



Bar Talk

March 28, 2012

www.fedbar.org/Chapters/Minnesota-Chapter.aspx

District of Minnesota is Fifth Busiest District in the Country

On November 30, 2011, Chief Judge Michael J. Davis delivered the State of the District of Minnesota at the monthly meeting of the Minnesota Chapter of the FBA. The Chief Judge spoke about the state-of-the-art technology that has been implemented throughout the district. Seventeen of the district's courtrooms are now currently equipped with full evidence presentation systems. The Duluth courthouse is currently undergoing renovations, which are expected to be done this spring and will include a new jury box, witness stand, cork flooring and enhanced technology. The Chief Judge also announced that internet access will soon be available in the district's courtrooms and conference rooms.

The Chief Judge commended the ongoing commitment to justice and hard work of the district judges, senior judges, and magistrate judges of the District of Minnesota. The work of the bench is particularly laudable in light of the following statistics Chief Judge Davis shared:

- The District of Minnesota is currently ranked the 5th busiest district out of 94 districts throughout the country, based on weighted court filings.
- The District of Minnesota has been ranked as one of the top five busiest districts in four of the past five years.
- The District of Minnesota is the busiest district in the Eighth Circuit, based on weighted court filings.
- The weighted caseload for each judge in the District of Minnesota is just over 700, accounting for the full caseloads currently carried by Senior Judges Paul A. Magnuson, David S. Doty, and Richard H. Kyle. The average national weighted caseload per judge is 430.

The Chief Judge further shared with members of the Minnesota Chapter the following additional statistics on the activity of the Court during the 2011 fiscal year (ending September 30, 2011), all of which illuminate the increasing difficulties presented by continued cuts to the district's budget:



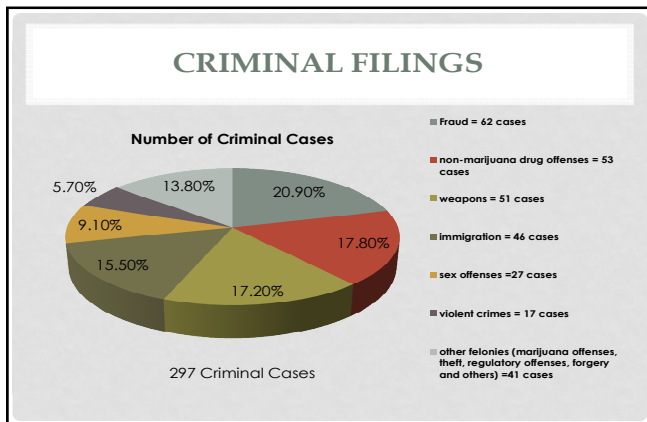
The Honorable Michael J. Davis, Chief Judge of the United States District Court, District of Minnesota. (Photograph courtesy of United States District Court.)

Inside This Issue

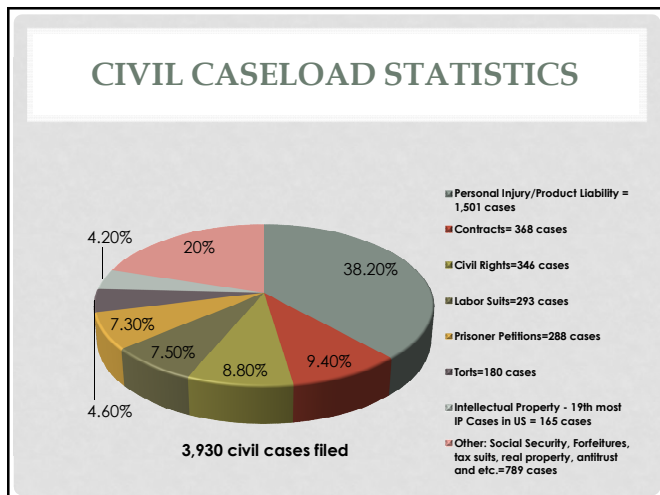
Chapter By-Laws Amended	3
Bankruptcy Court's Electronic Evidence Requirement	4
E-Discovery Working Group	5
Second Chair Program	6
Clerk of Court's Corner	7
Under Seal Filings	8
Law Student Reception	10
St. Thomas Student Chapter Update	12
Pro Se Project Update	14
The Arc Minnesota Recognition	16
Calendar of Events	18

(Continued on page 2)

- The District of Minnesota currently has twelve Multidistrict Litigation cases.
- There were 57 trials in the District of Minnesota (23 civil jury trials, 5 civil bench trials, and 29 criminal jury trials).
- 297 criminal cases were filed (58% of which were handled by the Office of the United States Federal Defender).



- 3,930 civil cases were filed in the District of Minnesota in 2011.



- Seventy-two foreclosure cases were filed (up 1,100% from 2007, when there were only 6).
- 333 attorneys were admitted to practice in federal court in 2011.
- 358 individuals were arrested on felony warrants within the District of Minnesota by the Marshals North Star Fugitive Task Force.
- 9,412 people were naturalized as new citizens in 2011.
- 182,000 events were filed in CM/ECF.



The District Court Judges of the United States District Court for the District of Minnesota: (back row from left) The Honorable David S. Doty, Donald D. Alsop, Joan N. Ericksen, Patrick J. Schiltz, Paul A. Magnuson, Richard H. Kyle, (front row from left) Ann D. Montgomery, Susan Richard Nelson, Chief Judge Michael J. Davis, John R. Tunheim, and Donovan W. Frank.



The Magistrate Judges of the United States District Court for the District of Minnesota: (back row from left) The Honorable Jeanne J. Graham, Jeffrey J. Keyes, Leo I. Brisbois, Steven E. Rau, Tony N. Leung, Mary Kay Klein, (front row from left) Franklin L. Noel, Chief Magistrate Judge Arthur J. Boylan, and Janie S. Mayeron.

These statistics amplify the value that the FBA *Pro Se* Project provides the District of Minnesota. As a result of the *Pro Se* Project, more than 162 *pro se* litigants have had an opportunity to consult with and/or receive legal services of volunteer attorneys. Chief Judge Davis ended his State of the District Address by paying tribute to attorneys who have dedicated time and effort to provide volunteer consultation and representation to the district's *pro se* litigants.

Kirstin Kanski is Co-Chair of the Communications Committee and a partner at Lindquist & Vennum PLLP. Kirstin previously served as a law clerk for the Honorable David S. Doty. (Photographs and charts courtesy of District Court and printed with permission of the District Court.)

Chapter By-Laws Amended

At the monthly luncheon meeting of the Minnesota Chapter of the Federal Bar Association held January 25, 2012, the membership voted to approve amendments to the Chapter By-Laws. The Chapter By-Laws provide the foundational framework for the operation of the Chapter. They govern such things as Chapter objectives, membership, and the selection and duties of officers and directors.

The Chapter By-Laws were last amended in May 2010. The January 2012 amendments sought to further implement the vision that led to the 2010 changes, and to ensure that the current and future operational needs of the Chapter are met, while staying true to the Chapter's mission.

Article III of the Chapter By-Laws sets forth the objectives of the organization. The mission of the Minnesota Chapter of the Federal Bar Association is to:

Further the objectives of the Federal Bar Association as set forth in Article III of the Constitution; to advance the science of jurisprudence; to promote the administration of justice; to uphold high professional standards for the Federal judiciary, attorneys representing the government of the United States and attorneys appearing before the courts, departments, and agencies of the United States; to expand diversity of the membership; and to encourage cordial and friendly relations among members of the Federal bench and bar in Minnesota.

It is in furtherance of these stated objectives that our Chapter operates. The Chapter objectives drive decisions on Chapter programming and resource allocation, and give purpose to the organization. The remainder of the Chapter By-Laws address the structure of the organization.

