

LAWDRAGON

The Lawdragon 500 Lawyer Limelight: Kathleen Flynn Peterson

By John Ryan

[Kathleen Flynn Peterson](#) may have had an easier time than many top lawyers adjusting to the time, stress and dedication required to build a successful law practice. After all, she secured her law degree at the [William Mitchell College of Law](#) in 1981 while working full-time as a nurse. The combination of professional skills has paid off hugely for Peterson and [Robins Kaplan Miller & Ciresi](#), where she chairs the personal injury and medical malpractice group.

The biggest beneficiaries are her clients – families coping with the loss or serious injury of a loved one as a result of medical mistakes. Last year, she won a \$4.6M verdict against a Monticello hospital for the husband and son of a woman who died in childbirth. Peterson is herself married with two grown sons, which has not only made her something a trailblazer in the trial bar but also helped her better connect with jurors in courtrooms.

Lawdragon: What first led you into nursing, then switch to a legal career?

Kathleen Flynn Peterson: I had a strong interest in science. My interest in science and medicine really channeled me into looking at nursing. About half way through my nursing program I attended some lectures in which I learned about individuals who had combined nursing careers with public health or



Photo by Kelly Loverud

governance, or administration or law. And at about the same time I was empanelled on a jury of a major criminal trial in Minnesota state court for two weeks and enjoyed the experience of seeing the judicial system. That's how I began to become more interested in pursuing a combination of nursing with the law.

LD: What about the trial had that effect on you?

KFP: It was an opportunity to see more clearly that several skill sets could be used together, and I was fascinated with the whole advocacy process.

If I hadn't already been thinking about combining nursing with something else it may not have been as transformative. It was the right experience at the right time for me.

LD: Working as a nurse and attending law school sounds almost impossible.

KFP: I was young, I was single and had a lot more energy. And it was also because I so much enjoyed my education. But I had a goal to try to get as much clinical nursing experience as I could get, so it was exhausting. I would be in school from three in the afternoon to later at night, then start my shift at 11 o'clock and work all night. Then I would sleep for a few hours and start it all over again. I really enjoyed the work, and I felt it was a great opportunity to be able to get a legal education at a reputable school and at the same time gain clinical nursing experience which has been invaluable in my career.

LD: How difficult was the switch from one profession to the other?

KFP: Many people asked me why I would turn my back on the profession or switch sides, but to me it was a natural transition. In my job, the nurse was the person most clearly aligned with the patient in the health care system, so it was a natural progression to represent patients with health care issues and be their advocates. It always felt easy and was the best fit for me.

LD: What were your first years like at the Robins firm?

KFP: I had a great experience at Robins Davis & Lyons. The firm was much smaller then. It is about 260 lawyers now, at the time it was more like 50. I worked at a small office in St. Paul where I practiced with Solly Robins, who was a

great trial lawyer and a great boss, and John Eisberg, who was also a great mentor. I got to work with some extraordinary trial lawyers at the very start of my career.

LD: There must have been challenges specific to being a female trial lawyer back then.

KFP: I remember trying a case when I was pregnant, when the style of maternity clothes were not as "normal" as they are today. The lawyers were not used to seeing a woman in a dress, especially a pregnant one. Certainly women today deal with some of the same issues, if not in an overt way then at least a subtle way. I think it's safe to say that even in the early years I was trying more cases than any woman in the firm, and on the plaintiffs' side in this area generally, so you did feel a bit like a pioneer. The only way it worked was that my husband took on the primary role of the parenting of our two sons, and I was able to continue to put a focus on my career in addition to the family. We made the decision that worked best for our family.

In my career I have been very involved in different professional organizations, and one of the reasons I felt it so important to play a leadership role in the plaintiffs' bar was to show other women that they can have that balance in their life over the long term. You can have a marriage and children and good relationships with them and still work and have a successful career. And you can have times where you spend more time with your family, even if you have years where you have to focus more on your career. You just have to see the whole thing on a larger spectrum, over the longer term.

LD: How has your nursing that directly benefited you in your cases?

KFP: Because of where I come from, I have a better sense of understanding a specific situation in a different way because you were involved in those situations; you understand the conflicts and the relationships involved, and how they arise and impact patient care. I also think that because we handle the kinds of cases that involve families and children, there seems to be an additional amount of credibility that comes from becoming their advocate from the perspective of a woman.

I tried a case recently involving the death of the mother during childbirth, with the verdict (\$4.6M) on appeal right now. I feel that being able to help the jury understand what it is like for the child to have survived and the mother to have died on the day of birth – what those issues would be throughout his life. In that case, the family was very pleased that they were able to find a person who was an attorney and a woman and mother. That helped them feel we really understood their issues.

LD: Is it difficult to deal with the emotional aspects of your cases?

KFP: I still feel very fortunate and very passionate about the work I do. It can be difficult to carry the burden of others after a tragedy, whether it is a financial burden or an emotional one. I still love the work that I do and want to continue to fight for the people I represent.

If you lose a case, it takes a long time recover – you never get used to it. No matter how hard you battle, there is always that self-doubt that if you had done something differently there would have been a different result for the family. The amazing thing is that, as the years go by, the clients that are more in touch are from cases where there was not a successful result. They so appreciated that at least someone stood up for

them and told their story. When you are successful in a case, it just makes you want to get right back to work and get on the next case.

LD: You've been involved in the trial lawyer associations, but you've also once worked as a professional in the medical arena – has that influenced your position on tort reform at all?

KFP: I take it very seriously, to bring a case against another professional, and I hope anyone would. We are very thorough about the cases we have been involved in. We take the time to educate people that the health care system is not perfect, and to prevent them from getting lawyers if it is not the right case. But from the standpoint of tort reform, I also see how difficult it is for people who have legitimate cases to stand up against insurance companies and large corporations. The civil justice system should be a level playing field for everybody in society; everybody should have access to an unbiased civil justice system to redress the wrongs they've faced. I don't know how it will be possible to get those rights back if we ever give them up.

LD: What about Robins Kaplan has kept you there for the duration of your career?

KFP: I've certainly had opportunities to go elsewhere, but this is for me the right place to be. I have had the extraordinary opportunity at this firm to have the resources to put towards cases that are so critical when you have a contingency practice. The founders of the firm that I had the pleasure of working with made the decision that this would be a law firm that represents everybody in society, including individual plaintiffs because it is the right thing to do. I think it helps us be a better law firm. Because of the experiences we have, we see issues from all sides.