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**Bar Talk** 

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Minnesota Chapter

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# Remembering Judge Bright and Judge Lord

"Just Ring It Every Time": In Memory of the Unparalleled Judge Myron H. Bright

By Jeff Holth

On December 12, 2016, Judge Myron H. Bright died at the age of 97 in Fargo, North Dakota. At the time of his death, he was the

longestserving judge in the history of the United States Court Appeals for the Eighth Circuit, having sat the on for court forty-eight years since



appointment by President Lyndon B. Johnson and confirmation in 1968.

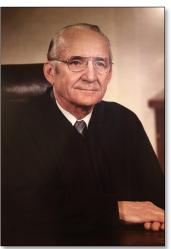
My journey with Judge Bright began in the spring of 2013 when I drove from St. Paul to Fargo for an interview to serve as his ninety-ninth law clerk. When the Judge was ready to see me, I entered his chambers and for the first time heard him bellow in that one-of-a-kind, gravelly voice, "Nice to meet you, Jeff. Be sure to speak up—I'm ninety-four years young!" Little did I know that my interview was merely the first chapter in the incredible journey I would have with "the Judge," as he was known by his clerks. To be fair, he did warn me that

Judge Bright, continued on page 4.

# Colleagues and the Legal Community Remember Judge Miles W. Lord

By Judge Ann D. Montgomery and Janet Westenberg

If you visit the top floor of any of Minnesota's federal courthouses, you'll encounter the gallery of the thirty-five individuals who



have served as federal district court iudges Minnesota since statehood. might find, as do the writers of this article, that you'll begin to ponder the person behind the portraits. One of the more interesting personal

histories is that of the late Judge Miles W. Lord, who passed away last December at the age of 97.

Judge Lord served as Minnesota's Attorney General from 1956 to 1960 and U.S. Attorney from 1961 to 1965 before being appointed as a federal judge to the U.S. District Court for the District of Minnesota by President Lyndon Johnson in 1966. Judge Lord served as Chief Judge from 1981 to 1985. Judge David S. Doty was named as his successor.

During his time on the bench, Judge Lord presided over a series of landmark federal

Judge Lord continued on page 2.

Judge Lord, continued from page 1.

cases. Among his more notable cases was United States v. Reserve Mining, which resulted in his ordering Reserve Mining Company to shut down its plant to keep it from control of industrial pollution.

claims that the Dalkon Shield birth control device was re- Duluth, we had to go to Crosby for dinner; sometimes we

sponsible for thousands of serious injuries to women in the mid-1970s. During the litigation, Judge Lord ordered the company's top three executives to appear in his courtroom for a dressing down in which he accused the company of allowing thousands of women to use the device knowing it caused harm.

In other notable rulings, he ordered steel companies on the Iron Range to continue to pay steelworkers' health insurance when they were on strike, and he upheld a ban of motorboats in

the Boundary Waters Canoe Area. He ruled in favor of Shyamala Rajender, a female assistant chemistry professor who was denied a tenure-track position at the University of Minnesota even though she had been recommended by several committees.

Judge Lord identified his proudest ruling as one in which he ordered the Minnesota State High School League to permit two high school girls who had no girls' teams at their schools to play on the boys' sports team. Two months later, Congress passed Title IX legislation, which prohibited discrimination based on gender in federally funded education programs.

Judge Lord did not shy away from controversy. He unabashedly viewed the law and his role as a judge differently from others, as explained by Judge Donald D. Alsop. "Miles Lord and I marched to very different drummers. He was an activist judge, and I clearly was not. But, I always considered him to be a good, loyal friend. He was a gentleman and a great family man."

Judge Lord was well-liked by his colleagues. Judge Paul A. Magnuson shared how his late wife Sharon used to say if she was ever in trouble and could have one phone call to make, she would call Miles Lord. "Miles would take the

shirt off his back and give it to you, even if he had only one shirt to give, because Miles had a big, big heart."

Judge Lord's tendency to side with the underdog can be dumping taconite tailings into Lake Superior. This ruling traced back to his humble roots. Born Miles Welton Lord in introduced a fairly unprecedented concept of government 1919, he was raised in Crosby and Ironton on the Cuyuna Iron Range in northern Minnesota. John Q. McShane, Judge Lord's former law clerk and former Hennepin Coun-He presided over the massive class action suit involving ty District Court judge remembers, "every time we sat in

> went to bingo. Miles never got far from Crosby, never got far from the Range."

Judge Lord became a Golden Gloves boxer, making it to the state championship in the middle-weight category in 1939. He married his childhood sweetheart, Maxine, in 1940. After serving in the U.S. Army Air Corps during World War II, he worked as a welder while attending school at the University of Minnesota and graduated from its Law School in 1948.



Judge Lord speaks at an event.

Judge Montgomery remembers that each case she tried before Judge Lord seemed to take an unexpected twist. "One day in his courtroom, Linda Picone, a Star Tribune reporter, was there covering a trial. Judge Lord called us both up to the bench. He asked if we knew each other, and we responded we had never met. I was leery of reporters and was not particularly pleased when he ordered us to go to lunch together. He explained to us that he was sure that we both were 'going places' in our careers and we needed to get to know each other. After our reluctant lunch date, Linda and I became close friends and remain Sunday morning walking partners well over thirty years later. It was one of many of Judge Lord's unconventional acts motivated by kindness."

After his retirement from the bench, Judge Lord founded the law firm Lord & Associates, and at one point all four of his children worked for the firm. Lord is survived by his daughters Priscilla (who now heads the firm) and Virginia. The last years of his life were particularly difficult, as both of his sons, Miles, Jr. (Mick) and Jim, and his wife, Maxine, predeceased him.

Judge Lord's legacy is being one of the most colorful and outspoken judges ever to have served on the Minnesota federal bench.

Judge Ann M. Montgomery is a U.S. District Court Judge for the District of Minnesota. Janet Westenberg is a Deputy Clerk for the U.S. District Court for the District of Minnesota.

