

MINNESOTA SUPREME COURT

2019 Call to Action for Lawyer Well-Being

Thursday, February 28, 2019

University of St. Thomas School of Law

1101 Harmon Place

Minneapolis, MN

AGENDA

Time	Thursday, February 28, 2019, Sessions
2:00 to 2:25	Registration
2:30 to 2:35	Welcome <i>Chief Justice Lorie Skjerven Gildea, Minnesota Supreme Court</i>
2:35 to 3:30	Lawyer Well-Being - The Case for Action <i>Patrick Krill, Principal and Founder, Krill Strategies</i>
Breakout Sessions	
3:30 to 4:45	Large Law Firms <i>Justice David Lillehaug, Minnesota Supreme Court Robert Zeglovitch, Co-Owner, KZ Workplace Investigations and Training</i>
3:30 to 4:45	Solo and Small Law Firms <i>Justice G. Barry Anderson, Minnesota Supreme Court Joan Bibelhausen, Executive Director, Lawyers Concerned for Lawyers Robin Wolpert, Chair, Minnesota Office of Lawyers Professional Responsibility</i>
3:30 to 4:45	Public Lawyers <i>Chief Judge Edward Cleary, Minnesota Court of Appeals Judge Karen Asphaug, Dakota County, First Judicial District</i>
3:30 to 4:45	In-House Counsel <i>Ivan Fong, General Counsel, 3M Susan Humiston, Director, Minnesota Office of Lawyers Professional Responsibility</i>
4:45 to 5:00	Refreshment Break
5:00 to 5:45	Overcoming Barriers to Action <i>Anne Brafford, Chair American Bar Association Law Practice Division's Attorney Well-Being Committee</i>
5:45 to 6:00	Minnesota Call to Action <i>Justice David Lillehaug, Minnesota Supreme Court</i>



JUDICIAL EDUCATION

MINNESOTA JUDICIAL BRANCH

Continuing Judicial Education (CJE) credits, 3.25 total, have been approved for this program.

Continuing Legal Education (CLE) credits, 3.25 total, have been applied for to the Minnesota State Board of CLE. The event code for this program is 267599.

Special thanks to the
University of St. Thomas School of Law
for hosting the
Minnesota Supreme Court
2019 Call to Action for Lawyer Well-Being

School of Law

UNIVERSITY OF
St.Thomas

COURSE DESCRIPTIONS

Lawyer Well-Being - The Case for Action (2:35 to 3:30 p.m.)

Patrick Krill, Principal and Founder, Krill Strategies

High levels of problematic substance use and mental health distress among lawyers and law students have led to a significantly increased focus on lawyer well-being in recent years, culminating in what is quickly becoming a profession-wide well-being ‘movement’. As a backdrop to his presentation on this subject, Patrick Krill will begin with a discussion of what well-being means in the context of the legal profession, followed by a brief discussion of the research which prompted much of the current focus on mental health and well-being, most notably a landmark 2016 study on the prevalence of behavioral health problems among US attorneys. He will highlight some of the potential costs and risks associated with untreated substance use and mental health problems, helping the audience understand the stakes of this discussion and focusing them on the importance of help-seeking and early intervention. In addition, Patrick was a co-author of the National Task Force on Lawyer Wellbeing’s groundbreaking 2017 report on how and why the profession must be more proactive in addressing behavioral health problems, and he will weave some of the report’s key messages into his presentation, including why the legal profession struggles with a lack of well-being, and why well-being is a subject that applies to every lawyer, judge, and law student. Finally, Patrick will discuss some of the more significant well-being initiatives currently underway within the legal profession—including a recently-launched law firm pledge campaign—as well as a survey and discussion of what some legal employers are doing to improve lawyer well-being and to tackle the problems of mental health distress and problematic substance use.

Overcoming Barriers to Action (5:00 to 5:45 p.m.)

