the junior associates – yet you are still besieged by the partners to bill more time and market the firm. Is now the time to make your move to a new opportunity?

The answer is: it depends.

If you want to make a move to another firm before you make partner, then this is your last chance. However, many firms may not look at your resume unless you have a solid book of business or show signs of being able to develop a book of business.

If you think that you can bring some business with you, take some time and carefully estimate the billables you could bring to a new firm. You will need this information when you interview with a firm.

If you cannot bring a book of business to a new firm, then you will need to “spin” your experience to explain your lack of portable business. If possible, you should make it clear that you have built significant, meaningful business relationships with your clients and that you are confident that you can do this with other clients/companies as well.

Essentially, you need to tell the new firm that even though you DID NOT generate a book of business, you need to assure them that you COULD generate one and will do it for them or can offer a unique skill set that makes you an invaluable commodity!.

Moving to an in-house position is a viable option at this point. Many companies are seeking attorneys with developed skill sets. A 5th – 7th year associate is just starting to become attractive to the company.

In sum, making a move in the 5-7 year range may not be as easy as in the 3-5 year range, but it is still a fairly good jumping point. If you are dissatisfied with your current job, you owe it to yourself to look for a new opportunity at this point.

8-12 Years: Ladies and Gentlemen, Elvis has left the building

If you want to make a move at the junior partner level, you have a great opportunity to move in-house. Going to a firm, however, is going to be difficult without portable business. If you do move to another firm, you may want to look into a staff (non-partnership track) attorney position.

Moving in-house may be an attractive option at this point. Some attorneys find in-house opportunities to provide a more stable and healthy work environment than that of a typical law firm. You should know that corporations, on average, pay less than law firms – so be prepared to take a pay cut if you are moving from a firm to an in-house position.

The Bottom Line

The bottom line is this: your skills may be highly desirable even in today’s tight legal job market. Knowing and understanding the confusing and quickly-changing legal market is crucial to finding the right position for you. Once you find your new job, you can sit back, relax and enjoy the summer weather (best of luck on that tan, too).

Good Luck!

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After The Trial...

Expungements and Pardons

By: Jason Kohlmeyer, Mankato, MN

God may pardon you, but I never can.

Elizabeth I (1533)

As defense lawyers we often think that once the jury says “Guilty” and the judge sentences the client it’s time to go back to the office, close the file, and move on to the next battle. With increased penalties for all crimes and the “felonizing” of America, we should look at ways of salvaging our client’s records so that they can have better jobs and become active citizens again; one way to do this is by way of expungement or pardon. This short article is designed as a simple primer on expungement and pardons and perhaps a chance for readers to pick up a few good pointers along the way.

History

The pardon has existed in one form or another for thousands of years, from Pontius Pilate pardoning the condemned man Barabas to George Washington pardoning leaders of the Whiskey Rebellion and in modern times when President Ford pardoned President Nixon, the concept that a chief executive, be it a governor, president or king, has the authority to pardon prisoners who have been convicted of a crime is an ancient one.

Most states have enacted constitutional amendments or statutes which create the ability for the courts to expunge a record or pardon a convicted criminal. It is interesting to note that there are no federal statutes allowing the courts to expunge a federal crime in the manner most defendant’s would like; however, some circuits have held that the Court has inherent authority to grant pardons (see *U.S. v. John Doe*, 935 F.Supp. 478 (5th Cir. 1996)), however, this is rare and it appears a more common method is a presidential pardon.

What to do?

Remember, there may not always be a need for an expungement or pardon for a variety of reasons; the first question I ask potential clients is why they want the expungement? I often hear that they want to vote, or hunt with a firearm again. All that is sometimes required then is an examination of the conviction and a review of

the applicable laws regarding the reinstatement of civil rights and whether it is automatic such as in Minnesota, Texas or Oklahoma. Or some first time federal drug convictions the charge is automatically expunged (see 18 U.S.C.A. § 3607). In Minnesota, it is possible to be convicted of a felony yet in only one or two years have the entire file sealed and have full civil rights reinstated, automatically by operation of law. When the facts or laws in your jurisdiction do not support a natural reinstatement of a client’s civil rights or if they want it “off their record”, you must usually then look to expunge the record.

