

# Hearsay

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If you have any questions about the publication or would like to submit an article for a future issue, please contact Shanda Pearson or Andrew Loose.

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## Greetings from the Chair

*Lacee Anderson*

Farewell to another successful Bar year! I can't believe how fast the last year has gone. This will be my last letter to you as Chair as I turn the reins over to the very capable hands of Christina Weber. She will do an excellent job.

I am very proud of all the work we did this year as a Section. This year can really be summed up in one word: teamwork. I could not have worked with a better team of people. They were dedicated, diligent, and reliable. To everyone on the leadership team this year, a big THANK YOU.

To start, we kicked off the year with the major undertaking of re-drafting our Section Bylaws. Thank you to Charlie Delbridge and Sam Edmunds for their tireless work on this effort. The outcome is a much improved, practical set of rules that will be an asset to the Section for many years to come.

Starting in October, we offered monthly, free CLEs to our members. The CLE committee co-chairs Margie Meier and Mathea Bulander put together a fantastic series of CLEs with a variety of topics representing an array of interests and practice areas. We also started the year with our first ever Membership Outreach Committee. The co-chairs Todd Schenck and Chrissy Mann helped get our information to the masses through social media and law school connections. You can now find MSBA NLS on Facebook and Twitter. So, follow us!

Our community service chair, Jessica Slattery Karich, did a tremendous job coming up with ways for us to serve and getting everything organized this year. Throughout the fall, we collected coats, hats, and scarves for Bundle Up and donated the goods to the Lewis House in Eagan. In December, the Section participated in the Santa Run, which raised money for Legal Aid. It was a cold run down Nicollet Mall, but well worth it. Also in December, we hosted our annual winter Tri-Bar Social and Toys for Tots fundraiser at Nami. Jessica, along with Chanel Melin our social chair, did a great job organizing the event. The food was delicious, the networking excellent, and we brought in lots of toys and money for Toys for Tots!

In the spring, Chanel helped organize another Tri-Bar Social, this time at The Liffey in St. Paul. While the weather was cool, we still had good turnout and raised much needed funds for Second Harvest Heartland. At the end of April, we had our final community service event at Feed My Starving Children in Eagan. It was a very successful event and one that we hope to do again in the future.

Finally, we ended the year with our big Nine Day social at the Nine Days in June event at Target Field on June 24th. It was an excellent event with free drinks, dessert, and the best views in downtown Minneapolis.

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It is with bittersweet emotions that I finish my term as Chair of the Section. It has been a great four years of service with some of the best people I know. I encourage each of you to get more involved and see how beneficial and fun Bar membership in the New Lawyers Section can be. The first meeting of the 2010-2011 year will be on September 9th at 5:30. Hope to see you there!



*Lacey Anderson is the outgoing chair of the MSBA New Lawyers Section and an Attorney Search Director at Special Counsel. Lacey can be reached at [lacee.anderson@specialcounsel.com](mailto:lacey.anderson@specialcounsel.com).*

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## **“Free Initial Consultations” Marketing Obligation or Lost Opportunity?**

*Bill Gschwind*

Times are tight and the competition is fierce. You need every advantage available to generate revenue for your firm. If you can just get prospects to come in and talk with you, you're certain they'll engage you. So, if you make it risk-free by offering a free consultation, surely you'll see more prospects and increase revenues.

Try this. Find a local family doctor on the internet. Call, explain that you have a scratchy throat, and ask for a free consultation. Call a dentist out of the phone directory, tell her that you have a tooth ache and ask for a free consultation. It's pretty unlikely that these professionals will give you a free consultation, isn't it?

So what comes to mind when you are offered a free consultation with a financial planner, an insurance agent, or a real estate agent? You expect a sales presentation with little of substance that you don't have to take seriously and can walk away from without making a decision, right?

For too many solo and small practice attorneys, there is a perception that clients will not avail themselves of your services unless the first visit is free. Rather than positioning themselves as professionals, these attorneys market their services like insurance agents.

