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gives all clients
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Marsh Halberg's EQUAL PROTECTION

Criminal defense lawyer Marsh Halberg gives all clients his best, even the questionable ones, so he can stay sharp for the innocents

by ROSS PFUND photography by LARRY MARCUS

Marsh Halberg is a do-it-yourselfer. When he left Thomsen Nybeck in 2004 to create Halberg Criminal Defense alongside Eric Nelson and Tina Appleby, he wasn't content to find any old office. Instead he grabbed a good chunk of the top floor of the Northland Plaza building just off 494 and France in Bloomington; then he and Nelson began personally constructing the office of their dreams.

"I just enjoy design and architecture," Halberg says. "I traveled to LA and spent a couple of days knocking on doors of casting offices, talent agencies and advertising agencies looking for a very contemporary, open, cutting edge feel. I didn't make appointments, just knocked on doors and said "Can I look at your office?"

Once he was inspired, Halberg rolled up his sleeves and got to work designing almost everything—from the furniture to the conference room's unique, segmented sliding door to the rug in the reception area. He even picked out \$6 placemats (and marginally more expensive frames) to serve as wall art. "Things sometimes don't have to be expensive to be cool," he says. "We just wanted to create a real fun, high-energy environment."

The decor isn't the only unique thing about

Halberg Criminal Defense—terms like "billable hour" are dirty words there. "At our firm, all the partners have equal power in the firm and equal pay. From a compensation standpoint we don't care who brings in which client and who works on what case," Halberg says. "As no one is fighting over money, we can make our decisions based on what is the best for the client."

His career has been slightly less meticulously planned. After graduating from St. Olaf with a degree in political science ("So I had to be either a lawyer or a bartender," he says), Halberg enrolled in law school at Hamline, he says, as a bit of a delaying tactic.

"In law school, the No. 1 thing people ask you is what you're going to do when you get out. My answer was always, 'I dunno; anything but criminal.' Then, as I got further into law school, I got to do more clerking work, and I realized that sitting behind a desk all day would be like slow death for me. So I realized that I wanted to be a trial lawyer."

He got his first taste as working as an assistant county attorney for Carver County in 1979. Within weeks of his arrival, two of the staff's five attorneys left. Halberg and another prosecutor With six month's experience were thrown into the

fire. "Back then it was great because we would try an average of two jury trials a month," he says. "I remember doing a closing argument in one case, walking out, picking up a briefcase and doing an opening statement five minutes later."

Between the hectic pace of the county attorney gig, which he held until 1982, and a stint as the chief prosecutor for the city of Edina, and the Metropolitan Airports Commission, where he over saw an astounding 15,000 criminal cases annually, Halberg earned his courtroom stripes quickly. He held those prosecutorial posts during his two decades at Thomsen Nybeck.

Then he finally decided to build his own firm from the ground up. "I could have stayed [at Thomsen Nybeck] till the day I died," Halberg says. "But I was ready for a new challenge— I jokingly say I learned that Darth Vader was my father and went to the dark side."

The transition from prosecution to defense was fairly smooth for Halberg, especially because he'd been doing some defense work in the spaces between those thousands of cases. "What's great about criminal law is there are no depositions, there aren't interrogatories," he says. "It's simply: here's the police report, you settle the case or you try it. There's very little paperwork and a lot



Halberg's legal philosophy is based on the belief that nobody is all bad or all good.

of trial work. "I'm a salesman," he continues. "My product is the new, improved, 2.0 model of whoever my client is. People have this idea that everybody is Hannibal Lecter, but nobody is all bad or all good. I like to help these people.

Since spreading his wings, Halberg has represented some salesman himself. Most recently, he made the news in connection with auto magnate Denny Hecker's protracted and public fall from grace. In March, Halberg asked a federal judge to remove him from the criminal case, citing Hecker's inability to pay his legal fees, according to the Star Tribune.

When asked about Hecker, Halberg is succinct and polite. "I just didn't feel comfortable staying

in the file at that point. This was such a big case and commitment of time that I just had to make a business decision," he says. "I like Denny; I represented him on a DWI. I still consider him a friend and a potential future client."

One of Halberg's most emotional cases came when he represented Stephen Miles, a 27-year-old man with a history of schizophrenia and other mental illness, who cut off his stepmother's head in 2005 and put it in the dishwasher while his father was shoveling snow outside. The family tried to hospitalize Miles just hours earlier.

In court, Halberg employed a strategy that isn't seen much outside of television and in the movies—the insanity defense. "The M'Naghten

standard is very high," Halberg says. "Obviously, in Mr. Miles case, it was a simple argument: If this doesn't qualify for M'Naghten, what does? That was the bottom line. If this guy doesn't make it, we have no insanity defense. It was a very unusual case."

The Miles case exemplifies a question that Halberg like many criminal defense attorneys, sometimes hears: How can you bring yourself to represent a person who's done something that awful? "For me, the answer is that when I have a client who is truly innocent—and we do have a lot of those cases—I have to be really good at what I do to win," Halberg says. "You have to try a lot of cases to stay sharp. You have to practice hard to play hard."

And, as in the Miles case, it's sometimes more about finding a solution than winning. "A lot of times what we do is negotiate what is best for [client]. Somebody has to process what is best for a person like Stephen Miles," he says. "We never said he didn't commit that murder, but does a prison want this guy? Isn't it best to have him in a mental facility?"

In February of this year, Dakota County District Judge Kathryn Messerich agreed, declaring Miles not guilty and ordering him to remain in the Minnesota Security Hospital in St. Peter pending further evaluation.

Through the good cases and the bad, it's impressive that Halberg keeps his sense of humor, says longtime colleague Mike Brandt of Brandt Criminal Defense in Anoka. "Sometimes there's so much stress and tension in the legal system that it's good to have a little levity," Brandt says. "He's a very smart lawyer, but there are a lot of good trial lawyers. You've got to be able to get along with your clients, prosecutors and judges, and Marsh knows how to do that."

Halberg still lives in his old stomping grounds of Carver County-Chaska, to be specific. "It's a great place to be," he says. "It's small-town USA." The family spends time in LA, too, with Halberg traveling there on weekends in support of his now-adult children's acting and video production careers.

Halberg's kids inherited their love of show-biz from him—he performs in community theatre productions such as *The Sound of Music*, and he's an aspiring screenwriter.

"I take screenwriting classes at the U," Halberg says. "I've been working real hard on a screenplay with my wife—she goes to UCLA film school—and it's a way to work on a project across the county together. It's kind of like wallpapering: you can either do it together or you can't."

What's the concept of the screenplay? Halberg pleads the fifth. "I'd have to kill you if I told you," he jokes.