Anne Brafford, Chair, American Bar Association Law Practice Division’s Attorney Well-Being Committee

Historically, lawyer well-being strategies have focused primarily on how to toughen up lawyers to enable them to withstand their stressful jobs. These individual strategies are very important. But research shows that it’s even more effective to focus on organizational strategies that fix problems that harm lawyer well-being in the first place and on leader role modeling of healthy behaviors. Legal organizations and their leaders play an enormous role in whether lawyers feel engaged or depleted and burned out. In other words, lawyer well-being should be viewed as a team sport guided by committed leaders. How can legal organizations get started? Science-backed strategies will be offered by Anne Brafford, a doctoral student in organizational behavior who was a Big Law partner before shifting her career focus to become a thought leader on lawyer well-being. Anne was the Editor-in-Chief and a co-author of the National Task Force on Lawyer Well-Being’s report; creator of the ABA’s Well-Being Toolkit for Lawyers and Legal Employers; and author of the ABA-published book Positive Professionals, which provides advice for aspiring positive leaders.

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G. Barry Anderson is an Associate Justice with the Minnesota Supreme Court. He was a member of the Minnesota Court of Appeals from August 1998 until his appointment to the Supreme Court. He was sworn in and joined the court on October 13, 2004 and is currently the senior justice on the Court. In 1976, Justice Anderson was a graduate of Gustavus Adolphus College and a 1979 graduate of the University of Minnesota Law School. He previously was a partner in the Minneapolis and Hutchinson law firm of Arnold, Anderson & Dove, PLLP and had served the City of Hutchinson as City Attorney from 1987 to 1998. He is also certified by the Minnesota State Bar Association as a civil trial specialist. Anderson, born in Mankato, Minnesota, previously practiced in Fairmont, Minnesota.

Karen Asphaug is a district court judge in Minnesota's First Judicial District. Appointed in 1995, Judge Asphaug is chambered in Dakota County. Judge Asphaug serves on two specialty courts: the Dakota County Adult Drug Treatment Court and the chief judge of the Supreme Court Appeals Panel. Judge Asphaug served as an international judge with the European Union Rule of Law Mission in Kosovo in 2010-2011. Prior to her appointment, Judge Asphaug was an Assistant Dakota County Attorney, with a case load emphasis on domestic violence and sexual assault cases. Judge Asphaug received her B.A. in Scandinavian Language and Literature (really!) from the University of Minnesota and her J.D. cum laude from William Mitchell College of Law.

Joan Bibelhausen has served as Executive Director of Lawyers Concerned for Lawyers since 2005. She is an attorney and is nationally recognized for her work in the lawyer assistance and diversity and inclusion realms. Joan has significant additional training in the areas of counseling, mental health and addiction, diversity, employment issues and management. She has spent more than two decades working with lawyers, judges and law students who are at a crossroads because of mental illness and addiction concerns as well as well-being, stress and related issues. Joan has developed and presented numerous CLE and other programs throughout Minnesota and nationally, and has written on mental health and addiction, implicit bias and mental health, career and life balance and satisfaction, stress, diversity and inclusion, marketing and other issues of concern to the legal profession. She is active in the MN State Bar Association, Hennepin and Ramsey County and American Bar Associations, and MN Women Lawyers, among others. She has served on the ABA Commission on Lawyers Assistance Programs (CoLAP) and its Advisory Commission, She has chaired CoLAP's Education Committee and its 2016 Conference Planning Committee. She has chaired the MSBA Life and the Law Committee and the HCBA Solo and Small Firm Practice Section and has co-chaired the HCBA Diversity Committee. She represents the disability perspective on many bar-related diversity committees and initiatives, including the MSBA Diversity and Inclusion Council. Joan also served on the MSBA Board of Governors and HCBA's Strategic Planning and Leadership Institute task forces and currently serves on the board of the Northstar Problem Gambling Alliance. Joan coauthored "Reducing the Stigma – William Mitchell College of Law – Spring 2015", published in the Mitchell Hamline Law Review (Vol. 41, Issue 3), and frequently writes for Minnesota and national bar publications. She was recognized by Minnesota Lawyer with a 2017 Diversity and Inclusion Award for her work regarding implicit bias and mental health in the legal profession