Do you get angry when a prospective client comes into your office for a free consultation

only to take your advice and walk out the door? Do you find yourself holding back, not wanting to give them “the good stuff” until they engage you? If your anger is because you expect prospects to respect your time and use the “Free Consultation” only if they intend to engage you, you are missing the boat. Offering a free consultation may be saying something unintended about your value and your brand.

Assume you are a family law attorney. What if, instead of a free consultation, you offered a “1-hour Problem Resolution Strategy Session” for just \$250? Tell the prospect that she can expect to leave with some actionable advice that can be used right away, regardless of whether she engages you or another attorney. You could attach a “guarantee” that if she tells you she didn't get her money's worth you won't charge her (you might learn something!). To collect your fee, you will have to provide something of value. The burden is on you to make her *want* to work with you and to begin right away. You might credit the "1-hour Problem Resolution Strategy Session" fee against the engagement. This same idea can be incorporated into any practice area.

At times, you may want to offer a free consultation. Instead, say to your prospect, “I have a limited number of \$250 1-hour Problem Resolution Strategy Sessions that I offer pro bono each month. I can offer one to you if you can be here at 8:30 tomorrow

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morning.” You’re telling the prospect that your service has value and that you are a busy, successful attorney with a tight schedule.

You spend a lot of time and money marketing your services to make the phone ring. Your goal should be to engage 100% of the people who call. Anything less wastes those dollars. Think twice before you give away free consultations. The engagement process begins when the phone rings. Don’t waste the opportunity to differentiate yourself from other attorneys. Ask questions that show why your value and experience will be lost if a potential client doesn’t get started with you right away.

Prospects shop legal services because they perceive lawyers and their services as commodities. In these days of do-it-yourself internet services and a dog-eat-dog economy, it is easy for the lay public to see lawyers as overpriced fill-in-the-blank providers of a commodity. If you give little of value because the initial consultation is free, you invite prospects to leave your office without an engagement. They’ve called you; your job is to give them a reason to engage you. If you don’t, you’ve done both of you a disservice.

Every contact with a prospect is an opportunity to develop your brand in the mind of the client. The prospect is forming an opinion about the quality of service they can expect from you based on all of the little signals you send. Offer free consultations and you’ll get tire kickers expecting a sales presentation they don’t have to take seriously. Tell them that you are a successful, busy attorney who doesn’t need to give away your services, and their opinion of you and your firm skyrockets.

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## **The Disparate Impact Conviction Inquiries Have for Minority Job Applicants**

*Elizabeth Knight*

Two men, both college students, one Black and one White, enter a business to apply for a low-skilled position as advertised in the classifieds. Both men are similar in the way they present themselves to the employer, and both have an 18-month prison record for possession of cocaine with the intent to sell. This test occurred 350 times in the same city, but the results were dramatically different for each race: 17 percent of the White men were called back by the employers, while only 5 percent of the Black men were called. Whites without a criminal record had a 34 percent call back rate, as compared to 14 percent of Blacks. This study, “The Mark of a Criminal Record,” reveals the disparate impact that criminal histories have on minorities.<sup>1</sup>

Selecting candidates for employment is a universal business process new lawyers may encounter as applicants themselves, or in advising clients. How an organization selects its applicants is as critical as whom they select; improper screening and selection criteria could be the basis for a discrimination charge. While it is important to hire the best candidate for the position, it is also important to ensure the selection measures do not have a discriminatory impact. Pre-employment queries into a candidate’s convictions, arrests and credit history may have a disparate impact on certain protected class groups – particularly Blacks and Latinos.

For example, job applications often ask about a candidate’s criminal and, sometimes, credit history. However, employers should carefully

consider the questions used in their employment application, as the questions can give rise to a number of problems. In the case of arrest or conviction queries, extra care must be exercised because of the impact the selection process may have on minority groups. Statistics show that minorities, particularly Blacks and Latinos, are arrested and convicted at considerably higher rates than Whites. While Blacks comprise 12 percent of the United States population, they comprise 44 percent of the prison population.<sup>2</sup> In Minnesota, the percentage of Blacks incarcerated is over eight times greater than their share of resident population.<sup>3</sup> The systemic problems that lead to the arrests and convictions are beyond the scope of this article; the outcome, however, leads to a disproportionate number of Blacks and Latinos seeking employment and struggling with the additional barrier of a criminal history.