# Chief Judge Tunheim Delivers State of the District Address

By João da Fonseca

On January 11, 2017, Chief Judge John R. Tunheim delivered the State of the District address at the Minneapolis Club, his second since becoming Chief Judge on July 1, 2015.

Chief Judge Tunheim stated that he has enjoyed this past year's challenges and opportunities, including a recent invitation to speak to the Hawaii Federal Bar Association, as well as visits to Kosovo and Pakistan as part of the Minnesota judiciary's longstanding efforts to strengthen their legal systems. Delegations from both nations also visited Minnesota on separate occasions to learn first-hand how our legal system works and also to enrich our own understanding of their countries' legal system, history, and culture.

Among the highlights of 2016 were the appointments of U.S. District Court Judge Wilhelmina M. Wright on February 18, 2016, and U.S. Magistrate Judge Katherine M. Menendez on April 28, 2016. Judges Ann D. Montgomery and Donovan W. Frank assumed senior status in 2016, and U.S. Magistrate Judge Janie S. Mayeron announced her retirement. The new administration is making appointments in the District a high priority. It immediately halted the original Merits Selection Panel led by Senators Amy J. Klobuchar and Al S. Franken and formed a new panel led by Representative Erik Paulsen. Mr. Paulsen appointed as committee chairs former Minnesota Supreme Court Chief Justice Kathleen A. Blatz and Bert J. McKasy, of counsel attorney at Lindquist & Vennum. The application deadline closed on January 25, 2017. Chief Judge Tunheim predicts that it could take eighteen months to fill the vacancies.



Chief Judge John R. Tunheim

State of the District, continued on page 6.

# Chapter Promotes CLE Addressing "Doing Business in Indian Country"

By Jeanine Hill, Forrest Tahdooahnippah, Steven Reeves, and Heidi Drobnick

In December 2016, the Minnesota American Indian Bar Association (MAIBA) and LegalCORPS, Inc. (LegalCORPS) co-sponsored a unique elimination of bias CLE entitled "Doing Business in Indian Country." The first half of the presentation focused on the historical background between Indian tribes/communities and the United States government, the evolving body of codified and common law that is federal Indian law, and the current applicable state and federal law relevant to transactions between Indian tribes and external private parties. The first half provided the foundation for the second half of the presentation, which focused on practical and legal considerations with regard to doing business in Indian Country. The two most significant considerations are understanding how the historical relationship affects current transactions and understanding that each tribe or community is a domestic dependent nation in the United States, meaning the inherently sovereign tribes/communities each have their own laws, judicial systems, and customs.

The Minnesota Chapter of the Federal Bar Association promoted the CLE to its members as part of its diversity and inclusion initiative, which is in keeping with the initiatives of the MAIBA and of LegalCORPS. The MAIBA is a Minnesota non-profit organization of American Indian attorneys, law students, and officers of tribal courts whose mission is to promote the unity, cooperation, and the interchange of ideas among persons associated with Indian law, the education of the public regarding legal issues affecting Indian people and tribal governments, and the promotion of justice and the effective legal representation of all Indian people. LegalCORPS is a Minnesota non-profit organization that aims to expand access to the legal system by providing free transactional legal assistance to low-income entrepreneurs, entrepreneurs of color, inventors, and small non-profits.

Panelists Heidi A. Drobnick, Forrest Tahdooahnippah, and Jeanine L. Hill are members of the MAIBA as well as current or past members of the MAIBA's Board and/or Executive Committee. Panelist Steven Reeves is a member of the Board of Directors of LegalCORPS and has volunteered with LegalCORPS since 2005.

Jeanine Hill practices law at Meyer & Njus, P.A. Forrest Tahdooahnippah is an attorney at Dorsey & Whitney, LLP. Heidi Drobnick practices law at Swanson, Drobnick & Tousey, P.A. Steven Reeves is an attorney at Faegre Baker Daniels LLP.

Judge Bright, continued from page 1.

was up for the challenge.

for the Judge, it became apparent that made these experiences come alive. By facts. Find the truth." the end of my clerkship, this collection of stories illuminated one of the most extraordinary men I had ever met.

1919, to Morris and Lena Bright in vice member in the Navy Women Ac- the vacancy. On August 16, 1968, Eveleth, Minnesota, on the Iron Range. cepted for Volunteer Emergency Ser- Judge Bright was sworn in upon the His parents had emigrated from Rus- vice, or "WAVES." They were married President's nomination. And so began sia around the turn of the century and in December 1946 and remained close a judicial career that spanned over were married in Duluth in 1906. They partners through almost fifty-four forty-eight years and during which the had four children—the Judge being the years of marriage, until Fritzie's death Judge presided over more than 7,000 youngest—before moving to Eveleth in in October 2000. 1927 and operating a department store for much of the Judge's youth. The Bright family was a staple of the Jew- Judge Bright passed the bar and began ish community in the Iron Range. The his job search. He recalled one particu- opinions authored was very much sec-Judge often spoke nostalgically about larly formative interview during that ondary to the principles upon which coming of age in Eveleth at a time time. While speaking with attorneys at those opinions were based. Throughout when immigrant families from all a Duluth law firm, Judge Bright was his career, Judge Bright became a backgrounds made up the town of asked his religious affiliation. When he standard-bearer for national sentenc-8,000. "I learned early to understand told them "Jewish," one partner com- ing reform, advocating for more comand appreciate the diversity of my mented, "We do a lot of insurance liti- passionate and just criminal sentencfriends and their parents," the Judge gation, and the insurance company ing as early as the 1970s, when the recalled. "We were all in the same boat lawyers do not like Jewish lawyers." national trend towards mass incarcerto sink or swim, and swim we did."