Anne Brafford, author of Positive Professionals: Creating High-Performing, Profitable Firms Through the Science of Engagement, is a founding member of Aspire, an educational and consulting firm for the legal profession. She is the Chairperson of the American Bar Association Law Practice Division's Attorney Well-Being Committee and a member of the National Task Force on Lawyer Well-Being (a consortium of ABA entities). She served as the Editor-in-Chief and as a co-author of the Task Force's 2017 Report, "The Path to Lawyer Well-Being: Practice Recommendations for Positive Change." The report outlines the current state of well-being in the legal profession and provides recommendations tailored to its many stakeholders, including law firms and law schools. In 2014, Anne left her job as an equity partner in employment litigation at Morgan, Lewis & Bockius LLP after 18 years of practice to focus on thriving in the legal profession. Anne earned her J.D. in 1996 with high distinction and special honors. In

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2014, she earned a Master's degree in Applied Positive Psychology (MAPP) from the University of Pennsylvania. Her Master's Capstone, Building the Positive Law Firm, was selected for special honors by the faculty as among the top 5 in the class. Anne now is pursuing her Ph.D. in Positive Organizational Psychology at Claremont Graduate University (CGU) in Southern California. She researches topics related to boosting thriving in the legal profession, including positive leadership, work engagement, meaningful work, high-quality motivation, and retention of women lawyers. Since 2014, she has been a Teaching Assistant in the MAPP program for Dr. Martin Seligman and, for two years, served in that same role at CGU for Dr. Mihaly Csikszentmihalyi—the co-founders of Positive Psychology.

Edward Cleary is the Chief Judge of the Minnesota Court of Appeals. Chief Judge Cleary was appointed as Chief Judge on September 18, 2013, after serving as a Judge on the Court of Appeals since November 22, 2011. Prior to being appointed to the Minnesota Court of Appeals, he served as a district court judge in the Second Judicial District. Before being appointed to the bench, Chief Judge Cleary was the Director of the Minnesota Office of Lawyers' Professional Responsibility and Client Security Board. He also was a private practice attorney and Assistant Public Defender at the Ramsey County Public Defender's Office. Chief Judge Cleary received his Bachelor's degree from the University of Minnesota and his J.D. from the University of Minnesota Law School.

Ivan K. Fong is Senior Vice President, Legal Affairs and General Counsel of the 3M Company. In that role, he oversees all legal, legal policy, compliance, and government affairs matters for the company. He was recently named one of "America's 50 Outstanding General Counsel" by the National Law Journal, and under Ivan's leadership, 3M's law department was recently recognized by the same publication as "Twin Cities In-House Legal Department of the Year." Prior to joining 3M in October 2012, Ivan served for over three years as General Counsel of the U.S. Department of Homeland Security. Before that he was Chief Legal Officer and Secretary of Cardinal Health, Inc., where he was selected to be one of the "Twenty Most Influential General Counsel" by the National Law Journal. He was also previously Senior Vice President and General Counsel of GE Vendor Financial Services; Chief Privacy Leader and Senior Counsel, Information Technology of GE; and Deputy Associate Attorney General at the U.S. Department of Justice. Ivan has also been a partner with Covington & Burling in Washington, D.C.; an adjunct professor at the Georgetown University Law Center; and a law clerk to Justice Sandra Day O'Connor of the U.S. Supreme Court. He has received, among other honors, NAPABA's Trailblazer Award; the Justice-in-Action Award from the Asian American Legal Defense and Education Fund, Inc.; and the Spirit of Excellence Award from the ABA. Ivan holds a B.C.L. with first class honors from Oxford University, where he was a Fulbright Scholar. He received his J.D. (with distinction) from Stanford Law School, where he was president of the Stanford Law Review, and an S.B. in chemical engineering and an S.M. in chemical engineering practice from MIT. He is a registered patent attorney.