The 2012 amendments implemented certain structural changes. These changes primarily affect how officers and directors are selected and how long they may serve.

The 2012 amendments changed the number and composition of Chapter Directors. In particular, the 2012 amendments increased the maximum number of regular Chapter Directors from 30 to 36, and clarified that elected Officers also serve as Directors and count toward the maximum number. An unlimited number of Honorary Directors may continue to serve. Prior to the 2012 amendments, any Judges of the Federal Courts of the United States and all past presidents of the Minnesota Chapter were eligible to serve as Honorary Directors. The 2012 amendments limited eligibility to the previous four Chapter presidents, though all Federal Judges remain eligible.

The 2012 amendments also altered the membership of the Nominations and Elections Committee. Specifically, the 2012 amendments add the Chapter's President-Elect as a seventh member of that committee. The rest of the Nominations and Elections Committee is comprised of the current Chapter President and the previous four Chapter Presidents. The 2012 amendments authorize the Chapter President to appoint a Board Member to serve in place of any previous Chapter President who does not wish to serve.

The 2012 amendments were the result of the efforts of many Chapter members, including the Chapter's Long-Range Planning Committee, Executive Committee, Board of Directors, and membership in general, as well as members of the federal judiciary. A copy of the amended By-Laws will be posted on the Chapter's website at www.fedbar.org/Minnesota.

Rachel Zimmerman is Co-Treasurer and serves on the Long-Range Planning Committee of the Minnesota Chapter. Rachel is a partner at the intellectual property law firm of Merchant & Gould P.C. Rachel previously served as a law clerk for the Honorable James B. Loken of the Eighth Circuit Court of Appeals.

Successes and Expansion of the Bankruptcy Court's Electronic Evidence Requirement

Judge O'Brien's mandate to use the Bankruptcy Court's electronic exhibit system in all of his trials and evidentiary hearings has found tremendous success in its first year. In fact, other members of the bankruptcy bench anticipate utilizing similar requirements for their trials or evidentiary hearings in the near future. With this anticipated expansion, it is likely that either you or your firm will encounter these new requirements whenever you appear in Bankruptcy Court.

Getting Started

The program initially started out as a pilot project of Judge O'Brien where the parties opted into program participation. The success of the pilot project and the feedback from the bar resulted in the full expansion of the program. At this point, all parties to any bankruptcy case or adversary proceeding assigned to Judge O'Brien can expect that any trial or evidentiary hearing will require electronic evidence presentation on the Bankruptcy Court's system. Notice of this requirement goes out to these parties in the form of the trial or scheduling orders for the particular contested matter or adversary proceeding. These orders are highly detailed and outline the key requirements for training, timing, and submission of evidence.

Counsel can also refer to the Bankruptcy Court's website where a wealth of information on the program can be located (http://www.mnb.uscourts.gov/Newsite/General_Info/electronic_evidence.html.) This is where you will find most of the answers to questions about format, submission, and most importantly, who to call with questions. The clerk's office is also more than willing to help address questions about the system. Make sure to reach out early and often in your case as you encounter any issues in complying with the requirements so that you can combat them before appearing in court. Bethany Imdieke, the Electronic Evidence Coordinator (Bethany_imdieke@mnb.uscourts.gov) is the contact person for these questions.

The Basic Requirements

One of the primary requirements in this relatively early stage of the program is to make sure that all trial participants obtain the hands-on training. This requirement extends to any attorney or staff member who will be participating in

any capacity at the trial. This is a one-time requirement and applies to everyone regardless of whether counsel intends to run the exhibits herself or to use a staff member to do the handiwork. The clerk's office maintains the official list of everyone that has completed the training in order to minimize duplication in future cases.

The content of the training has evolved since the program was first implemented. It now runs approximately one-half hour and is designed for practical hands-on experience with the systems and equipment that are used in the trial. At the training, the participants work with practice exhibits that have been loaded into the system to gain familiarity with the annotation screen, the displays, and the court's computer. As a result, the length of the training may run shorter or longer depending on the participants' comfort with and questions about the technology.

Beyond the training, there are also precise specifications for evidence submission. The trial order details information about timing and logistics of submission. Exhibits must be submitted before the hearing to the clerk's office in pdf format on a CD or flash drive. The primary exception is that spreadsheets may be submitted in their native Excel format if they are substantial in size or data. This exception is intended to facilitate presentation at trial, as many larger Excel files do not always translate into a readable document when converted into pdf. The other notable exception to the basic format requirement is that parties may also submit video, pictures, or other media for use at the trial. VHS and DVD may also be submitted. There may also be issues that develop with unique exhibits that do not fall squarely into one of these categories or are otherwise difficult to convert into the required formats. In that case, contact the clerk's office well before your submission deadline or the hearing.

What to Expect at the Hearing

The court has made the process as efficient and reliable as possible to all participants. For example, parties may use their own laptops to run the exhibits at counsel table instead of crowding around the podium. This is a great option for attorneys who plan to have support staff or co-

(Continued on page 5)

counsel run the exhibits while they are in the midst of witness examination. Parties interested in this approach should check the compatibility of the laptop with the court's system and should bring the laptop to the hands-on training if at all possible, or make other arrangements to run these tests before the hearing. These parties should also consider voluntarily exchanging exhibits with the other parties in order to load them onto your personal laptop during the trial in lieu of relying on the court's computer.

Technical support is also present in the courtroom throughout the trial to immediately address any issues or problems that arise during case presentation. This support is present to help and the court may, as appropriate, call a recess to allow these people to address any technical problems that occur. They also serve the important function to help ensure that each side has an equal opportunity to present their case without interference or unnecessary technical difficulties.

The need for rebuttal and other unexpected exhibits frequently develops during the course of testimony. Although the Bankruptcy Court requires that all exhibits are loaded into the court's system for electronic presentation, it is not always possible to anticipate potential rebuttal and there may be times when something must be added. In that case, make sure to raise the issue with the court during the trial so that the judge can consider the request. Each situation is different, but the judge might be willing to consider requests for a recess to have the particular item loaded or, in more unique circumstances, to allow use of the physical document. Nevertheless, the best course is always to over-include all potential exhibits in order to avoid this additional hurdle to an exhibit's entry into evidence.

Feedback and Expansion Plans

There have been about fifteen trials and evidentiary hearings conducted utilizing the electronic evidence presentation system since the program launched about a year ago. Countless more have been subject to the requirements, but as is common in bankruptcy and in federal court litigation, those cases have settled at some point along the way or on the eve of trial. The bankruptcy court surveys the participants after trials conclude to obtain feedback on the program, its requirements, and suggestions. The feedback has been overwhelmingly positive to date. Despite the initial reservations, most participants have noted that the process was pleasantly efficient and easy

to use. This response gives hope to all of us who will be encountering the program in the future.

The other bankruptcy judges are in the process of implementing the requirements to use the electronic evidence system in their trials and evidentiary hearings. The expansion is slated to start in St. Paul with Chief Judge Kishel because his courtroom is already fully equipped as a result of the recent renovations of the Federal Courthouse. The program is expected to expand to the bankruptcy judges in Minneapolis as their courtrooms are equipped with the necessary features. With that in mind, it is likely that even the attorney occasionally appearing in bankruptcy court is well advised to familiarize herself with the requirements because she will likely encounter it at some point in the near future.

L. Kathleen Harrell-Latham is a member of the Communications Committee. She is a bankruptcy practitioner and attorney at Larkin Hoffman Daly & Lindgren Ltd., and currently serves as Treasurer of the FBA's National Bankruptcy Section.

