



Bar Talk

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

ABA Honors Chapter's Pro Se Project with Prestigious Harrison Tweed Award

The American Bar Association selected the Minnesota Chapter's *Pro Se* Project to receive the 2011 Harrison Tweed Award, one of the ABA's most respected honors. The award is a testament to the Chapter's exemplary work, coordinated effort, and leadership in our federal system.

Since its inception in May 2009, the *Pro Se* Project depends heavily on coordination and cooperation between the District of Minnesota and the Minnesota Chapter of the FBA to achieve its goal of providing civil *pro se* litigants with free legal consultation. When a civil *pro se* litigant appears in federal court, the Judge or Magistrate Judge may refer the case to the *Pro Se* Project. Then, the *Pro Se* Project Coordinator Tiffany Sanders finds a volunteer lawyer to consult with the *pro se* litigant.

The ABA created the Harrison Tweed Award in 1956 to recognize the extraordinary achievements of bar associations in creating access to justice for the poor. The award is given annually by the ABA Standing Committee on Legal Aid and Indigent Defendants and the National Legal Aid and Defender Association and is the ABA's highest award in the legal services category. The award is named for Harrison Tweed, past president of Sarah Lawrence College, and will be formally presented in August at the ABA Annual Meeting in Toronto.



Photo by Sara Sommarstrom

Chief Judge Michael J. Davis and Judge Donovan W. Frank congratulate Jerry Lane (center) after the District presented him with a "True Warrior for Justice" award for his longstanding service as a champion for the most vulnerable in our community at the Pro Bono-Pro Se Bar Summit in March.

"On behalf of the FBA and the Court, I would like to thank the ABA for this special award for providing equal access to justice for so many citizens in need by giving them access to a lawyer. A very special thanks must be given to Chief Judge Davis for making the FBA *Pro Se* Project a top priority, members of the FBA for doing the same, the many lawyers who made this happen, and perhaps most importantly, Tiffany Sanders for carrying out the mission of the Court and the FBA and making this happen. Special

thanks also goes to Magistrate Judge Noel and Tricia Pepin for developing the court's website with resources to assist *pro se* litigants," said Judge Donovan W. Frank, president of the Minnesota Chapter.

According to Magistrate Judge Franklin L. Noel, the Court's liaison to the *Pro Se* Project, "The people responsible for this award are: Chief Judge Davis, who had the vision to see the need for the program; and the leaders of our local FBA chapter, together with Tiffany Sanders, who have all vigorously implemented it. The program has provided incredible assistance to the court."

Two *pro se* litigants submitted letters to the ABA in support of the Project and explained in their own words why the *Pro Se* Project is deserving of

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Diversity Summit Showcases Online Resource



(L to R) Chief Judge Michael J. Davis, Kristy Pearson, Tom Nelson, Magistrate Judge Jeanne J. Graham, Co-Chair of the Diversity Committee.



(L) Lowell Stortz and Univ. of St. Thomas School of Law Dean Tom Mengler. (R) Assistant U.S. Attorney Ann Anaya, Co-Chair of the Diversity Committee and Judge Donovan W. Frank, President of the FBA-Minnesota Chapter.



(L to R) Judge Susan Richard Nelson, Archie Givens, and Lynn Anderson.

Erin Knapp Darda is a law clerk for The Honorable Robert J. Kressel, U.S. Bankruptcy Judge and Chief Judge of the 8th Circuit Bankruptcy Appellate Panel.

On April 28, 2011, the FBA Diversity Committee convened the "First Annual Diversity Summit: Introducing the Minnesota Diversity Waves of the Future Resource Webpage." The law firm of Leonard, Street and Deinard, P.A., hosted the event, which was well-attended by representatives of the Minnesota legal community and other interested community organizations. Speakers included Magistrate Judge Jeanne J. Graham, Chief Judge Michael J. Davis, Judge Donovan W. Frank, Tom Nelson of Leonard, Street and Deinard, P.A., and representatives of Christo Rey High School, the Minneapolis Public Schools, the Minnesota Association of Black Lawyers, the Minnesota Lavender Bar Association, the Minnesota Hispanic Bar Association, the Minnesota American Indian Bar Association, Minnesota Women Lawyers, the Minnesota chapter of the National Asian Pacific American Bar Association, the Minneapolis Urban Debate League, and others.

The primary purposes of the event were to allow attendees to network and to roll out a new online resource. The resource is a website that links to the websites of Minnesota organizations, particularly legal organizations, that are committed to issues of diversity. Chief Judge Davis recognized Tom Nelson's leadership and thanked Leonard, Street's IT department for its work on the website. Chief Judge Davis also weaved in his love of sailing and the fact that the web page will be entitled "Waves of the Future." He recalled a sailing trip where he was crossing the Atlantic and he and his team were stuck at sea with no wind to power the boat. He compared the Committee's initiative, and others like it, to the force in place to take advantage of the wind once it picks up again.

Judge Frank talked about the influence of the Diversity Committee, noting that Minnesota is the only chapter of the FBA to have such a committee. The website is not live yet, but the speakers shared the hope that what is currently a work in progress will become a resource that will support the recruitment and retention of diverse attorneys in Minnesota. This is in line with one of the goals of the Diversity Committee of organizing opportunities and coordinating events to encourage networking within the diverse legal community and the FBA.

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Diversity Summit

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(Below) Chris Tymchuck, a member of the Diversity Committee, brainstorms ideas for the new online resource. Easels with poster paper were set up throughout the room to promote the exchange and jotting down of ideas as attendees networked.



(L to R) From the Givens Foundation for African American Literature Barbara Shin, Jessica Jackson, Archie Givens, Arleta Little, and Mary Franklin.



(L to R) Christina Wong, Alexander Kim, and Magistrate Judge Leo I. Brisbois.



(L to R) U.S. Attorney B. Todd Jones, Tom Nelson, and Chief Magistrate Judge Arthur J. Boylan.



(L to R) University of St. Thomas School of Law Director of Diversity Artika Tyner and Eric Ruckus.



(L to R) Asst. U.S. Attorney Clifford Wardlaw, Asst. U.S. Attorney Ann Anaya, Lora Friedemann, and Jennifer Frisch.

All photos by Sheila Ryan Photography (www.sheshoots.com).

Magistrate Judge Leung Joins Federal Bench

On April 29, 2011, the District of Minnesota welcomed its newest member to the bench when Hon. Tony N. Leung took the oath of office as a United States Magistrate Judge. Magistrate Judge Leung brings to the position a wealth of judicial experience, having served for nearly 17 years as a Minnesota state district court judge in Hennepin County. Before then-Governor Arne Carlson appointed him to the bench in 1994, Judge Leung was a partner at Faegre & Benson L.L.P. His appointment to the state bench marked the first time an Asian-American had served in the state judiciary, and his recent federal appointment marks the first time an Asian-American will serve in Minnesota's federal judiciary.

Judge Leung was born in Hong Kong and emigrated to the United States at the age of six with his parents and three older siblings. The family first lived in Aurora, Illinois, where Judge Leung remembers having his one and only introduction to the English language in the form of occasional speech classes. After about a year in Illinois, his father moved to Minneapolis to work at the Nankin Restaurant, where a relative was the head cook. Judge Leung recalls that his father lived in a small apartment above Mousy's Bar, until the rest of the family joined him and they moved to the Lake Street/Lyndale Avenue area.

Judge Leung attended public schools in Minneapolis, graduating from Minneapolis West High School. He



Magistrate Judge Tony N. Leung

credits a humanities teacher at West for igniting his passion for classical opera. As a junior in high school, the teacher took Judge Leung's class to Northrup Auditorium to hear a Metropolitan Opera production of Verdi's *Rigoletto*, with Luciano Pavarotti and Joan Sutherland in the lead roles. It was, as Judge Leung describes it, "magical."

Judge Leung left the Twin Cities to attend college at Yale. While at Yale, he was captain of the Tae Kwon-do team, and attained his black belt in that martial arts discipline. He was twice the Connecticut AAU collegiate bantam weight champion in Tae Kwon-do, and placed third at the AAU collegiate nationals in 1981. He now leaves the active Tae Kwon-do practice to his 11-year-old son. His 12-year-old daughter does not take Tae Kwon-do lessons, but Judge Leung

works with her informally on the discipline.

While in college, Judge Leung participated in an international exchange program at Beijing (Peking) University in China. China in the early 1980s was much different than it is today, and Judge Leung recalls that there was a Communist Party member assigned to travel with his program at all times. One of Judge Leung's fellow participants in the program was current Treasury Secretary Timothy Geithner.

After Yale, Judge Leung went to law school at NYU. He was a summer associate at Faegre & Benson and ultimately became a partner at that firm. The Magistrate Judge position is only his third job, and marks the first time in his professional career that his office has not been on Sixth Street in Minneapolis. (Judge Leung's chambers are in St. Paul.)

Magistrate Judge Leung is looking forward to the challenges posed by the complex civil litigation for which the District is known. Although he tried a wide variety of cases on the state bench, his interest in complex civil litigation led him to apply to be a Magistrate Judge. In addition, he noted that he is honored to work with the talented group of Magistrate Judges and District Judges in this District. He will no doubt be a worthy addition to our already stellar bench.