Lorie Skjerven Gildea is Minnesota's 22nd Chief Justice, appointed by Governor Pawlenty in 2010. Prior to becoming Chief Justice, she served as an associate justice since 2006. Before her appointment to the Supreme Court, Chief Justice Gildea served as a district court judge in Hennepin County and as a prosecutor in the County Attorney's Office. She also served as Associate General Counsel at the University of Minnesota and following private practice in Washington, D.C. As Chief Justice, she chairs the Judicial Council and is a member of the Capitol Area Security Committee, the Capitol Preservation Commission, and the Board of Pardons. She is a current member of the Conference of Chief Justices and served on its Board of Directors from 2013-2015. In 2018, United States Supreme Court Chief Justice Roberts appointed her to serve on the Judicial Conference Committee on Federal-State Jurisdiction. Prior to becoming a judge, Chief Justice Gildea was a member of the Sentencing Guidelines Commission; the Board of Directors of YWCA, Minneapolis; and the Advisory Board, MINNCORR Industries. Chief Justice Gildea earned her B.A. Degree with distinction from the University of Minnesota Morris, and her J.D. Degree magna cum laude from Georgetown University Law Center.

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Susan Humiston is the director of the Office of Lawyers Professional Responsibility and Client Security Board. She has more than 20 years of litigation experience, as well as a strong ethics and compliance background. Prior to her appointment, Susan was Vice-President and Assistant General Counsel for Alliant Techsystems Inc. and its public company spin-off Vista Outdoor Inc., and was a litigation partner at Leonard, Street and Deinard, now Stinson Leonard Street. She clerked for U.S. District Court Judge David S. Doty, is an honors graduate of the University of Iowa College of Law, and received her B.A. with honors from the University of Nebraska-Lincoln.

Patrick Krill is recognized globally as a leading authority on addiction, mental health, and well-being issues in the legal profession, Patrick R. Krill is an attorney, licensed and board certified alcohol and drug counselor, author, advocate, and thought leader. His groundbreaking work in the area of attorney behavioral health includes initiating and serving as lead author of the first and only national study on the prevalence of attorney addiction and mental health concerns, a joint undertaking of the American Bar Association Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation. Patrick's highly specialized background and unique breadth of knowledge relating to the substance use and mental health of lawyers make him a widely sought after expert and trusted resource for solving one of the legal profession's most difficult problems. Patrick is the former director of the Hazelden Betty Ford Foundation's Legal Professionals Program, a preeminent clinical treatment program for addicted attorneys, judges and law students. While leading that program, he counseled many hundreds of legal professionals from around the country who sought to better understand and overcome the unique challenges faced on a lawyer's road to recovery. From young solo practitioners to equity partners in the largest global firms, law students to sitting judges, Patrick has successfully counseled patients from around the world and across all practice settings, offering distinctive guidance and uniquely qualified insights about achieving and maintaining recovery, health and well-being in the practice of law. Patrick has authored more than sixty articles related to addiction and mental health, including his biweekly advice column for Law.com, and frequent contributions to CNN.com and other national outlets. Also a regular source for print and broadcast media, he has been quoted in dozens of national and regional news outlets, including the New York Times, Wall Street Journal, Washington Post, Chicago Tribune, and countless legal industry trade publications and blogs. Patrick has been a guest on numerous national broadcasts, including multiple appearances on NPR and the Dr. Drew Podcast. As a frequent speaker about addiction and its intersection with the law, Patrick has taught multiple graduate-level courses in addiction counseling, and has spoken, lectured, or conducted seminars for over one hundred and fifty organizations around the world, including law firms, professional and bar associations, law schools, and corporations. Patrick serves on the Advisory Committee to the American Bar Association Commission on Lawyer Assistance Programs, and in October 2017, was honored with the Commission's Meritorious Service Award for Outstanding Contribution to Lawyer Well-being. In 2017 he was also appointed to ABA President Hilarie Bass's Working Group to Improve Lawyer Well-being, and is a member of the National Task Force on Lawyer Well-being, and co-author of its 2017 Report, *The Path to Lawyer Well-being: Practical Recommendations for Positive Change*. In November 2016, he was presented with the "LCL Founders Award for Service to the Professional" by Minnesota Lawyers Concerned for Lawyers. Patrick holds a BA in Political Science and Government from the American University and a JD from Loyola Law School.