### **The Law Surrounding Disparate Impact**

Generally, race discrimination falls under one of two categories, disparate treatment or disparate impact, both of which require a fact-specific analysis. The Equal Employment Opportunity Commission (hereinafter EEOC) defines disparate impact discrimination as occurring “when a neutral policy or practice has a significant negative impact on one or more protected groups, and either the policy or practice is not job-related and consistent with business necessity or there is a less discriminatory alternative and the employer has refused to adopt it.”<sup>4</sup> It is

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important to note that there need be no unlawful intent to discriminate. Rather, disparate impact analysis seeks to remove the barriers to equal employment opportunities – procedures that appear fair on their face, but have a discriminatory impact when put into practice.

The *prima facie* case for Title VII disparate impact claim, developed by the United States Supreme Court in a series of cases from *Griggs v. Duke Power Company* to *Wards Cove Packing Co. v. Antonio*, first requires plaintiff to show that a specific employment practice has excluded a disproportionate percentage of a protected class group.<sup>5</sup> If an employment practice that has excluded minorities cannot be shown to be related to job performance, it is prohibited. The burden then shifts to the employer to show that the practice was a "business necessity."<sup>6</sup> The Supreme Court has not provided much guidance as to what "business necessity" entails, and the body of law that has developed since *Griggs* is complex and difficult to apply. However, the EEOC has set forth several factors to use when assessing employment practices related to applicants with criminal histories: 1) the nature and gravity of the offense(s); 2) the time that has passed since the conviction (or arrest); and 3) the nature of the job held or sought.<sup>7</sup> If the position is "security sensitive," involving law enforcement, crime prevention, or working with children, courts tend to closely scrutinize evidence of the applicant's prior criminal history.<sup>8</sup>

The law surrounding disparate impact analysis illustrates its complexity, particularly at a time when discrimination charges are on the increase. The Supreme Court first described disparate impact in *Griggs*, holding that the employer discriminated based on race when it could not justify the "business necessity" of its policy. The employer's

practice in question required its unskilled laborers to have a high school diploma or pass a written test, which was not job-related.<sup>9</sup> In *Buck Green v. Missouri Pacific Railroad Company*, the Court struck down the employer's absolute ban on applicants convicted of crimes other than minor traffic offenses. The Court remarked this created a "permanent rank" of unemployed, particularly "for blacks who have suffered and still suffer from the burdens of discrimination in our society."<sup>10</sup>

Yet more recently, in *Wards Cove*, the defendant's burden of showing business necessity was reduced to a burden of producing evidence of business justification. In *Wards Cove*, a class of minority cannery workers filed suit alleging racial stratification, as Whites predominantly held the skilled positions. While the district court rejected the minority cannery workers' claims, the Ninth Circuit Court of Appeals reversed and relied solely on the cannery workers' statistics showing a high percentage of minority cannery employees, as compared to a low percentage of minorities in skilled positions. The Supreme Court held that the Ninth Circuit erred, and that the proper statistical analysis is between the racial composition of the jobs at issue as compared to the qualified population in the relevant labor market.<sup>11</sup> In response to *Wards Cove*, Congress passed the Civil Rights Act of 1991, clarifying aspects of disparate impact and overturning this portion of the decision.<sup>12</sup>

## Recommendations

Employers may want to follow the lead of Minnesota's public employers. The 2009 Minnesota Legislature enacted the Criminal Offenders Rehabilitation Law,<sup>13</sup> requiring the removal of conviction and/or arrest questions from employment applications. Cities may not inquire into an applicant's criminal

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history prior to selection for an interview, unless: 1) the background is required by law, or 2) the application clearly states that questions apply only to applicants for police and fire positions. It also allows cities to provide notice “up front” of any particular criminal history background that will bar an applicant from employment.<sup>14</sup>