Expungement

The first step in seeking an expungement under State law is to examine the applicable statute. Most states have statutes on point which will tell you procedurally what needs to be done. If there is no such statute, look to case law to determine if your jurisdiction recognizes the judiciary’s inherent authority to issue expungements (as in MN, PA, and KA). Typically there is a minimum waiting period which almost always requires that all aspects of probation or parole be completed or else a set number of years may be required to have passed before seeking an expungement. Also, it’s important to note that even if the statutes don’t specifically prohibit multiple attempts at expungement, as a practical matter you only get one bite at the apple and if the judge denies it once, your chances of success in the future will be considerably lower.

Since we know that timing is everything you need to wait until your client has completed any court ordered requirements such as chemical dependency treatment or restitution and that adequate time has passed, even if not required by law, it is rather foolish to think that the judge who sentenced a client to two years in prison and 10 years of probation would change his mind 2 1/2 years after the sentencing. You need to let a number of years pass before applying for a pardon to show that he or she has been rehabilitated. Any criminal charges and convictions between the original conviction and the petition for expungement need to be disclosed and explained well. Take this very seriously, spend time and explain why your client received that reckless driving or DWI after the prior

conviction. Spin is the keyword here, explain that the DWI he was convicted of was a .10, right on the line, and then immediately pled guilty and entered treatment (hopefully he has!) or whatever your facts are you need to put them in a positive light. Even if your client has had many run ins with the law, it is possible to receive an expungement, but only if the judge wants to grant it.

Most states allow, and some require, an affidavit along with the petition setting forth how your client has been rehabilitated. This can cause considerable problems for criminal defense attorneys who don't routinely write affidavits. I am lucky (or unlucky depending on your take on it) to also practice family law so I draft several affidavits every week and I know not to use legalese or overly complex thoughts in the affidavits. But, you need to spend the time on the affidavits, 5-8 pages is an acceptable page length for an affidavit. Remember, besides from the statutorily mandated information, you also need to personalize the defendant, just like at sentencing. How many defendants does a judge see in a day, a week or a year? You can imagine that it would be very easy to become hardened as a judge and your job in the affidavit is to make the judge see your client as that hard working man he is who years ago did something stupid, but now is a changed man who deserves a second chance.

Letters from friends, employers, and relatives are critical. I normally send them attached as exhibits at the time I file the petition for expungement, the goal here is similar to sentencing in that it's not quantity but quality that is important. You need to submit letters which demonstrate that your client is not the man or woman he was when he committed the crime. I've had particular success using family members, a grandparent or a parent can be especially persuasive even with adult defendants. Now, your state rules of evidence might control here; however, I've found that letters are accepted in lieu of affidavit's nearly all of the time.

In most states the victim gets notified of the intent to expunge a criminal record. Depending on the case, I've found that trying to talk to the victim is not a good idea. No matter how you talk to them it usually upsets the victim. If you contact the victim he or she is then put on notice that this is a serious matter and they had better show up in court to tell the judge not to allow an expungement. Instead, I simply notify the victim, pursuant to local statutes, and hope for the best on that front. Normally the victim does not show up, I think they may not understand the process and they don't become engaged in it. In that case the argument at the hearing is, of course, that the victim does not object because they are not present at the hearing nor have they submitted an objection.

If the Expungement doesn't work.

If the court refuses to grant an expungement, DON'T GIVE UP. It has been my experience that while most attorneys will notify their client that the case is over and nothing more can be done, they really have not exhausted all remedies. In Minnesota, for example, if the district court refuses to grant an expungement, that is the judge did not believe the benefit to the individual outweighed the benefit to the State, the next step is to approach the Minnesota Pardon Board. While every state has a different type of pardon board most are fairly similar; Minnesota has a statute (Minn. Stat. §638) which creates the board on which sits the Governor, the Chief Justice of the Minnesota Supreme Court, and the Attorney General. With two of the three pardon board members being members of the executive branch the numbers of pardons granted are not as low as one would expect; in fact, in Minnesota 10 out of 16 pardon petitioned last year were approved.

Typically the application for a pardon must be requested and the agency which handles the pardon often screens people at this stage. The application is detailed, usually requiring past residences, any other criminal conduct, and past employment. Just as in a petition for an expungement letters of recommendation are accepted and usually required in order for a pardon to be granted. Finally, most states require that the person must appear in front of the board. We all know that it is important to clean up your client and spend ample time prepping him or her so they will be prepared for any questions which the pardon board may ask. It's important to take the pardon board very seriously and prepare both yourself and your client as if it's a jury trial, which in a way it is. Many states require that a pardon board recommend a pardon in order for the governor to issue one. (see Penn.Const. Article IV, Sect. 9).