ior College before attending the Uni- our society, the pain he felt in that the country, met with prison adminisversity of Minnesota for his undergrad- moment was multiplied many times trators, and spoke with inmates. From in the Army Air Corps while stationed mote equality for all. in India. Unbeknownst to him, his military service would provide important training in his future work as a lawyer job in Fargo, where he and Fritzie position to mandatory minimum senand judge. In the fall of 1943, Judge would make their home for the next tences, the federal sentencing guide-Bright's commanding officer appointed seventy-one years. He joined the law lines, and the disparate sentences sufhim to serve as defense counsel in the firm of Wattam, Vogel and Vogel (now fered by many Native American de-

my experience would be unique. "You had been charged for using a com- attorney, representing clients throughknow, this may be a bit different than mander's vehicle without permission. out North Dakota and Minnesota. Durother clerkships you've had," he stated, The defense rested on the soldier's sto- ing his early days as a trial attorney, eyeing me to assess whether or not I ry that he had used the vehicle to as- Judge Bright forged a strong friendsist another in emergent need—a story ship with fellow attorney Quentin Burthat Judge Bright had aggressively dick and was instrumental in Bur-After the first few days of clerking advanced during trial. After being ac- dick's successful campaigns for the guitted, the soldier expressed to Judge U.S. House of Representatives in 1958 I was working for a man who had Bright his surprise that the fabricated and the U.S. Senate in 1960. During amassed a set of experiences that most story had worked. Judge Bright said the 1960 election, then Senator John couldn't pack into multiple lifetimes, the incident taught him a valuable F. Kennedy accepted Judge Bright's Over the eighteen months I clerked for lesson for his future career: Don't em- invitation to travel to North Dakota Judge Bright, he shared stories that brace blind trust; rather, "Dig out the and stump for Burdick.

Judge Bright was born on March 5, At the time, Fritzie was a fellow ser- ident Johnson that Judge Bright fill

After graduating from law school, The sting was lasting. Judge Bright ation was taking root. During his tenwould often recount the comment a full ure on the Probation Committee of the Bright graduated from seventy years after it was made. He Judicial Conference from 1977 to 1983, Eveleth High School and Eveleth Jun- was acutely aware that, for many in the Judge visited prisons throughout uate and legal studies. His law school over. The experience would reinforce in that experience emerged a strong bedays were interrupted by World War him an approach to the law that lief that most inmates could be rehabil-II, during which he served as a captain sought to root out prejudice and pro- itated with proper training. In the lat-

court martial. His most memorable known as the Vogel Law Firm) and fendants compared to their non-Native

In 1967 a judgeship on the Eighth The war drew to a close, and Judge Circuit opened as a result of Judge Bright returned to the United States Charles Vogel taking senior status. where he met Frances (Fritzie) Reisler. Senator Burdick recommended to Prescases and authored more than 3,000 opinions.

But for Judge Bright, the number of ter part of his judicial career, his mission to inject increased fairness into Eventually, Judge Bright landed a sentencing took the form of strong opcase involved defending a soldier who had a twenty-one-year career as a trial counterparts. The Judge's dogged pur-

suit of a more equal criminal justice system was the purest tune to have known, and experienced the wisdom of, this example of the charge he frequently implored his clerks to prince of a man." embrace: "Go out into the world and do what in your heart

and your mind is right."

And yet the most enduring lesson Judge Bright taught me went entirely unspoken. Of all wisdom he bestowed, I am most grateful for the simple opportunity to observe his unfailing and unparalleled zest for life. He loved reading, craved a good conversation, filled his schedule with lunch and dinner engagements, watched with joy as his North Dakota State University Bison football team won national championships, bragged about his superior card-playing, and always looked forward to spending the summer weekends with family and friends at his beloved "Little Brown Cottage" on Lake



Judge Bright with his wife, Fritzie, Senator Burdick, and President Johnson.

His walking was labored and often painful, and he had suffered from various medical issues over the years that continued to linger. But no matter the obstacle, Judge Bright approached life each and every day with genuine curiosity, passion, and joy. And that was the greatest lesson of all.

It was impossible to overlook the enthusiasm with which the Judge greeted each day, and it was that unique gusto coupled with his compassionate approach to the law that endeared him to many. "He was a real dynamo," Eighth Circuit Judge Diana E. Murphy recalled. "He always sought to give the underserved and the underdog a fair shot. He wanted to make sure he did what he could to advance justice, and I think he did that right up to the end. Judge Bright was a wonderful colleague, and I will miss him dearly."

Associate Justice Ruth Bader Ginsburg of the United States Supreme Court became acquainted with Judge Bright after he introduced her to a jurist-in-residence program at the University of Hawaii in the 1990s. "The Honorable Myron H. Bright served the federal judiciary with extraordinary diligence and devotion," Justice Ginsburg remarked. "His bright mind was well matched by his caring heart. He kept in the front of his mind the people—all of the people—law exists (or should exist) to serve." Reflecting on their friendship over the years, Justice Ginsburg added: "I miss his lively company, but count it my great good for-

In my own reflections of Judge Bright's unique and spirited approach to life, one story in particular seems to capture the Judge in true form. After hearing cases in St. Paul one week, I drove Judge Bright to the Mayo Clinic in Rochester for an appointment. A year and a half earlier, Judge Bright had been diagnosed with lung cancer. He opted for a radiation treatment that proved a success, and the appointment that I accompanied him on was a follow -up to ensure that the cancer had not returned. After trading stories with some newly made friends in the cafeteria, I wheeled the Judge down to oncology. As he was waiting to be called, the Judge turned to me and said, "Why don't you come

Melissa. Near the end of my clerkship, he finished his back with me to see the doctor?" I must have looked retimemoir—a project that was years in the making—and em- cent. The Judge prodded me with his elbow and said, barked on a self-initiated book tour, promoting his work to "Come on. They've got all this fancy equipment and technolfamily, friends, and colleagues whenever he had the oppor- ogy. It'll be interesting!" You never wanted to disappoint tunity. He continued to forge ahead, doing all that he loved, the Judge, so, naturally, I agreed. And this was the quinin spite of plenty of cues that he should be slowing down. tessential Judge Bright—approaching an experience most would associate with anxiety and trepidation, transforming it into an opportunity to learn something new about the world, and taking someone else along for the ride. As we were leaving the appointment, the Judge told me to wheel him by a large brass bell that stood in the middle of the waiting room. When we got close, he reached out and rang it with all his might, sending the fifty or so nearby patients to sudden alert. Judge Bright smiled and waved. When we returned to my car, he admitted, "I think you're only supposed to ring that when you first go into remission, but I just ring it every time."

