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2023 LEGISLATIVE UPDATE



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EVENT CALENDAR

July 27, 2023

A Night at the Races
Canterbury Park

August 14, 2023

Annual Golf Tournament
Midland Hills Country Club

September 13, 2023

Setting Boundaries
Education Program

October 11, 2023

Law Seminar & Mini Expo
Bloomington DoubleTree

MESSAGE FROM THE PRESIDENT

The CAI national convention was held recently. Opening remarks from CAI President Vishnu Sharma centered on the nature of identity and acceptance in a complex world. My favorite part of the ceremony is the induction of the new class of PCAM (Professional Community Association Manager) designees. The PCAM is our industry's highest professional designation and the work these professionals have invested in their own education is truly impressive. Minnesota's Kari Ross was one of the 2023 PCAM inductees. Additionally, two management companies in the Minnesota market received their AAMC (Accredited Association Management Company) designation: RowCal and Community Association Group. Congratulations!

The Minnesota attendees were invited to our annual dinner Wednesday evening at the SER restaurant in the resort. Over 30 people were in attendance for the evening filled with positive engagement and networking. The remainder of the week consisted of various educational opportunities as well as a wonderful trade show where vendors put on display new



SHAUN ZAVADSKY,
PCAM
VICE PRESIDENT
COMMUNITY MANAGEMENT

FirstService Residential

opportunities for technology and other partnerships within our industry.

And then, just like that, another annual conference was in the books! The CAI National Conference and Expo concluded Saturday morning with the annual meeting. CAI CEO Tom Skiba and President Vishnu Sharma summed up all the positive connections that the conference and the work over the last year have meant to the organization.

This was the 50th anniversary conference and it brought a record number of attendees, a record number of first timers, and marks a record number of members around the world. It is true that everything is bigger in Texas!

A big thank you to the entire CAI leadership team, including SVPs Dawn Bauman and Crystal Wallace, as well as our local representative, Kelly Schild, and all other staff members from the incomparable national team, the Dallas Chapter volunteers, and all

the exhibitors and attendees for knocking it out of the park.

Hopefully we will see even more Minnesota attendees next year in Las Vegas!

Locally, we have a busy summer planned for CAI, including social events and our annual golf event. On July 27th, we are hosting a first-ever "Night at the Races" at Canterbury Park. This is an event you won't want to miss.

Finally, I close out this column with a request from the membership. The Board recently created a Community Outreach Committee and we are asking for volunteers to serve on the committee under the leadership of committee chair Nicole Orfei of FirstService Residential. If you are interested in joining the committee, please reach out to Tim Broms or me.

~ Shaun Zavadsky, PCAM

"Be the change you wish to see
in the world."

~ Mahatma Gandhi

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CAI-MN Diversity, Equity and Inclusion Committee Launches

BY COLLEEN BROWN

CAI-MN is proud to be one of the first CAI chapters to take CAI National's Diversity, Equity and Inclusion (DEI) mission and bring it to a local level. At CAI-MN, we believe that change begins with **us**, and we are committed to making diversity, equity and inclusion a core aspect in our membership and within the community associations we serve.

We believe that by utilizing the strengths of every CAI member, we build more successful and inclusive organizations and benefit from a richer mix of ideas, perspectives, life experiences and to challenge and expand our ways of thinking.

It is the goal of the DEI Committee to provide the knowledge, education, networking and legislative leadership needed to eliminate bias and inequity in the communities we serve.

Here are some things your CAI-MN DEI Committee is working on or where you can see us in action:

- We're creating a downloadable Diversity, Equity and Inclusion Pledge that managers and homeowner leaders will be able to download, reference and use with their own communities. Step-by-step instructions and best practices will be shared for community leaders to begin discussing this topic with board members and homeowners.

Our goal is to empower managers to have the difficult conversations and to challenge status quo, racial biases, microaggressions and intolerance – with the support and backing of our nationally-recognized organization. Below is an outline of the pledge:

Our community supports and will foster the following leadership behaviors for equity and inclusion:

1. **Courage.** We will take decisive action to promote equality.

2. **Integrity.** We shall uphold equality as a core value, unwavering in challenges and policymaking.
 3. **Allyship.** We will be active allies and address inappropriate behavior respectfully, quickly, and firmly.
 4. **Self-awareness.** We will recognize our biases and work to understand our privileges and prejudices.
 5. **Self-regulation.** We will control our actions and make decisions to advance equity.
 6. **Motivation.** We will pursue equality with determination, engaging in unbiased activities and open conversations.
 7. **Empathy.** We will acknowledge the emotional impact of inequality and appreciate the diverse perspectives of our members and communities.
 8. **Community Building.** We will foster connections and create a common ground for diversity, equity and inclusion in our community.
- We're working with other committees (Education, Legislative Action, Expo and more!) to ensure Diversity, Equity and Inclusion is included in our Continuing Education programming. This includes implicit bias training, utilizing local businesses at our events that are women, BIPOC and LGBT-QIA+ owned. The committee members will also be more visible and available at upcoming CAI events.

Check the CAI-MN website for updates and further information about the DEI Committee and DEI-centric events!

Colleen Brown, CMCA, AMS is Director of Community Management with Associa Minnesota. She is also Chair of the CAI-MN Diversity, Equity and Inclusion Committee.



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Air Kisses, Head Nods & Fist Bumps: Acknowledging Cultural Differences in Our Communities

BY NANCY POLOMIS

In some cultures, “air kissing” both cheeks is the expected greeting, even if meeting for the first time. In others, extending a left hand to shake is considered highly offensive. Knowing a little about the cultural differences in our communities can help avoid unintentional slights and aggressions, and can make living in a diverse community enjoyable—and maybe a little enlightening!

Family Units

What a “family” is can differ significantly from one culture to another. The definition of “family” can have a significant impact on whom you might find living in one household. In many cultures, it is common for several generations of a family to live in the same home, no matter how “cozy” it may be.

A home in which multiple generations live together can sometimes be a source of friction in a community. Some neighbors may assume that, with so many living in one home, “something is going on in there.” Some people assume that having a number of family members live together means more noise, more traffic, more utility usage, etc. That is not always the case. Avoiding assumptions based on cultural differences or lack of cultural knowledge is the first step in avoiding conflicts.

Aroma vs. Stench

For those who live in a multifamily community – especially condominiums and apartments – it’s difficult to miss a blending of the aromas of the various foods different cultures enjoy. Just as one person’s trash is another’s treasure, one person’s “aroma” may be another’s “stench.” Managers and board members often get complaints about what may literally be foreign to a Western European palate. Walk the halls

of a diverse housing community, and you might smell kimchi from one home, hákarl (fermented shark) from another. Sauerkraut and sardines can certainly be “aromatic.” Even the hallowed lutefisk has a certain “perfume.” Before wrinkling your nose at the new smells, consider tasting the foods or learning why they are important to the people cooking them. Food can indeed be a bridge between many lands.

