



Bar Talk

May 23, 2012

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

Open Doors to Federal Courts Celebrates Thirteen Years

Since 1999, Judge Donovan W. Frank has hosted the Open Doors to Federal Courts program, introducing hundreds of high-school students to the inner workings of the court system. This year's program took place on Thursday, April 26, 2012, at the courthouse in St. Paul, bringing students from Patrick Henry High School in Minneapolis and Kingsland Senior High in Spring Valley (Judge Frank's hometown) to learn about our system of justice and, perhaps more importantly, to discover their own potential. Judge Frank, with the invaluable assistance of Rebecca Baertsch, deliberately chooses one rural and one city school to take part in the program, to ensure that participants reflect Minnesota's broad spectrum of socioeconomic, racial, and ethnic diversity. The program opens with an emphasis on achieving your dreams, because for some of the students, this may be the first time they have seen a person sharing their background who is an attorney, a DEA agent, a Probation Officer, or even a Judge. The message is an important one: If we can do it, you can do it.

Open Doors is much more than a one-day field trip; it is a commitment from the students and the schools. Assistant United States Attorney Ann Anaya, Assistant Federal Defender Manny

Atwal, and Charlie Cree of the Clerk's Office visit the high schools before the program to prepare the students to be active participants. This year's theme was The First Amendment and Social Media: Student Rights, Wrongs, and Responsibilities. To illustrate the theme, the students participated in a mock civil trial scenario involving a high school's discipline of a student for sending an unflattering text message regarding the town's mayor.

Students acted as lawyers, judges, jurors, and even courtroom deputies and U.S. Marshals in the mock trial. The "parties," however, were volunteer actors drawn from all corners of the Federal Family. From Heidi Whereat, ICE special agent, who played the teenaged plaintiff, to Mary McKay, executive assistant to the Clerk of Court, who embodied the technophobic high school principal, the amateur thespians carried off their roles with aplomb. The United States Attorney's Office supplied the main source of actors, with Surya Saxena, Drew Winter, and Bahram Samie all impressive in their roles. And perennial Open Doors favorite Reggie Aligada did the Federal Defender's Office proud as an aide to the maligned mayor.

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Assistant U.S. Attorney Ann Anaya (left), Assistant Federal Defender Manny Atwal (right) and the Honorable Donovan W. Frank (right) with Patrick Henry High School students.

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Assistant U.S. Attorney Ann Anaya (left), Assistant Federal Defender Manny Atwal (right) and the Honorable Donovan W. Frank (right) with Kingsland Senior High School students.

After the trial simulation, students heard a lunchtime presentation about cybercrimes with Special Agent Kyle Loren from the FBI. Two Secret Service agents brought an SUV used to transport visiting dignitaries, including the President, and touring what was dubbed “the package” was a highlight of the day for many students.

The afternoon wrapped up with a career showcase featuring the FBI, Secret Service, St. Paul Police Department, ATF, DEA, and Probation & Pretrial Services. The students then returned to their schools with a deeper understanding of their government and the knowledge that they can play whatever role they choose in ensuring that justice is done.



Assistant Federal Defender Manny Atwal and the Defendant's trial team (above). Assistant U.S. Attorney Ann Anaya with Plaintiff's trial team (below). The Honorable Donovan W. Frank with the student judges (left).



Anita L. Terry is a member of the Communications Committee and a career law clerk for the Honorable Paul A. Magnuson.

Minnesota Chapter Honors Four Law Students at Spring Reception

On April 11, 2012, the Minnesota Chapter held its annual reception honoring one top-performing law student from each of the state's four law schools. This year's event was made all the more special by virtue of the fact that it was the 30th anniversary of the event, initially created to honor students for excellence in the study and practice of federal law. Each student received an award named in honor of trailblazing members of Minnesota's federal bar, and a \$2,000 scholarship.

University of Minnesota student Mark Thomson received the Edward J. Devitt award, named for the former Chief United States District Judge for the District of Minnesota. Benjamin Linden, from William Mitchell College of Law, received the Harry A. Sieben award, in honor of the long-tenured former Clerk of the District. Abigail McGibbon, from Hamline University School of Law, received the award named for Judge Jacob Dim, a former judge of the Bankruptcy Court for the District of

Minnesota. And Aaron Knoll, from the University of St. Thomas School of Law, received the Judge Earl R. Larson award, named for another well-reputed former judge in the District of Minnesota.

The awards were presented by the Honorable Joan N. Ericksen, Paul A. Magnuson, Donovan W. Frank, and Patrick J. Schiltz. Karin Ciano played a central part in putting the event together and gave warm welcoming remarks. Pat Martin, the President of the Minnesota Chapter, concluded the event by putting it in context of the Chapter's overall programs and outreach efforts. Given the strong attendance and positive reception, there is little doubt the tradition will continue with four new, lucky law students in 2013.