> The Judge was truly larger than life, so it's still a bit surreal to think he's no longer around. Yet he endures in many ways: through the legacy of his opinions, the memories of all those who were fortunate enough to know him, and the many lessons imbued in how he lived his life. My thoughts echo William Hannay, Judge Bright's law clerk from 1973 to 1974, who stated he was "a better lawyer for having served you, a better man for having known you." Thanks for everything, Judge.

Jeff Holth is an attorney with Jacobson Law Group in St. Paul. He clerked for Judge Bright from 2013 to 2015.

# Chapter Commemorates "The Second Founding" with Film Screening and Panel Discussion

By Theresa Anderson



Lissa Jones, far right, moderates the panel featuring, from left to right, Llewellyn Smith, Judge Tanya M. Bransford, Donald Lewis, and Ivery Baynham.

On January 31, 2017, in recognition of the 150th anniversary of the Reconstruction Amendments—the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution adopted between 1865 and 1870—the United States District Court for the District of Minnesota, the Minnesota Chapter of the Federal Bar Association, the League of Women Voters-Bloomington, and Normandale Community College hosted a screening of the Emmy-nominated film American Denial to kick off the Second Founding Creative Competition, a competition open to all students at Minnesota community and technical colleges. The film screening was followed by a panel discussion of how the Reconstruction Amendments continue to shape issues important to Americans today.

American Denial is a documentary that presents the work of Swedish researcher Gunnar Myrdal, who in the 1930s and 1940s studied social

conditions in the Jim Crow South. The film uses Myrdal's insights to pose provocative questions about whether and to what extent social conditions have changed for Americans today.

The reception before the film was well attended, and the program itself received a terrific turnout of over 300 people. People from all parts of the community were represented; students, teachers, college administrators, lawyers, and judges all attended and actively participated in the event.

Following the film, Dr. Joyce Ester, President of Normandale Community College, welcomed everyone to the Normandale campus, and Chief Judge John R. Tunheim of the U.S District Court for the District of Minnesota introduced the panel. Tara Norgard, President of the Minnesota Chapter of the FBA, spoke about the Creative Competition and invited

Second Founding, continued on page 10.

State of the District, continued from page 3.

For the first time in history, the District is operating with more senior (seven) than active (five) judges. The senior judges carry a substantial workload, approximately 23% of civil cases, in addition to managing criminal cases, and their workload is expected to be even higher this year. The District was also busy with high profile cases, including cases concerning attempted terrorism and sex offenders, and the sentencing of Daniel Heinrich, who confessed to the 1989 murder of Jacob Wetterling.

Chief Judge Tunheim reported the findings of the audit of the ninety-four district courts in the United States, which showed Minnesota as a top-performing district. He also addressed important developments, such as enhanced security in District courthouses, the launch of a District history committee project under the leadership of Thomas H. Boyd, the appointment of Judge Kathleen H. Sanberg as Chief Bankruptcy Judge for the District, and the expected retirement of Clerk of Court Rick Sletten at the end of 2017.

While the challenges of the upcoming year may be great, greater is our confidence that our esteemed judiciary will continue to effectively administer justice to every party who appears before them, pioneer local and national initiatives and reforms, and continue to reach out to communities in Minnesota that are underrepresented in the legal profession.

João da Fonseca is an attorney at Halunen Law.

# Sixteen Chapter Members Receive "Attorney of the Year" Honors

By Eric Sherman

ary 16 at the Hyatt Regency.

Ann Anaya (3M), Judge Jeffrey M. tiple years. Bryan (Ramsey County District Court), Judge Ann D. Montgomery (U.S. Dis-Caspers), and Bill Otteson (UnitedHealth Group) received the honor for their work on the Latino Legal Experience, a multifaceted October 2016 event co-sponsored by the Chapter where local Latino and Latina youth met and heard from U.S. Supreme Court Justice Sonia Sotomayor.

Robert Bennett (Gaskins Bennett Birrell Schupp LLP) and Joseph Friedberg (Joseph S. Friedberg Chartered) received the honor for their work on the Inc. Employment Practice Litigation. mit. Reid Sagehorn Litigation Team. Represented by Bennett, Friedberg, and oth- the twelve-year multidistrict litigation ers, Sagehorn sued the Elk River representing pick-up and delivery driv-School District and various officials ers who alleged that FedEx misclassifollowing his expulsion from Rogers fied them as independent contractors, High School over a two-word tweet in resulting in lost wages. The cases gar-

Sixteen Minnesota Chapter mem- which he had joked of making out with nered hundreds of millions of dollars in bers were among those whom *Minneso*- a teacher. Sagehorn settled his claims multiple settlements. ta Lawyer honored as 2016 Attorneys for a total of \$425,000. Bennett and of the Year in a ceremony held Febru- Friedberg were also each accorded Circle of Excellence honors for having been (Kelly, Wolter & Scott, PA), along with named an Attorney of the Year in mul- his counsel Adam Ballinger, Mark En-

> the Appeals Self Help Clinic. A joint initiative of the Appellate Practice Section of the Minnesota State Bar Association and the Minnesota State Law Library, the clinic helps pro se litigants understand the rules and procedures of the Minnesota state appellate courts.

Nauen P.L.L.P.) was named for her man who spent eleven years incarcerwork on the FedEx Package System, ated for a 1979 killing he did not com-Ellingstad served as co-lead counsel in

Chapter 11 trustee Douglas Kelley slin, Kirstin Kanski, and Jeffrey Smith, all of Lindquist & Vennum LLP, were Dean Eyler (Gray Plant Mooty) and honored for their years of work on the trict Court), Tara Norgard (Carlson Katherine Barrett Wiik (Robins Kaplan consolidated bankruptcy cases arising LLP) were honored for their work with from Thomas Petters' \$3.7 billion Ponzi scheme.