The Minnesota E-Discovery Working Group

is a grassroots e-discovery group, founded by Emily Duke and Cynthia Moyer of Fredrikson & Byron, P.A., dedicated to exploring the parameters of parties' and attorneys' preservation obligations, review methodologies, and production obligations throughout the discovery process. One of the Group's main goals is to create a user-friendly, practical resource exploring the many facets of E-discovery, and assembling a detailed bibliography of helpful resources created by other groups such as EDRM, the Federal Judicial Conference, and the Sedona Principles. In conjunction with the MSBA, the Group kicked off a 6-part CLE series on February 21, 2012 with a presentation focused on ethics and the e-discovery findings of the Minnesota Supreme Court's Civil Justice Reform Task Force.

The Group's work is different from that of other groups in that it is particularly interested in exploring issues related to proportionality and third party discovery obligations. In addition, the Group seeks to provide best practices related to preservation, review, and production of electronically stored information – including tips and questions that practitioners should ask in order to identify technologies best suited to the needs of their cases and clients' sources of electronic information. Due to the increasing cost of litigation, the Group is also creating materials that can educate practitioners about technologies currently available to assist in the gathering and review process.

The Group has over 80 participants who are litigators, in-house counsel, judges, and technology suppliers from throughout the State. For more information, or to join the Group, please contact Cindy Moyer (cmoyer@fredlaw.com) or Emily Duke (eduke@fredlaw.com).

Federal Defender “Second Chair” Program Begins Its Fifth Year

In 2007, with the support of the District Court, Minnesota Federal Defender Katherian Roe established a pilot “second chair” mentorship program. The program proposed to admit a small number of attorneys with state-court trial experience and a demonstrated commitment to serving indigent criminal defendants to a program in which each attorney would be mentored by an Assistant Federal Defender or an experienced member of the Criminal Justice Act Panel, under the supervision of the Federal Defender’s Office.

More than 30 attorneys applied to join the initial class; of these, five were selected. Each new “second chair” signed on for up to two years. Shannon Elkins, a member of the pilot class and now an Assistant Federal Defender, recalls the experience. A Hennepin County Public Defender since 2003, Elkins had tried many criminal cases on her own, but was unfamiliar with federal court. Her first “second chair” case, assigned in May 2007, involved an indictment charging a woman with 42 counts of health care fraud. The case went to trial for two weeks in December 2008 before Judge Joan N. Ericksen. Elkins gave the opening statement.

Elkins received support from lead attorney Tim Anderson, an experienced panel attorney now in private practice in New Jersey. Anderson’s role was to provide individualized supervision and training to Elkins as the needs of the case dictated. As lead attorney, he directed Elkins in the eighteen months of preparation that led up to trial, including extensive document review. Anderson describes Elkins’s assistance as “such a help” to him, and believes he learned a great deal from working with Elkins, observing that participating as a mentor “was an equally good experience for me.” For her part, Elkins credits Anderson with making it possible for her to handle such a lengthy and complicated case, observing, “Federal court is a different ballgame.”

In two subsequent cases, Elkins was assigned to work with defense attorneys Paul Engh and then Assistant Federal Defender Andrea George (now Executive Director of the Federal Defender’s Office in the Eastern District of Washington). Elkins appreciated the opportunity to work alongside successful mentors with different trial styles, and remains grateful for her chance to participate in the program. Nationwide, it is not unusual for less-experienced attorneys to seek out opportunities to “second chair” criminal trials with CJA panel at-

torneys on a *pro bono* basis. The District of Minnesota’s program is unusual in that panel “second chairs” receive training and one-on-one mentoring as well as compensation for their time. According to Judge Ann D. Montgomery, the bench recognized that the district faced a problem—how to bring new attorneys onto the CJA Panel in an era of “vanishing trials,” when newer attorneys faced difficulty getting the high level of expertise required to represent criminal defendants in federal court. Fortunately, Judge Montgomery observed, the Federal Defenders were “a great group of people with a tremendous amount of trial experience” who were able to serve as mentors and resources to new panel attorneys. The Court worked with the Federal Defender’s Office to arrange for limited compensation for “second chairs” at a reduced hourly rate—making it possible for attorneys to devote the time needed to prepare eighteen months for trial.

Judge Ericksen recalls that Elkins “did an excellent job” in her first federal trial. “The mentor program is a valuable way to broaden the pool of panel attorneys,” the Judge observed. “Federal criminal trials are no place to learn the basics of practicing law because the stakes are so high both for the public and the defendant. But if it’s done right, everybody benefits.”

After completing the program, Elkins was admitted to the CJA Panel, and handled several additional panel cases before becoming an Assistant Federal Defender. All five members of the pilot class have “graduated” and have become full-fledged CJA Panel members. The Federal Defender’s Office elected to continue the program, and a second class was admitted in 2009; a third class is now under consideration.

The program continues to have the full support of the Court. “The entire District Court bench heartily endorses the Federal Defender’s Second Chair Training Panel Program,” says Chief Judge Michael J. Davis. “This innovative program provides a rich mentoring experience so that new attorneys can grow to become proficient in federal criminal practice. It creates a needed pipeline to provide excellent, experienced defense attorneys for indigent criminal defendants.”

Karin Ciano is a member of the Communications Committee and owner of Karin Ciano Law PLLC. She previously clerked for the Honorable James M. Rosenbaum, the Honorable Ann D. Montgomery, and the Honorable Arthur J. Boylan..

Clerk of Court's Corner

*** Change Your Password.**

The Court is pleased to announce the availability of an automated method to reset your CM/ECF password. If it has been a long time and you no longer remember your password, or if you want to change your password to something easier to remember, the automated password reset option is on the CM/ECF tab of the court's website at www.mnd.uscourts.gov.

***New Minnesota MDL Case Report.**

A new MDL case report is now available through CM/ECF. This report will list all cases associated with a Judicial Panel on Multidistrict Litigation (JPML) action pending in the District of Minnesota. The user can choose whether to list all MDL-related cases or only pending cases. The report is accessed through PACER and regular PACER fees will apply. Step-by-step instructions to run the report are available under the CM/ECF tab, Reference Guides, MDL Case Report on the court's website.

***PACER fee increase.**

The fee for PACER usage is set to increase from \$.08 per page to \$.10 per page on April 1, 2012. The fee increase was authorized by the Judicial Conference of the United States in September in response to the increasing costs for maintaining and enhancing the electronic public access system.

It is the first fee increase for electronic public access since 2005. At the same time, PACER users who do not accrue charges of more than \$15 in a quarterly billing cycle will not be charged a fee (this is an increase in the exemption from \$10 per quarter).

***Internet Access Coming Soon . . .**

The District Court is working on several other exciting initiatives that you will see soon. Coming later this spring, free wireless access to the internet will be made available in all four courthouses. Access to this private, password-protected, encrypted network will be available in each courtroom, attorney conference room, and the circuit library. Look for a public announcement concerning this exciting news soon.

***Electronic Summonses Coming Soon . . .**

The Clerk's Office will announce soon a transition to electronically issued summonses and updates to the CM/ECF Procedures Manuals. Later this year, we expect to make available to attorneys the option to file case-initiating documents on their own, through CM/ECF.

Lisa Rosenthal is the Chief Deputy Clerk of Court. If you have any questions on any of these initiatives, please contact Lisa Rosenthal, Chief Deputy Clerk of Court, at 612-664-5010.

The IP Practice Group Committee of the Minnesota Chapter of the FBA is pleased to present:

The Art of Arguing Markman Hearings

Featuring: *The Honorable Donovan W. Frank, United States District Court; The Honorable Patrick J. Schiltz, United States District Court; Jake M. Holdreith, Robins, Kaplan, Miller & Ciresi, LLP; and Jeffer Ali, Carlson, Caspers, Vandenburg & Lindquist.*

April 10, 2012, 12:00 p.m. at the Minneapolis Club, Minneapolis, MN

The cost of this event is \$40. To RSVP or for further information, contact Patrick M. Arenz, Practice Groups Committee Chair, at pmarenz@rkmc.com or 612-349-8500.