David Lillehaug, Associate Justice of the Minnesota Supreme Court was appointed on March 26, 2013, by Governor Mark Dayton. He is the Court's liaison to the Minnesota Lawyers Professional Responsibility Board and to the Office of Lawyers Professional Responsibility. He spearheads the Court's Call to Action on Lawyer Well-Being. Lillehaug graduated with honors from Harvard Law School in 1979 and with highest honors from Augustana College in 1976. From 1994 to 1998 he served as United States Attorney, the federal government's chief prosecutor in the state. During 25-plus years of litigation experience in private practice, Lillehaug represented Fortune 100 companies, public entities (including the Minnesota House of Representatives, the University of Minnesota,

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the City of Saint Paul, and two Ojibwe nations), statewide public officials, and pro bono clients in high-profile investigations and lawsuits.

Robin Wolpert is an accomplished business litigator, criminal defense attorney, and appellate practitioner. With her unique blend of government, in-house, and private sector experience, Robin develops creative problem-solving strategies and, where necessary, manages litigation seamlessly from trial through appeal. Robin handles a diverse mix of criminal and civil lawsuits and appeals, focusing on constitutional law, business fraud and misappropriation, money laundering, data privacy and cybersecurity, and business compliance. She represents clients in litigation involving private parties or the government, including cases with parallel criminal and civil proceedings, civil and criminal appeals, and investigations. Robin has extensive experience in compliance with federal and international anti-bribery and anticorruption standards—including the Foreign Corrupt Practices Act (FCPA), UK Bribery Act, and anti-money laundering and anti-terrorism laws. In addition, she spent much of her career advising and litigating on behalf of state and local government as a prosecutor and outside counsel. Always passionate about public service, Robin oversees Minnesota's attorney disciplinary system as Chair of the Lawyers Professional Responsibility Board. Robin is Past President of the Minnesota State Bar Association. She is a former college professor, teaching law and judicial politics at the University of South Carolina and Georgetown University

Robert Zeglovitch (Bob Zeglovitch) is a co-owner of KZ Workplace, a company dedicated to neutral workplace investigations and training. Prior to establishing KZ Workplace, Bob practiced law for more than thirty years in the Twin Cities, focusing on employment litigation and counseling. He was a partner at Stinson Leonard Street and a shareholder at Leonard Street and Deinard, and also operated a solo law practice for a number of years. Throughout his legal career, Bob was consistently recognized as a Minnesota SuperLawyer® and one of America's Best Lawyers®. Bob graduated with High Honors from Rutgers Law School in 1984 and clerked for Judge Harry H. MacLaughlin of the United States District Court for the District of Minnesota before entering private practice. Bob has a long-standing interest in attorney well-being. He has intensively studied and practiced mindfulness meditation for almost twenty-five years, and has taught mindfulness to lawyers, judges, law students, corporate groups and general audiences. Bob has received professional training in the teaching of Mindfulness Based Stress Reduction (MBSR) from the University of Massachusetts Medical School's Center for Mindfulness in Medicine, Health Care and Society. He has presented numerous CLE programs on mindfulness for lawyers and has been an invited speaker on mindfulness at the American Bar Association Commission on Lawyers Assistance Programs (CoLAP) conference and at bar association and state lawyer assistance program meetings around the country. Bob's work in teaching mindfulness to his colleagues at Leonard Street and Deinard was profiled in the ABA Journal and Minnesota Lawyer.

UNIVERSITY OF ST. THOMAS SCHOOL OF LAW PARKING



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BUILDINGS & SPACES

- ▲ Accessible Building
- ◆ Partially Accessible Building

Opus Hall (MOH)	▲ 1
School of Education	
Terrence Murphy Hall (TMH).....	▲ 2
College of Business	
Schulze Hall (SCH)	▲ 3
Schulze School of Entrepreneurship	
School of Law (MSL)	▲ 4
Parking at 11th Street and Harmon Place..	▲ 5
MacPhail	▲ 6

KEY

Metro Transit Bus Stop
Public Hourly Parking
Restricted Parking
St. Thomas Shuttle Stop
Academic
Parking



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