

## MSBA/NEW LAWYERS SECTION

### Meeting Minutes

February 19, 2009

**Members Present:** Chris Assel, Charlie Delbridge, Anne Lindberg, Jon Farnsworth, Mark Lazar, Richard Cheng, Elizabeth Zidones, Allison Marshall, Sam Edmunds, Randall Zidones, Erika Donner, Jessica S. Karich, Mike Miller, Melisa Franzen, Jeff Muszynski, Josh Bobich, Melissa Wendland, Mike O'Brien, Ben Wagner, Tom Borash, Shanda Pearson, Jeff Anderson, David Classen, Evan Weiner, Todd Schenk, Chanel Melin, Jennifer Daugherty, Kevin A. Sieben.

#### I. Opening Business

- A. Call to Order and introductions at 5:33 P.M. at the MSBA offices. Meeting chaired by Erika Donner.
- B. Approval of December 2008 & January 2009 meeting minutes. Approval of the December, 2008 minutes will be delayed until next month's meeting because copies of the December minutes had not yet been prepared. Sam Edmunds moves to approve the January 2009 minutes; Mike Miller seconds. The motion passes unanimously.

#### II. New Business

##### A. Budget Report

-Erika Donner led a discussion regarding the budget cuts currently being made by the MSBA, which will result in reduced funding for the NLS in this and future years.

-As for this year's cuts, the NLS has been asked to reduce its budget by \$4,000, to \$11,500 for the year. The MSBA made this request of the NLS on a voluntary basis; the NLS is not required to make the cuts. Erika requested feedback as to areas of the budget that new lawyers felt comfortable cutting. She also explained that this year would be the final year that the MSBA would hold an annual convention. The position of the officers was that this year's budget could likely be cut \$3,000, to \$12,500. It was agreed that the NLS would make that a spending goal.

-There was also discussion as to whether other MSBA sections were having their funding cut. The group was informed that the NLS is the only section that gets funding from the MSBA rather than from section dues.

-Next year, the NLS's funding will be reduced to \$11,500. Unlike this year's cut, next year's cut will be mandatory rather than discretionary.

B. Labor & Employment Certification Discussion

-A discussion was held on this issue, which has been discussed at each meeting since the October 2008 meeting. It was decided that the NLS would take no further action regarding this issue.

C. ABA Mid-Year Report and reminder about future conferences

1. New lawyers are encouraged to mark their calendars for future conferences (& due date for statements of interest): ABA YLD Spring Conf., New Orleans, LA May 14-16, 2009 (stmts due March 12, 2009); and ABA Annual, Chicago IL, July 30-Aug. 1, 2009 (stmts due May 7, 2009).
2. We will be voting on funding for the New Orleans conference at next month's meeting.
3. Report regarding Midyear Meeting in Boston, Mass., February 12-14, 2009 (Sam Edmunds, Mike Miller, Jessica Karich, and Melissa Franzen attended). One of the big issues considered by the Young Lawyers Division ("YLD") was a resolution proposing to split the Secretary-Treasurer position into two positions. That resolution failed by a close margin. A big issue in the ABA House of Delegates was whether to amend the ABA Model Rules of Professional Conduct to allow a law firm to screen a newly-hired attorney that has a conflict of interest, rather than having that conflict imputed to the entire firm. The amendment passed.

D. Bylaws Changes

-At the beginning of this MSBA year, the NLS decided to amend its Bylaws to reflect the new order of succession from Secretary to Treasurer, rather than from Treasurer to Secretary as was previously done. Mike Espenson volunteered to draft the amendment. Mike also amended the Bylaws to eliminate the Executive Committee, which is defunct. The NLS thanks Mike for his service. The amendments will be approved by NLS at the March meeting, and then must be approved by the MSBA Assembly.

E. Update on the Listserv. This is being worked on, but is not yet complete.

F: MSBA is asking for nominations for up-and-coming attorneys. Get your nominations to Erika Donner. The only requirement for this honor is that you have to have been admitted to the bar for fewer than 10 years.

- F. Hearsay publication (Shanda Pearson & Sam Edmunds). The final pieces for the winter issue were recently finalized and assembled. The winter issue will be out in a week or two. Work on the spring issue will begin soon, and the deadline for articles will be March 16.
- G. CLE Committee (Jennifer Lurken & Margie Jennings). The January presentation was a success. As for the CLEs for the rest of the year, the CLE Committee is trying to set up a CLE with a Senator, but the schedules are proving difficult to figure out. And in May, Elyse Farnsworth will speak at a CLE regarding the resources available from the MSBA.
- H. Social/Recruitment Committee (Chanel Melin). The Spring Social will be held Thursday, April 16, 2009 at a location to be determined. It will be a joint effort with the NLS, the Hennepin County Bar Association, and the Ramsey County Bar Association. The Committee is considering a location in St. Paul, since the socials have been primarily or exclusively in Minneapolis in recent years. Jessica Karich suggested that those who work in downtown Minneapolis should carpool to St. Paul. Finally, if anyone is interested in helping out with the Spring Social, he or she should contact Chanel.
- I. Community Service Committee (David Classen). Like last year, the Spring Social will include a food drive for Second Harvest, and attendees of the social are encouraged to bring non-perishable food to donate. Further, if anyone is willing to put a food-collection barrel at their office, David will coordinate to provide one. Finally, volunteers are needed on Thursday, March 26 for the Choose Law program, at the Hmong Academy in St. Paul.

