

# LAW WEEK

## COLORADO

# This Year's Exam: A Memorable Anniversary

By **James Carlson**  
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DENVER — With belly popping out, Chelsey Russell packed her bag to leave for her 1 p.m. baby appointment. She didn't need much. After all, this wasn't her scheduled induction date. That would be five days later, the day after the July 2011 bar exam.

Before leaving, Chad Nichols, her study partner, wished her luck. "Have a good appointment," he said, then laughed, "Call me if they don't let you come home."

He joked at the prospect of Russell giving birth just days before the biggest test in her short legal career. But there was nothing to worry about. Doctors had taken steps to delay labor until after the exam. This appointment was to be 10 minutes, if that.

So Russell left home with a bag holding just a bottle of water and her torts flashcards.

"I thought everything was going to be fine," she said.

Little did she know what would happen over the next few hours.

### Imperfect timing

Roughly 1,100 people last week sat for the annual test of nerves that is the bar exam. Two full days of multiple choice questions and in-depth essays that can alternately validate the hard work or shatter the dreams. What could be more stressful?

Well ...

In November 2010, two years after their wedding, Russell and her husband, Ben, found out she was pregnant, and when the doctor did the calculations for her due date, it seemed a cruel joke. She was to give birth on July 31, just days after the scheduled date of the bar exam.

Partners at Welborn Sullivan Meck & Tooley, where she'd been working and is now an associate, were supportive either way. Take the exam, don't take it, no pressure. But in her mind, she'd already signed up for it. So Russell figured why not push the labor back after the exam, study all summer and get this thing out of the way?

She was seven-and-a-half months pregnant at her May graduation from the University of Denver Sturm College of Law. Through June and July, she studied all day with Nichols, who would often bring her food. She filled her head with various subjects — family law procedures, torts and business transactions.

Throughout her pregnancy, physicians told her to avoid any actions that would induce labor. They knew the significance of the test; they remembered their own board exams.



Chelsey Russell plays with her daughter Hayden in her Welborn Sullivan Meck & Tooley office. Russell went into labor and gave birth the Saturday before last year's bar exam. | LAW WEEK PHOTO SARAH OVERBECK

Russell followed their orders. And everything seemed to be aligning when she left for her final appointment on July 22, the Friday before the exam.

### A stunning revelation

In the doctor's office, Russell flipped through torts cards. *Strict liability. Product liability. Negligence.* Meanwhile, the doctor gauged her blood pressure. A bit high, he said.

"Yeah, of course," Russell said, "I'm taking the bar exam in five days."

The doctor ignored the sarcasm and insisted on admitting her for extra tests. She called her husband and then Nichols to yell at him for jinxing her. Then she breathed. She needed to stay calm. If only to not lose study time.

By this time, her husband had arrived with more flashcards, and so when a nurse entered the room, Russell paid little attention, keeping her eyes and mind focused on points of law. *Promissory notes. Negotiable instruments. Holder in due course.*

"Honey?" the nurse interrupted. "Are you feeling these?"

"Feeling what?" she asked.

"You're having contractions every minute."

### A difficult decision

It was 10 p.m. the Friday before the Tuesday test. She'd been in the hospital now for eight hours. Russell was halfway to having a baby. After a lot of tears, the choice was clear. She would induce labor now. So the doctors got the show on the

road.

By 1:07 a.m., it was over. Hayden Elaine Russell, all 6 pounds 12 ounces of her, was placed into Russell's arms. The new mother looked down into her baby's eyes and thought, "I can't take the bar exam."

Yet a few hours later, her thinking had changed.

Whether giving birth fogged her judgment or delivered her new clarity, she doesn't know, but Russell woke on Saturday morning determined to take the test.

In between visitors, she flipped through her cards. Every new doctor or nurse was informed of her efforts. Everyone was outwardly on the bar exam bandwagon, though Russell could detect that some people thought she might be crazy.

On Sunday, she left the hospital with only five hours of sleep since Friday. She studied all day, and the next, nabbing naps and food when she could but taking little time to absorb what she had gone through. Not then. There was a test to take.

Tuesday morning arrived. She packed up her clear plastic bag with post-birth supplies and bar exam essentials. Inside the testing center, she was placed at the corner on the aisle next to the bathrooms. Law school friends came by to give her hugs. The guy sitting next to Russell leaned over before the test and asked, "Did something big happen?"

"I had a baby," she said.

"Oh, when?"

"Saturday."

His face went ashen.

### Staying focused

Throughout the first day, her brain was a jumble. If grappling with her mind wasn't bad enough, her body was in pain too. Sitting for hours when her body wanted to rest wasn't easy, but adrenaline pushed her through.

By the end of the first day, she had the shakes. Loss of so much blood can do that to a body.

On the second day, adrenaline continued to fuel her, but even that would fail, and nearing the end of the day, the words on the test blurred together.

Drained, she made it to her car.

Raindrops splattered the windshield as she drove home with tears rolling down her cheeks. She walked in the door, and there was her husband with sushi, brie cheese and a glass of champagne. She slumped into a chair as he handed her Hayden.

"This is your daughter," he said.

The shield she'd built to get through the test cracked. "I have a daughter?" She looked down at Hayden's small face and for the first time fully saw her new child.

### A fitting finish

Russell had walked out of the exam that day thinking there was a 50-50 chance she passed. And she was just fine with that.

Three months later, she was boating around with family on Lake Powell in Utah. It was a Thursday, and she believed exam results were coming out Friday. Zigzagging through the lake's canyon-like topography, her phone cut in and out of service.

Around a curve, her phone beeped to life. A voicemail. She called, and it was an acquaintance from DU. "Congratulations on passing the bar..." and then she lost service.

In and out of service, she caught snippets from a growing number of voicemails from other classmates. But she couldn't get Internet access on her phone out on the water and didn't trust anything until she saw the list herself.

Finally, back at the marina, she stepped into the bait shop and walked past the grizzled man behind the counter. She found service, navigated to the results site and flicked down the list on screen. "Rulla, Brian James ... Ruskiewicz, Maria Kathleen ... Russell, Chelsey Jean."

She looked at the man behind the counter and began to cry.

"Oh my God, I just passed the bar!" she told him.

He looked confused. "I didn't know the bar was open this early." •

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