Anita L. Terry is a law clerk to The Honorable Paul A. Magnuson.

The **Intellectual Property Section of the FBA** is soliciting articles for **IP Insight**, a column on intellectual property law in the **Federal Lawyer**. Preferred submissions will be 1,000 to 1,500 words, with minimal citation, and accessible to attorneys that do not specialize in intellectual property. This is a great opportunity to publish for an audience of more than 16,000 attorneys nationwide! For more information, contact **Scott Moriarity** at (612) 596-4068 or scott_moriarity@locklaw.com.

Judge Dreher Retires, Ends Tenure as Chief Judge of Bankruptcy Court

In January 2011, Judge Nancy C. Dreher retired and the Chief Judgeship of the Bankruptcy Court for the District of Minnesota passed from Judge Dreher to Judge Gregory F. Kishel. Judge Dreher had served as Chief Judge since 2007. Under a recall appointment, she continues to serve the district in full-time recall status.

Trailblazing Early Career in Wisconsin and California

In 1967, Judge Dreher graduated from the University of Wisconsin Law School, where she was one of only three women students. She served on the law review and graduated first in her class. Her civil procedure professor recommended her for a judicial clerkship in San Francisco with Chief Justice Roger Traynor of the California Supreme Court. She accepted a position as a law clerk for Chief Justice Traynor, whom she describes as "forward-thinking." She notes that he had six law clerks at the time and three were women. After her clerkship, she returned to Minnesota with her husband.

Leadership in the Minnesota Bar

In 1969, Judge Dreher joined the law firm of Leonard, Street and Deinard, P.A. bringing the number of lawyers at that firm from twelve to thirteen. She practiced there for twenty years, primarily in the area of commercial litigation. During her years in private practice, Judge Dreher was deeply involved in the work of the Minnesota State Bar Association, Hennepin County Bar Association, and American Bar Association. She fondly remembers her ten years of leadership as treasurer of the Minnesota Supreme Court reelection campaigns, including her work on the reelection campaign of Justice Rosalie Wahl, the first woman to sit on Minnesota's highest court. Justice Wahl successfully defended her seat

against several male challengers.

In the mid-1980's, Chief Justice Douglas K. Amdahl of the Minnesota Supreme Court appointed Judge Dreher to chair an advisory committee to study and make recommendations to improve the Minnesota lawyer discipline system. Judge Dreher's committee studied the issues for eight months before making its recommendations, most of which were accepted and are still in place.

Appointment to the Bench

In 1988, after twenty years of practice, Judge Dreher took a leave of absence from her legal work. She recalls that she spent her time cleaning her house and meeting with friends over lunch. Over one such lunch with Judge Diana E. Murphy (who was then a district court judge for the District of Minnesota), Judge Dreher learned that there was an opening on the bankruptcy bench. Judge Dreher initially demurred, saying that debtor-creditor law had been her least favorite law school class and that she had never practiced bankruptcy law. Judge Murphy nonetheless encouraged her to apply for the judgeship, and she did. Judge Dreher was one of three finalists. She was appointed to the bench in January of 1988. After 23 years, she is still the most recently appointed bankruptcy judge in the District, where our four bankruptcy judges have more than 100 years of combined experience on the bench.

The job of a bankruptcy judge is never the same from one day to the next, says Judge Dreher, and that is what makes it so enjoyable. She is energized by her interactions with the interesting people who appear in bankruptcy court, whether they are debtors, creditors, or the lawyers representing them. Judge Dreher has presided over many fascinating and complex cases, but she says that the 2002



Bankruptcy Judge Nancy C. Dreher

Sun Country Airlines bankruptcy stands out as an example of the bankruptcy system at its best. Sun Country had started as a leisure travel airline that only served Nevada and two other places. She says it had struggled to compete against Northwest Airlines, which could always match or beat its rates. When it filed its chapter 11 bankruptcy petition, it had \$12 million in debts, one employee, and one office with a desk, chair and computer. Its only valuable asset was a flying certificate, which it maintained during the early part of its bankruptcy case by renting a plane once a month and sending up a pilot for a certain number of hours. Bankruptcy allowed the company to fix its major problems, be sold at a reduced price, and go on to hire new workers and expand its routes. She calls the case "a success story."

Highlights of Tenure as Chief Judge: Bankruptcy Practice Committee and Pro Bono Efforts

Judge Dreher served as Chief Judge for the Bankruptcy Court for the District of Minnesota from 2007 through January of 2011. During this time, bankruptcy filings rose sharply, approaching the record levels of 2005.

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IP Practice: The Art of Trying Patent Jury Trials

The Chapter's IP Practice Group hosted a luncheon entitled "The Art of Trying Patent Jury Trials" on April 29, 2011. Panelists included the Honorable Ann D. Montgomery; the Honorable James M. Rosenbaum (retired), JAMS Neutral; David J.F. Gross, a partner at Faegre & Benson, L.L.P.; and Ronald J. Schutz, a partner at Robins, Kaplan, Miller & Ciresi, L.L.P. Patrick M. Arenz, an associate at Robins, Kaplan, Miller & Ciresi, L.L.P. and Chair of the Chapter's IP Practice Group, organized the luncheon. Keeping in mind that "a trial is a trial," the panel began by advising practitioners on how to try cases effectively and later highlighted issues that are unique to patent litigation. Below is a summary of the practice pointers shared.

Playing the "Patent Video"

The Federal Judicial Center has created a video providing a good (although general) introduction to patents, patent law, and the U.S. Patent and Trademark Office ("PTO") for judges and juries. Although some of the panelists viewed the video as slightly favoring plaintiffs, the panel generally agreed that the video is useful, as it educates the jury on the importance of patents and the role patents play. As Judge Montgomery noted, "Most jurors literally do not know what a patent is."

Use of Preliminary Jury Instructions

Whether used in a patent jury trial or general civil or criminal jury trial, preliminary jury instructions provide jurors with context of the litigation. The issue with preliminary jury instructions is usually how much time should be spent in the beginning of the case before the parties agree upon the instructions' form. While some of the panelists think that jurors might not appreciate preliminary jury instructions, the instructions can play an essential role in the case. Timing of the prelimi-



Photo by Adine Mornoh

(L to R) David J.F. Gross, Judge Ann D. Montgomery, Judge James M. Rosenbaum (retired), Ronald J. Schutz, and Patrick M. Arenz.

nary jury instructions is key.

Opening Statements

In patent jury trials, the case essentially needs to be tried twice: once to the jury, and once to the appellate court, that is, the Federal Circuit. Thus, it is important that both counsel keep the theory or theme of their respective cases in mind at all times and weave the patent into that theme. One way to accomplish this is with the opening statement. During the opening statement, counsel can create, and have the jury understand, "what the world looked like" when the patent came into existence (i.e., what the world looked like when the patent application was filed and eventually granted). The patent itself gives the jury a clue to this.

When preparing opening statements for plaintiffs, David Gross suggested that plaintiffs begin their opening statement by saying, "The government gave [us] this patent." The general theme is to emphasize that the U.S. Government rewarded innovation with the patent. Furthermore, this theme relates to the burden of proof that will later be established in the case. For example, in a patent infringement case where the

defendant is arguing that the patent was invalid, the defense has a high burden to meet because the PTO is generally presumed to have done its job when it granted the patent.

As for opening statements for defendants, Ronald Schutz suggested that an example of an overall theme could be that another entity (rather than the plaintiff) came up with the invention first. In other words, it is the "IBM was first" argument. Schutz added that when trying a case, avoid doing anything that gives the jurors cognitive dissonance; make sure to connect the dots and keep things simple. Get the jurors on your respective side as early on in the case as possible.

Both judges agreed with these points. Judge Montgomery reiterated that counsel should emphasize during the opening statement that this is a patent case and that it is interesting and that counsel should try to keep things simple. According to Judge Rosenbaum, the trial can oftentimes be won or lost based on how counsel communicates with the jury, as such communication is not a science, it is an art. "It is not a

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Patent Jury Trials

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function of talking [down]. But rather, a function of talking [to]," stated Judge Rosenbaum.

Infringement

Stated earlier, the defendant's burden in a patent infringement case is generally to establish that it is highly probable that the patent is invalid. The plaintiff's burden, on the other hand, is to establish that it is more likely than not that the allegedly infringed patent has indeed been infringed. Keeping these burdens in mind, the panel advised that counsel for the respective parties should create a hook. The hook can be focusing the story on the inventor (such as a sympathetic inventor), emphasizing the theme of fairness ("I received the patent and have the right to use it to the exclusion of others fair and square"), stressing the obviousness of the patent, and so on.