> Magistrate Judge David T. Schultz (U.S. District Court) was honored for his work on behalf of the Innocence Project of Minnesota while still a partner at Maslon LLP. Efforts by Magistrate Judge Schultz and others won the Susan Ellingstad (Lockridge Grindal release of Terry Olson, a Minnesota

> > Eric Sherman is an attorney at Dorsey & Whitney LLP.

# Eighth Circuit Convenes Historic Panel



On December 15, 2016, the Eighth Circuit convened its first panel composed entirely of female judges. Pictured at left are the members of the historic panel: from left to right, U.S. District Judge Ann D. Montgomery, sitting by designation; U.S. Court of Appeals Judge Diana E. Murphy; and U.S. Court of Appeals Judge Jane L. Kelly.

Photo by Maureen Gornik.

# Chapter White Collar, Compliance, and Criminal Law Committee Hosts Social

By Beth Forsythe

The White Collar, Compliance, and Criminal Law Committee of the Minnesota Chapter of the FBA hosted a preholiday social on November 10, 2016. Approximately eighty local criminal defense attorneys and prosecutors gathered in the 15th floor atrium of the federal courthouse for the event.



Guests of honor included U.S. District Court Chief Judge John R. Tunheim, U.S. Attorney for the District of Minnesota Andrew Luger, and First Assistant Federal Defender for the District of Minnesota Andrew Mohring. The three guests delivered some general remarks (two days after the election) and welcomed the attendees. From there, the collegiality and drinks flowed freely.

The Chapter's White Collar Committee formed approximately two years ago. The committee is co-chaired by Assistant U.S. Attorney Karen Schommer, Fredrikson & Byron shareholder Dulce Foster, and Greene Espel attorney Matt Forsgren. In addition to networking events, the committee hosts CLEs and other programs.

Beth Forsythe is an attorney at Dorsey & Whitney LLP.

Left: Assistant U.S. Attorney Ben Langer, Assistant Federal Defender Manny Atwal, and Assistant Federal Defender Keala Ede enjoy the committee social.

# Chapter Joins National FBA's SOLACE Initiative

of the FBA became part of the national sons for the program. They note, "Our assistance in making the SOLACE SOLACE program. SOLACE, which Chapter is very pleased to join the oth- program known. "The first step in the stands for "Support of Lawyers/Legal er FBA Chapters offering the SOLACE program's success is awareness, so we Personnel—All Concern Encouraged," program as a benefit to members. ask that you please spread the word, is a program designed to allow mem- Since inception, SOLACE has been ask questions, and look for opportunibers of the FBA community to reach successfully used by chapters to pro- ties where our Chapter can provide out to members and their relatives in vide meaningful assistance through support and maximize the resources small but meaningful and compassion- either local or national networking available through the FBA to those in ate ways upon a death, catastrophic made available through the program times of need." event, illness, or other personal crisis. and its constituent member chapters." The program was first developed with The program is open to all FBA memthe Louisiana State Bar Association, bers and those related to them within and FBA President Judge Michael the legal community, including judges, Newman made implementation of the lawyers, court personnel, paralegals, program in the FBA a national priori- legal secretaries, and their families. ty. Past help that has been made available through the program includes donations of frequent flyer miles or established, the SOLACE initiative is ski@lindquist.com or Molly Thornton hotel points for families who cannot already working with established pro- at Molly\_Thornton@cargill.com. All afford the travel costs associated with grams in the state to implement its requests are handled as discreetly as medical treatment, donations of furni- mission. "We have connected with Joan possible. Normally, the only people ture for a solo practitioner whose office Bilbelhausen, Executive Director of who know the identity of a person rewas consumed by a fire, providing care Lawyers Concerned for Lawyers (LCL), questing help are the SOLACE coordifor the dog of an individual who was to explore ways that SOLACE and LCL nators and the individuals offering away from home while receiving cancer can collaborate to provide support and help, and the only people who know treatment, and arrangement of a medi- opportunities to Minnesota lawyers," the identity of the individuals offering cal evacuation airlift from a foreign Kanski and Thorton said. "We look help are the SOLACE coordinators and country.

Kirstin Kanski and Molly Thornton port the needs of our lawyers."

In late 2016, the Minnesota Chapter serve as the Minnesota Chapter liai-

forward to working with LCL and oth- the individual seeking help. er organizations in Minnesota to sup-

Kanski and Thorton ask for your

To learn more about the SOLACE program, please visit the national FBA's website at http:// www.fedbar.org/Outreach/ SOLACE.aspx. If you would like to make a request of the program, please Even though it was only recently contact Kirstin Kanski at kkan-

# Second Annual Leadership Summit Analyzes Gender Equity in the Law

By Shannon Bjorklund

women, yet women comprise a much smaller percentage of tive-level leadership positions, either as a result of the 2015 key leadership positions. Only 18% of equity partners in law Leadership Summit or otherwise? And what impact, if any, firms are women, and only 24% of Fortune 500 General have you seen as a result of the implementation of those Counsel are women. The FBA's 2016 Leadership Summit on Gender Equity in the Law convened to continue discussing the retention and advancement of women in the legal profession.

The genesis of this summit was the Minnesota Chapter's 2014-15 series on Women in the Law. As part of that series, the Chapter held the first Leadership Summit in April 2015. The second Leadership Summit on Gender Equity in the Law was held on November 17, 2016, at Optum headquarters in Eden Prairie with over ninety participants.

The Summit on Gender Equity in the Law gathers individuals—women and men—in leadership positions throughout the Twin Cities to discuss the barriers to retention and advancement of women lawyers and to develop strategies for overcoming those barriers. Attendees include managing partners of law firms, general counsel of large local businesses, and others in a position of leadership within their law firm, corporate law department, or bar organizations. Participation by presidents of affinity bar organizations brought the perspective of diverse attorneys.