Gestures

Pointing at someone else is an insult in most parts of the world, but in some places, it is often used simply as a reference. The most common gesture in the world is a nod, but even that can mean different things in different cultures. Simply pointing to someone who has raised her hand during a meeting can lead to discord at a meeting, when the intended effect was to ensure everyone was heard. Taking the time to learn a little about the cultures of those living in the community shows respect for the person and the culture. Treating an owner with respect will likely be met with a respectful response rather than anger or incivility.

Eye Contact

In some cultures, avoiding eye contact can be interpreted as a sign of deception or disrespect. However, in others, looking someone in the eye is offensive. In some cases, men can look each other in the eye without fear of offending, but a woman cannot expect the same reaction if she looks a man in the eye. In some cultures, women are forbidden from looking men in the eye.

If a neighbor isn’t aware of cultural differences, she might take offense at someone who does not look her in the eye, finding it disrespectful and “not very



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neighborly.” Those feelings of disrespect can take a nasty turn into claims of discrimination if not addressed promptly and appropriately. Claims of discrimination will cause further discord and animosity between those of different cultural backgrounds.

Understanding the effects of cultural differences is an important part of living in a community. Residents’ cultural backgrounds can give managers, board members and neighbors insight into the reasoning behind their habits and behaviors. Once you have knowledge of the various ways culture can impact how people act, you can help avoid conflicts, or at least resolve them more effectively.

If you want to know more about a neighbor’s culture, ask—respectfully. Consider hosting a potluck (how quintessentially Minnesotan!) so neighbors can taste those flavors from around the world. Tater Tot Hot-dish might even be a new delicacy for one of your neighbors—or you might discover it is very similar to a dish in their native land that simply goes by a different name.

Seeking out knowledge about our differences will undoubtedly lead to discoveries of similarities, and will help us all understand each other better.

Nancy T. Polomis, Esq., is a Partner with Hellmuth & Johnson, PLLC.

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Bingo Beer Brats Baseball Recap

BY TIM BROMS

Thanks to everyone that turned out for our May 4th social event. A new event this year, Bingo Beer Brats Baseball offered something for everyone! In addition to lots of food and drink, Kyle Miller of All Around demonstrated his Bingo calling skills. There were awesome prizes and some great swag from our generous sponsors – plus a rousing 7th inning stretch. The cherry on top, the Twins beat the Chicago White Sox handily with a final score of 7-3.



Thanks to the Social Committee for your creativity and hard work in hosting this fresh, fun social event.

Tim Broms is the Chapter Executive Director of CAI-MN.



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Ageism in Our Communities: Building Collaboration and Trust for the Future

BY PENNY MIXHAU

The funny thing about bias, it's hard to see it when it's your own. DEI is a big topic. From the Civil Rights Movement of the 60s and 70s, Women's Liberation of the same era, and the reignition of LGBTQ rights with the Stonewall riot of 1969, to the more recent explosion of Human Rights debates and policy changes emerging from the murder of George Floyd here in Minnesota just a few years ago, one could go down an endless and fascinating road of stories, timelines and opinions.

Amidst all the studies, HOA management is an intimate confluence of home and governance, the place where studies, statutes, and documents meet what it means to be human. In the crucible of the HOA, the opportunity to learn from each other in our shared diversity is, perhaps, second to none.

In 1967, the Age Discrimination Employment Act put into law protections for those over 40 in the workplace – and in doing so codified recognition of ageism and its detrimental effects. There are roughly three categories of ageism – each of which plays a part in our communities:

- Institutional ageism occurs when an institution perpetuates ageism through its actions and policies.
- Interpersonal ageism occurs in social interactions.
- Internalized ageism occurs when a person internalizes ageist beliefs and applies them to themselves.

According to the World Health Organization (WHO), half the world's population is biased against older people. Taking a broader view, European studies, the only region where data is available on all age groups, report more age discrimination toward younger people than their older counterparts. And yet, age bias is largely neglected in the conversations about DEI. As we examine our initiatives, it makes sense to explore this topic and how it affects our communities.

The bias that suggests older residents and board members are less tech-savvy is usually the first that comes to mind when we talk about ageism. This is followed closely by a belief the same generations are resistant to change.

This belief that older generations are less tech-savvy contributes to an intergenerational divide. Younger individuals may dismiss or underestimate the knowledge and abilities of older adults, which can strain relationships and derail meaningful interactions. Biased assumptions about older adults' technological proficiency overlook the valuable contributions they can make. Many older individuals have acquired significant knowledge and experience throughout their lives and can provide unique insights into technology development, user experience, and problem-solving. Ignoring their potential limits progress and innovation. It's also important to note resistance to change is not exclusive to older individuals and occurs across all age groups.

The bias against young, new managers or board members is given less attention although, as WHO points out, bias and discrimination against this part of the population is possibly greater than against older people.

Younger managers are often familiar with emerging technologies, trends, and changing practices. When they are discouraged from introducing new approaches and innovative strategies it can restrict the association's ability to adapt to evolving circumstances or to stay abreast of legislative changes. This also limits the ability to capitalize on emerging opportunities.

Ageist attitudes may dissuade younger homeowners from participating in the association's activities or seeking leadership. The result may be a disconnect between the needs and preferences of younger residents and the decisions made by the association. It can lead to a perceived, or real, generation gap and potential discontent within the community.

Ageism against younger board members can also derail effective action. By overlooking the potential leadership capabilities of younger individuals, the association may fail to attract future leaders or ensure a smooth transition of responsibilities. This creates gaps in knowledge, experience and institutional memory when older board members step down.

Ageist assumptions may result in underestimating the skills and capabilities of younger managers and homeowner leaders. Beliefs such as being too idealistic, lacking in work ethic, or being overly focused on technology limit opportunities for younger managers to showcase their unique strengths and perspectives.

How can we foster embracing diversity in age and use it to drive the vision of the future for our associations? Collaboration between generations is essential. This begins with active listening, empathy, and curiosity. Trust is built on these foundations and is the essential step in building collaborative, shared goals and vision. Psychological safety that holds space for conversations to explore differing points of view, questions, and concerns is built within that trust. Here we find the fertile ground of vast and varying experiences and insights – those things which make

the whole wiser and more compassionate than the sum of its parts. When we learn from each other, our vision of a shared goal and our ability to achieve it is enhanced.

In every conversation about diversity and inclusion, we are face to face with the infinite experience of what it means to be human. When we come to that work with curiosity and an open heart, we bring the potential of building better, more engaged, and more cohesive communities that draw on the gifts, talents, and insights of all members. On the topic of age, if we can look backward and remember our first chance at leadership, and forward to the opportunity to support someone else in the future, we stand in a place of synergy and growth.