Patent Claims

When it comes to patent claims, the key is . . . focus, focus, focus. Focus on what? Counsel for the respective parties should focus on a few claims when either trying to establish the infringement (even if, for example, 9 or more claims were allegedly infringed) or trying to establish the patent's invalidity. As Judge Rosenbaum noted, counsel should "pick [their] battle and concentrate [their] forces." Get the claims reduced and find commonality. Focus how? The panel suggested that counsel can focus the claims by testing their respective theories of the case with a mock jury. Also, counsel can focus the claims by discussing with their respective clients that sometimes less is more in jury trials. This is important because clients often want all claims to be pursued. Thus, counsel should make sure to educate and inform clients about claim reduction during trial strategy formation and throughout the remainder of the case.

In addition to focusing the patent claims, counsel should remember the importance of fluidity and continuity. Judge Montgomery shared that jurors notice when arguments are made, but later abandoned during the course of the trial. When this happens, Judge Montgomery advises that counsel make sure to "explain the argument away" to the jurors so that they are not left guessing. Moreover, in order to enhance testimony continuity when particular issues are discussed, such as the claims, some judges allow attorneys to include transitional statements between witnesses. When this is allowed, counsel should explain the purpose of the witness's testimony to the jury in order to allow for more story telling and to give jurors internal cues.

Splitting of Experts

Counsel might split experts when experts are hired to speak on particular issues. For example, Judge Montgomery noted that she would encourage splitting experts when counsel needs an expert to explain a hotly contested topic, but (because the expert is not a good communicator in general) will use another expert to explain how the topic fits within the scheme of the case. However, if the case budget is small, the panel advised that counsel might want to "get more bang for their buck" by using only one expert.

Expert Credentials

The consensus among the panel was that an expert who communicates and can explain things well is, and should be, preferred to an expert with high credentials. Thus, both Judge Montgomery and Judge Rosenbaum believe that plaintiff and defense experts are often self-cancelling.

Connection between Examinations and Depositions

It is clear that both depositions during discovery and examinations at trial need to be well prepared and taken seriously. Accordingly, based on the selected theme of the case, counsel should make sure that they get what information they need to get during

the deposition so as to minimize any surprises at trial.

Damages

When creating a damages strategy, the panel suggested that counsel consider whether they are dealing with a sympathetic inventor, as this will give insight into whether jurors are more likely to determine a damages figure based on their emotions or "just the facts." Both Judge Montgomery and Judge Rosenbaum think the damage figures from the plaintiffs and defendants, respectively, cancel themselves out eventually. Judge Rosenbaum specifically noted that it was rare for him to see a jury decide damages based on a figure proposed by one expert but rejected by the other. Jurors often "split the baby" when it comes to damages. Moreover, the panel agreed that damage findings by jurors will depend on whether an alleged infringement is a close call or whether the infringement is clear.

Closing Arguments

Similar to the opening statement, the key to the closing argument is to tell a story to the jury and to keep it simple. As Judge Rosenbaum stated, "Find something to prove and prove it."

The closing argument should be consistent with the opening statement, such that the strongest evidence of the case is highlighted and explained throughout the course of the trial. Furthermore, when preparing the closing argument, the panel suggested that counsel consider the order of the arguments, whether that be for recency as compared to primacy effects, or complexity as compared to simplicity concerns.

Adine S. Momoh is a law clerk to The Honorable Jeanne J. Graham. Prior to her clerkship, Ms. Momoh was an attorney at Leonard, Street and Deinard, P.A., where her practice consisted of complex business and commercial litigation, securities litigation and banking, and financial services representation in the firm's Business and Commercial Litigation group, with a focus on creditors' rights and bankruptcy litigation.

Chief Judge Davis, Judge Doty Serve as Visiting Judges in U.S. District Court for the District of Arizona in Tucson

Interstate 10 descends gradually through the Sonoran Desert into Nogales, Arizona. To the south, the improbably steep, hut-covered hillsides of Nogales, Sonora rise high above Nogales, Arizona its sister town. Between the two towns, a 13-foot weathered steel wall marks the border. In places, groups of people gather at small openings to talk with those on the other side of the wall. For the most part, the wall is a solid edifice of patchwork steel, welded and re-welded together. Every 100 yards, green and white U.S. Border Patrol trucks face Mexico, their windows covered by metal cages to intercept the rocks hurled across the border. Large portable stadium lights await nightfall. The stark wall, spotlights and manifest poverty on both sides of the border cast a somber, foreboding pall over the area. The wall extends east and west of Nogales, then becomes a series of short vehicle barriers, then a simple wire fence.

An unknown number of people cross this border every year: the Border Patrol and police officers of the Tohono O'odham Nation made 212,000 arrests last year. Some of those arrested have prior criminal records in the United States; some smuggled the 1.1 million pounds of marijuana and other drugs seized last year; some smuggled people. An hour north lies Tucson, where the Article III judges of the U.S. District Court handle the unending flood of arrestees.

The U.S. Attorney prosecutes only a fraction of the persons arrested. Of the approximately 212,000 arrests in the Tucson district, the Border Patrol returned most to their home countries after administrative processing. The District of Arizona heard 6,855 criminal cases and nearly 24,000 misdemeanor and petty offense cases in 2010. Nearly all of those were assigned to the Tucson court. At the



Evo A. Deconcini U.S. Courthouse in Tucson, Arizona

start of 2010, each judge in the Tucson division carried an average criminal caseload of 836 cases. When Judge Frank R. Zapata took senior status in August, then-Chief Judge John M. Roll asked the Ninth Circuit to declare a judicial emergency. Chief Judge Roll also reached out to another busy district for help.

"[Chief Judge Roll] called last summer to ask us to come for a month, or come down more than once this year" said Senior Judge David S. Doty, "I told him that I would be there in March, and would have to think about whether we could balance additional time with the work in Minnesota." Chief Judge Michael J. Davis received a similar request for help from Judge J. Frederick Motz, chair of the Judicial Conference Committee on Intercircuit Assignments.

As Chief Judge Davis notes, Minnesota is one of the busiest districts in the country, with a wide spectrum of complicated civil cases; Arizona is one of the busiest districts for criminal

cases, with a caseload ten times that of Minnesota. Regardless of the caseload, "the judges of this court stand ready to come to the aid of colleagues with an emergency need," said Chief Judge Davis.

The judges of the District of Minnesota have a long history of helping other courts. Senior Judge Paul A. Magnuson and Judge Doty both accepted intercircuit assignments shortly after taking senior status. Judge Magnuson has assisted the Middle District of Florida for many years. For the first few years, Judge Doty also sat in Florida, where the courts were "so short that, as a visiting judge, I was the first judge to sit in the Fort Myers courthouse." Judge Doty transferred to the District of Arizona at the request of then-Chief Judge Stephen M. McNamee. "After the first year, it was so obvious that they desperately needed help," said Judge Doty. This spring, Judges Doty and

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District of Arizona

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Davis both traveled to the Tucson district to assist the court.

Chief Judge Davis had been scheduled to travel to Tucson on January 9. On January 8, Chief Judge Roll was killed while visiting Congresswoman Gabrielle Giffords. At the urging of the U.S. Marshals in Arizona and Minnesota, Chief Judge Davis postponed his trip for a few weeks. Judge Doty determined to extend his upcoming trip: "When [Chief Judge Roll] was killed in January, there was no question, we had to go help for a month, that court is just overwhelmed," said Judge Doty.

By any measure, the numbers are staggering. The Tucson district accounts for half of the Border Patrol arrests in the country. Assistant U.S. attorney Monte Clausen reports that, with an influx of new attorneys, the criminal caseload is *down* to 250 cases per person. Probation officers write an average of 20 presentence investigation reports a month. Following the death of Chief Judge Roll, the remaining three judges each carry an active criminal caseload of more than 1,200 cases. For perspective, Judges Davis and Doty sentence as many defendants in one week in Arizona as in an entire year in Minnesota.

Many hours of work go into each case. Defense attorneys regularly meet in person and via video link with defendants housed in Florence, Arizona. Probation officers prepare extensive presentence investigation reports detailing the personal and criminal history of each defendant. Few illegal re-entry cases proceed to trial: as one person quipped, when the court assured him that he did not have to plead guilty and could instead go to trial, "But I am the evidence!" Further, the U.S. Attorney uses a "fast-track" plea system, where the government offers to recommend additional reduction in sentence for early disposition of a case.

A typical day for a visiting judge involves 8-12 sentencing hearings, scheduled on fifteen-minute intervals. Although the charges are similar, the cases are not. "I never felt that what was happening was processing. It was thoughtful justice: every defense attorney and assistant U.S. attorney knew the defendant and the case intimately. The reports of the probation officers provided a detailed

The work in Arizona "goes back to why we became judges: to be of service. The judges of the Tucson court are struggling to keep the system working; the least I can do is help to the extent I can."

— Judge Doty

history of each defendant," said Chief Judge Davis. Each case involves an individual: the 67-year old man who simply loves the United States and who had entered, and been removed more than 40 times, but who had never committed an offense in the United States other than crossing the border illegally; the many men and women forced to drive a vehicle for a coyote (a person who transports people cross the border) who demanded more money if they refused; the juveniles used by the drug cartels to backpack drugs across the border; the group caught with several AK-47s and over a ton of marijuana; the woman who allowed immigrants to sleep at her house near the border.