After introductory remarks by U.S. District Judge Michael J. Davis and Rachel Zimmerman Scobie, former President of the Minnesota Chapter of the FBA, participants enjoyed a panel discussion with the general counsel for four



U.S. District Court Judge Michael J. Davis speaks at the Summit.

nies. The panel included Marianne Short of UnitedHealth Group, Dani Deering of Lockheed Martin, James Chosy of U.S. Bancorp, and Don Liu of Target. The Summit featured the perspective of inhouse counsel because corporate law departments increasingly interested in promoting diversity in the law firms they hire, as well as within their own corporations.

Fortune 500 compa-

Attendees then broke into four break-out groups to discuss these questions:

1. What best practices has your organization implemented in the past two years to eliminate barriers to the

Approximately 36% of practicing lawyers in the U.S. are retention and advancement of women lawyers into execustrategies?

- 2. What has worked, what has not worked, and why?
- 3. What specific, measureable goals might your organization set to eliminate barriers and promote, on an organizational level, the retention and advancement of women lawyers? Examples of such a goal include increasing the



Rachel Zimmerman Scobie leads a panel featuring Marianne Short, James Chosy, Dani Deering, and Don Liu.

number of women partners by a certain percentage within five years, or increasing the number of women in senior leadership within an in-house organization by 2% within five years. What are some strategies that could be used to help reach these goals?

Event co-chair Kelly Laudon said, "Knowing that organizational change comes from the top, the Leadership Summit calls leaders to take action and implement specific strategies to retain and advance women into their organization's highest levels of leadership, and to set specific goals for measuring attainment of that objective." The Summit's planning committee invited participants to set a specific, measurable goal appropriate for the unique features of the individual's organization to help promote the retention and advancement of women lawyers and to report back on their organization's progress at the Summit to be held in 2017. This call to action can be a model for all of us, whether or not we attended the Summit on Gender Equity in the Law.

Shannon Bjorklund is a partner at Dorsey & Whitney LLP, specializing in intellectual property litigation and public law applicable to government entities in Minnesota.

Second Founding, continued from page 6.

Amendments. Filmmaker Llewellyn League Boston inspired him to make the film.

ford, Hennepin County District Court; their own. Donald M. Lewis, shareholder at Nilan Johnson Lewis; and Ivery Baynham, a student at Minneapolis Community Community and Technical College stuand Technical College and Hennepin dents will culminate at an event at the County probationer. Lissa Jones, host U.S. Courthouse in Minneapolis on

all students attending Minnesota com- and producer of KMOJ FM radio's Ur- April 19. The event will award the prizmunity and technical colleges to partic- ban Agenda, kept the conversation es to the winning contest entries as ipate. Dr. Lisa Rude, Professor of His- moving forward, ending with a power- well as showcase a traveling exhibit tory at Normandale Community Col- ful quotation from James Baldwin. from the Gilder-Lehrman Institute lege, provided the historical context of Special guests, including U.S. Magis- entitled, "Emancipation and Its Legahow the Union war effort evolved from trate Judge Tony N. Leung; Hennepin cies." preserving the Union to ending slav- County District Court Judge Lyonel ery, clearly capturing the essence of Norris; James Burroughs, Chief Incluhow competing visions for Reconstruc- sion Officer for the State of Minnesota; great group of collaborators, which tion generated the Reconstruction and Mary Rice, President of the included U.S. Magistrate Judge FrankofWomen Smith traveled all the way from New Bloomington, were invited to pose trate Judge Becky R. Thorson and her Orleans to participate in the event and questions to the panelists. Students staff, Tara Norgard, Vildan Teske, spoke about events in his childhood in entering the Creative Competition Kevin Riach, Adam Hansen, Mary were asked to address the same ques- Rice, and the staff and faculty of Nortions. The audience was thoroughly mandale Community College. The panelists were filmmaker Llew- engaged and offered thoughtful inellyn Smith; Judge Tanya M. Brans- sights and sophisticated questions of

The competition for Minnesota

The event was made possible by a Voters— lin L. Noel and his staff; U.S. Magis-

> Theresa Anderson is the judicial assistant for U.S. Magistrate Judge Franklin L.

# Chapter Diversity Committee Addresses Issues Impacting the Transgender Community

By Colin Pasterski

Diversity Committee and the Minnesota Lavender Bar Association hosted a February 8, 2017 panel presentation Supreme Court on March 28, 2017. titled "The Law in Transition: Transgender Rights." The panel was comprised of a diverse group of transgender and cisgender (meaning a person whose gender identity corresponds with the gender they were assigned at birth) individuals with varying experiences.

The panel began the discussion by explaining the terminology, false assumptions, and the science of being transgender clients the representation they deserve. transgender. During the presentation, panel members Nova Bradford and Roxanne Anderson shared personal stories about specific times they were discriminated against ly launched an LGBTQ legal clinic and is always looking because of their status as transgender persons. The stories for additional volunteer lawyers in all areas of the law. served as a shocking reminder that discrimination is still alive and well in Minnesota.

Finally, the panel shifted the conversation to the development of transgender recognition under Title VII of the Civil Rights Act, which protects discrimination "because of sex." While transgender people were not initially recognized as a protected class under Title VII, many federal

While the transgender community has seen progress in courts have since begun to recognize that transgender disboth societal acceptance and legal protections, it still holds crimination is discrimination on the basis of sex. The panel true that transgender people are among the most vulnera- concluded by addressing a handful of cases currently pendble communities in the United States. To address the is- ing in federal courts across the country impacting sues transgender people are currently facing, the Chapter's transgender rights, including Gloucester County School Board v. G.G., a case set for oral argument before the U.S.