Jeff Justman is a member of the Communications Committee and an associate at Faegre Baker Daniels, LLP. He previously clerked for Eighth Circuit Court of Appeals Judges James B. Loken and Diana E. Murphy, and was a recipient of the Edward J. Devitt award in 2009.



University of Minnesota law student Mark Thomson, (second from left), with law professors Kristin Hickman (left) and Brad Clary (right), and the Honorable Joan N. Ericksen (second from right).



The Honorable Paul A. Magnuson (left), together with Benjamin Linden from William Mitchell College of Law (center), and William Mitchell Dean Eric Janus (right).



Aaron Knoll from the University of St. Thomas School of Law (center), with the Honorable Patrick J. Schiltz (left) and St. Thomas Dean Thomas Mengler (right).



Abigail McGibbon from Hamline University School of Law (center), with Hamline Dean Donald Lewis (left) and the Honorable Donovan W. Frank (right).

A Tribute to the Federal Prisoner Transportation Program

After eight years, the Minnesota Chapter of the FBA's Federal Prisoner Transportation Program came to an end this spring. It was the first of its kind in the country and, by all accounts, a great success. From its inception, the Program provided participants with more than a ride to the women's prison in Pekin, Illinois, and the opportunity to maintain the parent-child bond; it provided a support network for families in difficult situations, friendship for children struggling with the incarceration of a parent, and a sense of community for the mothers in Pekin. Thanks to the collaboration between the federal bench and bar, the Transportation Program leaves an inspiring legacy.

Establishing the Program: A Partnership Between the Minnesota Federal Bench and Bar

Members of the federal bench visited the prison in Pekin, Illinois in 2003. At the time, Pekin held the largest population of women from Minnesota and—at over 450 miles away—it was the closest women's facility to the Twin Cities. During their visit, the judges spoke with some of the inmates about their experience. Again and again, the women explained that one of the greatest challenges they faced was maintaining a relationship with their children in Minnesota. Most of their kids stayed with family members in the Twin Cities and were rarely able to make the long trip to Pekin due to transportation and financial hardships.

When they returned from their visit, then-Chief Judge James M. Rosenbaum (ret.) and his colleagues on the bench approached the FBA about establishing a program to provide transportation from Minnesota to Pekin for the dependent children of the women incarcerated there. Judge Rosenbaum offered funds from extraordinary restitution to support the proposal. The FBA, through a committee led by Manny Atwal, Shannon O'Toole, Judge Donovan W. Frank, and now-Magistrate Judge Steven E. Rau, eagerly began to explore the idea. The committee interviewed women who had served time at Pekin about the impact of their incarceration on the relationship with their children. Those women echoed the sentiments of the mothers

the judges met during their visit to Pekin. They explained that even one visit from their kids would have made a world of difference while they were serving their sentences. Encouraged by these women, the FBA committee began to put the wheels in motion for the Transportation Program.

In July 2004, now-Chief Judge Michael J. Davis began his term as President of the Minnesota Chapter of the FBA. He made the Transportation Program a top priority and became dedicated to seeing it in action within the year. By the fall, the Chapter established a partnership with the Minnesota Chapter of Volunteers of America ("VOA") to handle the day-to-day administration of the Program. VOA chaperoned each trip to Pekin, contracted with the bus company for the travel arrangements, made reservations at a motel for the group, coordinated with the wardens, and provided pre- and post-visit counseling to the participants. The VOA employees also worked with Pretrial Services and Probation to create a list of eligible families interested in participating in the Program. With these details in place, the Chapter and VOA began to plan the first trip to Pekin.

Operation of the Program

On a Friday morning in May 2005, about fifteen children excitedly boarded a bus for the first trip to Pekin. Most of the kids had not seen their mothers since they were incarcerated. The kids were accompanied by their caretakers, VOA employees, members of the FBA, and probation officers. To help pass the time during the seven-and-a-half-hour journey, they talked, played games, and watched movies supplied by local law firms and the FBA. When the bus arrived at Pekin, the kids and their moms visited on Friday afternoon, Saturday, and Sunday morning. They played cards together, braided hair, showed report cards, talked, and laughed. In many cases, these trips were the only times the kids saw their moms; that time together helped to ensure that the relationship between the mothers and their children remained intact. According to Krystal Taylor, the liaison between the

(Continued on page 5)

Chapter, Probation, and the VOA, “The Program was an integral part of keeping the mothers and their children connected, especially because some of the children would not have seen their mothers for years without it.”

The Program also resulted in some unexpected benefits. For the children, the long bus rides spent talking and playing games allowed them to build relationships with one another. As Dulce Foster, the Chair of the Transportation Committee, explains, “for many of the kids, just knowing other families in the same situation provided a source of support and acceptance. At school, having a mom in prison can make a kid feel alone and different. On the bus to Pekin, they were just like all the other kids.” The Program also resulted in unforeseen benefits for the mothers. Many of the women expressed an interest in contributing to their community and volunteering after they served their sentences because they felt the impact it could make firsthand. The women’s involvement with the Program also seemed to improve their perception of the judicial system. Judge Frank remarked, “When we set out to begin this Program, our primary motivation was not to enhance the image of the justice system, judges, or lawyers, but to serve the interests of justice, including the best interests of the families. But, by the end, we had done just that for many of these families. The mothers told us that this Program showed them that the judges, lawyers, and probation officers really cared about them.”