The court learns about these individuals through a large stack of reports that arrives each day, along with position pleadings from the government and defendant. Preparation begins days before the sentencing. Each morning, the judges meet with probation officers to talk about each case for the day. The remainder of the morning

is filled with sentencing hearings. After lunch, and into the evening, review of the cases for the next day begins. And the process repeats.

The smooth and seamless manner in which the Tucson court handles the volume of cases and integrates visiting judges impresses both Judge Doty and Chief Judge Davis. "Even with sentencings scheduled every fifteen minutes, the attorneys, probation officers and defendants were always on time and ready," said Chief Judge Davis, who noted that the clerks, assistant U.S. attorneys, federal defenders, interpreters, probation officers and marshals of the Tucson court are "efficient, thorough and professional." Chief Judge Davis expressed his satisfaction given the many pieces that must come together. "We were not processing people, rather we were looking carefully at each case individually, and handling those cases in a short time; I walked away feeling good about our work."

Following the death of Judge Roll, the assistance provided by Chief Judge Davis, Judge Doty and the other visiting judges is even more vital, and Chief Judge Davis plans to return to help in August. "It's that important," said Chief Judge Davis. But Chief Judge Roll's death has taken a toll on much more than the caseload. "Judge Roll was loved and respected; it is clear that the entire court is carrying on with heavy hearts," said Chief Judge Davis. "[Judge Roll] became a friend over the years, he was a humble, hard-working judge, and nearly every person at the court would tear up as they talked about [him]," recalled Judge Doty. The work in Arizona "goes back to why we became judges: to be of service. The judges of the Tucson court are struggling to keep the system working; the least I can do is help to the extent I can," said Judge Doty.

Todd Winter is a law clerk to The Honorable David S. Doty.

Chapter Awards Law Student Scholarships

Four outstanding law students were recognized with Scholarship Awards from the Chapter on April 27, 2011. Each year, the Chapter asks the deans and faculty of Minnesota's metro-area law schools to identify a graduating student who has demonstrated exceptional scholarship in the study of federal courts and federal practice. As noted on the Chapter website, these awards are designed to further the mission of "encouraging and maintaining high standards of learning and competence in the legal profession." Each award is named in honor of someone who contributed significantly to federal law and practice: for the University of Minnesota, Judge Edward Devitt; for Hamline University, Judge Jacob Dim; for the University of St. Thomas, Judge Earl Larson, and for William Mitchell College of Law, former Clerk of Court Harry A. Sieben. Each award comes with \$2,000 and an engraved plaque, and recipients are invited to attend the FBA's monthly luncheon in May.

The University of Minnesota Law School hosted the 2011 award ceremony. Karin Ciano, the Chapter's Law School Liaison, welcomed attendees and made introductions. Following the presentation of awards and remarks by the recipients, Judge Donovan W. Frank, Chapter President, closed the ceremony with some final comments about the Chapter and its initiatives.



The University of St. Thomas School of Law Judge Earl R. Larson Award was presented to Tim Flynn by the Honorable John R. Tunheim, who once served as Judge Larson's clerk. The award is named for Judge Larson, a District Court judge from 1961 to 2001.



The Hamline University School of Law Judge Jacob Dim Award was presented to Nikola L. Datzov by Judge Donavan W. Frank, a Hamline law school alumnus. Judge Dim, for whom the award is named, was a Judge of Bankruptcy Court for the District of Minnesota from 1963 to 1982.



The William Mitchell College of Law Harry A. Sieben Award was received by Jenna Yauch. Judge Paul A. Magnuson, a William Mitchell law school alumnus, presented Ms. Yauch's award. The award is named for Harry A. Sieben, who served as Clerk of Court in the District Court for the District of Minnesota from 1971 until 1980.

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U.S. District Court judicial biographical details are taken from the "History of the Federal Judiciary" section of the Federal Judicial Center website at www.fjc.gov. Harry A. Sieben biographical details at <http://www.mnd.uscourts.gov/History/6-ClerkofCourts.pdf>. Judge Jacob Dim biographical details at <http://www.minnesotalegalhistoryproject.org/assets/Bankruptcy%20Judges%201898-2010.pdf>.

Scholarships

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(Below) The University of Minnesota Law School Judge Edward J. Devitt Award went to student Mikka Gee Conway. Judge Ann D. Montgomery, an alumna of the University of Minnesota Law School, presented the award. The award honors Judge Devitt, who served as a District Court judge from 1954 to 1992, and was Chief Judge from 1959 to 1981.



(Above) William Mitchell College of Law Dean Eric S. Janus, Judge John R. Tunheim, Judge Donovan W. Frank, University of Minnesota Law School Associate Dean Alexandra B. Klass, Tim Flynn (St. Thomas), Nick Datzov (Hamline), Mikka Gee Conway (Minnesota), Jenna Yauch (William Mitchell), Judge Ann D. Montgomery, Judge Joan N. Ericksen, Judge Paul A. Magnuson, and University of St. Thomas School of Law Dean Thomas Mengler.



Kerri Nelson is an attorney with the Holstein Law Group.

Photos taken by Tim Rummelhoff.

Judge Dreher

Continued from page 5

The volume of cases would have posed a challenge for some districts, but Judge Dreher credits the bankruptcy court's previous adoption of electronic filing and new technology, the leadership of Clerk of Bankruptcy Court Lori Vosejpka, and the experienced staff of the clerk's office for successfully meeting the demands posed by the high volume of cases.

Among the many notable accomplishments of the bankruptcy court under Judge Dreher's tenure was the establishment of a bankruptcy practice committee. In January of

2009, the bankruptcy court appointed fifteen members to a standing Bankruptcy Practice Committee. The purpose of the committee is to recommend changes to the Local Rules, liaise between the bankruptcy court and bar, and make suggestions for administrative improvements. There are four permanent seats (for representatives of the bankruptcy court, the clerk of bankruptcy court, the United States Trustee's office, and the office of the chapter 13 trustee). The remaining appointments are to be apportioned to the business and consumer bankruptcy bars. Recently, the committee acted ahead of the national trend by recommending a new local rule to require relief from stay motions to include a verification of the

creditor's standing, the loan history, and other information.

A second major accomplishment of the bankruptcy court under Judge Dreher's tenure was the development of *pro bono* programs, including the creation of a biweekly free bankruptcy advice clinic staffed by volunteer bankruptcy attorneys and law students. The clinics offer fifteen minutes of advice to low-income individuals. The program was developed by the *Pro Bono* Committee of the Bankruptcy Section of the Minnesota State Bar Association. Judge Dreher says it is "working beautifully" for lawyers and advice-seekers alike.

Continued on page 13

Newer Lawyers Committee Continues Tradition of In-Chambers Luncheons

It is often said that preparation is the key to success in litigation, or for that matter, in the practice of law. The Chapter's Newer Lawyers Committee has been helping newer lawyers prepare to litigate their cases in federal court with the monthly luncheons it has hosted over the past fifteen years. Each month a different federal judge or magistrate judge speaks to newer lawyers within the FBA on one aspect of federal litigation, providing invaluable advice for effective lawyering. The luncheons have been a great success in providing important information and insight to newer lawyers.

Each year effort is made to present topics that cover the arc of a civil litigation matter, from pleadings and discovery through a jury trial. In addition, the luncheons cover criminal practice, bankruptcy practice, and appellate practice, truly providing an opportunity for newer lawyers in all practice areas. They give the attendees a unique opportunity to hear from the very judges before whom

they will appear. The discussions provide a window to what works, and what doesn't, as well as each judge's own preference and insights for how to handle a variety of issues that arise.

The luncheons are open to all attorneys who have practiced for five years or fewer, and more recently, law student members as well. The luncheons are typically held within the judge's chambers, courtroom, or a conference room, providing a more informal and intimate setting to learn from the judge who is speaking. An effort is made to alternate the location of the lunches each month between the Minneapolis and St. Paul courthouses to make them more accessible to attorneys throughout the Twin Cities.

The committee is led by co-chairs appointed by the president of the chapter and serve staggered two year terms. This has provided continuity of leadership for the committee. This year the committee has been ably chaired by Kirstin D. Kanski, an attorney with Lindquist & Vennum, PLLP, and former law clerk to Judge David S. Doty,



Judge David S. Doty

and Brent C. Snyder, partner at Snyder & Brandt.

When asked what makes these luncheons successful, Snyder said the attendees really appreciate being able to hear directly from the judges and "the judges of this district are very generous with giving their time to these events." The Minnesota Chapter of the FBA is known nationally for the active involvement of its federal bench with the chapter, and this is certainly the case for the newer lawyer luncheons. According to Kanski, attendees truly value the opportunity to speak informally with the members of the federal bench and the chance to ask practical questions of the judges. Snyder added that "repeat attendance says a lot" about the relevance and value of these luncheons.

The committee is also working with the new student chapters at each of the four law schools to provide opportunities for the law student mem-



Judge Doty speaks to a group of newer lawyers about trial practice on April 13.