New Language in Protective Orders Seeks to Provide Guidance to Attorneys on Filing Motion Materials Under Seal

It is standard practice for parties to rely on protective orders to effectuate the exchange of information in a legal action without the fear of unwarranted disclosures of sensitive information. Attorneys, rightfully being creatures of caution, have been known to over label documents as “confidential” or “attorneys’ eyes only,” especially in cases involving the production of thousands of documents. As a result, courts within this District have seen a dramatic increase in the wholesale filing of materials related to motions and trial materials under seal pursuant to protective orders. However, parties cannot, by their own private arrangement (i.e., stipulated protective orders), dictate the flow of information in a public proceeding, unless there is good reason to do so. *See generally, Press-Enterprise Co. v. Superior Court of California, Riverside County*, 464 U.S. 501, 509 (1984) (“People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.” Closed proceedings, although not absolutely precluded, must be rare and only for cause shown that outweighs the value of openness.”) (quoting *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 572 (1980)).

Blanket protective orders only postpone, rather than alleviate, the need for courts to closely scrutinize discovery materials to ascertain if a designation is justified. Indeed, just because parties have seen fit to designate thousands of documents as “confidential” or “attorneys’ eyes only,” without any apparent challenge by any other party, does not mean that courts will blindly accept these designations when the documents are referenced by the parties in court proceedings. As the Seventh Circuit aptly observed in *Union Oil Co. of California v. Leavell*:

Many a litigant would prefer that the subject of the case—how much it agreed to pay for the construction of a pipeline, how many tons of coal its plant uses per day, and so on—be kept from the curious (including its business rivals and customers), but the tradition that litigation is open to the public is of very long standing. People who want secrecy should opt for arbitration. When they call on the courts, they must accept the

openness that goes with subsidized dispute resolution by public (and publicly accountable) officials.

Judicial proceedings are public rather than private property, and the third-party effects that justify the subsidy of the judicial system also justify making records and decisions as open as possible. What happens in the halls of government is presumptively public business. Judges deliberate in private but issue public decisions after public arguments based on public records. The political branches of government claim legitimacy by election, judges by reason. Any step that withdraws an element of the judicial process from public view makes the ensuing decision look more like fiat, which requires compelling justification.

220 F.3d 562, 567-68 (7th Cir. 2000) (internal citations omitted).

In order to give guidance to attorneys, many Magistrate Judges in this District have started to add language to protective orders notifying parties that a protective order cannot be used as the sole basis for filing materials under seal in connection with a motion, encouraging parties to review the necessity of filing supportive materials under seal, and providing mechanisms to be used by the parties when disputes arise regarding the sealing of such materials. Sample language includes:

The parties understand that designation by a party, including a third party, of a document as “Confidential” (including documents designated as “Confidential—Attorneys’ Eyes Only”) pursuant to this Protective Order cannot be used as the sole basis for filing the document under seal in connection with a nondispositive, dispositive or trial-related motion. Only those documents and portions of a party’s submission (including those portions of affidavits, exhibits, and memorandum of law) which otherwise meet the requirements of protection from public filing (e.g., a statute, rule or regulation prohibits their disclosure; they are protected under the attorney-client privilege or work product doctrine; or they meet the standards for protection articulated

in F.R.C.P. 26(c)(1)(G)) shall be filed under seal. If the party submitting a document produced and designated as “Confidential” or “Confidential—Attorneys’ Eyes Only” by another party in support of or opposition to a motion believes that any such document should not be filed under seal, then sufficiently in advance of the submission, the party shall request the party designating the document as “Confidential” or “Confidential—Attorneys’ Eyes Only” to permit the document to be publicly filed, and the designating party shall respond to the request within two business days of the request (a) by indicating whether the designating party agrees or objects to the public filing of the document, and (b) for any objection, by explaining why the document meets the requirements of protection from public filing. If the party designating the document as “Confidential” or “Confidential—Attorneys’ Eyes Only” objects to the public filing of any document, then the document shall be filed under seal, and at the same time as it is filed, the party filing the sealed document must notify in writing the party who designated the document as “Confidential” or

“Confidential—Attorneys’ Eyes Only” and the Court hearing the motion for which the sealed document is being submitted, of the dispute regarding the filing of the document under seal. At the hearing these parties shall address with the Court whether the document should or should not remain sealed. The party asserting that the document should be filed under seal shall have the burden of proving that the document shall remain under seal.

The language used by Magistrate Judges varies, so it is imperative that parties read their respective protective orders to ensure that they are prepared to explain to a District Judge or Magistrate Judge why they have chosen to file motion materials under seal. Do not assume that just because an opposing party has not objected to motion materials being filed under seal that a District Judge or Magistrate Judge will not ask for a justification concerning the designation of information within such materials as “Confidential” or “Confidential—Attorneys’ Eyes Only.”

Steve Katras is a member of the Communications Committee and judicial law clerk to the Honorable Janie S. Mayeron.



SAVE THE DATE!

Come and join us on Saturday, May 19, for a fun-filled evening of great food, music, and dancing with your fellow federal court practitioners and distinguished members of the Federal Court. Musical entertainment will be provided by local jazz great Connie Evingson.

*For more information,
contact Anh Le Kremer at*

(612) 335-1812 or anh.kremer@leonard.com.

See you there!

Law Students and Bar Mingle at FBA Law Student Reception

On February 16, 2012, the firm of Maslon, Edelman, Borman & Brand, LLP hosted the sixth annual FBA law student reception. The event was well attended, including Chief Judge Michael J. Davis, Judge Donovan W. Frank, Judge Ann D. Montgomery, Judge David S. Doty, and many current and former federal law clerks, FBA Board members, Law School Outreach Committee members, and Maslon attorneys. The event gave law students an opportunity to meet members of the bench and bar and to learn more about the mission of the FBA.

After a welcome by Board member David Schultz, FBA President Patrick Martin spoke to the assembled guests about the Chapter's initiatives and opportunities. Law School Liaison Karin Ciano recognized the leaders of the FBA student groups from the University of Minnesota Law School, William Mitchell College of Law, Hamline University School of Law, and the University of St. Thomas School of Law. She spoke about the energy and diversity that law students add to the Chapter and encouraged students interested in federal practice to consider joining their school group.

The event closed with remarks by *Pro Se* Project Coordinator Tiffany Sanders, who encouraged students to get involved in the FBA to further the Chapter's commitment to equal access to justice. She discussed the important role of the *Pro Se* Project in making justice more accessible to the underserved, and the benefit to the District Court. The *Pro Se* Project is a collaborative effort between the Minnesota federal court and



David Schultz (above) and FBA Minnesota Chapter President Patrick Martin (below) address law students and other guests.



the Minnesota Chapter of the FBA. The *Pro Se* Project seeks to reduce challenges posed to the court system by *pro se* litigants in federal civil cases with volunteer attorneys. Students interested in assisting volunteer attorneys with these cases may apply through the Minnesota Justice Foundation.



Karin Ciano is a member of the Communications Committee and owner of Karin Ciano Law PLLC. She previously clerked for the Honorable James M. Rosenbaum, the Honorable Ann D. Montgomery, and the Honorable Arthur J. Boylan. **Lauren D'Cruz** is a member of the William Mitchell College of Law student chapter of the FBA and a member of the FBA Law School Outreach Committee. Photos courtesy of **Lauren D'Cruz**.

The 38th Annual Federal Practice Seminar is Set

WHEN: June 28, 2012

WHERE: The Depot, Minneapolis

Walter Echo-Hawk, a Native American attorney, tribal judge, law professor and, most recently, the author of *In the Courts of the Conqueror: The 10 Worst Indian Law Cases Ever Decided* (2010), will take the podium as the Mason Memorial Keynote Speaker.