Within one year of the first trip to Pekin, the Program received national recognition when the Foundation of the FBA presented the Minnesota Chapter of the FBA and VOA with the Ilene and Michael Shaw Public Service Award in 2005.

The End of the Program and Its Lasting Legacy

The Transportation Program continued to make quarterly trips to Pekin until February 2011. By that time, each bus was packed with nearly fifty children. Then, the Federal Bureau of Prisons announced the conversion of Pekin into a men’s facility and the opening of a women’s facility about seventy-five miles south of Minneapolis in Waseca, Minnesota. After the Waseca prison opened, most women sentenced in Minnesota were sent there; the primary

need that initially prompted the establishment of the Transportation Program no longer existed. Consequently, last year the FBA announced the Program’s final trip to Pekin.

The end of the Program is “bittersweet” according to those involved because it means an end to those unexpected benefits for the kids and their families as well. But, as Ms. Foster explains, the Program is “ending for all the right reasons. Having a more accessible prison in Minnesota, which serves most of the women sentenced here, can do much more to ease the difficulties of separation among families than the few weekend trips per year our program provided. The children and families affected by incarceration are benefitting from this change. It is really a very good development and I’m happy it all worked out in the way that it did.”

At the monthly Minnesota Chapter FBA meeting on April 25, 2012, several people were acknowledged for their contributions to the Program and presented with an award in thanks. Among those recognized were Sarah Dass, Cecilia Hughes, and Alison Jonell from VOA, and Rebecca Chaiken and Krystal Taylor from Probation and Pretrial Services. Those honored from the FBA included Judge Rosenbaum, Minnesota Chapter FBA President Pat Martin, Assistant Federal Defender Manny Atwal, Shannon O’Toole, Jeanette Bazis, and Dulce Foster.

The Federal Prisoner Transportation Program demonstrates the powerful and meaningful results of a partnership between the federal bench and the Minnesota Chapter of the FBA. Pat Martin reflected, “The FBA Minnesota Chapter is proud that we stepped up and answered the call when the Court provided the idea and means for this Program. Those of us who rode along to Pekin saw the impact firsthand on the faces of the children and their mothers. We hope that this Program has a lasting legacy and is remembered by the participants.” Certainly, the legacy the Program leaves is a testament to this Chapter’s exemplary work and its leadership role in the federal system. As Judge Frank so succinctly put it, “The Federal Prisoner Transportation Program was more than we could ever have hoped for.”

Trish Furlong is a member of the Communications Committee and a law clerk for the Honorable Steven E. Rau.

The *Pro Se* Project Update: A SUCCESSFUL SECOND ANNUAL *PRO BONO/PRO SE* BAR SUMMIT

The Second Annual *Pro Bono/Pro Se* Bar Summit, held on April 23rd at Fredrikson & Byron, P.A., was a great success. Pat Martin, Chapter President, John Koneck, Fredrikson & Byron President, and the Honorable Donovan W. Frank gave welcoming remarks, and Judge Frank also introduced the panelists. Cathy Haukedahl, Executive Director of Mid-Minnesota Legal Aid; Stephen Meili, Clinical Professor at the University of Minnesota Law School; Brian Huffman, Washington County Law Librarian; James J. Long, Briggs and Morgan *Pro Bono* Committee Chair; and David March, Senior Counsel Real Estate, Target Corporation discussed challenges that communities, legal service providers, *pro se* litigants, and *pro bono* attorneys face as a result of the economic downturn and explored ways to meet the growing legal needs among low- and mid-income individuals. Tiffany Sanders, *Pro Se* Project Coordinator, moderated. After the panel discussion, attendees, including the Honorable Franklin L. Noel and the Honorable Steven E. Rau, and panelists broke into small groups for roundtable discussions regarding ways to overcome challenges in serving the *pro bono* and *pro se* needs of the community and collaborative initiatives. Following the roundtable discussions, Fredrikson & Byron

graciously hosted a cocktail and hors d'oeuvres reception that provided terrific networking opportunities.