> It is important for lawyers to be aware of the transgender community and to be informed of and educated about the wide array of issues that transgender people face on a day-to-day basis. Presentations like the one put on by the Diversity Committee and the Minnesota Lavender Bar Association are critical in order for lawyers to give

> The Minnesota Volunteer Lawyers Network has recent-Interested lawyers should visit https://www.vlnmn.org/ volunteer to sign up and help make a difference!

Colin Pasterski is an attorney at Halunen Law.

# District of Minnesota Court and Probation and Pretrial Services Honor Staff at Employee Recognition Ceremony

By Katie Uline



U.S. Magistrate Judge Steven E. Rau, U.S. District Judge Wilhelmina M. Wright, U.S. Magistrate Judge Kate M. Menendez, and U.S. District Judge Donovan W. Frank serve breakfast to court staff before the employee recognition ceremony.

The U.S. District Court and U.S. Probation and Pretrial Services Office honored employees at the Saint Paul Courthouse on December 1, 2016, at their annual Employee Recognition Ceremony. This event recognizes District Court and Probation and Pretrial services staff for their hard work and dedication during the past year. Employees are treated to breakfast, served by the U.S. District Court judges, and are entered into a drawing to win prizes generously donated by the Minnesota Chapter of the Federal Bar Association.

The ceremony featured opening remarks by Chief Judge John R. Tunheim recognizing staff for their hard work and service to the court. Minnesota FBA Chapter President Tara Norgard also thanked staff for their support and service to the federal bar. After formal introductions were complete, staff participated in an entertaining game of *Let's Play Court Trivia* hosted by Judge Donovan W. Frank.

Service awards were presented to staff by District Court judges, magistrate judges, Clerk of Court Rich Slet-

ten, and Chief U.S. Probation Officer Kevin Lowry. The 2016 Service Award recipients were:

**5-Year Awards:** Julie Bruns, Emily Bucher, Staci Heichert, Marquetta Stokes, and Kari Swedberg.

10-Year Awards: Debra Beauvais, Carla Bebault, Leah Heino, Danielle Mair, Kim Krulas, Krystal Taylor, Katie Thompson, Katie Uline, and Houa Vang.

**15-Year Awards:** Mary Betinsky, Jonathan Gourneau, Lynn Holden, Craig Madson, and Lori Sampson.

**20-Year Awards:** Dee Dee Thaisen, Debra Lancette, and Tamara Uber.

25-Year Awards: Kevin Lowry, John Rayman, and Curt Stevens.

New for 2016 was the Chief Judge Award for Outstanding Service, presented by Chief Judge Tunheim. This award was presented to one District Court staff member and one Probation and Pretrial Services staff member for their outstanding service and contribution to the District of Minnesota during the past year. The 2016 recipients of these awards were Leah Heino, Senior U.S. Probation Officer for the U.S. Probation and Pretrial Services Office, and Katie Uline,



Kristine Wegner, Gerri Rishel, U.S. Magistrate Judge Toney N. Leung, Clerk of Court Rich Sletten, Connie Baker, and Donna O'Kroy enjoy coffee before the ceremony.

Financial Administrator for the U.S. District Court for the District of Minnesota. Leah Heino was recognized for "her outstanding performance as the lead Presentence Investigator on numerous complex cases to include her innovation and leadership on the District's new sentencing practices and approach to handling terrorism cases." Katie Uline was recognized for "her dedication, hard work, and excellent project management in leading the successful implementation of the Judiciary Financial Management System (JIFMS) for the District of Minnesota."

The Court would like to congratulate all the 2016 honorees and extend a thank you to the Minnesota Chapter of the Federal Bar Association for their support with this year's event.

Katie Uline is the Financial Administrator for the U.S. District Court for the District of Minnesota.

# Diversity Committee Hosts Affinity Bar Meet-and-Greet

By Phillip Kitzer

On January 19, 2017, the Diversity Committee of the Minnesota Chapter of the FBA held a meet-and-greet for local affinity bar members at Rare Steak and Sushi in Minneapolis. An estimated eigthy people attended, including members of the Federal Bar Association, the Minnesota Association of Black Lawyers, the Minnesota Asian Pacific American Bar Association, the Minnesota Lavender Bar Association, Minnesota Women Lawyers, the American Indian Bar Association, the Minnesota State Bar Association, the Hennepin County Bar Association, and the Ramsey County Bar Association. A number of federal and state court judges also attended.

Members socialized and discussed advancing diversity and inclusion in the practice of law in Minnesota. The event also provided a great opportunity for our chapter and the affinity bar members to discuss various initiatives of the respective organizations and find ways to further collaborate.

This was the Diversity Committee's third annual meet-andgreet. The event was organized by Diversity Committee members Shaun Parks, Jennell Bilek, Keiko Sugisaka, and Phillip Kitzer. The Diversity Committee would like to thank everyone who participated, with special thanks for the support of our federal bench. The Committee looks forward to hosting this event again next year.



Uzodima Franklin Aba-Onu, Jeanette Bazis, U.S. Magistrate Judge Tony N. Leung, and Vildan Teske attend the affinity meet-and-greet.

Phillip Kitzer is a partner at Teske, Micko, Katz, Kitzer & Rochel, practicing employment law. He is an active member of the Chapter's Diversity Committee and the Labor and Employment Section of the FBA.





Alex Rinn, John Zwier, David Goodwin, Inti Martinez-Aleman, Marcos Ramirez, and U.S. District Court Judge Ann D. Montgomery pose for a picture at the Diversity Committee's affinity bar meet-and-greet.



MODERATOR

APRIL 4, 2017 12:15 to 1:15 p.m.

# JUDGE DONOVAN W. FRANK

United States District District of Minnesota

**PANELISTS** 

# SARAH BESSELL

Staff Attorney, The Human Trafficking Pro Bono Legal Center, Washington D.C.

