
THE PRESIDENT'S COLUMN



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Recently, I was surprised to learn that Minnesota was the worst in America. The progressive North Star State – known for its strong economy, its people, world-class healthcare, affordability, and the home to some of the top Fortune 500 companies in the country – reported the largest disparity in the graduation rate from our public high schools based on race and socioeconomic status.

I was surprised, because being the worst in America didn't correspond with my perception of Minnesota. I grew up listening to A Prairie Home Companion every Saturday night at 5:00 pm on Minnesota Public Radio. And every week, I was assured at the close of Garrison Keillor's monologue that in Minnesota "all the women are strong, all the men are good looking and all the children are above average."

Today, with the worst achievement gaps in the country we have to address the fact that not all children in Minnesota are above average.

Minnesota's achievement gap isn't new. It has been a persistent, multi-generational problem.

At the April 22, 2021 Lunch and Learn, the MDLA learned about a new option to respond to this old problem from Justice Alan Page and the President of the Federal Reserve Bank of Minneapolis, Neel Kashkari. Together, they are working on the Page Amendment to the education clause of the Minnesota State Constitution.

The Page Amendment was interesting to me because my first involvement with the MDLA was almost ten years ago on our Diversity committee. As a new committee, part of our mandate was to work on diversifying our membership. Ten years later, the MDLA's Diversity Committee is actively working to find short-term solutions to diversify our membership. What we have learned is that the short-term solution is a long-term fix. Diversifying our membership goes hand in hand with diversifying the Minnesota Bar. A diverse Minnesota Bar comes from diverse law school student bodies. Diverse Minnesota law students come from diverse undergraduate student bodies. And those start with us fixing the achievement gap in our public high school graduation rate.

I am still reading and learning about Minnesota's achievement gap and the Page Amendment – the information from both the supporters and the detractors. The one thing that I think both sides agree on is that Minnesota's achievement gap has been an ongoing problem that we haven't been able to fix.

Minnesota's current education clause, written in 1857, states that it is the state government's duty to establish an "adequate" and "uniform" system for public schools. The current education clause reads:

"The stability of a republican form of government depending mainly upon the intelligence of the people, it is the duty of the legislature to establish a general and uniform system of public schools. The legislature shall make such provisions by taxation or otherwise as will secure a thorough and efficient system of public schools throughout the state."

The updated education clause would read:

"All children have a fundamental right to a quality public education that fully prepares them with the skills necessary for participation in the economy, our democracy, and society, as measured against uniform achievement standards set forth by the state. It is a paramount duty of the state to ensure quality public schools that fulfill this fundamental right."

The Minnesota Department of Education, The State of our Students 2019 report outlines the achievement gaps that we have. From my own research, it looks like Minnesota would join three other states that have already passed constitutional amendments. All three states have better results than Minnesota does now.

There is no reason to wait for a more convenient time to apply all of the options that we have at our disposal to fix this problem. The country's white-hot focus on Minnesota's race and socioeconomic issues has already begun to fade. Now is the time to update Minnesota's 1857 education clause.

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It's just possible, that the Page Amendment could ultimately provide the solution making it possible for us to finally say that in Minnesota *all* children are above average.

I leave you with a quote from Martin Luther King that has been on my desk, all year long.

I must confess that over the past few years I have been gravely disappointed with the white moderate...who is more devoted to order than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says "I agree with you in the goal you seek, but I can't agree with your methods of direct action", who paternalistically feels he can set the timetable for another man's freedom, who lives by the myth of time and who constantly advises the Negro to wait until a "more convenient season."

MDLA DIVERSITY CLERKSHIP PROGRAM:

The MDLA Diversity Committee was pleased to continue the second year of the MDLA Diversity Clerkship Program. After introducing the program in 2020, the Diversity committee received positive feedback from MDLA firms, and the local Minnesota law schools. This year, the Diversity Committee received responses and applications from students from the University of Minnesota and St. Thomas University. After receiving only 5 student applicants in 2020, the Diversity Committee received 12 total candidates in 2021. The Diversity Clerkship Program is an essential program for the Diversity Committee and we look forward to growing this program in 2022.

LUNCH & LEARN SERIES:

During the first half of 2021, the Diversity Committee also hosted a series of Diversity Lunch & Learns. With over 60 attendees at each event, the topics included: The Education Amendment with Justice Page and Neel Kashkari; Nellie Francie and the Women's Suffrage Campaign of 1919 with speaker Dr. Bill Green; and the History and Development of Tribal Governments and American Indian Families with speaker Jessica Ryan. The Diversity Committee is proud to continue its Lunch and Learn series this fall!

AFFINITY BAR MEMBERSHIP UPDATE:

The MDLA Board of Directors recently approved the Diversity Committee's proposal to allow reduced fees (\$150.00) to attorneys who belong to affinity bar organizations. The reduced fee plan applies to attorneys during their first year of MDLA membership. While the reduced fee plan does not apply to current MDLA members, the Diversity Committee hopes it will entice members from other affinity bar organizations to join MDLA and establish our dedication to diversity and inclusion.

MDLA DIVERSITY SEMINAR (OCTOBER 2021):

Lastly, the Diversity Committee is proud to announce that it will be holding a Diversity Seminar in late October 2021! EOB CLE credit will be applied for. Our current list of speakers include Verona Mitchell (Founder & CEO of Cultives & Associates) and Christina Marinakis (Director of Jury Research at Litigation Insights). Stay tuned for updates and a full schedule coming in June!