***Pro Se* Project Presentation at ABA's Equal Justice Conference**

Tiffany Sanders presented the *Pro Se* Project at the American Bar Association's annual Equal Justice Conference in Jacksonville, Florida, on May 18, 2012. The panel, titled "Programs to Assist Self-Represented Litigants in the Federal Courts" included the Honorable Timothy J. Corrigan, U.S. District Judge, Middle District of Florida and Dana C. McWay, Clerk of Court, U.S. Bankruptcy Court for the Eastern District of Missouri. Ms. Sanders showcased the vision and innovation of our Federal Bench and this Chapter in creating the *Pro Se* Project, explained how the Project works through tremendous partnership with the federal judges and volunteer attorneys, and provided statistics to demonstrate the *Pro Se* Project's impact on improving access to justice for the underserved and its substantial contribution to the Court. The presentation included a tutorial on the superior *pro se* forms and other offerings for *pro se* litigants on the Court's website that Magistrate Judge Noel and Tricia Pepin,



Front row (L to R):

Brian Huffman, Washington County Law Librarian; Cathy Haukedahl, Executive Director Mid-Minnesota Legal Aid; James J. Long, Briggs and Morgan *Pro Bono* Committee Chair; David March, Senior Counsel, Real Estate, Target Corporation.

Back row (L to R):

Stephen Meili, Professor of Clinical Law, University of Minnesota Law School; Tiffany Sanders, *Pro Se* Project Coordinator.

Legal Counsel to the Clerk of Court, created and maintain.

Gustafson Gluek Accepts *Pro Se* Project Referral with more than 600 Individuals Currently Committed to MSOP

Most notable among the cases the Court has referred to the *Pro Se* Project in 2012 are two referrals from Judge Frank involving a group of *pro se* litigants housed in the Minnesota Sex Offender Program (MSOP) in Moose Lake: *Thompson v. Ludeman, et al.*, 11-CV-1704 (DWF/JJK) and *Karsjens et al., v. Minnesota Department of Human Services, et al.*, 11-CV-359 (DWF/JSM). More than 200 other *pro se* MSOP individuals filed more than 35 cases in this District and these cases, in various stages of litigation, were assigned to virtually all of the Judges in this District. The two MSOP cases Judge Frank referred to the *Pro Se* Project involve 14 named individuals who alleged a variety of constitutional violations stemming from, among other things: lack of treatment; excess punishment; inhumane treatment; infringement on freedom of religion; unreasonable searches and seizures; and invasion of privacy. The *pro se* Plaintiffs in both cases petitioned for class certification.

Upon receiving Judge Frank's referrals, the *Pro Se* Project contacted Dan Gustafson of Gustafson Gluek who agreed to represent the named individuals and move for class certification to include all MSOP individuals in one consolidated case. Shortly after Gustafson Gluek entered a notice of appearance, the Honorable Michael J. Davis issued an Order staying all *pro se* MSOP cases, other than the two in which Gustafson Gluek filed notices of appearance, pending the outcome of the class certification motion. Judge Frank then issued an Order staying one of the two Gustafson Gluek cases and setting a deadline for filing an Amended Complaint. Gustafson Gluek filed an Amended Complaint on behalf of 13 individuals alleging constitutional violations and class allegations. The Amended Complaint seeks relief on behalf of the following classes of MSOP individuals:

2012 *Pro Se* Project Referrals

For the months of January through April 2012, the Court referred 31 cases to the *Pro Se* Project.

Types of Cases	
Civil rights violations	10
Employment discrimination	8
Consumer debt	6
SSDI	3
Fraud/diversity	1
Patent infringement	1
Personal injury/diversity	1
Tax	1
	31

Status of Referrals	
Closed – <i>pro se</i> litigant consulted with volunteer attorney	6
Pending – <i>pro se</i> litigant consulted with volunteer attorney and awaiting outcome	6
Pending – not yet placed with volunteer attorney	6
Placed – Volunteer attorney entered notice of appearance	5
Closed – <i>pro se</i> litigant not interested in participating or not pursuing case	3
Pending – awaiting contact by <i>pro se</i> litigant	3
Pending – under review by volunteer attorney	1
Pending – volunteer attorney assisting <i>pro se</i> litigant with settlement conference process	1
	31

In Forma Pauperis (IFP)	
Applications	18
IFP application not applicable - <i>pro se</i> litigant Defendant	6
<i>Pro se</i> litigant did not submit application	6
IFP application not applicable – matter removed from state court	1
	31

IFP Application Orders	
IFP status granted	12
IFP status denied – involuntary dismissal for failure to timely file Amended Complaint	4
IFP status denied	1
Pending	1
	18

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2012 FBA MIDYEAR MEETING REVISITED

On March 30 and 31, 2012, the FBA held its 2012 Midyear Meeting at the Westin Arlington Gateway in Arlington, Virginia. The Midyear Meeting consisted of the National Council Meeting ("Meeting") on Saturday, March 31, 2012, followed by the National Council Reception. At the Meeting, various individuals from the FBA's leadership reported on the status of the FBA, including membership, financing, government relations and judicial vacancies, FBA transitions, and upcoming events.