There is a significant difference between pre-employment queries into arrests, as opposed to convictions. While care should be taken in utilizing either of these in employment practices, there is a higher burden for employers making arrest inquiries. In addition to the EEOC’s three-factor analysis, queries into arrests raise the additional concern of whether the alleged conduct was actually committed since an arrest without a conviction does not establish that a person actually committed an offense. It is problematic for employers to use this information in selection measures without further justification, and the EEOC has concluded that an additional inquiry is necessary. Even where the applicant’s conduct alleged in the arrest is related to the position for which the applicant applied, the employer must take several additional steps, which are: 1) determine whether the arrest record reflects the applicant’s conduct by examining surrounding circumstances (this is the most difficult, as it requires either accepting the applicant’s account of the arrest, or necessitates the employer’s attempt to gather additional evidence and evaluation of the applicant’s credibility), 2) provide the applicant the opportunity to explain the circumstances, and 3) if the applicant denies engaging in the conduct, make follow-up inquiries necessary to evaluate the applicant’s credibility.<sup>15</sup> Of note, the EEOC has concluded that an employer will seldom meet these burdens and be justified in inquiring about an applicant’s arrests.

Charges of discrimination in employment continue to rise, particularly during tumultuous economic times. It is therefore imperative that organizations hire candidates based on job-related ability, with uniform and consistent standards applied in the same way and with the same weight to every candidate. Further, employers’ selection decisions should be supported by credible evidence defensible to an investigator or judge. Unless a position is particularly security sensitive, removing pre-employment conviction or arrest inquiries is an approach that creates a more balanced, equitable employment practice. Employers should consider eliminating conviction and arrest questions, instead including language explaining that background checks will be conducted for specific positions. In addition, employers may want to provide applicants with a list of those positions. This approach is straightforward, and lacks the blanket pre-inquiries which may lead to disparate impact for minority communities.

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#### Notes

<sup>1</sup> Devah Pager, *The Mark of a Criminal Record*, AJS Vol. 108, No. 5 (Mar. 2003).

<sup>2</sup> Human Rights Watch Backgrounder, *Incarcerated America*, Apr. 2003 (available at <http://www.hrw.org/backgrounder/usa/incarceration>).

<sup>3</sup> *Id.*

<sup>4</sup> EEOC Compliance Manual § 15, *Race & Color Discrimination*, Apr. 19, 2006 (available at <http://www.eeoc.gov/policy/docs/race-color.html>).

<sup>5</sup> *Wards Cove Packing Co. v. Antonio*, 490 U.S. 642 (1989); *Buck Green v. Missouri Pacific Railroad Co.*, 523 F. 2d 1290, 1298-99 (1975); *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973); *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971); see also 42 U.S.C. 2000e-2(k)(1)(A)(i) (1972).

<sup>6</sup> EEOC Policy Guidance, *Consideration of Arrest*

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*Records in Employment Decisions Under Title VII of the Civil Rights Act, 1990 (available at [http://www.eeoc.gov/policy/docs/arrest\\_records.html](http://www.eeoc.gov/policy/docs/arrest_records.html)).*

<sup>7</sup> *Id.*

<sup>8</sup> EEOC Policy Statement, *Conviction Records, 1982 (available at [http://www.eeoc.gov/policy/docs/convict1.html#N\\_7](http://www.eeoc.gov/policy/docs/convict1.html#N_7)); see also 42 U.S.C. 2000e-2(k)(1)(A)(i).*

<sup>9</sup> *Griggs*, 401 U.S. at 431.

<sup>10</sup> *Buck Green*, 523 F.2d at 1298.

<sup>11</sup> *Wards Cove*, 490 U.S. at 642.

<sup>12</sup> Amos N. Jones and D. Alexander Ewing, *The Ghost of Wards Cove: The Supreme Court, the Bush Administration, and the Ideology of Undermining Title VII*, Harvard BlackLetter L.J., Vol. 21 (2005).