General and breakout sessions will include presentations regarding decisions in the Eighth Circuit and Supreme Court, e-discovery, criminal lawyers' advice to civil litigators, America Invents Act, class actions, and panel discussions on bridging the gap on pro bono services and bankruptcy law implications of *Stern v. Marshall*. Federal judges will also provide pointers on effective advocacy.

A reception, with a cash bar, will follow the Seminar.

For further information, contact Tammy Schemmel (tschemmel@bgs.com) or Leah Janus (ljanus@fredlaw.com), Co-Vice Presidents of Legal Education.

2012 Eighth Circuit Judicial Conference

August 8 - 10, 2012

Kansas City, Missouri

Landmark Litigation in the Eighth Circuit Courts: Views from the Bench, Bar and Academy

***The judges of the Eighth Circuit invite you to join them August 8 - 10, 2012,
at the Kansas City Marriott Downtown for the Judicial Conference.***

This is the once-every-two-years conference for all judges and members of the Bar. Come enjoy the exceptional CLE program of speakers and panelists on a broad range of civil, criminal, and bankruptcy topics. Expect nationally known speakers discussing the most significant, cutting-edge cases of the Eighth Circuit courts.

Justice Samuel A. Alito, Jr. will present a first-ever "Virtual Tour of the Supreme Court." Justice Alito has agreed to a private reception with first-time conference attendees.

Registration is now open. You may register for the conference at <https://www.ce8.uscourts.gov/judconf/>

FBA in Twin Cities Law Schools: University of St. Thomas Hosts Federal Sentencing Guidelines Event

The Federal Sentencing Guidelines have been around since 1987. They are familiar to anyone who practices in the federal system. The goals of the Guidelines are to reduce injustice by standardizing sentence lengths, streamlining federal criminal sentencing, increasing efficiency, and allowing citizens to know the punishments for crimes. Although the goals are commendable, at times the Guidelines themselves have proven to be a source of injustice. To engage in a discussion on this topic, the University of St. Thomas Student Chapter of the FBA invited two attorneys known for taking action and speaking against the Guidelines when justice required.

On Thursday, January 19th, the Federal Bar Association Student Chapter at the University of St. Thomas School of Law hosted a discussion with Andrew Densemo and Mark Osler about their roles in changing the Federal Sentencing Guidelines. Mark Osler is currently a professor at the University of St. Thomas School of Law and a former federal prosecutor in Detroit. Mr. Densemo is a federal defender in Detroit and is an unsung hero in bringing about changes to the Guidelines. This event was the first time Mr. Densemo had been invited to speak about his role in changing the Federal Sentencing Guidelines. The students in attendance found Mr. Densemo's remarks to be inspirational.

Professor Osler began practice as a federal prosecutor in 1995. As prosecutors often do, he believed fervently in the Federal Sentencing Guidelines. He believed the Guidelines were a necessary tool to keep society functioning smoothly and upholding justice. This all changed during the case of Anthony "Bull" Shepherd. Mr. Shepherd was a teenager who had been arrested for possession of five grams of crack cocaine and a gun. The Guidelines required a mandatory minimum sentence of ten years in prison without parole; five years for the crack count and five years for the gun count. Professor Osler appeared in court the day of sentencing expecting a routine case. The Honorable Anna Diggs Taylor presided over the case and asked Professor Osler, "Are you asking for the mandatory minimums to be observed?" Professor Osler just nodded and said, "They're mandatory, your honor." The judge then turned to Mr. Densemo, the assistant federal defender representing Mr. Shepherd, and asked "And will you be making your usual futile speech?" What happened next was something for which Professor Osler was unprepared.

Mr. Densemo gave a twenty minute speech about the injustices presented by the Federal Sentencing Guidelines. Even though Mr. Densemo knew his actions were "futile," he made an



Professor Mark Osler and Assistant Federal Defender Andrew Densemo discuss the Federal Sentencing Guidelines with students at the University of St. Thomas School of Law.

impassioned plea about the disparate penalties given to crack Cocaine versus powder cocaine. **One gram** of crack cocaine carried the same mandatory minimum as **one hundred grams** of powder cocaine. According to Professor Osler, Mr. Densemo ranted about the problems this caused the black community. He argued how this difference in treatment seemed to be doing nothing to alleviate the crack problem and how law enforcement was failing to stop the trafficking of crack. He pointed out the unfairness of sentencing this teenager to a much harsher sentence than the bank robber sentenced just before the case was heard. And, he argued how ludicrous it was for crack to be punished so severely compared to cocaine, even though crack is made from cocaine. When Mr. Densemo finished, Judge Taylor turned back to Professor Osler to see if he had a response. All Professor Osler could respond with was, "It's mandatory, your honor."

At the event, Professor Osler spoke about how Mr. Densemo's "futile" ideas did not immediately change his mind. However, Professor Osler could not stop mulling over Mr. Densemo's speech and ultimately began to question the validity of the Guidelines himself. Professor Osler finally came to agree with Mr. Densemo. He thereafter left the prosecutor's office and began teaching at Baylor University. He became involved with the ACLU and went from being a staunch proponent of the Guidelines to one of their fiercest opponents. Eventually, Professor Osler became involved with *Spears v. United States* and joined as the lead counsel for the defendant. The defendant won when the Supreme Court held that courts could "categorically reject" the 100 to 1 powder cocaine to crack cocaine ratio in sentencing. Shortly after the result was announced, United States District Court Judge Arthur J. Tarnow from Detroit called him. Judge Tarnow was surprised a former prosecutor played such a huge role in challenging the Guidelines. Professor Osler explained that it was all due to the speech given by Mr. Densemo. Judge Tarnow asked if Professor Osler had ever told Mr. Densemo the effect that his speech had on him. Professor Osler had not, and immediately called Mr. Densemo to rectify the situation. Mr. Densemo was ecstatic; he had never even thought his pleas had any effect on his former opposing counsel.



Students at University of St. Thomas School of Law listen to Sentencing Guidelines discussion sponsored by the UST Student Chapter of the FBA..

Patrick Evans is a member of the class of 2014 at University of St. Thomas School of Law, and the Communications Chair of the UST Chapter of the FBA.

Reappointment Comment Period

United States Magistrate Judge Arthur J. Boylan

Chief Judge Michael J. Davis has appointed a Merit Selection Panel to advise the Court on the reappointment of U.S. Chief Magistrate Judge Arthur J. Boylan, whose current term expires on October 31, 2012. Comments from the bar and the public are invited by April 10, 2012.

See the full notice for details at:
www.mnd.uscourts.gov or in the office of the
Clerk, U.S. District Court.

Pro Se Project Plans 2nd Annual *Pro Se/Pro Bono* Bar Summit and Expands Outreach Efforts

The Minnesota Chapter of the FBA and the U.S. District Court will hold the Second Annual *Pro Bono/Pro Se* Bar Summit on April 23, 2012. Organized through the *Pro Se* Project, this year's Summit will focus on challenges legal service providers experience in addressing the growing legal aid needs in today's economic environment. Through panel and round-table discussions, the Summit will solicit speaker and audience participation to engage in meaningful dialogue about efforts to provide more services with less staff and funding. With a diverse audience comprised of law schools, law firms, corporations, non-profit legal service providers, law librarians, and bar associations, participants will brainstorm new ways the legal community can continue improving access to justice in the federal and state courts, while exploring creative collaborative efforts to address the growing legal demands. Thanks to Rachna Sullivan, FBA President-Elect, Fredrikson & Byron has generously agreed to host the Second Annual *Pro Bono/Pro Se* Bar Summit, which will include a reception for meaningful networking opportunities.