Presidential Pardons

Because there are very limited (and I submit not helpful in cases we are discussing here) federal expungement statutes and federal expungements granted by the inherent power of the federal judiciary are rare you might need to seek a presidential pardon for federal convictions. The first step is to visit the DOJ website at <http://www.usdoj.gov/pardon/petitions.htm> which has fantastic resources on how the process works and what is required. In a nutshell, 28 C.F.R. 1.1 sets out a minimum period of five years after the conclusion of the prison term or if no prison time was given, then the waiting period starts from the day of sentencing. While this period may be waived in exceptional circumstances that is exceptionally rare.

While the Constitution under Article II, Section 2, Clause 1 grants the president authority to pardon convicted persons, that authority has been somewhat delegated to the DOJ by 28 C.F.R. §§ 0.35 & 0.36, by creating a Pardon Attorney to assist the president in granting or denying a pardon.

Surprisingly pardons are not that uncommon. Some of the latest statistics showed that in 2001 they had over 2000 requests for pardons, and 396 were granted. Whatever the decision is there is no appeal; the president's decision is final.

Conclusion

As you can see there is life for your client beyond the guilty plea or conviction and you should counsel your client about the appropriate timeline and possibilities of suc-

cess of on expungement or pardon but you need to go in knowing the law and having the right plan of attack. Not only will you increase your business but, more importantly you might very well change some client's lives for the better.



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Hennepin County Affiliate News

By: Cyrenthia D. Jordan

The Hennepin County Bar Association - New Lawyers Section (HCBA-NLS) kicked off the 2004-2005 year with the always popular Attractive Nuisance Tour featuring bands which have at least one local attorney as members. This event co-created with HCBA-NLS Chair, Craig Sandok, raises money to benefit law related organizations. The fun and networking has continued with monthly happy hours and special events such as a joint golf outing with the young CPA's, HCBA-RCBA Flag Football, and the Ice Skating Social held at the Minneapolis Depot. The Nuts and Bolts CLE held in December offered a discount to new admittees. Monthly Breakfast with Judges has been a success with topics such as Summary Judgment Motion Practice. Community service events are happening every month with opportunities for new lawyers to volunteer a little time. In 2004 the HCBA-NLS volunteers shopped for school supplies and

donated them to at risk high school students, raked lawns for seniors through Catholic Charities, hosted a Halloween Party for Somalian children for the Children's Home Society, collected and distributed toys and gifts to disabled children of Gillette Children's Specialty Healthcare, volunteered at the Sponsor a Family ware house where they distributed holiday gifts to low income families through Catholic Charities and Lutheran Social Services, and sponsored an individual family.

If you feel as if you have missed out on some great opportunities don't fret the HCBA-NLS still has exciting events happening in the upcoming months. Plans for community service in January 2005 include serving dinner to the homeless through People Serving People, planning for the Wish Upon a Prom Project prom dress drive and boutique to be held in March. In February of 2005 the HCBA-NLS will be partnering with the HCBA Com-

munity Relations Committee to teach a series on tolerance to 3rd grade elementary students in February 2005. For more information regarding socials, volunteering and training visit the website at www.hcba.org/programs/newlawyers.htm or come to the next meeting which is regu-

larly held on the second Wednesday of every month at the HCBA office in the Minneapolis City Center.

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Ramsey County Affiliate News

By: Laura Hage

In the fall of 2004, the Ramsey County Bar Association New Lawyers Committee formed its first Council. The Council consists of two Committee co-chairs, a CLE chair, a social chair, and a community outreach chair. The purpose of the expanded leadership is to create more opportunities for New Lawyers to become active with the Bar and the Ramsey County community, while continuing our tradition of providing a way for New Lawyers to network. I am pleased to report that our initiative has paid off.

The 2004-2005 RCBA New Lawyers Committee has already presented two free New Lawyer CLEs; "Basics of Worker's Compensation" and "Tips on Representing Men in Custody Cases". Both CLEs were held over the lunch hour at the Ramsey County Bar Association office and were very well attended. The New Lawyers will present several additional CLEs in the upcoming months. Please check the Ramsey County Barrister or the Ramsey County Bar Association's website (<http://www.ramseybar.org/>) for topics, location, and dates.