Continued on page 13

Newer Lawyers *Continued from page 12*

bers to attend the monthly luncheons. Also, each summer the committee sponsors a special luncheon hosted by Chief Judge Michael J. Davis, who speaks to law clerks, summer associates, interns, and law students regarding the federal courts, our local federal court, and federal litigation in general. The Chief Judge's summer luncheon has been so well received that the event has been split into two sessions to accommodate all who are interested in attending.

The Newer Lawyers Committee luncheons continue to help the newer members of the bar prepare for success in federal court. The committee expresses much gratitude to the judges of the District of Minnesota for giving their time so generously.

On behalf of the Chapter and all the newer lawyers and law students who attended the lunches from September 2010 to May 2011, the Committee would like to give a sincere thank you to the following judges who donated their time to host a luncheon and to share their insights:

Magistrate Judge Jeffrey J. Keyes
Discovery Disputes and Submissions

Magistrate Judge Franklin L. Noel
Role of the Magistrate Judge

District Judge Patrick J. Schiltz
Summary Judgment

District Judge Ann D. Montgomery
Oral Argument

District Judge Donovan W. Frank
Pre-Trial Submission

District Judge John R. Tunheim
White Collar Crime

Eighth Circuit Judge Diana E. Murphy
Appellate Issues to Consider During Trial

District Judge David S. Doty
Trial Practice

Bankruptcy Judge Gregory F. Kishel
Bankruptcy Practice

Vildan A. Teske is a partner at Crowder Teske, PLLP and serves on the National FBA Special Committee on Diversity, co-chaired by the Honorable Donovan W. Frank. Early in her career she founded the FBA Minnesota Chapter Newer Lawyers Committee.

Photos of Judge Doty's Luncheon were taken by Kirstin Kanski.



Judge Diana E. Murphy with Newer Lawyers Committee Co-Chairs Kirstin Kanski and Brent Snyder after her talk on appellate issues to consider during trial on March 17.

Judge Dreher *Continued from page 11*

Predictions for the Bankruptcy Court, Plans for the Future

Judge Dreher expects that the bankruptcy court, like all of the federal government, will continue to be challenged by budgetary cutbacks. "We have to continually learn how to do more with less," she said. She expects that the clerks' offices and the courts will need to continue to stay ahead of the game with technology and training. Based on the current trends, she anticipates that bankruptcy filings will continue to climb. In addition, the bankruptcy courts have seen an influx of new attorneys, and the bar must take an active role in mentoring those attorneys because it is easy to make serious mistakes that could potentially harm clients. Issues arise with *pro se* filers as well, as some eschew paying attorneys for bankruptcy advice and instead seek advice from nontraditional sources.

Reflecting on her own next steps, Judge Dreher says she will not miss the chief judgeship, although she has truly enjoyed working with Chief Judge Michael J. Davis, whom she praises for his openness to collaboration with the bankruptcy court. Judge Dreher looks forward to having a little more time to spend with her grandchildren in Chicago and Portland. She will also continue her work on the *Bankruptcy Law Manual* and the *Bankruptcy Service Current Awareness Alert*. She continues to serve the district in full-time recall status under a three-year recall appointment.

Erin Knapp Darda is a law clerk for The Honorable Robert J. Kressel, U.S. Bankruptcy Judge and Chief Judge of the 8th Circuit Bankruptcy Appellate Panel.

Cy Pres Distribution Furthers General Benefit and Advancement of Women in Minnesota

With the cy pres distribution of nearly \$9 million in residual settlement funds in March 2011, Judge Richard H. Kyle recently brought to close a seven-year legal odyssey against Solvay Pharmaceuticals, now a part of drug-manufacturing giant Abbott Laboratories.

The case began in March 2004, in Dakota County District Court. The plaintiff, Judith Yarrington, on behalf of herself and a class of similarly situated women, alleged that Solvay had falsely advertised its "Estratest" estrogen drug as approved by the Food and Drug Administration. She asserted claims for fraud, negligence, and breach of warranty, as well as claims under several Minnesota consumer-protection statutes. She sought to represent a nationwide class of women who had ingested the drug.

What followed was, charitably speaking, a first-year law student's procedural nightmare. Solvay removed the action to federal court, where it was assigned to Judge Joan N. Ericksen. It then moved to dismiss or to stay, and Yarrington filed her own motion to remand the case. Then-Magistrate Judge Jonathan G. Lebedoff recommended that the case be remanded, which Judge Ericksen adopted over Solvay's objection. The matter was then remanded to Dakota County, where Solvay moved to dismiss on numerous grounds. The court granted Solvay's motion and dismissed the case. Yarrington appealed, and the Minnesota Court of Appeals affirmed in part and reversed in part, remanding the case to the trial court.

Yarrington then sought class certification and, after narrowing some issues between the parties, later filed a revised motion for class certification. The parties also participated in two unsuccessful mediation sessions.

More than five years had passed since Yarrington had filed the action. Despite all of their procedural wrangling, or perhaps because of it, the parties reached a settlement in August 2009. As part of their agreement, they stipulated to stay the state action and file a new one in federal court, which was assigned to Judge Kyle. The parties then quickly moved for approval of their settlement, pursuant to which Solvay agreed to pay \$16.5 million. Judge Kyle preliminarily approved the settlement in September 2009 and granted final approval in March 2010.

A unique feature of the settlement was that it provided nearly complete relief for each class member—that is, each class claimant recovered 100% of the amount she allegedly overpaid for Estratest. Nearly 1,300 women participated in the settlement and were paid, in total, approximately \$3.3 million. After deductions for attorneys' fees and other administrative expenses, slightly less than

\$9 million remained in the settlement fund. But rather than returning that money to Solvay, the settlement agreement contemplated the cy pres distribution of those funds "for the general benefit of and advancement of women."

Judge Kyle issued an Order distributing the remaining settlement proceeds to several organizations focusing on women's health or other women's issues. Health facilities, including the Deborah E. Powell Center for Women's Health at the University of Minnesota and the department of endocrinology at the Mayo Clinic, received distributions of just over \$1 million. Several non-profit organizations focusing on menopause or female hormone research received \$650,000 each, as did women's shelters. And, \$100,000 was allocated to several women's legal entities and bar foundations, including the Lawyers Association for Women in Nashville and Minnesota Women Lawyers (MWL).

Established in 1972, MWL is a 1,200 member bar association dedicated to "advancing the success of women in the legal profession and striving for a just society." For MWL, the award could not have been more timely. In the fall of 2010, MWL established the Parity Taskforce, an initiative charged with determining the current status of women lawyers in Minnesota, measures that can be taken to increase the number of women in top leadership positions, and assessing the barriers to achieving parity. Early in the research process, the taskforce learned that Minnesota does not collect the demographic information of practicing attorneys on a comprehensive basis. As a result, no statistics on the number of women practicing in the state or the positions that they hold exist. Obtaining this threshold information is necessary before specific goals pertaining to gender parity can be established. However, like many other non-profit initiatives, MWL did not have the funding for the undertaking, or for many of the other initiatives necessary to make a real impact towards parity.

Judge Kyle's cy pres award changed that. In February 2011, MWL President Elizabeth Cutter learned about the cy pres opportunity from FBA members Jeanette Bazis and Dan Gustafson. Considering Judge Kyle's directive that allocations be used "for the general benefit of and advancement of women," MWL seemed to be a perfect candidate and Gustafson urged Cutter and MWL to apply for consideration. Judge Kyle and the parties to the litigation agreed. Cutter, on behalf of MWL, is deeply grateful for the opportunity the cy pres funds presents. For Cutter, the Court's allocation to MWL was "truly a banner day."

Marc Betinsky is a law clerk to The Honorable Richard H. Kyle.

Molly Thornton is a shareholder at Briggs and Morgan, P.A.

Magistrate Judge Rau's Investiture Ceremony at WMCL

William Mitchell hosted The Honorable Steven E. Rau's Investiture Ceremony on March 18, 2011. Chief Judge Michael J. Davis, Judge Donovan W. Frank, Judge Lisa M. Rau (Court of Common Pleas of Philadelphia County), and Becky Thorson gave remarks. A benediction was given by Father Kevin McDonough.



After the swearing-in by Chief Judge Davis and robing of Magistrate Judge Rau with his family, wife Christine Meuers and children Victoria Rau, Alex Davis, and Edward Rau, by his side, Magistrate Judge Rau gives a few remarks.

Photos provided courtesy of the U.S. District Court.

Pro Se Project

Continued from cover page

the Harrison Tweed Award. One of the letters expressed:

In spite of everyone being polite working through clarifications on Court Rules about when to file what, the bottom line is that I didn't know the law; I had far too many questions; I filed far too many things; and I filed the wrong things at the wrong time. . . . I wasted valuable Court time on poor "legal arguments." For nearly a year I was a very heavy burden on the Court. People who don't know what they are doing often are. Competent counsel early on would have saved much. It took extra time, effort, and patience, but fortunately the Court saw through my mistakes and mistakes it made because of me. The judge asked a *Pro Se* Project leader to consider this case. The first face-to-face meeting was with Dan Gustafson and James Anderson. . . . They treated me as professionally as if I had been an executive with a major company....The expertise and kindnesses of many attorneys with already full plates have rippled through countless lives in unimaginable ways.