Recognizing the diverse skills and experiences of individuals across all age groups is essential for creating an inclusive and equitable society.

Penny Mixhau, CMCA, is a Senior Community Association Manager with Cities Management. She has worked in onsite and portfolio management for five years, served as a board member where she lives for nine, and owns a small portfolio of investment properties.

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CAI-MN PRESENTS

A Night at the Races

Thursday, July 27th

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(First race starts at 5PM)

Canterbury Park

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CAI-MN Summer Social Event

WHEN Thursday, July 27th
Doors Open 4pm thru Last Race
(Races start at 5pm)

WHERE Longshots at Canterbury Park
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2023 Legislative Update

BY PATRICK HYNES

When Democrats won control of the Governor's office and both chambers of the Legislature in November, most observers expected the 2023 legislative session to see an unprecedented level of activity. By any metric, 2023 will be remembered as one of the most consequential legislative sessions of the past 50 years. The state budget increased over 20% to a record \$72 billion a year, recreational marijuana was legalized, and the Legislature passed a tax bill that Democrats and Republicans claim contained the largest tax cuts and largest tax increases in state history.

Nearly all aspects of life in Minnesota will see significant changes, and the management of community associations will be no different. The volunteers on the CAI Legislative Action Committee (LAC) work in partnership with CAI's lobbyists to monitor and influence legislation impacting our communities. Many of the bills summarized below look very different than original proposals thanks to the hard work of the LAC volunteers.

Legalization of Adult-Use Cannabis Presents Challenges for Community Associations

The legislation legalizing adult-use cannabis was heard in over 20 legislative committees without provisions directly impacting community associations. This changed when the Senate Judiciary Committee offered and adopted an amendment stating any use of adult-use cannabis flower which is injurious to health, indecent, or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property is a nuisance. The language targets the impact of cannabis smoke on neighbors, and was a must-have for certain legislators to support the bill.

More problematic for HOAs is a provision allowing residents to bring a legal action against a landlord or HOA for failing to enforce the terms of a lease, governing document, or policy related to the use of adult-use cannabis. If a resident shows their personal enjoyment has been lessened by this nuisance, they are entitled to actual damages or a civil penalty of \$500. CAI testified in opposition to this provision and offered multiple amendments to moderate the policy, which can result in a massive increase in litigation against HOAs. All of the suggested amendments were rejected by legislators. **This provision becomes effective on July 1, 2023.**

At the 11th hour, the conference committee finalizing the language of the bill added a provision prohibiting the vaporizing or smoking of cannabis products in a "multifamily housing building," including balconies and patios. The bill does not define "multifamily housing building" so the bill appears to include even a 2-unit townhome with separate entrances. **This provision does not become effective until March 1, 2025**, so CAI expects there will be additional legislative debate on the provision in 2024.

Attorney Fees, Fines, and Foreclosures Targeted for Legislative Change

Legislation proposed by Legal Services Advocacy Project (LSAP) will impose additional requirements on HOAs when issuing fines and foreclosing on units. LSAP argued low-income association residents can be in a position to lose their homes to foreclosure over modest fines and attorney fees charged by associations. While CAI-MN believes that these situations are rare, legislators felt strongly about imposing new requirements on associations with the goal of protecting homeowners. The new provisions include:

- Clarification that an association cannot require homeowners to pay attorney fees when they successfully challenge a Board's issuance of a fine or assessment.
- A new notice that Boards must give to homeowners when issuing a fine or assessment including: details relating to the fine; a notice that unpaid fines and assessments can lead to the imposition of attorney fees, fines, and foreclosure; and a notice that homeownership assistance is available from the Minnesota Homeownership Center. **These two provisions are effective January 1, 2024, and effective for fines and assessments levied on or after that date.**
- A prohibition on requiring full payment of accelerated installments of an assessment in order to prevent foreclosure of the association's lien. (Associations may require all installments are fully paid up to the date of reinstatement.) **This provision is effective August 1, 2023.**
- A prohibition on requiring the payment of attorney fees or costs in order to prevent foreclosure of the association's lien. **This section is effective August 1, 2023, and applies to foreclosures initiated on or after that date.**

CAI-MN spent many months working with legislators and LSAP to refine the bill, and agreed to accept all of the provisions except for the prohibition on requiring the payment of attorney fees and costs to reinstate a mortgage. CAI-MN believes this will impose undue burdens on associations and their members who may ultimately have to pay these costs. It is important to note that the bill only prohibits the payment of attorney fees and costs as a condition of reinstatement; it does not eliminate the responsibility of the homeowner to pay the fees and costs, and the board may collect those fees and costs through any means allowable by law.

Associations May See More Solar Panels in the Future

Addressing climate change was a high priority for Democrats in 2023, with dozens of law changes and new programs designed to increase solar power generated in Minnesota. For the past three years, the solar industry has sought legislation that would make it more difficult for associations to deny requests by homeowners to install solar panels in their communities. CAI-MN worked with legislators and stakeholders to reign in the scope of the proposed legislation

which would have imposed significant burdens on associations and their members.

As passed by the Legislature, the law only applies to single-family homes and multi-unit buildings where a single entity owns all of the units. The owner of these units cannot be denied a permit to install solar panels if they agree to bear all of the cost of installation, maintenance, and replacement, as well as all liability related to damage caused by the panels. They must also meet technology requirements and demonstrate to the Board they have met all legal requirements.

What is a Special Service District? Certain Associations May Find Out.

Special Service Districts allow commercial properties to petition a city to charge extra fees to provide extra services to a geographic area within a city, typically in a downtown or other commercial areas. Legislation pushed by larger cities sought to allow commercial properties to bring residential properties into these districts, which would require residents to pay the extra fees originally requested by businesses. CAI-MN opposed the legislation and worked with other organizations in the last days of session to dramatically reduce the scope of the bill so residential properties can only be included in newly created districts, and must be part of the entire petition process creating these districts. There is also language exempting residential properties from paying for services already provided to their members.

Patrick Hynes is an attorney and lobbyist with Messerli | Kramer who represents CAI at the Minnesota Capitol. Patrick is also a former member of CAI and chaired the LAC in 2012.

2023 LAW SEMINAR

CAI-MN will host its annual Law Seminar on Wednesday, October 11th.