<sup>13</sup> See Minn. Stat. § 364.021 (2009).

<sup>14</sup> League of Minnesota Cities, *Criminal History Background Checks* (2009) (available at <http://www.lmc.org/media/document/1/lmclawsummaries09.pdf>).

<sup>15</sup> EEOC Policy Guidance, *supra* note 6.



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## Preserving Your Record

*Janie C. Paulson*

In Minnesota, almost every time you appear before a judge, you make a record.<sup>1</sup> Keeping the record dates back to our English common law roots.

A court of record is that place where the acts and judicial proceedings are enrolled for a perpetual memory and testimony which rolls are called the records of the court and are of such high and super eminent authority that their truth is not to be called in question for it is a settled rule and maxim that nothing shall be averred against a record.<sup>2</sup>

The court reporter records everything that is said by the participants in a court proceeding, including testimony of witnesses, questions of attorneys and objections raised by the attorneys. A word-for-word record, or transcript, is made by the court reporter. If a case is appealed to a higher court, the transcript is used to review what happened in the trial court.<sup>3</sup>

In our technologically advancing society, these tips are designed to help you develop an effective record both where a court reporter is present, and when electronic recording is utilized. “Electronic Recording” refers to digital recording, real time recording, and remote recording. Court reporters may utilize this technology in the courtroom, but these methods are more commonly used for remote recording. Electronic recording, while useful, can be less effective than court reporters because a person may not be in the courtroom, constantly watching the

proceedings. This means you must pay extra close attention to the record because there will not be instant feedback if the record is unclear. With a court reporter in court, it is easier to clarify common mistakes like overlapping speakers since instant feedback is available. **Remember, it is *your* record.** The court reporter only captures and preserves the record you make, but it is your responsibility to create the record on behalf of your client.

### **Be Aware: Get Your Arguments on the Record**

Many attorneys pay little attention to the record that they are making. It is not uncommon for an attorney to obtain a transcript and realize that what he or she thought was on the record was not included. The record, whether drafted by a court reporter or made by electronic recording, can only reflect what an attorney actually says. Believe it or not, court reporters and electronic recording cannot read your mind. Make sure that anything you may want for a possible appeal is put on the record. Be aware of these situations:

Off-the-Record Discussions: Frequently discussions take place off the record, after which the parties go back on the record. During these discussions, make sure to note matters you want put on the record and inform the judge you want to make a record of them. After the discussions, put those matters on the record before you proceed on to other things.

Depositions in Trial: Often objections are

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made during depositions. During trial these objections are edited out before the jury hears them. The editing discussions are commonly done off the record. If the judge sustains or overrules a deposition objection you made, it is prudent to restate the objection and your reasoning. On appeal, the court will need to have a complete record of the objection, your arguments, and the judge's ruling.

Voir Dire: Attorneys commonly waive reporting of voir dire. If an issue should arise during voir dire, such as opposing counsel asking an objectionable question, inform the judge you would like to make a record, should that be a basis of an appeal.

**You're Ready: Now Make it Make Sense**

Remember that whether a court reporter or electronic recording captured the record, at some point, a person must transcribe everything. This can be difficult when using terms that are technical in nature, terms that are abstract, or terms that are case-specific. This problem is made worse when an interpreter is necessary, a witness has an accent, or someone is reading from a document at the speed of sound. Be aware that through it all, someone needs to hear it properly in order to report it properly. These small changes will make a big difference in the completeness of your record. Ignoring these suggestions may cause your eloquent argument to read like a Miss Teen USA Pageant Contestant<sup>4</sup> answer.

Speak Clearly: Attorneys speak fast. Attorneys speak slow. Court reporters are able to record both speaking styles. What is difficult to transcribe, especially with electronic recording, is slurring, mumbling, and incoherent speaking. Enunciate words, and your record will be preserved. When you finish a sentence, pause. If you read a paragraph without taking a breath, the record will reflect a paragraph-long sentence. Avoid

“ums,” “humms,” and nods. Like, “hmm” if it is spoken, it is “umm” recorded.