In the words of another *pro se* litigant:

[S]ubsequent to receiving a probable cause finding and right to sue letter from the EEOC, a suit was filed on my behalf against a national mortgage company for discrimination. . . . I found myself standing alone and without legal counsel. . . . Judge Boylan had his clerk

prepare a referral and provide me with contact information for the Minnesota Chapter of the Federal Bar Association, *Pro Se* Project. I was apprehensive about contacting the *Pro Se* Project because I had my preconceptions about what type of attorney I might get assigned. . . . Despite my preconceived notions, I contacted the *Pro Se* Project immediately after leaving court. . . . In less than a month, Ms. Sanders found an attorney to represent me. What was unexpected for me was that the attorney Ms. Sanders found to take my case was not at all the "overworked, indifferent, burned-out, stereotypical public defender type" I was expecting. The attorney who agreed to represent me, Michelle Neumann from Halunen and Associates . . . has many years of experience and is highly qualified. Ms. Neumann is genuinely interested in justice for me and my rights as a Plaintiff. She is determined to pursue my goals for the outcome of my case and to protect the rights of others from the unlawful and unethical discriminatory practices by the Defendant. I couldn't have asked for a better attorney.

There are countless other *pro se* litigants who share the same sentiment regarding members of the Chapter's valiant efforts to assist the poor in our federal legal system and make their lives better.

Tiffany Sanders is the *Pro Se* Project Coordinator. She can be reached at proseproject@q.com or (612) 965-3711.

Judges from Republic of Georgia and Minnesota Share Experiences Through Open World Program

An Open World judicial delegation from the Republic of Georgia arrived in Minnesota on April 1, 2011 for a week-long program to promote mutual understanding between Minnesota judges and their Georgian counterparts. Hosted by U.S. District Judge John R. Tunheim and Magistrate Judge Jeffrey J. Keyes, the Open World delegation studied United States jury trials and strategies to reform the Georgian judiciary. Judge Tunheim has been involved in a major effort to train all criminal court judges in the Republic of Georgia to implement an adversary system and jury trials for criminal cases. Judge Tunheim said, "The four judges and one criminal defense lawyer in the delegation received exceptional training on the adversary system as practiced in the United States. They will bring these concepts back to Georgia at a very significant time in the development of Georgia's legal system. It was a great week and we all learned much from their presentation questions."

Deborah Lutjen of World Services of La Crosse, the event coordinator, commented that the U.S. District Court and Minnesota State Court volunteers significantly contributed to the delegation's understanding about jury trials that have yet to be implemented in Georgia. One delegate noted that observing a plea bargain hearing in the U.S. provided him with a completely new understanding about the process, compared to current practice in Georgia. The opportunity to witness a jury trial demonstrated the behavior and responsibilities of attorneys, judges, jurors, and defendants in reaching a fair decision. The delegates noted that judges in the U.S. are perceived as independent, responsible, and credible by citizens.



Photo provided courtesy of the U.S. District Court.

(L to R) Judge Giorgi Kashakashvili, Vardiko Gvarjaladze (Facilitator), Deborah Lutjen (World Services), Judge Mamuka Tsiklauri, Magistrate Judge Jeffrey J. Keyes, Judge Ketevan Jatchvadze, Chief Judge Michael J. Davis, Joseph Baratshvili (Attorney, Georgia Bar Association), and Judge John R. Tunheim.

Managed by the independent Open World Leadership Center at the Library of Congress, Open World is designed to enhance understanding and capabilities for cooperation between the United States and the countries of Eurasia and the Baltic States by developing a network of leaders in the region who have gained significant, firsthand exposure to America's democratic, accountable government and free-market system. Funded almost entirely by the U.S. Congress, Open World links Members of Congress to Eurasian leaders and is an instrument for Americans engaged in citizen diplomacy.

Since 1999 more than 16,000 Open World participants from Russia, Ukraine, the Republic of Georgia and other former Soviet Union countries have been hosted in all 50 states.

The delegation also participated in the National Security Forum, "Art of Diplomacy in an Age of Terror" and heard Ambassador Ryan Crocker's

excellent presentation. Law students and faculty at St. Thomas and William Mitchell learned about the progress and challenges in reforming the Georgian judiciary during seminars at local law schools. Delegates explored the use of technology in courtroom management; observed plea hearings; witnessed jury trials; and discussed media and the courts when visiting federal and state courts in Minneapolis and St. Paul.

For more information about the Republic of Georgia delegation's visit to Minnesota, contact Deborah Lutjen at World Services of La Crosse at 608-781-4194, dlutjen@wslax.us. For more information about Open World, please contact Maura Shelden, Open World Leadership Center, at 202-707-6197, mshelden@loc.gov.

William D. Hittler is a shareholder at Nilan Johnson Lewis, P.A. and is also the Co-Chair of the Communications Committee.

Annual Federal Practice Seminar Program to Cover Variety of Timely Topics and Issues

This year marks the 37th Annual FBA Seminar and it promises to be another great event. This year's seminar will be on **Tuesday, June 28, 2011**, at the Guthrie Theater in Minneapolis.

The program includes a discussion of in-house perspectives on *"Bet the Company Litigation"* moderated by Tom Fraser. Our panelists include representatives from the in-house departments of some of the largest companies in Minnesota. Our program will also feature a discussion of *"Perspectives on Trial Presentation,"* moderated by the Honorable John R. Tunheim and include commentary from Joe Anthony and Andrea George. In addition, the program will also feature a presentation regarding handling of parallel proceedings in District Court and Bankruptcy Court, including observations from the Honorable Ann D. Montgomery, the Honorable Robert J. Kressel, James Loden and Doug Elsass. Our program will also include an annual Federal Law Update.

This year's program will also feature a session with actors from the *Interact* theater group, focused on disability or bias issues in connection with the practice of law. Since 1996, the Inter-

act theater group has worked to create art that challenges perceptions of disability. It has opened doors for artists with disabilities and audiences eager to experience their work, who might never have seen the arts as a life choice, but who now see the arts as essential to their humanity. *Interact* was the first—and remains the only—visual and performing arts organization for artists with disabilities, nationally or internationally, that is creating full-time at the professional level, and sharing exciting seasons of performances and exhibitions with our audiences. For this segment of the program, an elimination of bias credit will be applied for.

Our speaker for this year's **Mason Memorial Luncheon** will be Pulitzer Prize winner **Lawrence Wright**. Lawrence Wright's recent book on the history of al-Qaeda, *The Looming Tower: Al-Qaeda and the Road to 9/11* was published to immediate and widespread acclaim, spending eight weeks on *The New York Times* best seller list and being translated into twenty-five languages. It was nominated for the National Book Award and won the Lionel Gelber Award for nonfiction, the Los Angeles Times Award for History, the J. Anthony Lukas Book Prize,

the New York Public Library Helen Bernstein Book Award for Excellence in Journalism, and the Pulitzer Prize for General Nonfiction. The NYU School of Journalism recently honored the book as one of the ten best works of journalism in the previous decade.

Capping off the day will be a panel discussion of all our District's newest Magistrate Judges. Chief Magistrate Judge Arthur J. Boylan will lead a discussion with Magistrate Judge Leo I. Brisbois, Magistrate Judge Steven E. Rau, and Magistrate Judge Tony N. Leung, who will share their observations on the practice of law.

Finally, we can all toast our presenters and speakers at a happy hour at the Guthrie.

We look forward to seeing you at this year's FBA Seminar!

Arthur G. Boylan and **Tracey Holmes Donesky** are shareholders at Leonard, Street and Deinard, P.A. and are Co-Vice Presidents of Legal Education. For more information about the seminar, please contact:

arthur.boylan@leonard.com or
tracey.donesky@leonard.com

Did you know

that a portion of your FBA membership dues are rebated from the national FBA to our local Chapter each quarter, and become available for use in important Chapter programs such as the *Pro Se* Project, the annual seminar, and the Chapter's diversity and law student initiatives? Thus, the more we increase our Chapter's membership, the better we are able to serve these and other programs.

If you value your membership in the FBA and our Minnesota Chapter, we hope you will take a moment to share that experience, this issue of *Bar Talk*, and the FBA membership application form attached to the end of this issue of *Bar Talk*, with friends and colleagues who are not yet members of the FBA. With this small act, you will be doing your Chapter, and all of those we serve, a valuable service.

Law School Student Chapters Host Events

University of Minnesota

The University of Minnesota FBA chapter has had a busy spring semester. In February, Judge John R. Tunheim spoke at a lunch event about his work in Kosovo. The event was co-sponsored by the FBA student chapter and attracted more than eighty students and members of the faculty. In March, U.S. Attorney B. Todd Jones spoke at another popular lunch event that the student chapter co-sponsored. Mr. Jones talked about his experiences leading up to becoming U.S. Attorney as well as how he sees the role of the U.S. Attorney's Office here in Minnesota. It has been great to have so many distinguished alumni return to the law school to connect with our students.

