



Phillip Gainsley

A Seasoned Litigator *Ready for the Next Challenge*

By Cari Twitchell

Attorney Phillip Gainsley has donned many hats during his four decades of practice. He started out as a partner in a small law firm, where he spent nearly 20 years in general practice. Then he enjoyed 12 years at Moss & Barnett as a shareholder, where he quickly found himself in commercial litigation. As his commercial litigation practice grew, he knew he needed to make a change to allow his practice to thrive.

Since 1995, Gainsley has managed his solo practice in Minneapolis. He continues to focus on commercial litigation, but also carries a strong family law caseload. “So much family law is business-related. Plus, a combination of contingent-fee cases and hourly-fee cases is a healthy mix.”

Thankful for the Foundation

Gainsley acknowledges that his success resulted from his early years of practice. Part of that success comes from watching developments in the practice of law, and then applying those developments to his own practice.

At Moss & Barnett, he witnessed young associates performing all of their legal research and drafting right from their desks—without need for a secretary or assistant. To compete with them, he became technically proficient.

He also learned a great deal about the business administration of a legal practice. “You’re much more cost-conscious when you’re by yourself,” stated Gainsley. “I learned how to budget for slow times, and to apply that knowledge to my practice.”

Sharing What Makes a Successful Practice

While technology and budgeting are important, they are not enough to build a successful practice. “There’s hardly an attorney in the area I can’t call, just to pick her or his brain. No one has turned me down,” Gainsley said.

Conversely, for Gainsley, sharing his secrets of the trade is something he enjoys. He is often asked to write on the subject of working as a sole practitioner. For many years, he has spoken at the solo & small law firm practice CLE in Duluth. Three common elements highlight his publications and presentations:

Listening to clients. “I’ve learned a lot from my clients over the years,” said Gainsley. “Several of them have provided me with insight to effective client service.”

Two experiences come to mind. The first involves a discussion he had with a client early in a case. Gainsley listened to the client’s concerns, and dismissively stated that he’d “take care of it.” The client’s response? “Phil, I know you’ll take care of it; what I want to know is *how* you’ll take care of it.”

A second client told Gainsley many years ago, “I don’t want to be yesterday’s new client.” Gainsley has turned this admonishment into a motto: “Take care of existing clients, and don’t take on more than you can handle.”

One-hundred percent devotion. To Gainsley, client devotion does not mean being fair; nor does it mean telling clients what they want to hear. Rather, it means being a dispassionate advocate—being the only person in an adversarial setting who is truly in the client’s corner.

Chris Price, of Rockwood Retaining Walls, Inc. in Rochester, recalls, “What I remember is that our case had a number of twists and turns at the very beginning. No matter what happened and what the other attorneys did or said, Phil offered constant, unwavering support. He was always an advocate, which was really valuable.”

“The other thing that I remember is that we had dealt with a number of different attorneys and law firms up until the time we had met him. Phil was very grounded and reasonable,” Price continued. “When you’re the plaintiff, your attorney can inflate your perspective on a case—we could be led to believe things are better than they really are. But Phil wasn’t like that, which helped us keep perspective and reach a conclusion quicker than if we had gone with someone who gave us unrealistic expectations.”

Preparation, preparation, preparation. Gainsley consumes considerable time reviewing documentation and creating his own document chronology. He places together all the pieces of the puzzle to develop a client’s story. From there, he does all of his own research and writing. He needs to know answers to questions put to him by a mediator, arbitrator or judge, without having to turn to an associate or paralegal for answers.

Shaping the Law for Future Generations

Gainsley is honored to have several of his cases still standing as law today, including the child custody case of *Gordon v. Gordon*, 339 N.W.2d 269 (Minn. 1983). In fact, the Minnesota legislature adopted *Gordon* when it enacted Minnesota’s removal statutes. His case of *McKee-Johnson v. Johnson*, 444 NW2d 259 (Minn.1989) set the standard of fairness in interpreting antenuptial agreements.

Mary McKee recalled her experience

working with Gainsley, “My case went on for numerous years, and Phil stayed with me throughout it all. He was tenacious, and he never wavered. Truly, he became my knight in shining armor.”

In addition to his strong litigation record and case history, Gainsley has served on the Minnesota Supreme Court advisory committee on the Minnesota Rules of Civil Procedure and its advisory committee on the General Rules of Practice. “Rule writing and rule making are so important,” said Gainsley. “This process reminded me and others that rules are not designed to help a litigant win; they’re designed to achieve the orderly administration of justice by leveling the playing field.”

Gainsley also quickly recognized that he gained much from these experiences. “I probably took away more than I contributed. Just listening to discussions from other attorneys and judges—well, let’s just say that I emerged the better for it.”

Enjoying the Good Life

To maintain his passion for his practice, Gainsley makes sure to embrace the good things in life. The best thing for him by far is his family. His practice is flexible enough for him to spend significant time with his wife, two children and their spouses and five grandchildren.

Ready for That Next Call

A few years ago, Gainsley was speaking with a client at a social function. During their conversation, a second client joined the mix. The second turned to the first and asked, “So, how do you know Phil?” “Well, he saved my life. How about you?” The second smiled and replied, “He saved my life, too.”

Statements like these mean everything to Gainsley. “Hearing comments like that makes me want to continue practicing until the phone stops ringing!”

Phillip Gainsley, Attorney at Law
222 South Ninth Street, Suite 1600
Minneapolis, MN 55402
(612) 337-9527
www.gainsleylaw.com