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Balancing Association Problem Resolution with Individual Rights

BY JEREMY HERNANDEZ

Jasmine had lived happily in her first-floor unit of a condominium building for the last eight years. Although there were no age restrictions and dogs were allowed in her association, the building itself was normally very quiet even in the daytime. Then the Larsens moved into the unit above hers. Unlike her prior upstairs neighbor who was a retiree who rarely made a sound after sunset, the Larsens were very active 20-somethings with the husband working nights. Jasmine would occasionally hear them talking loudly, running appliances, and/or taking heavy steps around their unit well after 11 pm, which sometimes woke her up. She had mentioned it to the property manager a time or two without much relief as there was little to no on-site staffing after hours. Finally fed up after one particularly sleepless night, she went upstairs and spoke with them about it and they agreed to try to keep the noise down within reason given they were “night-time people”. Then a few months later Jasmine found out the Larsens were going to have a baby. Thinking babies and small children can be especially noisy at times, that was the final straw for Jasmine and she demanded that her condo board needed to do something to make the building’s noise restrictions stricter and better enforce them when the inevitable future violations would occur.

As this example shows, individuals are sometimes confronted with situations and/or issues that can be interpreted as a major disruption to one’s life routine whether the perceived threat is real or imagined. When such things happen in an association setting, it is not uncommon for a resident to seek help from their board and/or management company to address the matter. If the issue cannot be resolved informally and/or is not covered by the association’s governing documents, there may be requests to create or change formal policy to better address the matter. While these issues can seem very cut and dried on the surface, that is not always the case when implementing new policy. Board members must be wary when implementing new policy as there are legal protections

that go well beyond the association that must be respected even if a decision, or non-decision, is considered to be unpopular with some residents.

While excessive noise can be a common complaint, it is not the only one homeowner leaders are confronted with (e.g. smoker smells, pet noise, poorly positioned lights and cameras, etc.) and what is considered excessive may differ from one person to the next. There can be local government statutes that quantify what exactly “excessive” is for specific activities, such as noise, that can guide a board’s decision making, but there are no guarantees that will always be the case.

Bottom line is that board members really need to vet and discuss any new proposed policy to (1) make sure it is reasonable, (2) can be realistically enforced, and (3) ensure it will not discriminate against a legally protected group whether the effect is intentional or unintentional to the best of their abilities. There can be liability if an individual’s legal rights are trampled on regardless of intent. Boards that are unsure about any of those things should consult with their management company (if there is one) and/or their attorney if there is any doubt.

In terms of whether a new proposed policy is reasonable, board leaders should consider how a new rule might be interpreted in multiple parallel situations. If babies are potentially noisy, how would this standard apply to pets? Home appliances in a unit run after hours? Just walking around or watching TV with a higher volume in a unit that is above another unit?

In terms of enforcement, would the new policy be clear enough to be able to prove when a violation occurs? Often with noise complaints, unless an enforcer witnesses the violation directly, it can be hard to prove a violation occurred after the fact. Also are there suggestions on what can be done to remedy things when a violation has occurred? To bring back the baby example, would the current board really be

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willing to vote to financially penalize a family with a baby that is crying a lot if that is what a given policy called for?

It is not always easy for homeowner leaders to balance the desire to assist residents who may be in legitimate distress, such as Jasmine, who wish to enjoy their property in peace with the rights of her neighbors to live their lives without being specifically

targeted because they are raising a child, happen to be night-time people, and/or have a legally obtained pet which might make noise.

Direct communication and understanding of needs and potential solutions can often go a long way in resolving issues with formal rule making, and all the consequences that go with it, being a last resort if needed. If formal rule making is necessary, boards should consult with multiple interest groups within the community to address concerns of changed/new policy as well as outside professionals if there is the slightest potential for discrimination against a protected population.

Jeremy Hernandez is a homeowner leader at the MacLaren Hill Condominium Association in Saint Paul, MN, who is currently in his 10th year of service.



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Women Leaders in the Property Management and Associate Industries: The Times, They Are A-Changing!

LARRY BORGEN

Women are making an impressive impact in today's real estate and related associate industries, but it wasn't always that way. Younger industry workers are often astonished to hear that women were not allowed to establish credit in their name until 1974! But, as the legendary Bob Dylan song says, the times, they are a-changing. Today, according to Bankrate, a consumer financial services company, 50% of all property, real estate, and community association managers are women. CAI-MN doesn't track gender numbers, but it's obvious at events that a lot more than 50% are women.

Not surprisingly, the construction industry lags way beyond this progress. Only 11% of the employees in this industry are women, according to the U.S. Bureau of Labor Statistics, but those numbers are sharply increasing in recent years according to Bankrate, and Movity, a recruitment site that connects job seekers and employers in the real estate field. American Express reports a 68% increase in women owned construction firms between 2014 and 2019. That's impressive!

But there is work to be done. The "glass ceiling" still exists across most American industries. U.S. Department of Labor statistics state that overall, women are not paid as much as men, even when working full time and year-round. On average, women working full-time, and yearly, are paid 83.7 of what men make. This inequity is even greater for Black and Hispanic women. According to The Zebra, a company that offers insurance rate comparison information, women real estate and sales agents make 69% of every comparable man's income. A study by CREW Network, who does research on gender and diversity in the commercial real estate industry, discovered that the salary gap between males and females lies at about 10%, or 90 cents to a man's dollar. The most astonishing gap occurs for bonuses and commission at nearly 56%.

Starting up your own property management firm is a sure way of achieving equity. That's what Pat Boehland did, owner of Advantage Townhome Management in White Bear Lake. "The glass ceiling was very real when I left the corporate world to start Advantage Townhome Management," says Boehland. It is slowly changing. I overcame it by starting my own company and treating men and women managers equally as far as opportunities go." Pat founded her company in 2009 and is considered a local industry pioneer.

Adfenix, a world-leader in marketing automation for the real estate industry, reports that women only account for 14% of the CEO's in the industry and a mere 7% lead companies of more than 100 employees. What attracted Boehland to the industry? "I owned eight rental units in HOAs and lived in one. I served on the Board of Directors in many of them, both professionally and self-managed. I saw, firsthand, how difficult self-management is. I also saw many of the professional managers not communicating with the owners and focusing more on the vendors. I'm a person who likes to know what is happening around me and I thought others probably felt the same way. I thought I could bring a different focus to the association management profession. I approach this as a communication job first, and a 'getting stuff done' job second. People are very understanding when they know what to expect."

Heather Kunkel, CMCA, AMS, with a partner recently started up Spire Community Management in Edina at a relatively young age after 13 years of industry experience. While generations separate the two, Kunkel shares Boehland's views on the industry's shortcomings. "Working in a historically male dominated industry presents several challenges," observes Kunkel. "Some of the key ones are gender bias (conscious and unconscious) second, stereotypes, third, lack of representation and support systems,

fourth, unequal compensation and access to opportunities, and the fifth is work/life balance.”

Kunkel believes progress is being made. “Many organizations and individuals are working towards creating more inclusive workplaces that value diversity, provide equal opportunities and foster supportive environments for all employees regardless of gender,” adds Kunkel.