Spring finished up with an annual panel event. This year's topic was "How Do You Plead? Civil Pleading Standards Two Years After *Iqbal*." Our panel, moderated by Professor Brad Clary, featured Judge James M. Rosenbaum (retired), Professor Suzette Malveaux of the Catholic University of America, Columbus School of Law, Mark S. Olson of Oppenheimer, Wolff & Donnelly and Seth Leventhal of LEVENTHAL, pllc. The discussion was lively with Professor Malveaux and Mr. Leventhal representing the plaintiff's view of the effect *Iqbal* and *Twombly* (or *Twigbal* as some of the panelists referred to them) have had on their practice and on the seemingly heightened pleading standards as a barrier to otherwise worthy cases. Professor Malveaux has written on the topic in a Lewis and Clark Law Review article entitled: *Front Loading and Heavy Lifting: How Pre-Dismissal Discovery Can Address the Detrimental Effect of Iqbal on Civil Rights Cases*. Mr. Olson stood his ground in supporting the decisions from the defen-



(L to R) Brad Emmons , U.S. Attorney B. Todd Jones, Tennille McCray, Erica Davis, and University of Minnesota Law School Dean David Wippman.

dant's perspective. Judge Rosenbaum came down, in his usual style, as the voice of authority when he voiced what his standard was during his time on the bench: "You have to show me a little blood." The event was attended by many students and a few brave and dedicated practitioners who were kind enough to attend an event held on a Friday evening.

The student chapter has had a successful school year and after the results of recent board elections, next year is sure to be another successful one. Members of the new board have already started trading ideas and will be contacting practitioners in the FBA-Minnesota chapter to either participate in or attend an event in the near future. The student chapter is grateful to have such an active and well organized local FBA chapter to be associated with and enjoy your support and guidance.

Erica Davis is the President of the University of Minnesota Law School Student FBA Chapter.

William Mitchell College of Law

On April 11, 2011, Assistant Federal Public Defender Kate Menendez spoke to an engaged room of students, faculty, and guests at William Mitchell College of Law. Ms. Menendez spoke about her experience representing a Guantanamo Bay detainee and the legal struggles she and her client were able to overcome. The talk provided much-needed insight into the difficulties, both logistical and legal, of representing Guantanamo Bay detainees, as well as the benefits of the experience. The attendees expressed afterwards that Ms. Menendez's talk was one of the best they had been to. The William Mitchell College of Law student chapter of the Minnesota Federal Bar Association is grateful for the FBA's support. The Chapter would also like to extend a special thank you to Ms. Menendez.

Brianna Perry is the Secretary of the William Mitchell College of Law Student FBA Chapter.

A Running Start: St. Thomas FBA Student Chapter

Last fall University of St. Thomas School of Law students Sarah Broughton and Kate Lowe took the initiative to form a student chapter of the FBA at the school. Along with the help from faculty advisor Professor Hank Shea and a motivated executive board, the chapter has had a wildly successful inaugural year. Membership has swelled to more than 100 students, making it one of the largest student organizations on campus.

President and co-founder Sarah Broughton said her goal is to offer opportunities to students to get exposure and learn more about federal practice. "Students have a huge amount of respect, awe, and some fear for the federal court," Broughton said. "I wanted to create a venue for students to meet role models and mentors while unveiling the unknown."

Broughton is a native of the Iron Range who came to St. Thomas after four years of Merchandising at Target Corporation. She became attracted to federal practice during a summer judicial internship with U.S. District Judge Susan Richard Nelson and found the FBA to be an excellent avenue to advance her interest in federal law outside of the classroom.

Vice president and co-founder Kate Lowe was motivated to bring an FBA student chapter to St. Thomas because she wanted to provide the student body with more exposure to different legal concentrations. "There is so much opportunity for lawyers in the federal government," Lowe said, "and students are often exposed to only a fraction of the possibilities."

Lowe is a Twin Cities native who came to St. Thomas after an extended stint in e-commerce. Her interest in federal practice has grown significantly since co-founding the group. She plans to spend the summer at the U.S. Attorney's Office in Minneapolis as an extern.

Since forming, the group has hosted an impressive slate of events, including "A Tangled Web Unweaved: Inside the Petters Ponzi Scheme." It was the law school's largest non-graduation event and attracted more than 400 attendees. The event brought key players Allan Caplan, Joe Friedberg, John Marti, and Doug Kelley together to provide insight into fraud. It was moderated by Joe Dixon. The chapter has also held lunches featuring FBI agents, a former A.U.S.A., and a federal judge as guest speakers. Most recently the chapter took a "field trip" to federal court in St. Paul to watch proceedings in Judge Donovan W. Frank's courtroom and have lunch with Judge Nelson.



Sarah Broughton, President and Co-Founder of the University of St. Thomas School of Law FBA Student Chapter.

Broughton and Lowe attribute some of the group's success to identifying and articulating a mission early on. Broughton said, "We strive to advance the relationships between student members and the professional members of the Minnesota Chapter of the Federal Bar Association and to help promote the welfare, interests, education, and professional growth and development of the student members."

The group recently held elections for the coming school year. Rising 2Ls Nicholas Cunningham (President Elect) and Walter Baumann (Vice-President Elect) will take over leadership come fall.

Current executive board members Nicholas Cunningham, Kali Gardner, Sabrina Go, and Rory Mattson will be working with the current leaders and newly elected officers to continue establishing the group's presence on campus. Going forward, the student chapter is planning to bring more exciting events to St. Thomas and to provide the student body with more opportunities for exposure to federal practice.

The UST FBA Student Chapter is grateful to Karin Ciano, Minnesota Chapter Law School Liaison, Professor Shea, and the many federal judges and practitioners who have offered their time and advice over the course of the year.

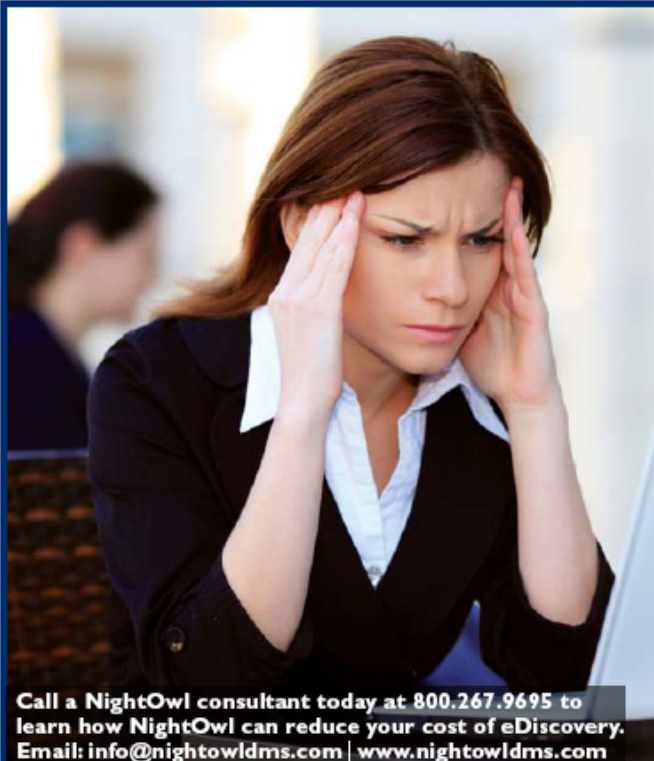
Rory Mattson is the Communication Chair for the University of St. Thomas School of Law FBA Student Chapter.

Key Reminders for Electronic Case Filing on CM/ECF

The following are helpful reminders regarding electronic case filings in the District of Minnesota:

- ⇒ Two courtesy copies are required on all motions and supporting documents, including Memoranda, Affidavits and Exhibits. Always check the Pretrial Orders and Trial Notices for the Judge's preferences.
- ⇒ Stipulations should be filed in ECF on behalf of all parties who signed the document.
- ⇒ Proposed orders do not get filed on ECF. E-mail proposed orders in word processing format to the Judge ruling on the issue. The Judges' e-mail addresses can be found in the Civil & Criminal Procedure Guides.
- ⇒ Under LR 5.4, the Notice of Electronic Filing generated by ECF constitutes a certificate of service with respect to those persons to whom electronic notice of filing is sent, and no separate certificate of service needs to be filed.
- ⇒ Filers are required to serve copies of any electronically filed pleading, document, or proposed order to parties not served electronically by ECF according to the Federal Rules of Civil Procedure. These would include proposed orders and sealed documents.
- ⇒ Each attachment must be less than 5MB or 5120 KB.
- ⇒ Remember s/signature for electronic documents.
- ⇒ Clear cache memory of temporary internet files.
- ⇒ Clear your cache when you don't see the correct menu options or if you cannot properly login and after you register. To do so, follow these steps:
 - For Mozilla Firefox:
Tools > Clear Recent History, or
Tools > Options > Privacy Tab > Settings
 - For Internet Explorer:
Tools> Internet Options > General Tab > Browsing History
- ⇒ Use the Help icon on the menu bar in ECF for additional help.