Make Clarifications: If your case is highly technical, providing a list of terms to the court reporter in advance will alleviate interruptions to clarify the record. Spell names; even a simple name can sound the same but have multiple spellings (Olson or Olsen). Cite the full citation or spell the title of cases that you cite on the record. Make sure to clarify all gestures or nods a witness makes in response to your questions to assure a complete record. Court reporters can indicate body language in a parenthetical such as (“nods head in the affirmative”), but electronic recording may not capture the non-verbal speech. For example, when a witness points to “there” on a diagram, clarify, “you pointed to the bench on the southwest corner of main street?”

Exhibits: Presenting exhibits can cause many problems if not done properly on the record. Always cite the specific exhibit number. Lay your foundation. Remember to offer the exhibit into evidence prior to eliciting any testimony from the witness regarding the exhibit. (You: “Your Honor, I'd like to offer Exhibit 12 into evidence at this time.” Judge: “Exhibit 12 is received.”) If the exhibit isn't offered or received into evidence on the record, the exhibit does not exist in the record. Once the exhibit is received, be sure to refer to the specific exhibit number when examining a witness from it. Repeat. Repeat. Repeat.

State Numbers Correctly: State numbers in full, and give the number a reference. For example, “forty-one-o-six” could mean 41.06, 4,106, or 40,106. In contract cases and cases where dollar amounts are important, this mistake could ruin the record. As an example, for 41.06 %, say “forty one-point-zero-six percent.” If it's \$4,106, say

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“four thousand, one hundred and six dollars.”<sup>5</sup>

Don't Speak Over Others: Electronic recording and court reporters cannot keep a clean record when two people speak at once. To reduce the possibility of this happening, make sure the person speaking before you has finished before you begin. A good practice is to take a breath before you speak. This will minimize overlapping speakers. Pay special attention to well-coached witnesses, expert witnesses and interpreter cases.

Experienced Witnesses: Expert witnesses and well-prepared witnesses commonly fall into the trap of overlapping an attorney, or worse, the judge. Because they often anticipate the questions, many begin to answer the question before the attorney finishes asking it. Well-prepared and coached witnesses tend to overlap as well as answer questions not asked of them. Overlapping may require speakers to repeat statements, or an attorney may request to strike an answer (and then a ruling on the request is necessary), which leads to a confusing record or delayed proceedings.

Pay Extra Attention When Using an Interpreter: The interpreter must interpret what you have asked of the witness, then the witness must answer in her native language, then the interpreter must repeat the witness' answer or statement to the court in English. The interpreter's English response is the record that is recorded. The record can get garbled if the witness answers some questions in English. A best practice is to use an all-or-nothing approach when a person is a non-English speaking witness: either everything in English or everything in the witness' native language always utilizing the interpreter.

### **Your Record is Made: Now What?**

Attorneys and parties request transcripts for a number of reasons. If you anticipate the need

for a transcript, notify the court reporter or clerk (if there is no reporter), and they can assist with getting you to the right person to get the transcript ordered. If you order a transcript, the transcript can be used for both substantive and practical assistance. In reviewing a transcript, you will be able to decipher your speaking style, you can determine whether you need to implement any of the above suggestions, and will be able to differentiate what actually happened on the record with what you remember happening that day. If you appeal a case, there are rules regarding the record and obtaining the transcript of the proceedings. As an appellant, you are required to order a transcript,<sup>6</sup> and coordinate with the court reporter for a certificate of transcript.<sup>7</sup> Appellate courts' reviews are limited to the record, so if your facts or arguments are not on the record, you cannot rely on them for the appeal.<sup>8</sup>

### **TOP TEN Things To Remember About Making A Record:**

1. Do not come into court chewing gum, drinking coffee, or with your cell phone on.
2. Provide your business card to the clerk and/or court reporter.
3. If possible, furnish the court reporter with a glossary of technical terms if your matter is particularly specialized.
4. When asked to note appearances, make sure you state and spell your name.
5. When offering exhibits, make sure you identify the item by using the exhibit number and a brief description. When referring to the exhibit during the proceedings, make clear which exhibit you are using.
6. When making an objection, clearly state the objection, the grounds for

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the objection, and wait for a ruling by the court.