Other prominent women leaders locally in property management include Kate Grutzmacher, CMCA, AMS, Branch President at Cities Management and JoAnn Borden, CMCA, AMS, PCAM, of Associa Minnesota. Both are very active in the Minnesota CAI chapter. Borden served as CAI-MN President in 2017. Deborah Ho-Beckstrom, CPM, is founder and CEO of CAG (Community Association Group) in Eagan. Deborah is also a former CAI-MN President. Her daughter, Aly Beckstrom, is Vice President at CAG. Emily Odland serves as Chief Operations Officer.

Meanwhile, it’s not surprising that the heavily male dominated construction industry lags far behind. That too is changing. The fire and water restoration business also has women in prominent positions. Hannah Lindstrom and her husband, Mike, run Lindstrom Restoration, a Plymouth-based company active in CAI-MN and the multi-family industry. Hannah is Vice President of Business Administration and employs several women in leadership positions. Hannah agrees with her property management colleagues that more progress is needed. “The old stereotype that a direct and aggressive man is viewed as assertive and a woman sharing the same personality is called the “B word” remains true,” sighs Lindstrom. “Women get a lot of unnecessary pushback, and that has to change.”

Sarah Lechowich is the Founder and CEO of True North Roofing, a Cottage Grove company serving the single family and multi-family sectors. Sarah, a former college professor, is part of a third generation run company. “We are diverse,” Lechowich proudly exclaims. “At True North, 97% of our staff represent people of color, women and LGBTQ folks, and we’re very proud of that.”

There are more women run contractors in the metro but not many. Ungerman Restoration is another. Lindsey Uselding is Owner and Vice President of the company. Kristen Meehan is also Owner and Estimator.

Remnants of decades long male domination of both industries still remain. What’s it like to work with men who underestimate women’s knowledge and experience? Says Townhome Advantage’s Boehland: “Men in the construction and roadways industries (not all) treated women like they couldn’t possibly know about construction, concrete or asphalt. I’ve seen this change a lot in the last 20 years, but it still exists. The result of this attitude is less than meaningful communication about projects I’ve hired them to do because they think I won’t understand.”

Despite different backgrounds, skills and experience levels Boehland, Kunkel, Lindstrom and Lechowich are all optimistic about the future. Observes Boehland: “This industry is great for women because it can be so flexible.” Kunkel notes that outreach and awareness, women role models, mentorship programs, education, training, networking, support groups and flexible work arrangements are all ways more women can be recruited to the industry. “We’d hire a woman estimator in a heartbeat,” adds Lindstrom. Lechowich’s employee base proves there are ample opportunities and new attitudes.

All agree company culture is key towards solutions. “Companies have to create a culture where everyone can be seen, valued and heard,” explains Lechowich. Lindstrom concurs. “Our culture is all about doing the right thing and that includes treating people equitably, and I might add with kindness, a quality so lacking in today’s world,” says Lindstrom.

The fact that Minnesota property management associations such as CAI-MN, Minnesota IREM, and St. Paul BOMA have long had women in leadership positions bodes well for the future. There are lots of great mentors out there (like the women mentioned above) who share an enthusiastic desire for change, growth, and improvement.

Larry Borgen is Sales Manager with Lindstrom Restoration.



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Juneteenth:

A Holiday That Should Be Celebrated as Much as Independence Day

BY DANA OHMAN

The Juneteenth holiday (now a federal and Minnesota holiday), while gaining traction and some well-deserved recognition in the last few years, remains woefully under-celebrated. For a country founded and built on freedom, it feels like U.S. government and society should have embraced this holiday long before now.

Juneteenth, celebrated on June 19th each year, memorializes the day freedom finally came to 250,000 enslaved Black Americans in Texas, who were the last to be reached by Union troops after the Emancipation Proclamation. While the Emancipation Proclamation announced that enslaved Black Americans would be emancipated as of January 1, 1863, Union troops did not arrive to enforce that proclamation in Texas until June 19, 1865, more than two years later. This is important to understand because when the Emancipation Proclamation came, it took time to implement. Southern areas still under Confederate control did not acknowledge or follow the decree until forced to by Union troops. Without the enforcement by the Union troops, who knows when enslaved Black Americans would have been emancipated. Juneteenth therefore represents the delayed justice often still experienced today by Black Americans, but it also embodies the tireless fight for freedom—something all Americans should celebrate.

Juneteenth is a worthy but under-appreciated holiday in American society as a whole, but Juneteenth has always been celebrated by Black Americans. It should be treated as America's second Independence Day—and celebrated just as widely. How could we truly be the “land of the free” until everyone was free? Juneteenth reminds us that freedom did not always apply to all Americans, and it requires us to re-examine and challenge our understandings of freedom throughout our history.

Community associations, as organizations that inherently include groups of people who live in close proximity to each other, should embrace Juneteenth as an opportunity to celebrate diversity and inclusion within

the community. Our lives are enriched by diversity, and community associations provide a unique opportunity to make everyone feel welcome and included. Celebrating Juneteenth along with other major holidays will help foster community togetherness.

Community associations and boards, especially those that are comprised of all or mostly white residents, may find it difficult to know where to begin or how to celebrate. While this article will provide several options, it is important to remember that thought, acknowledgment, and effort go a long way. Once you get started, you may find that others will volunteer to help as well.

Here is a brief list of ways you can celebrate and commemorate Juneteenth, both individually and collectively:

- Learn the history of the holiday—you're off to a good start!
- Watch a documentary about slavery or another aspect of Black history.
 - “13th” on Netflix
 - “The 1619 Project” on Hulu
- Read books by Black authors—a great option if your association has a book club.
- Volunteer at or collect donations for Black-led nonprofits and community organizations, especially any that are near your association.
- Do the work of organizing without relying on Black neighbors but listen to Black voices when offered.
- Highlight Juneteenth in your community newsletter.

Communities that embrace diversity and strive for a welcoming and inclusive environment are strongest and happiest. Juneteenth deserves our support and recognition as much, if not more, than many American holidays, and community associations are a great place to build that esteem. Now, start those holiday plans! Happy Juneteenth!

Dana Ohman is a Law Clerk with Smith Jadin Johnson, PLLC.

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Mary Felix

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WHAT LED YOU TO THE COMMUNITY MANAGEMENT INDUSTRY?

I started in light-commercial construction doing follow-ups and punch-lists. My work also included facilitating contracts once construction was completed for things like lawn care and other services. The work with contracts was a good segue into property management. Once I moved into a townhome association and learned about property management and association governance, I knew it would be a great fit. I have always liked working with people, so I was drawn to that aspect of property management.

WHAT IS YOUR FAVORITE PART OF THE JOB?

My favorite part of the job is the people: homeowners, board members, vendors, and fellow managers alike. I enjoy problem solving and finding fixes that leave board members happy and their associations in better circumstances.

