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Thriving in a Time of Change

**Thriving in a
Time of Change:
Four Members, Four Perspectives**

This article presents the perspectives of four attorneys practicing law in different settings. Our contributors are Kara Lynum, a solo practitioner; Greg Simpson, a partner at a midsize firm; Elizabeth Odette, a partner at a large firm; and Jim Jacobson, senior vice president and general counsel at Medica. Through the lens of these attorneys and their respective settings, you can see how to adapt and thrive in the practice of law during times of great change.



Kara Lynum

Solo Practitioner in
Immigration Law

*Build your Professional Support
Community and Take Action*

Practicing law in 2017 as a solo immigration attorney has exemplified unpredictability. Immigration law is housed under the Immigration

and Nationality Act, but the executive branch has wide discretion to make changes. The changes made to immigration law through executive actions, memos, and procedures are too many to list here, but my practice has changed substantially over the last year.

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The year started with clients unexpectedly banned from entering the United States. Shortly afterwards, some of my clients became priorities for removal (deportation) from the United States with the issuance of a memo. The most recent shockwaves in immigration law occurred when the Trump administration ended Deferred Action for Childhood Arrivals (DACA) through an executive action, throwing 800,000 young adults into uncertainty over their future in the only country they have ever known. Now we are waiting for whatever the next announcement will be—the possible rescission of Temporary Protected Status, the Dream Act, or perhaps a complete change to our immigration laws.

Unlike in past years, I now wake up and check Twitter to see what the president tweeted so I know what kinds of client calls I will get that day. One tweet about “extreme vetting” can cause clients to become nervous about their own immigration status, even if it is a stable status they have held for years without issue. It is extraordinarily difficult to give legal advice in such an unstable setting because the advice I give at 8 a.m. may be different than the advice I give at 3 p.m.

As a solo practitioner, I rely heavily on my colleagues in our local chapter of the American Immigration Lawyers Association to learn the latest updates and changes to immigration laws and local policies at the airport and local office of the U.S. Citizenship and Immigration Services (USCIS) in Minneapolis. I learn about changes via the news, email, or a conversation with colleagues about a change they encountered mid-case. I have even learned about some changes via social media.

As you may have inferred from this description of 2017, immigration law is a very stressful practice area these days. Clients are stressed, immigration attorneys are stressed, and even the immigration officers sometimes seem stressed. Pro bono requests are more frequent than ever.

As a solo practitioner, I have had to build time into my day for stress relief because I am the only attorney absorbing all of my clients' concerns.

Although these are challenging times to practice immigration law, we also have the opportunity to rise to the occasion and help people impacted by the changing immigration law landscape. Taking a few hours to provide brief pro bono advice at a walk-in immigration clinic may mean helping people who would otherwise be nervous about what they see on the news. Helping clients submit their naturalization (citizenship) application may help them feel more secure in their immigration status in the United States. Helping an immigrant crime victim submit his or her application for “U visa” as a victim of a serious crime means that our communities are safer for having crimes reported.

The past year has also turned many immigration attorneys into policy advocates. It's not uncommon for immigration attorneys to call or meet with their members of Congress to discuss immigration law. Although some attorneys may have been somewhat reluctant policy advocates, we are uniquely situated to explain how our federal laws are directly impacting Minnesotans.



Greg Simpson

Partner at Meagher & Geer

*Be Nimble and Diversify
Your Skillset*

I'm a midcareer, middle-aged litigator at a medium-sized firm (80 lawyers) in a medium-sized city in the Midwest. “Medium” is kind

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of a theme for me. Many of my cohorts—the so-called sandwich generation—will care for aging parents while still supporting their kids. I got out of law school at about the last millisecond the economy could absorb the number of JDs being shot out of law schools, and I watched the door slam shut on the folks behind me who had made unwise choices about when to be born. Again, I found myself in the Goldilocks zone.