With the support of The Honorable Michael J. Davis and The Honorable Donovan W. Frank, the *Pro Se* Project has expanded its outreach efforts to Duluth, Fergus Falls, and the Iron Range. Chief Judge Davis has graciously acknowledged select attorneys in Duluth and Fergus Falls for their participation in the *Pro Se* Project, which has generated excitement about the Project in greater Minnesota. Judge Frank and Tiffany Sanders, *Pro Se* Project Coordinator, recently traveled to Duluth to present those practitioners with awards at an 11th District Bar Association luncheon. Chief Judge Davis and Ms. Sanders will present the Fergus Falls awards at an upcoming Otter Tail County Bar Association luncheon. At the invitation of the Range Bar Association President, Hannah Casey Forti, Judge Frank and Ms. Sanders will make a presentation on the *Pro Se* Project to their members at a future dinner meeting in Chisholm. These outreach efforts have resulted in increased

interest and participation among attorneys in out-state Minnesota, which has been a tremendous help to *pro se* litigants in greater Minnesota and to the Judges who preside over cases in the Duluth and Fergus Falls courthouses.

Thanks to Karin Ciano's invitation, the *Pro Se* Project participated in the FBA Law Student Reception on February 16th at the Maslon, Edelman, Borman & Brand LLP law firm. Ms. Sanders had the opportunity to connect with numerous law students who expressed interest in participating in the *Pro Se* Project, both now as volunteer law clerks, as well as when admitted to the bar upon graduation.

The Honorable Steven E. Rau accompanied Ms. Sanders to the University of Minnesota Law School to speak to a packed audience of law students on February 23. This engagement, organized by the University of Minnesota FBA Student Chapter President, Erica Davis, and Vice-President, Adam Thorngate-Gottlund, provided Judge Rau and Ms. Sanders with an exciting opportunity to connect with students about the great work of the *Pro Se* Project. The event generated tremendous interest and additional excitement among the law students regarding volunteer opportunities through the *Pro Se* Project.

2011 in Review

In 2011, the Court referred 83 cases to the *Pro Se* Project. Of those referrals, 58 *pro se* litigants were eligible to request *in forma pauperis* (IFP) status and receive a determination on their request.¹ Among them, *Pro Se* Project litigants requested IFP status in 55 cases, or 95 percent of the time. The Court granted IFP status in 45 of those cases, or in 82 percent of the requests.

The following table demonstrates the types of cases the Court referred to the *Pro Se* Project in 2011:

Employment discrimination	37
Civil Rights	13
SSDI	13
Contract	4
Consumer Credit	3
Labor	3
Prisoner Civil Rights	2
ERISA	2
Trademark	2
Habeas Corpus	1
Immigration	1
Personal Injury	1
Real Property	1
TOTAL	83

The table below provides a list of law firms that accepted *Pro Se* Project referrals in 2011, along with the number of cases each firm accepted. Of the 83 cases the Court referred to the Project, 17 *pro se* litigants chose not to participate in the *Pro Se* Project. The *Pro Se* Project successfully placed the remaining 66 cases with volunteer attorneys. At the time of the writing of this column, of those 66 referrals where the *pro se* litigant chose to participate in the *Pro Se* Project, a volunteer attorney entered a notice of appearance in 33 cases, or 50 percent of the time.

1. Of the 83 cases the Court referred to the *Pro Se* Project, 26 *pro se* litigants were not eligible for IFP status either because the defendant removed the case from state court, the *pro se* litigant was the defendant in the action, or the Court dismissed the case prior to an IFP determination.

2. The *Pro Se* Project placed two referrals with more than one volunteer attorney thereby showing 68 placements.

Tiffany A. Sanders is the Coordinator of the *Pro Se* Project. More information about the *Pro Se* Project is available at

<http://www.fedbar.org/Chapters/Minnesota-Chapter/Chapter-Initiatives.aspx>.

FBA members who are interested in volunteering with the *Pro Se* Project may contact **Tiffany Sanders** at **proseproject@q.com** or **(612) 965-3711**.

Arthur, Chapman, Kettering, Smetak & Pikala, P.A.*	1
Barry, Slade & Wheaton	3
Bassford Remele	1
Briggs and Morgan*	3
Carlson, Caspers, Vandenburg & Lindquist*	2
Chrastil and Steinberg	1
Eric Bond Law Office	1
Everett & VanderWiel	1
Faegre Baker Daniels	1
Fredrikson & Byron*	6
Frey Law Office	1
Fruth, Jamison & Elsass*	2
Fryberger, Buchanan, Smith, & Frederick (Duluth)	1
Gray Plant Mooty Mooty & Bennett*	1
Gustafson Gluek*	3
Harvey Law Firm	1
Jardine, Logan & O'Brien	1
Johnson & Condon	1
Karin Ciano Law PLLC*	2
Keogh Law Office*	2
Larson King	1
Laurie & Laurie	1
Law Office of David Shulman*	3
Law Office of Piper L. Kenney	1
Leonard Street and Deinard*	2
Lindquist & Vennum*	1
Lommen, Abdo, Cole, King & Stageberg	1
Naomi Ness, Esq.	1
Miller O'Brien Cummins	2
Nichols Kaster	4
Ogletree, Deakins, Nash, Smoak & Stewart*	1
Pemberton, Sorlie, Rufer & Kershner* (Fergus Falls)	3
Peterson & Fishman*	1
Robins, Kaplan, Miller & Ciresi*	2
Rosenzweig Law Office*	1
Sapientia Law Group	1
Snyder & Brandt	1
The Todd Murray Law Firm, PLLC	1
Thibodeau, Johnson & Feriancek (Duluth)	1
Vincent W. King, P.A.	1
Winthrop & Weinstine*	1
Zimmerman Reed	2
TOTAL	68

* Denotes law firms who entered notice(s) of appearance at the time of the writing of this column.

Edina Attorney Honored for Settlement Protecting People with Disabilities

Shamus O'Meara, a partner with the law firm of Johnson & Condon, was among those honored at The Arc Minnesota Public Policy Recognition Event on March 7, 2012 at the Midland Hills Country Club in Roseville, MN. O'Meara was lead counsel in a court settlement that ended abusive practices at the Minnesota Extended Treatment Options (METO) facility in Cambridge, Minnesota.

O'Meara and three Minnesota families reached a landmark class action settlement with the State of Minnesota in June 2011. They had filed a lawsuit against the state for widespread restraint and seclusion of several hundred Minnesotans with developmental disabilities at the METO campus, located at the former Cambridge State Hospital. On December 1, 2011, the Minnesota Federal District Court approved the June 2011 settlement, with U.S. District Judge Donovan Frank presiding over the settlement hearing.

"The Arc Minnesota is proud to honor Shamus O'Meara and the plaintiff families for their advocacy and courage," said Steve Larson, The Arc Minnesota's Public Policy Director. "Because of them, hundreds of Minnesotans with disabilities have received justice, and a dark chapter in our state's history will, we hope, never be repeated."

The class action settlement stopped the state's use of handcuffs and other restraints to deal with behavior challenges, except in emergencies, and it provides for the payment of \$3 million to the parties in the lawsuit. Other parts of the settlement require Minnesota to spend nearly \$1 million on additional training for people working with individuals with developmental disabilities in community-based programs. Also, state officials and plaintiff families will work together to create more humane practices for those working with people who have disabilities. This includes updating a state rule regulating aversive procedures used on people with developmental disabilities, and including positive and social behavior techniques when dealing with challenging behaviors. Finally, the State of Minnesota is re-

quired to develop a plan, consistent with U.S. Supreme Court rulings, to ensure that Minnesotans with disabilities have opportunities to live in their community consistent with their own dreams and aspirations.

