



By Thomas J. Shroyer



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REFLECTIONS ON MINNESOTA LAW, PRESENTED BY MOSS & BARNETT

Even though Moss & Barnett had dabbled with a short-lived, five-minute radio show featuring legal news on KCCO AM in 2001, we had no idea what to expect when we were approached in 2008 to co-produce an hour-long weekly legal news radio program by Minnesota's premier radio station, WCCO 830 AM. Our research revealed no evidence that any other lawyer or law firm had attempted anything even remotely close. Indeed, the only prior legal programming we could locate was the famous "Point of Law" – and we knew that none of us could come anywhere close to replicating the famous voice of Charlie Boone.

With opportunity knocking on the door, our law firm had to decide if it would make sense to pull together a live radio program, for a full hour every week – and on a Saturday morning, to boot! After significant internal consideration, we took the plunge. The decision came down to the recognition that we had a unique chance to partner with WCCO 830 AM, the iconic "Good Neighbor" at the center of our common life in the Upper Midwest, in a way that would showcase the great attorneys at our firm and their tremendous legal knowledge, while serving our community with legal news and information.

After a very nervous start on May 3, 2008, we settled into presenting a single legal topic each week through a Q&A format. A big initial concern was whether we could divine a fresh topic each week, with broad appeal, but we soon found that our audience was eager to learn about even the most obscure areas of the law. As WCCO radio host John Hines observed, "Even when I don't think a topic will be interesting I always learn something useful on *Minnesota Law*." That realization proved crucial for our successful run of more than four and one-half years, because it assured us of an audience and meant that we could come up with a virtually limitless number of topics for the show.

Another early learning point was provided at the start of our very first show by the weekly host of our program, Steve Thomson. He no doubt saw great anxiety in our last-minute preparations in the Green Room when he quoted Johnny Carson's advice to nervous guests, "Don't leave your best stuff in the Green Room." It took about eight months on the air to realize that the show should be a *conversation* – not a cross-examination. That epiphany not only relieved a great deal of the stress for me, it also meant that we simply had to organize the presentations of our guests and then concentrate on drawing out their knowledge and expertise.

I had great fun on the "air." The broadcast studio was a relaxed and often zany place, with guests and hosts in their "Saturday clothes" and bouncing off the walls during commercial breaks. This activity helped to keep the programming "fresh" and helped ensure that guests stayed relaxed and relatively unrehearsed in order to present live programming that sparkled with spontaneity and creativity. This qualitative difference between live and "canned" broadcasts is why WCCO insisted that we do the shows on the air, instead of in the recording studio, except on holiday weekends.

There was never any doubt as to who was the true professional on our programs – our host, Steve Thomson. Whether we needed a quick jump or sometimes as much as 90 seconds to transition from our programming into a break, Steve knew just what to say and how long to say it to make everything fit into a nice, tidy package. He also proved to be a quick study of even the most arcane legal concepts so that he was able to contribute some of the more insightful and helpful questions and comments on behalf of our listeners who were not initiated in legal jargon. One of the genuinely nice people in the world, Steve's friendly and low-key manner also greatly helped to allay the anxiety of skittish guests.

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Did You Know?...

Speaking of guests, it was always an adventure to head into a broadcast and find out who had actually shown up! It was amazing how some of the most gifted, fierce, and expressive attorneys turned into relatively soft-spoken and quiet personas from whom it was sometimes difficult to pry out information. Conversely, “office lawyers” who dread going to court seemed to turn into veritable extroverts when speaking with a headset into the sonorous, but ineffable, depths of a padded microphone.

The same paradox emerged with the programming itself. Some topics that were expected to generate great buzz proved to be relative duds, while programming that seemed to promise legal minutia proved to be interesting and entertaining. Perhaps the best example of this came during the classic series of programs presented by Kevin Busch on the Uniform Commercial Code – a complex set of arcane legal precepts that even the most energetic law students find to be, well, boring. As Kevin was wrapping up his programming segment on the law of checks, he noted that an Iowa court had once upheld the lawfulness of a check written to the IRS on the side of a heifer. The show ended in hilarity when our DJ for that program, Denny Long, said he would not have wanted to have had to look for the endorsement on that check! Another highlight with Kevin was his presentation of legal phrases and maxims, which had both of us armed in the studio with thousand-page legal dictionaries, spouting Latin and the “law French.”

Another favorite show featured a presentation on the law of wills by Cindy Ackerman. We were about eight months into the program and I was still feeling highly stressed during the broadcasts. For some reason, I largely discarded the heavily structured scripts that I had been using and decided to simply “wing it” with Cindy. That proved to be a crucial step, as we had a much more conversational program about the fine points of writing wills that was fun to broadcast and led to a much more fluent and fast-moving production.

My personal, all-time favorite show featured Curt Smith presenting on the law of property boundary lines. In addition to covering the law of falling branches and encroaching neighbors, Curt delved into the legal risks of pruning a neighbor’s overhanging trees and erecting “spite” fences. That show received perhaps the greatest number and some of the most interesting calls from listeners, including several that were highly complimentary. What made the show particularly enjoyable was the on-air revelation that Curt had developed an expertise in the topic because he was himself embroiled in a boundary line dispute with a neighbor at that very time.

One of the more important improvements that we made to *Minnesota Law* was to periodically invite guests of public interest from outside

of our law firm. From Minnesota Supreme Court Chief Justices to bar association leaders and representatives of the Legal Aid Society, these presentations were timely and provided a great public service. The presentation by Robert Stein on the Uniform Law Commission reminded all of us why Minnesota has produced so many great national leaders. The program featuring Hennepin County Judge Joseph Klein, still available as a podcast on our web site, is a timelessly



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eloquent commentary on the experiences of a new trial court judge. Another example of the great leadership we enjoy in Minnesota was revealed in the broadcast with the Minnesota State Revisor of Statutes, Michele Timmons, who described how her office brings order and precision to the chaotic process of drafting and enacting new laws.

We were often asked, “Who listens to the show?” The answer was both surprising and gratifying. As it turned out, we heard from clients, judges, general counsel from Fortune 500 companies, and lawyers alike, that they were avid fans of the program. Judges appreciated getting updated on aspects of the law that they did not routinely encounter, as did other lawyers. Clients said they appreciated the practical tips on various legal matters and the “free advice.”

That feedback, combined with the bonds forged with the entire family of professionals at WCCO Radio, made the decision to end the show very difficult to execute. Still, ending the program after more than 200 shows was the right move – we had accomplished our goals of giving something back to the community, while greatly enhancing the name recognition of Moss & Barnett and demonstrating the tremendous depth and breadth of experience and service offerings of our fine law firm. We wanted to “go out on top” before the show became repetitive or lost its edge. Of course, it is also nice for me to be free to putter around the yard and listen to WCCO Radio on Saturday mornings.

Audio of all shows is available at MossandBarnettonWCCO.com