-In addition, Jennifer Daugherty informed the group that there is a training session for the Chrysalis/Tubman Family Alliance Safety Program for people who are already volunteers. Information will be forthcoming via e-mail.

### III. Reports

- A. Officer Reports
  - 1. Secretary (Charlie Delbridge): No report.
  - 2. Treasurer (Christina Weber): The budget cuts have already been discussed; no report.
  - 3. Vice Chair (Lacee Anderson): No report.

4. Chair (Erika Donner):
  - a. Council/Assembly update
    - (i) There has been concern that the Minnesota legislature would attempt to pass a bill that would require sales tax to be paid on attorney fees. It now appears that no such bill will be proposed in this legislative session.
    - (ii) Judicial system funding. If you have not yet joined 1,000 Supporters, please do so.
    - (iii) MSBA Annual Convention. This year's convention will be held in Duluth. It will be the last MSBA Annual Convention.
  - b. William Mitchell networking event. A William Mitchell law student networking event will be held on Wednesday, April 1 from 5 to 7 PM.

B. Affiliate Reports

1. Hennepin County. There will be a CLE March 4: Recess with the Judges. The judge will be U.S. District Court Chief Judge Michael Davis. The cost is \$15 for new lawyers; \$25 with lunch. These programs are fairly sparsely attended, so attendees are able to have a great deal of interaction with the judge. Further, a bar benefit is being held on March 10 from 5 to 8 PM at the Radisson in downtown Minneapolis. They give out awards, there is a silent auction, and there are good hors d'oeuvres and a cash bar. Tickets are \$30 for new lawyers.
2. Ramsey County. No report.
3. ABA/YLD (Jennifer Daugherty). The appointments deadline for the YLD has been extended. Those who want to apply for a YLD appointment can do so online. All YLD positions are appointed except officers.

C. Liaison Reports

1. Civil Litigation Section (Melissa Wendland). This section hosted a lunch event on February 3, which was very well-attended. CLE

credit for that event was approved. The Civil Litigation Annual Meeting & CLE program will be held Thursday, April 16, 2009.

2. Computer & Technology Law Section (Todd Schenk). This section will meet Tuesday, March 10 at noon in the MSBA offices. There will be a presentation/discussion at that meeting, a description of which follows: Please join the Computer & Technology Law Section for this informative discussion. You've seen links to the terms-of-service "contracts" on most websites you visit. You may have even read one or two (but likely not three). Just how binding are website terms of service? If you break the terms of service, can the host website kick you out? Can you be subject to damages? Can you be thrown in jail? This presentation will review recent trends in case law and will present details on other laws used to enforce such browse-wrap Internet contracts.
3. Appellate Practice Section (Jeff Muszynski). The Appellate Practice Institute is scheduled for Monday, March 6, 2009. Various appellate judges will be speaking. Further, there is an appellate luncheon tentatively scheduled for April 27 at Mai Village in St. Paul.
4. General Practice, Solo & Small Firm Section (Allison Marshall). This section has not been functioning, or has at least been very small, for several years. They are now attempting to grow, and are looking to attract membership among new lawyers. To that end, they will be planning happy hours and CLEs. If anyone is interested in joining, contact Allison.
5. Labor & Employment Law Section (Jon Farnsworth and Jodee McCallum).
  - a. This section is having a reception for law students on March 11, 2009, from 5:30 to 7:30 PM at the Rock Bottom Brewery.
  - b. This section's certification program is moving forward. They only received a total of 20 comments - at most - from attorneys, with many being concerned about the 6 years/90% of practice requirement and will not be re-visiting the requirement. (It has been an important issue, but the committee feels that experience is more important than an exam in this practice area.) The next step is for the program to come before the General Assembly for approval - probably in May 2009. If everything else moves forward

as planned, the first certifications should begin in early 2010.

- c. This section is moving forward with creation of a state court order database that would include motions, orders, and other court filings - most likely to be placed on [practicelaw.org](http://practicelaw.org). They would like other sections to participate as well, but have not received much feedback from the other sections.
- d. This section's Governing Council may have an opening for a 2-year member. More information will be forthcoming next month.

#### **IV. Adjournment**

- A. The meeting was adjourned at 6:30 PM.