Colleagues at the March 7th event praised O'Meara's determination and passion. Colleen Wieck, Executive Director of the Minnesota Governor's Council on Developmental Disabilities, said O'Meara had to "challenge persistent and pervasive old ways of thinking and deep seated prejudice," and "fight against a collaboration of indifference." Judge Frank said O'Meara's work shows an insistence "that equal justice be provided to all individuals, including those with intellectual and developmental disabilities . . . [he has] helped the class members find their voice and has been their voice."

A partner at Johnson & Condon, O'Meara represents school districts, businesses, and local governments. He also advocates for increased independence, inclusion, and self-determination for people with developmental disabilities and their families. His public service has included board leadership positions with Disability Justice, the U.S. Civil



Rights Commission state advisory committee, The Minnesota Governor's Council on Developmental Disabilities, Autism Society of Minnesota, and National Council of School Attorneys, among others. O'Meara has been recognized as an Attorney of the Year by Minnesota Lawyer, and a Super Lawyer by Minnesota Law & Politics.

Mike Gude is the Communications Director for The Arc Minnesota, which promotes and protects the human rights of people with intellectual and developmental disabilities and actively supports their full inclusion and participation in the community throughout their lifetimes. You can learn more about The Arc Minnesota's activities and services at www.arcminn.org.

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Calendar of Upcoming Events

April 10, 2012 | 12:00 p.m.

“The Art of Arguing Markman Hearings”

Minneapolis Club, Minneapolis

April 10, 2012 | 12:15 p.m.

SOPA/PIPA Discussion, featuring Sri Sankaran and Professor William McGeeveran

University of Minnesota Law School

(sponsored by U of M FBA Student Chapter)

April 12, 2012 | 12:00 p.m.

Newer Lawyer Luncheon: Honorable Paul A. Magnuson
“Jury Trial Practice”

St. Paul Courthouse

April 12, 2012 | 5:00 p.m.

Panel Discussion on the Hobbs Act, featuring Chris Wilton, Manny Atwal, Judge Lyonel Norris, Judge Erica MacDonald and retired Judge James M. Rosenbaum

University of Minnesota Law School, Auerbach Commons

(sponsored by U of M FBA Student Chapter)

April 23, 2012 |

Pro Bono/Pro Se Summit

Fredrikson & Byron, P.A.

April 25, 2012 | 12:00 p.m.

Monthly Meeting: Honorable Tony N. Leung

“New Magistrate Judge’s Transition to the Bench”

Minneapolis Club, Minneapolis

May 16, 2012 | 12:00 p.m.

Newer Lawyer Luncheon: Honorable Patrick J. Schiltz
“Summary Judgment”

Minneapolis Courthouse

May 19, 2012 | 6:00 p.m.

Federal Judges’ Dinner-Dance

Minikahda Club, Minneapolis

May 23, 2012 | 12:00 p.m.

Monthly Meeting: Honorable James B. Loken

Minneapolis Club, Minneapolis

June 19, 2012 & June 21, 2012 | 12:00 p.m.

Summer Associate and Law Clerk Luncheon

Chief Judge Michael J. Davis

Minneapolis Courthouse

June 28, 2012 |

Federal Practice Seminar

The Depot, Minneapolis

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Karin Ciano

Karin Ciano Law PLLC

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Law Clerk to The Honorable David S. Doty

Kathryn Uline

Hamline University School of Law

*A special thank you to **Rebecca Baertsch**, Judicial Assistant to The Honorable Donovan W. Frank, for her proofreading expertise.*

Bar Talk is the official newsletter of the Minnesota Chapter of the FBA. It is published quarterly by the Communications Committee. For any inquiries or article suggestions, please contact:

Kirstin Kanski (kkanski@lindquist.com)

or

Molly Thornton (Molly_Thornton@Cargill.com)

connect



through the Federal Bar Association

The Federal Bar Association offers an unmatched array of opportunities and services to enhance your connections to the judiciary, the legal profession, and your peers within the legal community. Our mission is to strengthen the federal legal system and administration of justice by serving the interests and the needs of the federal practitioner, both public and private, the federal judiciary, and the public they serve.

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THREE WAYS TO APPLY TODAY: ① Join online at www.fedbar.org; ② Fax application to (571) 481-9090; or ③ Mail application to FBA, 1220 North Fillmore St., Suite 444, Arlington, VA 22201. For more information, contact the FBA membership department at (571) 481-9100 or membership@fedbar.org.

FEDERAL BAR ASSOCIATION APPLICATION FOR MEMBERSHIP (CONTINUES ON REVERSE)

Applicant Information

First Name _____ M.I. _____ Last Name _____ Suffix (e.g. Jr.) _____ Title (e.g. Attorney At Law, Partner, Assistant U.S. Attorney) _____

☐ Male ☐ Female

Have you been an FBA member in the past? ☐ yes ☐ no

Which do you prefer as your primary address? ☐ business ☐ home

Firm/Company/Agency		Number of Attorneys	
Address		Suite/Floor	
City	State	Zip	Country
()	()		
Phone	Fax	E-mail	

Address			Apt. #
City	State	Zip	Country
()	()		
Phone	Fax		
/ /			
Date of Birth	E-mail		

Bar Admission and Law School Information (required)

U.S.	Court of Record: _____
	State/District: _____ Original Admission: / /
Tribal	Court of Record: _____
	State: _____ Original Admission: / /
Foreign	Court/Tribunal of Record: _____
	Country: _____ Original Admission: / /
Students	Law School: _____
	State/District: _____ Expected Graduation: / /

Practice Information

PRACTICE TYPE

- Private Sector: ☐ Private Practice ☐ Corporate/In-House
Public Sector: ☐ Government ☐ Association Counsel
☐ Nonprofit ☐ University/College
☐ Military ☐ Judiciary

PRIMARY PRACTICE AREAS

- | | |
|--|--|
| <input type="radio"/> Administrative | <input type="radio"/> Health |
| <input type="radio"/> Admiralty/Maritime | <input type="radio"/> Immigration |
| <input type="radio"/> ADR/Arbitration | <input type="radio"/> Indian |
| <input type="radio"/> Antitrust/Trade | <input type="radio"/> Intellectual Property |
| <input type="radio"/> Bankruptcy | <input type="radio"/> International |
| <input type="radio"/> Communications | <input type="radio"/> Labor/Employment |
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| <input type="radio"/> Environment/Energy | <input type="radio"/> Social Security |
| <input type="radio"/> Federal Litigation | <input type="radio"/> State/Local Government |
| <input type="radio"/> Financial Institutions | <input type="radio"/> Taxation |
| <input type="radio"/> General Counsel | <input type="radio"/> Transportation |
| <input type="radio"/> Government Contracts | <input type="radio"/> Veterans |
| <input type="radio"/> Other: _____ | |

Membership Levels

SUSTAINING MEMBERSHIP

Members of the association distinguish themselves when becoming sustaining members of the FBA. Sixty dollars of the sustaining dues are used to support educational programs and publications of the FBA. Sustaining members receive a 5% discount on the registration fees for all national meetings and national CLE events.

	Private Sector	Public Sector
Member Admitted to Practice 0-5 Years	<input type="checkbox"/> \$155	<input type="checkbox"/> \$135
Member Admitted to Practice 6-10 Years	<input type="checkbox"/> \$215	<input type="checkbox"/> \$190
Member Admitted to Practice 11+ Years	<input type="checkbox"/> \$255	<input type="checkbox"/> \$220
Retired (Fully Retired from the Practice of Law)	<input type="checkbox"/> \$155	<input type="checkbox"/> \$155

ACTIVE MEMBERSHIP

Open to any person admitted to the practice of law before a federal court or a court of record in any of the several states, commonwealths, territories, or possessions of the United States or in the District of Columbia.