Even aided by good timing and certain unearned demographic gifts, the path to my present office in a skyscraper overlooking the Mississippi River has not been without a bump or two. My career “strategy”—a word that implies more intentionality than is warranted—can be summed up with one word: *diversification*. I worked with as many different lawyers and clients, in as many different practice areas, as I could. I almost never turned down an assignment. As Yogi Berra advised, when I came to forks in the road, I took them. I clerked for the county attorney’s office while in law school, where I picked up a smattering of criminal law. After law school, I clerked for the state court of appeals and learned a bit of everything.

I started my law practice with a mega firm, where I learned insurance, business litigation, and product liability law; I also did a ton of pro bono work in immigration and housing law. I had a solo practice for a few years, putting together everything I had learned along the way and figuring out how to do employment and corporate law, too, of necessity. Along the way, for 12 years, I served on the Hennepin County District Ethics Committee, where I learned how the system that polices lawyers works, and a little about ethics, too. When I hit my term limit for that committee, I joined the editorial board of this esteemed journal and did a turn as *Hennepin Lawyer* board chair. In the 1990s, I became a qualified Rule 114 ADR neutral, which I allowed to lapse and then requalified myself earlier this year.

My whole career has been essentially a nonstop CLE course. But, by internalizing that IL axiom, “the law is a seamless web,” I made myself useful

to my clients and my firm. It’s certainly not the only way to be useful—specialization is another way—but being able to move nimbly from one practice area to another turned out to be a pretty good career strategy.

My firm, Meagher & Geer, has also responded to changes in the legal marketplace by being nimble. One of the biggest challenges in the legal marketplace around here is the arrival of the national law firms, who have moved into Minnesota by acquiring local lawyers and practice groups or merging with local firms. The good news—we’re no longer “fly-over” land—is balanced by the less-good news: Everybody wants a piece of us. It’s hard to deny the competitive advantage that slapping a nationally known brand name over a local law firm’s front door can produce. How can a mostly regional, mid-sized law firm compete?

Our primary answer is “Do first-rate legal work at a fair price.” *Duh*. But we all know that’s not enough to keep the clients calling. So our deeper strategy is to figure out how to be helpful to our clients in ways the big firms can’t or won’t. One example—hardly unique to my firm—is our ability to go where the clients need us. Nearly 90 years old and best known in the insurance industry, Meagher & Geer previously had offices only in Minneapolis and Phoenix. When the Bakken oil started to flow, existing clients needed legal services in North Dakota. We opened an office in Bismarck two years ago. To handle the work, several of our Minneapolis lawyers, myself included, got licensed in North Dakota—a surprisingly simple thing to do. A significant amount of my work is now centered there. Buoyed by the success of our North Dakota office, my firm opened a fourth office, in Chicago, in November 2017. Again, the decision to open an office there was client-driven. There are apparently other law firms in Chicago, but at least some of our clients prefer us.

Early in my career, when people still dispensed wisdom to me, one of my many mentors told me that lawyers in private practice have no job security; at best, they have loyal clients. I absorbed this slightly pessimistic but accurate outlook and its implications, one of which is that clients must be constantly nurtured and never taken for granted. Being a utility ballplayer with a wide variety of capabilities at a mid-sized law firm of the same description, I’m exactly where my clients need me to be. In a challenging marketplace for mid-sized law firms, mine is in the Goldilocks zone: neither too big nor too small, and agile enough to supply the legal services our clients need, wherever they need them.



Elizabeth Odette

Partner at Lockridge
Grindal Nauen

*Constantly Hone Your Expertise,
Set Long-Term Goals, and Promote
Diverse Perspectives in the Law*

You only have one reputation. This advice was shared with me by a mentor, and I have since shared it with many others. The advice has never been more relevant than in these turbulent times. It takes constant effort to maintain one’s reputation, but it can be hurt by a single action (or inaction). Treating other attorneys, including opposing counsel, with respect, particularly in times when people are being uncivil, is one way I can stay in control of my career. To keep pushing forward in my practice areas, I try to listen to diverse perspectives. I also try to think creatively in pursuing legal claims and when representing clients and classes. Working collaboratively to address challenges can help.