FBA membership and financing are up. The FBA has been engaged in an active membership campaign focused on the following three goals: **Attract, Retain and Lead**. The Minnesota Chapter is doing all of these things, as it is the second largest Chapter in the FBA (following the New Orleans Chapter). However, all Chapters, including the Minnesota Chapter, are encouraged to continue to grow membership by doing the following:

- Have a written membership plan;
- Have a Membership Chair to hold the Chapter accountable;
- Highlight the opportunities and benefits of Chapter and National membership by listing upcoming events, awards and the like in e-mail notifications, newsletters, chapter website posts, and so on; and

- Connect with attorneys who are not members of the FBA, yet practice in the federal court regularly. The Chair of the FBA Membership Committee suggested that individuals gather this information by checking the docket or calling the Court Clerk to identify those attorneys that have cases before the federal bench.

The Government Relations Committee reported that judicial vacancies remain at the forefront of the FBA's attention. According to the Government Relations Committee, there are currently 80 judicial vacancies in the federal court. Although these numbers are down from the high water mark of 105 vacancies one year ago, they are still troubling. Of the 80 judicial vacancies, the White House has named 30 nominees, and approximately half of those await a Senate floor vote.

Jack Lockridge, the FBA Executive Director, will be retiring in October 2012. Given Lockridge's extensive and impressive involvement with the FBA over the years, the Executive Committee is working hard to find suitable candidates who will be just as dedicated to the organization.

During the Meeting, Lockridge spoke about the 2012 Annual Meeting and Convention, which will be held in San Diego, California, from September 19 to 22, 2012. Lockridge and the National FBA Board of

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Pro Se Project, continued from page 7

All patients currently civilly committed in the Minnesota Sex Offender Program as a Sexually Dangerous Persons ("SDP") or as having Sexually Psychopathic Personalities ("SPP") pursuant to Minn. Stat. § 253B.

and

All patients currently civilly committed to the Minnesota Sex Offender Program as a Sexually Dangerous Persons ("SDP") or as having Sexually Psychopathic Personalities ("SPP") pursuant to Minn. Stat. § 253B who have sustained actual or nominal damages through the actions and omissions of Defendants.

The estimated number of class members is in excess of 600 individuals who are currently committed to MSOP. The *Pro Se* Project is tremendously grateful to Gustafson Gluek for accepting this referral, providing the MSOP individuals with legal representation, dramatically improving their access to justice, and assisting the Court with these numerous and time-consuming *pro se* filings.

For more information on the *Pro Se* Project and how you can participate, contact Tiffany A. Sanders, *Pro Se* Project Coordinator at proseproject@q.com or 612-965-3711, or visit: <http://www.fedbar.org/Chapters/Minnesota-Chapter/Chapter-Initiatives.aspx>.



David Goodwin, Younger Lawyers Division Secretary and Minnesota Chapter Member; Tim Bechtold, Montana Chapter President; Jim Rosenblatt, Mississippi Chapter President; and Gerald Howard, El Paso Chapter Delegate (picture courtesy of FBA – www.fedbar.org).

Directors encourage all FBA members to attend, not just leadership within the respective Chapters. Other upcoming events include:

- YLD Supreme Court Admissions Ceremony, May 29, 2012 (Washington, D.C.)
- 24th Annual Insurance Tax Seminar, May 31-June 1, 2012 (Washington, D.C.)
- FBA Board of Directors Meeting, June 21-23, 2012 (Providence, RI)



Ray Dowd, FBA Board Member and Vice President of the Second Circuit; Adine Momoh, Younger Lawyers Division Board Member and Minnesota Chapter Delegate; and Susan Pitchford, Oregon Chapter President (picture courtesy of FBA – www.fedbar.org).

- FBA Board of Directors Meeting, September 19, 2012 (San Diego, CA)
- 14th Annual Indian Law Conference, November 8, 2012 (Washington, D.C.)

No vote was taken at the Mid-Year Meeting aside from the vote to approve the minutes from the National Council Meeting during the Annual Meeting and Convention in Chicago in September 2011.

The highlight of the Midyear Meeting was an event that occurred before the meeting began. On March 29, 2012, the Foundation of the FBA inducted Justice Clarence Thomas as an Honorary Life Fellow of the Foundation. The reception was held at the U.S. Supreme Court.

Adine S. Momoh is a member of the Communications Committee and an attorney at Leonard, Street and Deinard, P.A., where her practice consists of complex business and commercial litigation, securities litigation, estates and trusts litigation, and banking and financial services representation in the firm's Business and Commercial Litigation group, with a focus on creditors' rights and bankruptcy. Adine is a former law clerk to the Honorable Jeanne J. Graham.



Jonathan Hafen, Vice President for the Tenth Circuit; and Fern Bomchill, FBA National President (picture courtesy of FBA – www.fedbar.org).



Carl Gilmore, Foundation of the Federal Bar Association Ex Officio Member; Dennis Clark, Foundation of the Federal Bar Association President; Fern Bomchill, FBA National President; Justice Clarence Thomas; Devinti Williams, Vice President for the Eleventh Circuit; and Richard Dellinger, Vice President for the Eleventh Circuit (picture courtesy of FBA – www.fedbar.org).

