

A Better Way

Nancy Zalusky Berg advocates for family law clients and human rights

BY JIM WALSH
PHOTOGRAPHY BY RICH FLEISCHMAN

THE FRIDA KAHLO PAINTING “SELF-Portrait with Cropped Hair” depicts the Mexican artist in an oversized men’s suit sitting in a chair, scissors in her lap, strands of long black locks strewn on the floor at her feet. The 1940 painting came on the heels of the artist’s divorce from her unfaithful husband, Diego Rivera, and was followed the next year by Kahlo’s “Self-Portrait with Braid,” which recasts the wounded woman with a full head of stacked hair, blossoming anew.

The paintings are favorites of Nancy Zalusky Berg of Walling, Berg & Debele. Her office, on the 11th floor of the TCF Tower in downtown Minneapolis, overflows with Kahlo reproductions and ephemera. Kahlo’s life’s work was spent exploring love, marriage, the mystery of human relationships and the intrinsic power of the independent woman.

Berg’s life as a family law attorney isn’t much different.

“I’m kind of a hobby psychologist. This is why I love what I do,” she says. “I’ve always thought a lot about relationships and communication. I’m like a cultural anthropologist—I’m poking around in people’s business, and learning about all sorts of different companies and ways to

generate income and crazy parenting and crazy relationships. It’s just amazing.”

How amazing? While much of her practice is based on the idea that divorce is a reorganization of family, much of Berg’s reading and writing over the last year has focused on what she calls “coercive control,” in which people are manipulated by limiting their access to financial resources. For example, one party might hold the money and dole it out not in the framework of a family budget, but in an allowance meant to control the other party.

“I had a client whose husband gave her a credit card to use for monthly expenses,” she says. “But each month, she would have to present the receipts and justify the purchases, and if he didn’t agree with that, he would deduct that amount from the credit card. Well, eventually, the amount of room on the credit card got smaller and smaller, and her purchasing power less and less. When a husband controls the money such that the wife can’t get access to sanitary napkins or deodorant without his permission, that’s financial abuse.”

Berg says this sort of abuse is an under-recognized component of divorce cases. In

another example, a woman’s husband put her and their two children on a \$900 per month budget. “She had to pay her auto insurance, all the groceries, all the kids’ expenses and everything else out of that allowance,” Berg says. “If he didn’t like the meal she prepared, he would deduct the value of that meal from her allowance. And if he was still hungry, he would go to the freezer and take out a pizza, which she had carefully budgeted for the next meal. So she began keeping groceries locked in the trunk of her car—this is how nuts these people got—and photographing his rejected meals to defend herself [in the divorce].”

The things Berg has seen over the course of her more than 30-year career give her perspective on her own life. “It’s all about forgiveness,” she says, “because the person you fall in love with and marry in all of that passion and emotion will disappoint you. Will fail you. And if you can’t forgive that and move on, you’re just stuck. And I see that a lot.

“In fact, my husband and I were just talking about that, about a mutual friend who seems to be always making book, to make sure everything’s always equal, keeping track in

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NANCY ZALUSKY BERG

· CO-FOUNDER, WALLING, BERG & DEBELE

· FAMILY LAW

· MINNESOTA SUPER LAWYERS:
2003–2013; TOP 50 WOMEN:
2010–2013; TOP 100 WOMEN:
2005–2009; TOP 100: 2005–2008,
2011–2012

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the relationship: 'I made dinner, so you do the dishes; I changed the baby's diapers last so it's your turn now.' I mean, I just don't get that. That's not how you live a life, but a lot of people do. It's a downward spiral.

"The wonderful thing about my marriage is we don't make book. We're not worried about whether or not somebody's getting ahead, because if one of us is ahead, that's good for both of us."

This is Berg's third marriage. The first came when she was 18 and pregnant with her first son. It ended in divorce two years later. ("That first marriage should count as 'work study,' not marriage," she laughs.) She was married again in 1976, divorced in 1988, and in 1990, married her current husband, Brockman Schumacher Jr., a psychologist.

Berg's office is a testament to what makes her tick. Alongside the Kahlo art, framed photos of her three children pepper the desk and shelves and share space with her work as an accomplished mosaic and glass artist. Balinese art treasures and dolls collected from her travels all over the world are on display, along with framed bromides such as "It's Better to Have Loved and Lost Than to Live With a Psycho the Rest of Your Life."

Berg grew up in south Minneapolis and attended Edina High School. When she became pregnant in 1969, her senior year, her father shipped her to Washington, D.C., to live with her brother. After graduating from high school there, she returned and had her first son in Minneapolis.

Upon returning to Minnesota, she attended Antioch College and, finally, William Mitchell College of Law, which she graduated from after nine years of attending night school with her young son along for much of the ride.

"Not only is Nancy a super lawyer, she's a super human being," says Dr. Peter Hayden, founder, president and CEO of Turning Point, a Minneapolis-based nonprofit social services center. Berg is a Turning Point board member, and she and Hayden have been friends since meeting at Antioch in the early '70s.

"I don't want to say she was a rebel, that's not the right word, but she definitely beats to a different drum," says Hayden. "And even before she was an attorney, the beat of that drum was for making sure that others less fortunate got some help or some support. That may be what led her into the field of law."

Kathleen Edmond, chief ethics officer at Best Buy, went to high school with

Berg and is godmother to her oldest son. "We were the rogues at Edina, and she's always been thoughtful," says Edmond. "No matter what the issue or circumstance, once she made a commitment to an ideal or a course of action, it would be hard to sway her from that. She really felt that she had thought about it, she had evaluated it, and that this was going to be what she was going to do and damn the consequences."

That idealism makes Berg, 63, the attorney she is today. Where once she used social protest as a way of voicing her views, she now uses her legal skills to get things done, and to organize events like next fall's symposium on the trafficking of young girls with the League of Women Voters and The Woman's Club of Minneapolis.

"I'm on a rant right now about human rights," Berg says. "I've been doing a lot of international work and getting exposed much more to international law, treaties, and so on. In 1971, when I was 20, I fought for women's rights, civil rights, birth control, all of that. And I kind of thought it was done, but this last election just sent me back to Sunday school. The trend in the last year is violence against women, all of the rape all over the world. And it's just because we're not human, we're not entitled to human rights in so many cultures, with the forced marriage and the trafficking of young girls—all of these things crowd my mind."

Be it global human rights or someone's struggle to divorce an abusive spouse, Berg strives to listen more than talk, mediate more than dictate and resolve the conflict.

"There's two things I see with couples that are divorcing," she says. "One is that people believe that their happiness is somebody else's responsibility. So a lot of people get divorced because they're unhappy, and then they're divorced and they're still unhappy. And the other is this making book, this keeping track of things. It's 'I'm not being treated fairly.' Well, who's responsible for that?"

"By and large, I think everybody's trying to do the best they can with what they've got. Everybody's just trying to get through the day. Sometimes we put up incredible barriers to ourselves, getting through the day. So part of my job as a lawyer is to identify for my client where they're making problems for themselves and help them figure out a better way." ■



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