In uncertain times it helps to separate what we can control (working hard to craft and present effective legal arguments) versus what we cannot (such as the facts of the case and the judge). It is not easy to do when the results do not come out as I expect. In these instances, I try not to get discouraged. Similarly, when people are feeling uncertain for whatever reason, lawyers play a significant role in working to identify the best path forward for clients. We cannot provide black-and-white answers, and we cannot guarantee success. However, simply outlining possible outcomes and scenarios can go a long way toward reducing anxiety. We should do so with our reputation in mind at all times, reflecting wisdom and balance even when uncertainty threatens our equilibrium.

In addition to the challenge of maintaining a balanced, thoughtful demeanor as I advise clients and colleagues, the current environment

has created substantive challenges in my practice area of antitrust and consumer law class actions. It is imperative to monitor governmental agency activities. For example, a number of antitrust class actions stem from investigations opened by the U.S. Department of Justice (DOJ)–Antitrust Division. The focus and frequency with which the DOJ investigates antitrust violations could influence the number of potential conspiracies among competitors that get a hard look. Additionally, the DOJ reviews mergers and acquisitions that can consolidate markets and potentially significantly limit competition for certain consumers.

Similarly, the Consumer Financial Protection Bureau’s (CFPB) activities can influence my consumer class action practice. For example, some potential plaintiffs may be prevented from pursuing a consumer claim in court because of an arbitration or class action waiver contained in the terms of an agreement. Congress has voted to rescind a banking rule proposed by the CFPB that allows consumers to bring class-action lawsuits against banks and credit card companies to resolve financial disputes. As a result of these major developments, it has become increasingly important that I am constantly up-to-date on changes in my practice area, to an extent that was previously unnecessary. Maintaining this focus on developing trends and changes keeps me in the driver’s seat of my career, rather than feeling like a passive observer.

Another current issue that has been building into a near-crisis mode is underfunding of the judiciary and the large number of vacancies on the federal bench. These vacancies can affect the time it takes to litigate a case due to increased caseloads and availability of the court to schedule hearings and conferences. These time delays increase the cost of bringing a case to trial that must be built into the calculation of whether a contingent case has enough potential value to warrant the risk. When cases take longer to move forward, it can become more difficult to gather evidence, such as witness identification, location, and recollection. Subtly, justice delayed is justice denied for many when the judiciary is not funded adequately.

In response, I have increased my support of efforts to promote diversity in the legal community in Minnesota, efforts to mentor new attorneys from diverse backgrounds, and efforts to provide legal representation to underserved populations. Some of these efforts include representing youth in foster care through the Children’s Law Center, participating as a member of the Minnesota Chapter of the Federal Bar Association Diversity Committee planning programming to discuss and educate about diversity issues, and serving on my firm’s Diversity and Inclusion Committee. This again

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is a way to feel empowered, rather than simply frustrated.

In spite of the current myriad changes, some aspects of my practice have remained the same. I continue my practice of closely monitoring cases making their way to the U.S. Supreme Court that have the possibility of affecting the areas of law in which I practice. There seems to be an uptick in the number of cases being heard by the Supreme Court that relate to class claims. The makeup of the Supreme Court has changed over the course of my career. With the addition of Associate Justice Neil Gorsuch to the Court, I am waiting to see how he will rule on any antitrust and/or

consumer issues. Nonetheless, there is comfort in the routine of this aspect of my role as a class action attorney, which has remained unchanged.

To end on a positive note, I am encouraged to see more people interested and focused on increasing diversity in the legal industry and representing underserved populations through pro bono service. Over the long-term, an increased focus on these areas by the Minnesota legal community could have a lasting impact on access to justice. While dynamic times create additional uncertainty and new pressures, we may also see a flourishing of new voices and action as a result.



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