Fifteenth Annual Thurgood A. Marshall Memorial Moot Court Competition Results

The Fifteenth Annual Thurgood A. Marshall Memorial Moot Court Competition ("Moot Court Competition") took place on March 29 and 30, 2012 in Washington, D.C. (in conjunction with the 2012 FBA Midyear Meeting). Thirty-two teams representing law schools across the country competed. This year's fact pattern concerned an alleged ERISA violation, as well as the interpretation of a contractual arbitration provision. Results of the competition are as follows:

<u>2012 Moot Court Winners</u>	
1st Place Brief:	Drexel University (Team 6)
2nd Place Brief:	SMU (Team 20)
3rd Place Brief:	Baylor University (Team 2)
1st Place Oralist:	Catherine Tatum, University of Dayton
2nd Place Oralist:	Zachary Young, UC Hastings
3rd Place Oralist:	Eliza Ciccone, Pace Law School
Best Final Round Oralist:	Christopher DeLuzio, Georgetown
Overall Champion:	St. Mary's University (Team 21)
2nd Place:	Georgetown University (Team 7)
3rd Place:	St. Mary's University (Team 22)
4th Place:	SMU (Team 19)



The Moot Court Competition started in 1997 and has been an annual event sponsored by the Younger Lawyers Division ("YLD") ever since. Several aspects of the Moot Court Competition make it one of the premier moot court competitions in the nation. First, every round of the Moot Court Competition is held at a courthouse in D.C. (from the Superior Court of D.C., to the U.S. Court of Federal Claims, and concluding at the U.S. Court of Appeals for the Armed Forces), as opposed to a law school or office setting. The opportunity for law students to present oral arguments in actual courtrooms is an invaluable experience. Second, all of the volunteers who serve as judges in the Moot Court Competition are state or federal judges, practitioners or scholars, thereby reinforcing the "real world" experience for the law students. This year, judges from the Federal Energy Regulatory Commission, the Office of Administrative Hearings, the U.S. District Court for the District of Puerto Rico, the U.S. District Court for the District of Ohio and the U.S. Court of Appeals for the First Circuit volunteered for the Moot Court Competition. Third, law students have an opportunity at the awards reception to network with federal court practitioners and judges who travel from around the country to attend the FBA's Midyear Meeting. Finally, each law student participant in the Moot Court Competition



(Left): Overall Champion Winners Phillip Ripper, St. Mary's University (Team 21), and Rachel Felderhoff, St. Mary's University (Team 21), with Judge Effron from the U.S. Court of Appeals for the Armed Forces.

(Above) Second Place Overall Winners Christopher DeLuzio, Georgetown University, and Nathaniel Cullerton, Georgetown University, with Judge Effron. (Photos courtesy of FBA – www.fedbar.org)

receives a free, one-year FBA membership.

Next year, Adine Momoh, a Board Member of the YLD's Board of Directors and a Board Member of the Minnesota Chapter's Board of Directors, will serve as Chair of the Moot Court Competition. The ultimate goal is to have each Chapter of the FBA sponsor at least one local law school team to participate in the Moot Court Competition. Accordingly, the Chair will be working with the YLD's Board of Directors to expand the Competition from 32 to approximately 50 teams over the years and will work with the Minnesota Chapter's Board of Directors and Law School Outreach Committee to create a program to sponsor at least one Minnesota law school team to compete in the Moot Court Competition.

Adine S. Momoh is a member of the Communications Committee and an attorney at Leonard, Street and Deinard, P.A., where her practice consists of complex business and commercial litigation, securities litigation, estates and trusts litigation, and banking and financial services representation in the firm's Business and Commercial Litigation group, with a focus on creditors' rights and bankruptcy. Adine is a former law clerk to the Honorable Jeanne J. Graham.



Adine Momoh, Minnesota Chapter Delegate, YLD Board Member and Moot Court Committee Incoming Chair; Dan Strunk, Younger Lawyers Division and Moot Court Co-Chair; Kelly Scalise, YLD Chair-Elect and Moot Court Co-Chair; and Kelly Lux, D.C. Chapter and YLD member (picture courtesy of Adine Momoh).

Minnesota Chapter FBA Nominations Committee Recommends Slate of Candidates for 2012-2013 Board of Directors and Leadership

Officers and Directors

President

Rachna B. Sullivan, *Fredrikson & Byron*

President-Elect

Judge Joan N. Ericksen, *U.S. District Court*

Treasurer

Steven M. Phillips, *Anthony Ostlund Baer Louwagie*

Secretary

Susan Ellingstad, *Lockridge Grindal Nauen*

National Council Delegate

Jeanette Bazis, *Green Espel*

Co-Vice Presidents Legal Education

Patrick Arenz, *Robins Kaplan Miller & Ciresi*
William Otteson, *U.S. Attorney's Office*