WHAT MADE YOU DECIDE TO PURSUE YOUR PCAM?

Once I started in property management and knew I would make a career of it, I was interested in the PCAM for education, as well as the potential boost in credibility. I felt it would be a good base to further my career and would show my dedication to the industry. Coming into the industry without a college degree, I was looking for a way to gain industry-related credentials that wouldn't first require a college degree.

WHAT WAS YOUR BIGGEST TAKEAWAY FROM THE PROGRAM?

Once in the PCAM program, I realized that everything I had done as a property manager up to that point was helpful and led to my success in obtaining the PCAM certification. The PCAM program also helped improve my writing skills.

WHAT IS SOMETHING YOU WOULD LIKE SOMEONE WORKING ON THEIR PCAM TO KNOW?

The biggest help will be timing the program in a way that works with both the busy and slower times in the industry, along with any personal or familial obligations or plans. I personally started the program at the end of the summer, just after one of the busiest times in property management, which meant I was writing my final report in the fall.

HOW DID YOU APPROACH WRITING FOR YOUR PCAM?

I broke it down into the ten individual sections and made a draft for each section, starting with the sections I felt were hardest first.

WHAT IS SOMETHING YOU WISH PEOPLE UNDERSTOOD ABOUT COMMUNITY MANAGERS OR THIS INDUSTRY?

I believe the property management profession finds you, rather than you finding it. I wish people were generally more aware of associations and property management generally, and I want people to know that most managers are there to help—we are drawn to helping others.

That All Americans Should be Free

BY CHUCK KRUMRIE

I am old enough to remember being taught that the Civil War ended with Lee's surrender to Grant at the Appomattox Courthouse in Virginia on April 9th, 1865. What I had to learn later was that the final battle of the Civil War occurred at Palmito Beach (or Hill) in Brownsville, Texas, between May 12th and 13th, 1865.

I am a native Minnesotan and proud of our forebears who fought gallantly, especially at Gettysburg. The 1st Minnesota Volunteer Infantry Regiment has three monuments dedicated to it on that bloody field. Governor Alexander Ramsey offered such troops to President Lincoln, in no small part to curry favor for his newly-founded state. He was a consummate politician. A darker, lesser known side of Governor Ramsey's administration was his oversight of the Dakota-US War.

“Our course then is plain. The Sioux Indians of Minnesota must be exterminated or driven forever beyond the borders of Minnesota.”

~ Alexander Ramsey to a special session of the Minnesota legislature, September 9, 1862

President Lincoln, no friend of people of color, ordered the largest mass execution in US history. 38 Dakota soldiers lost their lives with the pull of a lever on December 26, 1862. The Ride for Healing and Unity recurs annually. 330 miles on horseback, riders come from the Lower Brule Reservation in South Dakota to Mankato.

That history is written by the victors is an over-used cliché. Yet I believe we are better people, better Americans when we obligate ourselves to learn not just of deeds of courage but also of egregious and horrifying past actions. History is the sum total of what has happened, not just the flattering stories we would prefer to hear.

My home city of Minneapolis is ignominiously known as one of the whitest cities in one of the

whitest states. (According to 2021 data, 61.1% of the city's population is white.) The Arthur and Edith Lee House sits at 4600 Columbus Avenue South. Arthur was a WWI veteran and a US Postal worker. They were the first Black couple to move into a wholly white neighborhood. In 1927, the Eugene Field Neighborhood Association restricted homeownership to Caucasians. In June of 1931, the Lees moved in in direct violation of that restrictive covenant. Later that year gangs of people surrounded the house, demanding their removal. The Lees held strong, with the help of Arthur's (armed) friends from the postal service. The mob dispersed after a few days but the Lee family moved several years later.

There was a discussion years ago about Rev. Dr. Martin Luther King Jr. Park at 4055 Nicollet Avenue South, renamed for the great civil rights leader from Nicollet Field on October 9th, 1968. Certain members of the neighborhood were outraged by the proposal of a dog park in a public space with Dr. King's name on it. Others, and I include myself, didn't see what the problem was. I received a severe dope slap while listening to my neighbors. Dogs were used as weapons against people agitating for their constitutional rights. Fire hoses are supposed to be used to extinguish fires and dogs are supposed to be companion animals. But anyone who is attendant to history knows of the violent utility to which dogs and fire hoses were put as yet another means to suppress people of color in pursuit of their inalienable rights.

That Minnesota was a free state before and during the Civil War allowed me an unearned smugness. Then Dred Scott pricked my conscience. That Supreme Court decision was at least as egregious as Plessy vs. Ferguson. That a slave holder could and by legal decision of the highest court in our land, reclaim his property (i.e. another human being) who had lived in a free state for several years is hard to fathom in this modern age. That the bust of Roger Brookes Chaney (Chief Justice of the court which issued the ruling) has only recently been removed from the Capitol Rotunda is telling.

The Twin Cities were infamous for their redlining tactics and restrictive covenants. The former was a means by which lending institutions would cordon off parcels of town wherein they wouldn't write mortgages based on a perceived high investment hazard. These just so happened to be neighborhoods with high density populations of people of color. With the National Housing Act of 1934, the newly established Federal Housing Administration became involved in the process, codifying discriminatory sales practices by the National Association of Realtors, which were based on spurious economic and sociological theories of the time.

A restrictive covenant was language inserted into a deed of title prohibiting the sale of one's real property to certain ethnic groups (often anyone who was not a member of the "Caucasian" race). The University of Minnesota has produced the Mapping Prejudice Project which works to identify block-by-block the existence of restrictive covenants in Hennepin and Ramsey Counties. Their work is far from done. They are seeking to continue to map other communities in Minnesota and Milwaukee. [<https://mapping-prejudice.umn.edu/racial-covenants/maps-data>]

I believe that celebration of Juneteenth may serve both as a literal and metaphorical lesson for us

Americans. On the literal side are the facts of history, some heartwarming, others absolutely atrocious. In study of history, we gain for ourselves the opportunity for improvement, a chance to recognize what was done wrongly and therefore the ability to make better.

On the metaphorical side, we may come to the desire to rid ourselves of the in-built tribalistic tendency to treat those who do not look like nor think like us as less deserving of the protections of liberty which this great country guarantees.

“Democracy is the worst form of government, except for all the others.”

~ Winston S. Churchill

“Democracy is the theory that the common people know what they want, and deserve to get it good and hard.”

~ H. L. Mencken

As we approach Juneteenth, please let us consider what America is and ought to be. A polyglot nation whose allegiance belongs to an idyll.

Chuck Krumrie, CMCA, is Broker and Owner of Urbanwood, Inc. in Minneapolis. Since 2005, Urbanwood has serviced smaller CICs in the Twin Cities metro area.