	Private Sector	Public Sector
Member Admitted to Practice 0-5 Years	<input type="checkbox"/> \$95	<input type="checkbox"/> \$75
Member Admitted to Practice 6-10 Years	<input type="checkbox"/> \$155	<input type="checkbox"/> \$130
Member Admitted to Practice 11+ Years	<input type="checkbox"/> \$195	<input type="checkbox"/> \$160
Retired (Fully Retired from the Practice of Law)	<input type="checkbox"/> \$95	<input type="checkbox"/> \$95

ASSOCIATE MEMBERSHIP

Foreign Associate Admitted to practice law outside the U.S.	<input type="checkbox"/> \$195
Law Student Associate Currently enrolled in law school	<input type="checkbox"/> \$30

Dues Total: \$ _____

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<input type="checkbox"/> Antitrust and Trade Regulation .. \$15	<input type="checkbox"/> International Law	\$10
<input type="checkbox"/> Bankruptcy Law	<input type="checkbox"/> Labor and Employment Law	\$15
<input type="checkbox"/> Criminal Law	<input type="checkbox"/> Social Security	\$10
<input type="checkbox"/> Environment, Energy, and Natural Resources	<input type="checkbox"/> State and Local Government Relations	\$5
<input type="checkbox"/> Federal Litigation	<input type="checkbox"/> Taxation	\$15
<input type="checkbox"/> Government Contracts	<input type="checkbox"/> Transportation & Transportation Security Law	\$20
<input type="checkbox"/> Health Law	<input type="checkbox"/> Veterans Law	\$10
<input type="checkbox"/> Immigration Law		
<input type="checkbox"/> Indian Law		

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<input type="checkbox"/> Senior Lawyers* (age 55 or over)	\$10
<input type="checkbox"/> Younger Lawyers* (age 36 or younger or admitted less than 3 years)	N/C

*For eligibility, date of birth must be provided

Sections and Divisions Total: \$ _____

Chapter Affiliation

Your FBA membership entitles you to a chapter membership. Local chapter dues are indicated next to the chapter name (if applicable). If no chapter is selected, you will be assigned a chapter based on geographic location. *No chapter currently located in this state or location.

Alabama <input type="checkbox"/> Birmingham <input type="checkbox"/> Mobile <input type="checkbox"/> Montgomery <input type="checkbox"/> North Alabama Alaska <input type="checkbox"/> Alaska Arizona <input type="checkbox"/> Phoenix <input type="checkbox"/> William D. Browning/ Tucson-\$10 Arkansas* <input type="checkbox"/> At Large California <input type="checkbox"/> Central Coast <input type="checkbox"/> Inland Empire <input type="checkbox"/> Los Angeles <input type="checkbox"/> Northern District of California <input type="checkbox"/> Orange County <input type="checkbox"/> Sacramento <input type="checkbox"/> San Diego <input type="checkbox"/> San Joaquin Valley Colorado <input type="checkbox"/> Colorado Connecticut <input type="checkbox"/> District of Connecticut Delaware <input type="checkbox"/> Delaware District of Columbia <input type="checkbox"/> Capitol Hill <input type="checkbox"/> D.C. <input type="checkbox"/> Pentagon Florida <input type="checkbox"/> Broward County <input type="checkbox"/> Jacksonville <input type="checkbox"/> North Central Florida <input type="checkbox"/> Orlando <input type="checkbox"/> Palm Beach County <input type="checkbox"/> South Florida <input type="checkbox"/> Southwest Florida <input type="checkbox"/> Tallahassee-\$25 <input type="checkbox"/> Tampa Bay	Georgia <input type="checkbox"/> Atlanta-\$10 Hawaii <input type="checkbox"/> Hawaii Idaho <input type="checkbox"/> Idaho Illinois <input type="checkbox"/> Chicago Indiana <input type="checkbox"/> Indianapolis Iowa <input type="checkbox"/> Iowa-\$10 Kansas* <input type="checkbox"/> At Large Kentucky <input type="checkbox"/> Kentucky Louisiana <input type="checkbox"/> Baton Rouge <input type="checkbox"/> Lafayette/Acadiana <input type="checkbox"/> New Orleans <input type="checkbox"/> North Louisiana Maine* <input type="checkbox"/> At Large Maryland <input type="checkbox"/> Maryland Massachusetts <input type="checkbox"/> Massachusetts-\$10 Michigan <input type="checkbox"/> Eastern District of Michigan <input type="checkbox"/> Western District of Michigan Minnesota <input type="checkbox"/> Minnesota Mississippi <input type="checkbox"/> Mississippi Missouri* <input type="checkbox"/> At Large Montana <input type="checkbox"/> Montana Nebraska* <input type="checkbox"/> At Large Nevada <input type="checkbox"/> Nevada New Hampshire* <input type="checkbox"/> At Large	New Jersey <input type="checkbox"/> New Jersey New Mexico* <input type="checkbox"/> At Large New York <input type="checkbox"/> Eastern District of New York <input type="checkbox"/> Southern District of New York North Carolina <input type="checkbox"/> Middle District of North Carolina <input type="checkbox"/> Western District of North Carolina North Dakota* <input type="checkbox"/> At Large Ohio <input type="checkbox"/> John W. Peck/Cincinnati/ Northern Kentucky <input type="checkbox"/> Columbus <input type="checkbox"/> Dayton <input type="checkbox"/> Northern District of Ohio-\$10 Oklahoma <input type="checkbox"/> Oklahoma City <input type="checkbox"/> Northern/Eastern Oklahoma Oregon <input type="checkbox"/> Oregon Pennsylvania <input type="checkbox"/> Eastern District of Pennsylvania <input type="checkbox"/> Middle District of Pennsylvania <input type="checkbox"/> Western District of Pennsylvania Puerto Rico <input type="checkbox"/> Hon. Raymond L. Acosta/ Puerto Rico-\$10 Rhode Island <input type="checkbox"/> Rhode Island	South Carolina <input type="checkbox"/> South Carolina South Dakota* <input type="checkbox"/> At Large Tennessee <input type="checkbox"/> Chattanooga <input type="checkbox"/> Memphis Mid-South <input type="checkbox"/> Nashville <input type="checkbox"/> Northeast Tennessee Texas <input type="checkbox"/> Austin <input type="checkbox"/> Dallas-\$10 <input type="checkbox"/> Del Rio-\$25 <input type="checkbox"/> El Paso <input type="checkbox"/> Fort Worth <input type="checkbox"/> San Antonio <input type="checkbox"/> Southern District of Texas-\$25 <input type="checkbox"/> Waco Utah <input type="checkbox"/> Utah Vermont* <input type="checkbox"/> At Large Virgin Islands <input type="checkbox"/> Virgin Islands Virginia <input type="checkbox"/> Northern Virginia <input type="checkbox"/> Richmond <input type="checkbox"/> Tidewater Washington* <input type="checkbox"/> At Large West Virginia* <input type="checkbox"/> At Large Wisconsin* <input type="checkbox"/> At Large Wyoming <input type="checkbox"/> Wyoming
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Chapter Total: \$ _____

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Signature _____ Date _____

By signing this application, I hereby apply for membership in the Federal Bar Association and agree to conform to its Constitution and Bylaws and to the rules and regulations prescribed by its Board of Directors. I declare that the information contained herein is true and complete. I understand that any false statements made on this application will lead to rejection of my application and/or the immediate termination of my membership. I also understand that by providing my fax number and e-mail address, I hereby consent to receive faxes and e-mail messages sent by or on behalf of the Federal Bar Association, the Foundation of the Federal Bar Association, and the Federal Bar Building Corporation.

Signature of Applicant _____

Date _____

(Signature must be included for membership to be activated)

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