7. When reading a document into the record, remember that if it is important enough to quote, it is worth doing so in a manner that is understood by everyone. Read at a normal pace to ensure an accurate transcript.
8. Speak up. No matter which means is used to capture the record, if you are soft-spoken, chances are you will not be on the record.
9. Do not speak at the same time as anyone else, particularly the judge. Remember only one voice can be recorded at a time. Also, take time to explain to your witness the importance of waiting until the entire question is finished before they begin to answer.
10. **Remember:** It is *your* record to make; the court reporter or electronic recording only preserve it.

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Notes

<sup>1</sup> Rules, citations and forms are hyperlinked, if possible, for you to access while reading online. The opinions contained in this article are meant to provide newer lawyers with tips regarding making a record. The opinions are solely the opinions of the author.

<sup>2</sup>“All courts of record are the king's in right of his crown and royal dignity.” Arthur Biddle, *Liability of Officers Acting in a Judicial Capacity*, [25 The Am. L. Rev. 428](#), 428 (July 1881).

<sup>3</sup> [I'll See You in Court, A Consumer Guide to the Minnesota Judicial Branch](#)<http://www.youtube.com/watch?v=WALIARHHLII>

<sup>5</sup> *Making the Record A Guide for Attorneys*, Nat'l Court Reporters Ass'n, Sept. 1998.

<sup>6</sup> [Minn. R. Civ. App. P. 110.02](#), subd. 1; [Minn. R. Crim. P. 28.02](#), subd. 9; [Minn. R. Crim. P 28.04](#), subd. 6(3), 7(4).

<sup>7</sup> [Minn. R. Civ. App. P. 110.02](#), subd. 2: [Certificate of Transcript](#).

<sup>8</sup> [Minn. R. Civ. App. P 110.01](#); *Haislet v. Skoglund*, No. A05-451, 2005 WL 3372768, \*2 (Minn. Ct. App. Dec. 13, 2005); *State v. Keim*, No. A05-679, 2006 WL 1073008, \*5 (Minn. Ct. App. Apr. 25, 2006).

*Janie Paulson has been the clerk for Ramsey County Judge J. Thomas Mott since November 2007. Janie is a magna cum laude graduate of Whittier Law School, in Orange County, California. She is a licensed attorney in Minnesota and California.*



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## *2009-2010 New Lawyers Liaisons*

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### **Sections:**

#### **Alternative Dispute Resolution**

Elise Peterson

#### **Animal Law**

Colin Kreuziger

#### **Antitrust Law**

Joshua Dorothy

#### **Arts & Entertainment**

Larry McGee

#### **Bankruptcy Law**

L. Kathleen Harrell-Latham

#### **Civil Litigation**

Erica Tollefson & Melissa Wendland

#### **Computer & Technology**

Jeff Anderson & Todd Schenk

#### **Construction Law**

Chanel Melin

#### **Criminal Law**

Patrick Hayes

#### **Elder Law**

Mathea Bulander

#### **Food & Drug Law**

Darryl Thomas

#### **General Practice, Solo and Small Firm**

Kimberly E. Brzezinski

#### **Labor & Employment Law**

Troy Tattng

#### **Probate & Trust Law**

Mia Thibodeau & Chrissy Mann

#### **Committees:**

##### **Women in the Legal Profession**

Lacee Anderson & Anna Horning  
Nygren

#### **Civic Education**

Elise Peterson

#### **Diversity**

Sitso Bediako

#### **Human Rights**

Lauren Wood & Jaimie Palmer

#### **Legislative**

Michael Miller

#### **Life & Law**

Elise Peterson

#### **Professionalism**

Laurie Young

#### **Publications**

Mike Goodwin

#### **Rules of Professional Conduct**

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