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Are You “Livin’ on the Edge?” A Warning About Vicarious Liability

BY MATT DREWES

Sometimes we need help to see what might otherwise be an unexpected source of trouble. If you haven’t taken a moment to consider where the dangers lie, you may unwittingly be “*Livin’ on the Edge.*”

*There’s something wrong with the world today
I don’t know what it is
Something’s wrong with our eyes*

But contrary to Aerosmith’s 1993 refrain, “*You can’t help yourself from falling. . . You can’t help yourself at all . . .*” you do have a way to help yourself. In fact, homeowner associations and their managers can and should act if they hope to avoid being held liable for the actions of others (even unit owners).

Thomas Gray had it wrong when he said in *Ode on a Distant Prospect of Eton College* that “ignorance is bliss,” because some have learned the hard way that, sometimes, what you don’t know can really hurt you. Aerosmith reminds us that today we have a choice:

*But we can tell ‘em no or we could let it go
But I would rather be a hanging on*

“Hang on” to this warning and use it to avoid getting too close to the edge.

Of the many “joys” board members have found when participating in leadership in their homeowner associations, some of them likely include the various pitfalls and traps for the unwary they encounter along the way (sometimes even before falling in). When the issue involves the possibility of a claim for discrimination on the basis of a disability or membership in a protected class, even well-meaning communities might find themselves closer to the edge than they may realize. Just one such hazard that many community associations and property managers may not have anticipated is the extent of possible exposure under the Fair Housing Act.

Most community associations and management professionals have (hopefully) caught wind of the ways that the FHA applies to them. For example, they may know that if an owner seeks a “reasonable accommodation” or “reasonable modification,” an association must take that request seriously and with appropriate discretion. In fact, I wrote about these very issues on prior pages of this magazine way back in 2014, starting with the May/June issue (link: <https://issuu.com/cai-mn/docs/cai-mn-mcl-july-august-2014/18>) and continuing in the July/August issue (link: <https://issuu.com/cai-mn/docs/caimn-mcl-may-june-2014/20>). (Note: Much of the legal analysis surrounding the issues has evolved since then, including giving community associations greater opportunity to properly vet a claimed need for an emotional support animal – no pun intended – but those articles provide a decent primer for those who might enjoy some “light reading.”)

But what about those who work not only within the association, or directly for the association, but those who work alongside it or in roles that aren’t normally “outward-facing,” direct contacts with the various constituents of the association? Do these people know how their role can have an impact on the association if they are communicating with homeowners?

The concern here, at least as it most directly affects the community association, stems from a legal concept called vicarious liability. Vicarious liability is the way by which the law will hold one person (let’s call them Party A) responsible for the actions or inactions of someone else (Party B), because Party A has some measure of control over Party B that suggests Party A should be liable if Party B’s actions or inactions violate someone else’s rights. Party A is, therefore, responsible for the wrongdoing of Party B in the eyes of the law.

The most common application of vicarious liability is where an employer is deemed liable for the wrongdoing of its employee. The United States Department of Housing and Urban Development (HUD) has specifically incorporated this concept into the regulations implementing the Fair Housing Act. See 24 C.F.R. § 100.7(b). This provision states: “A person is vicariously liable for a discriminatory housing practice by the person’s agent or employee, regardless of whether the person knew or should have known of the conduct that resulted in a discriminatory housing practice, consistent with agency law.”

But HUD has taken the concept of extending responsibility for fair housing violations one (or two) steps further than conventional concepts of vicarious liability. In fact, HUD deems that any “person” whose activities are governed by the FHA, which includes community associations and their managing agents, is *directly* liable for not only the person’s own violations of the FHA, but also for violations by that person’s “employee or agent” or even a “*third party*, where the person knew or should have known of the discriminatory conduct and had the power to correct it.” See 24 C.F.R. 100.7(a)(1)(ii) and (iii) (emphasis added). This means community associations and property managers can’t simply put their heads in the sand if they are aware of someone affiliated with the community in any way, over whom they may have some authority or enforcement power.

For example, if your homeowner association has any on-site management representatives, or dedicated caretakers or maintenance personnel, you should also talk to them about circumstances that could arise that the association might be forced to deal with vicariously. This includes informing them that there are protections for all people on the basis of any disability (and what that may mean, including the need for emotional support animals and sometimes in hoarding cases). Beyond that, people are also entitled to be free from harassment or discrimination on the basis of race, color, religion, sex, national origin, and familial status. These issues extend beyond accommodating a unit owner suffering from emotional distress or requiring modifications of the premises to allow them to enjoy the property; they are designed to ensure there is not a hostile environment, and even that the association and its representatives meaningfully respond to a potential sexual harassment charge, for example.

There are many ways your association can try to mark these edges to stay out of precarious legal situations. You might start by incorporating into the association’s rules and regulations an anti-discrimination policy. If you haven’t done so already, begin educating board members, property managers, and any person over whom those parties might have oversight, about the FHA and the kinds of claims that can arise under it, including the various ways the term “discrimination” applies. This should include anyone who has even incidental or occasional face-to-face, interaction with residents, and the message should help ensure they are familiar with the association’s policy against any form of harassment against any groups or classes of protected persons. Ensure that representatives of the association – at all levels – understand the channels for reporting and providing a means for appropriate responsive action to any complaints (even if it’s simply communicating with the resident to reflect an acknowledgment of the report, or perhaps involves opening an informal inquiry or investigation).

Finally, don’t assume that all conflicts between individual unit owners or occupants are simply personal conflicts that the association is better off avoiding. If the association has enforcement provisions in its rules or in its governing documents, and even if it’s subject to the Minnesota Common Interest Ownership Act, it at least arguably “has the power to correct” the discriminatory conduct contemplated by HUD’s regulations.

If you take these steps and stay mindful that you have the ability, and under HUD’s regulations you have the responsibility, to act, you stand a better chance of avoiding liability for what others have done. Hopefully, by spreading the word throughout the community that discrimination of any form will not be tolerated, you can avoid “Livin’ on the Edge.”

Matt Drewes is a Partner with the DeWitt Law Firm.