Key reminders are available on the U.S. District Court's website at: http://www.mnd.uscourts.gov/cmecf/key_reminders_ecf.pdf



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- Online Hosting using Relativity
- Concept Search and Data Sampling for Data Reduction
- Contract Attorney Review

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Grant Committee Updates Report for 2011

The March issue of *Bar Talk* contained an article on the Minnesota Chapter's Grant Committee, reflecting some of its history over the past two decades or longer, and reporting on its activities in 2010. The work on the Committee during 2011 fulfilled the Board's mandate to identify, evaluate and recommend potential grant recipients. Thus, potential grantees were advised of the Committee's guidelines, were invited to submit an application, and were requested to describe the extent to which the applicants would "fit" within the goals of the Minnesota Chapter.

In general, applicants were asked to describe their organization and how its activities related to the administration of justice in the federal judiciary in Minnesota, including the fostering of improvements in the practice of federal law, the elimination of bias, the promotion of diversity, and the achievement of the highest standards of ethical practice.

More particularly, applicants were asked to identify the constituency that would be served by the requested grant, the purpose for which the grant would be used and the timetable on which this would be done for accomplishing the goal. In addition, applicants were requested to advise how any FBA funds provided in any previous year were used, to state the means by which the organization evaluates the effectiveness of its services and whether it conducts its business in accordance with a written EEO policy, and to provide such other information that could be relevant to the application.

Thirteen applications were duly submitted in February to the Committee in the total amount of \$34,100.

At its Spring meeting on March 8, 2011, the Chapter's Board of Directors approved the Committee's recommendation that the following applicants be awarded grants in the amounts listed in the adjacent table.

2011 Grant Recipients

Advocates for Human Rights	\$2,000
Anishinabe Legal Services	\$2,000
Books for Africa	\$500
Immigrant Law Center of Minnesota	\$2,000
Innocence Project of Minnesota	\$3,000
Loan Repayment Assistance Program of MN	\$2,000
Mid-Minnesota Legal Assistance (including Legal Aid Society)	\$5,000
Minnesota Justice Foundation	\$5,000
Minnesota Landmarks, Landmark Center	\$1,250
Southern Minnesota Regional Legal Services	\$1,100
Volunteers of America of Minnesota	\$2,000
Volunteer Lawyers Network, Ltd.	\$750
Total	\$26,600

This total for 2011 compares with \$24,750 awarded in 2010. It is anticipated that these 2011 grants will be distributed later this Spring or early Summer.

The Chapter's Grant Committee currently consists of co-chairs Jim Simonson and Catherine McEnroe, and committee members Shannon O'Toole, Doug Elsass, Barbara Berens, Allen Slaughter, Clayton Halunen, Dulce Foster, Tara Norgaard, and Marlee Jansen.

James S. Simonson is a principal at Gray Plant Mooty and is Co-Chair of the Grant Committee.

October 2010 to March 2011 FBA Luncheon CLE Credit Information

Date	Event Title	Hours Approved	Credit Category	Event Code
Oct. 20, 2010	Minnesota Supreme Court Chief Justice Lori Skjerven Gildea: The Right to Simple Justice	0.5	Standard	149865
Nov. 17, 2010	Chief Judge Michael J. Davis: State of the United States District Court for the District of Minnesota	0.5	Standard	150379
Dec. 15, 2010	Bill White: A Brief History of <i>Minnesota Law & Politics</i> : Only our Name was Boring	0.5	Standard	151596
Jan. 19, 2011	Magistrate Judge Leo I. Brisbois: New Magistrate Judge's Transition to the Bench	0.5	Standard	152156
Feb. 16, 2011	Justice For All: A Panel Discussion About Innovations and Challenges in Providing Access to the Courts for Under- served and <i>Pro Se</i> Litigants	0.5	Ethics	153885
Mar. 16, 2011	Judge Joan N. Ericksen: Trial Practice	0.5	Standard	154855

Calendar of Upcoming Events

June 27 and 29, 2011 | 12:00 p.m.
FBA Summer Associate and Law Clerk Luncheon
with Chief Judge Michael J. Davis
 Minneapolis, Courtroom 15E

[For more information, please contact **Brent Snyder**
 (brent.snyder@snyderattorneys.com) or **Kirstin Kanski**
 (kkanski@lindquist.com).]

June 28, 2011
37th Annual Federal Practice Seminar
 Guthrie Theatre – Minneapolis

This year's seminar will feature:

- **Interact!** – A presentation by an acting troupe focused on issues relating to disabilities and the legal system.
[\(http://www.interactcenter.com/\)](http://www.interactcenter.com/)
- **Lawrence Wright** – the Mason Memorial Luncheon Speaker - His recent book on the history of al-Qaeda, "The Looming Tower: Al-Qaeda and the Road to 9/11" was published to immediate and widespread acclaim.
[\(http://www.lawrencewright.com/\)](http://www.lawrencewright.com/)
- **Bet the Company Litigation** – A panel discussion of in-house counsel moderated by Tom Fraser.
- **Perspectives on Trial Presentation** – A panel discussion with Joe Anthony, Andrea George, and others moderated by the Honorable John R. Tunheim.
- **Parallel proceedings** – A panel discussion on parallel litigation in the U.S. District Court and the Bankruptcy Court, including observations from the Honorable Ann D. Montgomery and the Honorable Robert J. Kressel.
- **Meet Your New Magistrate Judges** – Chief Magistrate Judge Arthur J. Boylan will lead a discussion with Magistrate Judge Leo I. Brisbois, Magistrate Judge Steven E. Rau, and Magistrate Judge Tony N. Leung, who will share their observations on the practice of law.

[For more information, please contact **Arthur Boylan**
 (arthur.boyland@leonard.com) or **Tracey Holmes Donesky**
 (tracey.donesky@leonard.com).]

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Monthly Luncheons and Newer Lawyer Lunches
 will start again in **September 2011**. Invitations will be sent out via e-mail in late August or early September.

Communications Committee

Marc Betinsky
Law Clerk to The Honorable Richard H. Kyle

Karin Ciano
Law Clerk to The Honorable Ann D. Montgomery

Erin Knapp Darda
Law Clerk to The Honorable Robert J. Kressel

Michael Goodwin
Jardine, Logan & O'Brien, PLLP

Wesley Graham
Henson & Efron, P.A.

Kari Hailey
Nilan Johnson Lewis, P.A.

William Hittler (Committee Co-Chair)
Nilan Johnson Lewis, P.A.

Annie Huang (Committee Co-Chair)
Robins, Kaplan, Miller & Ciresi L.L.P.

Jeff Justman
Law Clerk to The Honorable Diana E. Murphy

Steve Katras
Law Clerk to The Honorable Janie S. Mayeron

Adine S. Momoh
Law Clerk to The Honorable Jeanne J. Graham

Kerri Nelson
Holstein Law Group

Erin Oglesbay
Winthrop & Weinstine, P.A.

Timothy O'Shea
Fredrikson & Byron, P.A.

Ryan Schultz
Robins, Kaplan, Miller & Ciresi L.L.P.

Bryan Symes
Seaton, Beck & Peters, P.A.

Anita L. Terry
Law Clerk to The Honorable Paul A. Magnuson

Vildan Teske
Crowder Teske, PLLP

Molly Thornton
Briggs and Morgan, P.A.

Todd Winter
Law Clerk to The Honorable David S. Doty

A special thank you to **Rebecca Baerstch**, Judicial Assistant to the Honorable Donovan W. Frank, and **Patricia May** of Robins, Kaplan, Miller & Ciresi for their 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:

Bill Hittler (whittler@nilanjohnson.com)
 or
Annie Huang (ahuang@rkmc.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.

Advocacy

The opportunity to make a change and improve the federal legal system through grassroots work in over 80 FBA chapters and a strong national advocacy.

Networking

Connect with a network of federal practitioners extending across all 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands.

Leadership

Governance positions within the association help shape the FBA's future and make an impact on the growth of the federal legal community.

Learning

Explore best practices and new ideas at the many Continuing Legal Education programs offered throughout the year—at both the national and chapter levels.

expand your connections, expand your career

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 |
| <input type="radio"/> Criminal | <input type="radio"/> Military |
| <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 |
- ☐ 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: \$ _____

Practice Area Sections

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

Career Divisions

<input type="checkbox"/> Federal Career Service (past/present employee of federal government)	N/C
<input type="checkbox"/> Judiciary (past/present member or staff of a judiciary)	N/C
<input type="checkbox"/> Corporate & Association Counsels (past/present member of corporate/association counsel's staff)	\$10
<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	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 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 <input type="checkbox"/> Mid-South <input type="checkbox"/> Nashville <input type="checkbox"/> Northeast <input type="checkbox"/> 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: \$ _____

Payment Information and Authorization Statement

TOTAL DUES TO BE CHARGED

(membership, section/division, and chapter dues): \$ _____

☐ Check enclosed, payable to Federal Bar Association
Credit: ☐ American Express ☐ MasterCard ☐ Visa

Name on card (please print) _____

Card No. _____ Exp. Date _____

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)

*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% which is used for congressional lobbying and is not deductible. Your FBA dues include \$14 for a yearly subscription to the FBA's professional magazine.