Co-Vice Presidents Membership

Clayton Halunen, *Halunen & Associates*
Anh Lee Kremer, *Leonard Street and Deinard*

Co-Vice Presidents Monthly Meetings

Rachel Zimmerman, *Merchant & Gould*
Ann Anaya, *U.S. Attorney's Office*

Co-Vice Presidents Special Events

Jeannine Lee, *Leonard Street and Deinard*
Arthur Boylan, *Leonard Street and Deinard*

Co-Vice Presidents Eighth Circuit

Tara C. Norgard, *Carlson Caspers Vandenburg Lindquist Schuman PA*
Dan Hedlund, *Gustafson Gluek*

Co-Vice Presidents Diversity

Dulce Foster, *Fredrikson & Bryon*
Eric J. Rucker, *Briggs and Morgan, P.A.*
Magistrate Judge Tony Leung, *U.S. District Court*

Leadership Positions/Committees and Directors

Chair, IP Practice Group

Timothy O'Shea, *Fredrikson & Byron*

Co-Chairs, Grant Committee

James S. Simonson, *Gray Plant Mooty*
Mooty Bennett
Catherine A. McEnroe, *Berens Miller*

Chair, Pro Se Project

Jeffer Ali, *Carlson Caspers*
Vandenburg Lindquist Schuman PA

Co-Chairs, Law School Liaison

Karin Ciano, *Karin Ciano Law PLLC*
Adine Momoh, *Leonard Street and Deinard*

MSBA Liaison

Leah Janus, *Fredrikson & Byron*

Chair, Annual Golf Tournament Committee

Tracey Holmes Donesky, *Leonard Street and Deinard*

Long-Range Planning Committee

Peter W. Carter, *Dorsey Whitney* (Chair)
Tara C. Norgard, *Carlson Caspers Vandenburg Lindquist Schuman PA*
Judge Susan Richard Nelson, *U.S. District Court*
Judge Donovan W. Frank, *U.S. District Court*

Co-Chairs, Communications Committee

Tammy Schemmel, *Barna Guzy Steffen*
Kirstin D. Kanski, *Lindquist & Vennum*

Co-Chairs, Newer Lawyers Committee

Kelly G. Laudon, *Lindquist & Vennum*
Molly Thornton, *Cargill, Incorporated*

Directors

David T. Schultz,
Maslon Edelman Borman & Brand

Leif T. Simonson
Faegre Baker Daniels LLP

Allen A. Slaughter, Jr.
U.S. Attorney's Office

Jeanine L. Johnson
Meyer & Njus

Katherian D. Roe
Federal Public Defender

Richard Sletten
Clerk of Court, U.S. District Court

***Candidates will be voted on at the May 23, 2012 Monthly Meeting**

Minnesota Chapter Recognizes 40th Anniversary of Title IX at February Luncheon

Attendees at the February monthly luncheon were treated to a thought-provoking and informative presentation by Professor Mary Jo Kane entitled “The Federal Law Known as Title IX: Changing the Landscape in Women’s Sports.” Professor Kane is the Director of the University of Minnesota’s Tucker Center for Research on Girls and Women in Sport, and is considered one of the leading experts on the social and political implications of Title IX. She was introduced at the luncheon by the Honorable Ann D. Montgomery, herself a former collegiate athlete.

Title IX became law on June 23, 1972. Congress announced that “[n]o person in the United States shall, on the basis of sex, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” 20 U.S.C. §1681(a).

Much has changed in the forty years since Title IX became effective. Examples of progress in women’s sports include:

- Before Title IX, 1 in 27 girls nationwide played high school sports. Today, 1 in 3 girls nationwide play sports in high school.
- Before Title IX, approximately 300,000 girls were involved in sports and physical activity. Today, approximately 4 million girls are involved in sports and physical activities.
- Before Title IX, approximately 30,000 women nationwide played college sports. Today over 185,000 women play college sports.
- Before Title IX, athletic scholarships for women were virtually unheard of. Now, approximately 34,000 female athletes receive scholarships.

The undeniable impact of the law is that we now have unprecedented participation in sports by girls and women at all levels. However, Professor Kane pointed out that the majority of schools are still not in compliance with the requirements of the law, and there is still much to be done.

For schools that are non-compliant, Professor Kane listed three options from which they usually must choose: 1) add women’s sports, 2) drop men’s sports, or 3) downsize the football program and rein in unnecessary expenditures for it. Opponents of adding women’s sports argue that those sport programs don’t pay for themselves and that football programs are the “golden goose” that pay for the other programs. Proponents argue, however, that if profitability is the model, then almost all sports programs would go away, including football. Professor Kane stated that recent data indicate that, in fact, only 14 of the 120 (11.7%) Division I collegiate football programs in the country are profitable. There are a number of considerations and arguments, both for and against, any action administrators take in regard to Title IX compliance. Professor Kane shed light on some of the myths, facts, and challenges surrounding these issues and offered some potential solutions. Fortunately, though, the question of *whether* women should play sports has long since passed.