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Women in Community Association Law: Exploring How Far We Have Come and Where We Need to Go

BY PHAEDRA HOWARD

I was honored and privileged to be part of a fantastic panel that presented a session at this year's CAI Law Seminar in New Orleans in January with the above name. Not only did we talk about some very important topics, but I got to know some really fantastic women as part of the process. This session was a follow-up to a similar panel that presented for the first time at the Law Seminar in 2018 discussing issues that affect female attorneys. I would urge anyone who is interested in this topic to read the manuscript from our session, which was prepared by my co-panelist Melissa Doolan of the Travis Law Firm in Arizona based on the original 2018 paper submitted by Sarah Ross from the Virginia firm of Chadwick Washington, Moriarty, Elmore & Bunn. Some of the statistics that were cited in that paper relating to women in the practice of law came from studies conducted by the National Association of Women Lawyers ("NAWL"). For over 15 years, the NAWL has monitored the professional progress of women lawyers through its annual survey sent to the top 200 law firms.¹ The 2021 NAWL Survey on Promotion and Retention of Women in Law Firms ("2021 NAWL Report") found the following:²

- The likelihood that women will become equity partners remains largely unchanged in the last 15 years (16% in 2005 to 22% in 2022).
- Despite being hired in nearly equal numbers as men at the associate level, women are the minority of both equity (22%) and non-equity partners (32%).
- The gender pay gap persists across all levels of attorneys, with men out-earning women from associates to equity partners. In 2016, women equity partners earned 94% of their male counterparts. In 2020, women equity partners earned 78% of male equity partners.
- Men continue to dominate the top earner spots. 98% of firms report their top earner is a man.
- Women make up 28% of firm governance roles, such as serving on the highest governance committee, the compensation committee, or as a

managing or practice group partner/leader, nearly doubling in the last 15 years.

Overall, although the findings were encouraging in some areas, the study highlighted the fact that women continue to earn less than their male counterparts, and that this gap increases at the higher levels. This is in line with other studies cited in our paper that indicated that, based on the current trajectory, women will not achieve pay equity with men until approximately 2059.

As part of the research for our presentation, our panel also conducted our own survey of community association lawyers across the country and found that, based on the responses received, our area of practice appears to be doing a little better than the national average, though some of the results that we saw may be based on the number of female community association attorneys that responded that are either solo practitioners or in a small firm with one or two other female partners, whereas the NAWL surveys were conducted with the country's largest law firms. But looking around the room in the sessions that I attended, it was apparent that this area of law attracts more female attorneys than many others. It could be that our skills as parents lend well to dealing with homeowners, board members and managers.

In addition to looking at things such as advancement and pay equity, the panel also discussed topics such as "balancing" personal life and family obligations with work obligations, particularly as it relates to working long hours and attending evening meetings, as well as how those personal and family obligations are viewed and treated by different firms. A number of female attorneys reported having experienced issues with having partnership tracks being literally taken off the table if they chose to take time off to have children and/or other disparities in treatment or compensation related to being the primary caregiver for children or other family members, whereas some

survey responses suggested that the opposite may be happening in some firms, where attorneys who have children are given flexibility to meet those family obligations while attorneys who are single and/or do not have children are expected to pick up the slack and work harder than their counterparts. It is unclear from the survey results whether those attorneys without children were compensated differently for their work than those attorneys who took advantage of the flexibility offered by their firms. One of our younger panelists who does not yet have children shared her fears and concerns about the impact that having kids might have on her career and her hopes that if she chooses to have children her experience will be better than that of some of her senior counterparts that shared their stories. We also discussed the outdated mindset of some firms that attorneys must be at their desks in order to be working and the assumption that if a female attorney with children was not in her office that it meant that she was dealing with family issues and/or that she is not committed to her job, whereas a similar absence by a male attorney or a female attorney without children is more often assumed to be work-related and thus seen as a positive thing. If the pandemic has taught us anything, it is that we can work remotely from anywhere at any time and that we do not have to be sitting at our desk for 12 hours a day to be dedicated to our work. Having that flexibility to log in from home or another location is allowing more attorneys the ability to care for family members, take a parent or spouse to the doctor, pick up kids from school, attend soccer games or other activities and be more present with their families while still finding time to practice law and service their clients.

Our manuscript also discussed studies by NAWL regarding diversity within the legal profession that found only very modest improvements over the past 15 years in the numbers of attorneys of color, LGBTQ+ and attorneys with disabilities. Our survey of community association attorneys revealed similar numbers, showing that diverse attorneys are still underrepresented within the legal profession. The panel discussed how the lack of diverse attorneys negatively impacts not only the legal profession by depriving us all of those different viewpoints, but also affects our clients who may perceive that if we do not look like them we can't understand what they are dealing with. Additionally, diverse attorneys may feel like they stand out at their firms as being different from everyone else, which may impact their stress levels and their own job satisfaction. Firms can help not only by intentionally recruiting and hiring more women and

diverse attorneys but also by periodically reviewing their own internal systems to identify bias in the data that they are using in their compensation systems, promotion criteria, etc., and evaluating other options that do not feed off of that inherent bias and end up creating more disparity between women and other diverse attorneys and their white male counterparts.

Another important topic that the panel discussed related to wellness, which was a recurring theme throughout the Law Seminar. While the legal profession in general tends to be one of high stress, with attorneys experiencing depression at four times the rate of the general population³, the stress tends to affect men and women differently. Several panel members shared their own very personal stories about dealing with depression, anxiety and substance abuse issues with themselves or close family members as well as physical health issues that women tend to put off dealing with because we are too busy taking care of everyone else to stop and take time out for ourselves. Studies cited in our paper have shown that overworked women lawyers experience more mental health issues and engage in high-risk alcohol consumption at a greater rate than male colleagues. Women are also leaving the profession at a much higher rate than men due to wellness issues and a higher level of dissatisfaction with their situation. The responses to our survey indicated that very few law firms have any wellness programs or offer any sort of well-being support for attorneys. However, we were encouraged to see that a small number of firms are starting to recognize that wellness is a priority and are offering benefits ranging from free health club memberships to free therapy sessions, meditation rooms and other ways for attorneys to more easily be able to take a break and care for themselves, as well as having established persons within the firm that attorneys (particularly newer attorneys) can go to not only for advice on dealing with any number of issues but also to vent without fear of repercussion. These are important steps in addressing employee well-being that can be adopted not only by law firms but by management companies as well to help with manager burn-out.

¹ National Association of Women Lawyers, 2021 National Association of Women Lawyers Survey *on Promotion and Retention of Women in Law Firms*.

² *Id.*

³ Patrial R. Krill, Jd., LLM, Ryan Johnson, MA and Linda Albert, MSSW. "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys," *Journal of Addiction Medication*. February 1, 2016.

The manuscript and panel discussion only scratched the surface of some very important topics relating to women in the workforce in general and particularly within the legal profession. While some of the data is discouraging to see how big the disparities still are, we can be encouraged by the fact that progress is being made and that more employers are recognizing the value of adopting practices and procedures not only to help attract, retain and promote women and other diverse talent but also to support well-being and provide flexibility for employees in any situation to be able to bring their best to their profession. The hope is that the conversations will continue within our firms and within the industry and that we can support each other and learn to better advocate for ourselves.

Phaedra J. Howard, Esq., is a Partner with Hellmuth & Johnson, PLLC, and a MSBA Certified Real Property Law Specialist.

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