

Lawyer Hero

Chris Messerly JD '86 uses the law to defend public good



Chris Messerly didn't think he'd done anything heroic. Well, yes. He had won his case. It was a big case, too, one that went all the way to the Minnesota Supreme Court. But winning was what he'd been hired to do. As a partner in the Minneapolis office of the law firm Robins, Kaplan, Miller & Ciresi, winning cases was just one part of his job description. It didn't mean he was a hero.

In this case, it did.

In November 2008, Prevent Child Abuse Minnesota awarded Messerly the Everyday Hero Award for his work on a case seeking justice for a young girl scarred by abuse. "This little girl was just a newborn and she was beaten on several occasions," Messerly said. "She was taken to the same hospital multiple times and three times the staff sent her home. The fourth time, she arrived with horrific injuries that left her blind and a quadriplegic."

In the state of Minnesota, Messerly explained, doctors are considered mandatory reporters of suspected child abuse. However, prior to this young girl's case, doctors who suspected abuse and then chose not to report it could not be sued for medical malpractice. It was a loophole in desperate need of closing.

"This little girl, she couldn't speak for herself and she needed a chance at justice," Messerly said, noting that she will face lifelong medical expenses. Beyond securing a future for the girl, the goal of this case was to put a law on the books that would hold doctors accountable when it came to reporting child abuse. "We weren't trying to open a floodgate of malpractice suits against doctors. Instead, we wanted to give doctors an incentive to report abuse," he said.

Messerly argued the case before the Minnesota Supreme Court in 2007. While he'd previously argued a case before the Wisconsin Supreme Court in 1994, this was his first trip to the high court in Saint Paul.

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"It was terrifying and exciting," Messerly said of the experience, "but it was also a very important occasion. It was tremendous what was riding on this case. It was the welfare of this little girl, the welfare of every abused child in the state of Minnesota." The justices agreed and it was because of this win, and a subsequent law requiring doctors to report suspected abuse, that Messerly was awarded the Everyday Hero Award. "I was humbled. I was really honored. I didn't expect the recognition," Messerly said. "I didn't become a lawyer to win awards."

He became a lawyer to help people. After earning an undergraduate degree at Bowdoin College in Maine, Messerly returned to Minnesota, his home state, and married his high-school sweetheart. He spent two years working as a paralegal with his current firm and then decided to enroll in law school at Hamline, graduating with honors in 1986. As a law student, Messerly was captain of the Barristers Hockey Team.

"Hamline was an appealing school because it has a pioneering spirit. It's committed to protecting the public welfare and the

public good," Messerly said. "As a kid, I was raised to think of others, to help others, and Hamline further instilled that in me. Hamline has a strong tradition of teaching its students to put others first, and really, that is what lawyers should be doing."

Now that he is a lawyer, Messerly has built a distinguished career and a solid reputation by defending victims of medical malpractice and personal injury. "I'm drawn to helping people who've been injured by no fault of their own," Messerly said. While he does clock billable hours for many of his cases, he also devotes a considerable amount of his time to pro bono work. He's fought several Title IX cases on a pro bono basis. Title IX is a federal ruling allocating equal extracurricular funding for both boys' and girls' activities. It is because of Messerly that a women's hockey team exists at St. Cloud State.

Framed family photographs crowd Messerly's office. Most of them showcase the radiant smiles of his three children, one daughter and two sons, all of whom have grown up playing hockey under the watchful eye of their dad. Messerly has coached each of his kids on the ice, and doing so, he said, has been a "highlight" of his life. The time he spent with his daughter's team, though, pushed him to take on Title IX cases.

"I've coached boys' and girls' teams, and I've seen how they are treated differently. The girls get crummy ice times and less funding," he said, an inequality that struck him as unfair. "One of the main reasons I have been a successful lawyer is because I've been playing team sports all my life," he said. "Team sports prepare you for every aspect of life to come. You learn to support others and to play under the rules but to hit as hard as you can. And at the end, you learn to shake hands."

Messerly considers himself a team player and he's quick to credit his co-workers. Without his fellow lawyers and willing support staff, he said, he wouldn't be able to take on so many pro bono clients. Robins, Kaplan, Miller & Ciresi Partner Phillip Sief '85 and Associate Genevieve Zimmerman '03 are two of his teammates that stand out. Both are graduates of Hamline's School of Law and together with Messerly and several others in their office, have taken on twenty pro bono cases representing victims of the 35W bridge collapse. Messerly recruited nineteen other law firms to represent about 125 victims who are seeking settlement money from the state. The various law firms have formed a consortium in order to better communicate with each other and lobby more effectively at the State Capitol. Messerly spearheaded efforts on behalf of the consortium with legislators, successfully arguing for the state's unprecedented compensation fund. He also dealt with the media, keeping it informed of the consortium's progress.

Throughout the bridge case, and throughout the rest of his career, Messerly has maintained close ties with Hamline's law school. He was the longest-standing member of the dean's advisory board and he returns whenever he's asked to speak with students. "I love what I do," Messerly said, "I'll take any opportunity to share my compassion. I'm so fortunate to do what I do."

by Kelly Westhoff MALS '01