# JOHN CHOI

# Andrew M. Luger

NITED STATES ATTORNEY, DISTRICT OF MINNESOTA

# ABIGAIL STERNER

VICTIM ADVOCATE, St. Paul & Ramsey County Domestic Abuse Intervention Project

RSVP at z.umn.edu/FBASexTrafficking

We would like to thank our sponsor:







## **Upcoming Events:**

#### March 23 2017

Newer Lawyers Luncheon: Magistrate Judge Leung 11:45 a.m. Federal Courthouse, St. Paul

### April 4, 2017

CLE: Sex Trafficking of Individuals with Disabilities 12:15 p.m. University of Minnesota Law School

## April 11, 2017

Newer Lawyers Luncheon: Judge Davis Noon Federal Courthouse, Minneapolis

## April 19, 2017

Monthly Luncheon Noon Minneapolis Club

# May 6, 2017

Annual Federal Judges' Dinner Dance 6:00 p.m. Minikahda Club

#### May 17 2017

Monthly Luncheon Noon Minneapolis Club

### June 20, 2017

Federal Practice Seminar and Mason Memorial Luncheon Details forthcoming. University of St. Thomas Law School

# **Communications Committee:**

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Bar Talk is the official newsletter of the Minnesota Chapter of the Federal Bar Association. It is published quarterly by the Communications Committee. For any inquiries or article suggestions, please contact Fran Kern at frances\_kern@hotmail.com or Adam Hansen at adam@apollo-law.com.

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

## **Online Registration:**

The Minnesota Chapter of the FBA utilizes an online registration system for the monthly Minneapolis Club luncheons. A registration link will be sent to you via e-mail for each luncheon. One feature of the system is the automatic calendar entry; just click "Add to Calendar" from the registration system or your confirmation e-mail. Registration coordinators have the option to register multiple attendees in a single registration. Also, Season Pass Holders must register for each luncheon online to select their meal choice and confirm their attendance.

If you have any questions about the registration system, please e-mail **Joel Schroeder** at ischroeder@bestlawcom.

# Federal Bar Association Application for Membership

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.

## Advocacy

The opportunity to make a change Connect with a network of federal Governance positions within the as- Explore best practices and new ideas FBA chapters and a strong national to Rico, and the Virgin Islands. advocacy.

First Name

# Networking

## Leadership

and improve the federal legal system practitioners extending across all 50 acciation help shape the FBA's future at the many Continuing Legal Educathrough greearcots work in over 90 states, the District of Columbia, Puer- and make an impact on the growth of tion programs offered throughout the the federal legal community.

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year-at both the national and chap-

Title (e.g. Attorney At Law, Partner, Assistant U.S. Attorney)

# Expand your connections, advance your career

THREE WAYS TO APPLY TODAY: Join online at www.fedbar.org: Fax application to (571) 481-9090; or Mail application to FBA. PO Box 79395, Baltimore, MD 21279-0395. For more information, contact the FBA membership department at (571) 481-9100. or membership@fedbar.org.

Suffix (e.e. Jr.)

Applicant Information (Please print legibly and complete both sides of the application) Lest Name

M.I.

Firm/Company/Agency		Number of Attorneys	Address		Apt. #
Address	Rin	Suite/Floor	City	State Zip	Country
City ( )	State Zip	Country	Phone	Date of Birth	
Phone Bar Admission and L	Email Address aw School Inform	nation (required)	Emeil Address		
			2 Country:	al of Record:	

"Court of Record: Name of first court in which you were admitted to practice

## Authorization Statement

By signing this application, I hereby apply for membership in the Federal Bar Association and agree to conform to its Constitution and Bylans 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 or the immediate termination of my membership. I also understand that by providing my fix number and e-mail address, I hereby consent to receive fixes and e-mail messages seek 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):

\*Contributions and dues to the FBA may be deductible by members under provisions of the IRS Code, such as an ordinary and necessary business expense, except 4.5 percent which is used for congressional liablying and is not deductible. Your FBA dues include \$15 for a yearly subscription to the FBA's professional magazine.



# Membership Categories and Optional Section, Division, and Chapter Affiliations

## 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 percent discount on the registration fees for all national meetings and national CLE events.

	Private Sector	Public Sector
Member Admitted to Practice 0-5 Years	O \$170	O \$150
Member Admitted to Practice 6-10 Years	O \$235	O \$215
Member Admitted to Practice 11+ Years	O \$285	O \$245
Retired (Fully Retired from the Practice of Law)	O \$170	O \$170

#### 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.

	PTIVISIO GOLIDI	Public Sector
Member Admitted to Practice 0-5 Years	O \$110	O \$85
Member Admitted to Practice 8-10 Years	O \$170	O \$145
Member Admitted to Practice 11+ Years	O \$215	O \$175
Retired (Fully Retired from the Practice of Law)	O \$110	O \$110

#### Associate Membership

#### Foreign Associate

Admitted to practice law outside the U.S. \_\_\_\_\_\_O \$215

#### Law Student Associate

Later of Landellik Plant State Co.	
First year student (includes four years of membership)	\$50
Second year student (includes three years of membership)	\$30
Third year student (includes two years of membership)	\$20
One year only option	\$20

All first, second and third year student memberships include an additional free year of membership starting from your date of graduation.

Dues Total:									
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## Practice Area Sections

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O Civil Rights Lew	.\$15
O Criminal Lew	\$10
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Natural Resources	.\$15
O Federal Litigation	.\$20
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O Health Lew	\$15
O Immigration Law	.\$10
O Indian Law	\$15

O Intellectual Property Law	\$10
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O Labor and Employment Law	\$15
O LGBT Lew	\$15
O Qui Tam Section	\$15
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O Social Security	\$10
O State and Local Government	
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O Texation	
O Texation	\$15

Career Divisions	
Corporate & Association Counsel (in-house counsel and/or corporate law practice)	\$20
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O Judiciary (past/present member or staff of a judiciary)	
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*For oligibility, 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 have due to applicable investigation. The chapter or greatly located in this state or location.

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O Montgomery	of Illinois-\$25	New Hampshire	L. Acosta/
O North Alabama	O Chicago	O New	Puerto Rico-\$10
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of Georgia	of Missouri	of Pennsylvania	
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