The New Lawyers of Ramsey County are continuing their tradition of public service by providing support for Santa Brings A Lawsuit, which is headed by New Lawyer, Terry Duggins. Santa Brings a Lawsuit is a program where gently used suits and business attire are collected at various courthouses to distribute to people who getting on their feet and my not be able to afford professional clothing yet. In October we participated with "Rake a Difference" by raking yards around St. Paul for the elderly and the disabled. In November the New Layers hosted the social hour for the Ramsey County Bar Association's 2004 Bench & Bar Benefit. The event was a huge success! It raised

over \$40,000 for local charities. The New Lawyers were proud to be part of the Benefit's success.

The New Lawyers continue to host monthly happy hours at local establishments. The happy hours provide new attorneys with a unique opportunity to meet other new attorneys, leaders of the Bar, as well as seasoned lawyers and judges. We hope you'll join us at the next happy hour, which will be held on **February 10, 2005** from 5:00 p.m. until 7:00 p.m. at the Eagle Street Bar & Grill, located on West 7th in St. Paul.

Laura Hage is the chair of the Ramsey County New Lawyers as well as a solo practitioner in St. Paul, who focuses on litigation and employment matters. Ms. Hage can be contacted at LAHagelaw@aol.com.

Mankato Affiliate News

By: Paul Grabitske

The Mankato New Lawyers have continued their regular monthly meetings, having record attendance. In a change from our normal meetings, in October the New Lawyers welcomed staff from the Committee Against Domestic Abuse (CADA) as part of domestic violence awareness month. CADA staff presented information on their programs and services, as well as some preliminary information from their tracking of local and regional domestic abuse cases. Future educational programming is also being developed.

The local New Lawyers Section leadership has made the New Years resolution of resuming the monthly happy hours at local establishments and will be happy to give the information just contact the current Chair, Paul Grabitske.

Paul E. Grabitske is the President of the Mankato MSBA-NLS, and a shareholder with Eskens, Gibson & Behm Law Firm, Chtd. He can be reached at pgrabitske@mankatolaw.com.

Duluth Affiliate News

By: Jessica Durbin

This fall, we reviewed and revised our Bylaws. [It was actually more interesting than it sounds.]

In November, we sponsored a precinct for the Kid's Voting Program. We educated children about the voting process and helped them complete their own ballots. [We did not see any voting irregularities.]

In December, we sponsored a clothing drive. We collected clothing for the Damiano Center's Clothes that Work Program. The Clothes that Work Program distributes

professional clothing to individuals who are trying to secure or keep professional jobs. Many lawyers, both new and old, made generous donations.

We meet the first Thursday of each month for lunch and the third Tuesday of each month for happy hour. Please join us if you're in town!

Jessica Durbin is the President of the Duluth New Lawyers. She works at the law firm of Johnson, Killen & Seiler P.A. She can be reached at jdurbin@duluthlaw.com.

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Professionalism Committee

Mary Briede
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2004-2005 NLS Open Liaison Positions

COMMITTEES

Attorney Referral Committee
Bar Media
Community Outreach Committee
Court Rules and Administration Committee
Convention
Diversity Committee
Fair Response Committee
Insurance for Members Committee
Internet Law Committee
Judicial Elections Committee
Law and Literature Committee
Law School Liaison Committee
(William Mitchell Law School &
University of Minnesota Law School)
Legal Assistance to the Disadvantaged Committee
Legal Education and Bar Admissions Committee
Legislative Committee
Legislative Coordinator
Life and the Law Committee
Membership Committee
Minnesota Law Related Education
Newsletter Editor
Paralegal Committee

Pro Se Implementation Committee
Publications Committee
Rules of Professional Conduct Committee
Senior Lawyers Committee
Technology Committee
Women in the Legal Profession Committee

SECTIONS

Administrative Law Section
ADR Section
Antitrust Law Section
Appellate Practice Section
Art & Entertainment Section
Children and the Law Section
Civil Litigation Section
Communications Law Section
Computer Law Section
Construction Law Section
Criminal Law Section
Employee Benefits Section
Family Law Section
Food and Drug Law Section
Health Law Section
Immigration Law Section
International Business Law Section
Labor & Employment Law Section
Outstate Practice Section
Public Law Section
Public Utilities Section
Real Property Law Section
Tax Section

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