The Title IX presentation was sponsored by the Diversity Committee of the Minnesota Chapter of the FBA, chaired by Ann Anaya and Eric Rucker.

Vildan A. Teske is a partner at Crowder Teske, PLLP and focuses on complex litigation and consumer class actions. She is a member of the Communications Committee and Diversity Committee and was previously appointed to the National FBA Task Force on Diversity.



Jennifer Frisch, Associate General Counsel, University of Minnesota; Professor Mary Jo Kane; and Eric Rucker, Briggs and Morgan, P.A.



Professor Mary Jo Kane and the Honorable Ann D. Montgomery.

Federal Practice Seminar

June 28, 2012

The Depot

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

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

A reception with a cash bar will follow the Seminar.

Contact Tammy Schemmel (tschemmel@bgs.com) or Leah Janus (ljanus@fredlaw.com), Co-Vice Presidents of Legal Education, for more information.



On April 12, 2012, the University of Minnesota FBA Student Chapter sponsored a panel discussion on the **Hobbs Act**, which featured Assistant U.S. Attorney Chris Wilton, Assistant Federal Defender Manny Atwal, and the Honorable Erica MacDonald and retired Judge James M. Rosenbaum.



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Calendar of Upcoming Events

June 19, 2012 & June 21, 2012

12:00 p.m.

Summer Associate and Law Clerk

Luncheon:

Chief Judge Michael J. Davis

Minneapolis Courthouse

June 28, 2012

38th Federal Practice Seminar

The Depot, Minneapolis

August 8-10, 2012

Eighth Circuit Judicial Conference

Kansas City, Missouri

August 27, 2012

Annual FBA Golf Tournament

Midland Hills Country Club

***Check out the Minnesota
FBA Chapter on LinkedIn!***

***Log in at
www.linkedin.com and
search under Groups for
"Minnesota Federal Bar
Association"***

To sign up for **Monthly Luncheons**, please contact **Dan Hedlund** (dhedlund@gustafsongluek.com). Monthly luncheons will take place the 4th Wednesday of every month.

To sign up for **Newer Lawyer Lunches**, please contact **Kelly Laudon** (klaudon@lindquist.com) or **Brent Snyder** (brent.snyder@snyderattorneys.com). 1.0 Hour of CLE Credit will be requested for all Newer Lawyer Lunches.

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Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

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Karin Ciano Law PLLC

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Molly Thornton (Co-Chair)

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Kathryn Uline

Hamline University School of Law

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

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

Kirstin Kanski (kkanski@lindquist.com)

or

Molly Thornton (Molly_Thornton@Cargill.com)

connect



through the Federal Bar Association

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

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.

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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.

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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 |
| <input type="radio"/> Other: _____ | |

Membership Levels

SUSTAINING MEMBERSHIP

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

	Private Sector	Public Sector
Member Admitted to Practice 0-5 Years	<input type="radio"/> \$155	<input type="radio"/> \$135
Member Admitted to Practice 6-10 Years	<input type="radio"/> \$215	<input type="radio"/> \$190
Member Admitted to Practice 11+ Years	<input type="radio"/> \$255	<input type="radio"/> \$220
Retired (Fully Retired from the Practice of Law)	<input type="radio"/> \$155	<input type="radio"/> \$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="radio"/> \$95	<input type="radio"/> \$75
Member Admitted to Practice 6-10 Years	<input type="radio"/> \$155	<input type="radio"/> \$130
Member Admitted to Practice 11+ Years	<input type="radio"/> \$195	<input type="radio"/> \$160
Retired (Fully Retired from the Practice of Law)	<input type="radio"/> \$95	<input type="radio"/> \$95

ASSOCIATE MEMBERSHIP

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

Dues Total: \$ _____

Practice Area Sections

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

Career Divisions

<input type="radio"/> Federal Career Service (past/present employee of federal government)	N/C
<input type="radio"/> Judiciary (past/present member or staff of a judiciary)	N/C
<input type="radio"/> Corporate & Association Counsels (past/present member of corporate/association counsel's staff)	\$10
<input type="radio"/> Senior Lawyers* (age 55 or over)	\$10
<input type="radio"/> 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="radio"/> Birmingham <input type="radio"/> Mobile <input type="radio"/> Montgomery <input type="radio"/> North Alabama	Georgia <input type="radio"/> Atlanta-\$10 Hawaii <input type="radio"/> Hawaii Idaho <input type="radio"/> Idaho Illinois <input type="radio"/> Chicago Indiana <input type="radio"/> Indianapolis Iowa <input type="radio"/> Iowa-\$10 Kansas <input type="radio"/> At Large Kentucky <input type="radio"/> Kentucky Louisiana <input type="radio"/> Baton Rouge <input type="radio"/> Lafayette/Acadiana <input type="radio"/> New Orleans <input type="radio"/> North Louisiana Maine <input type="radio"/> At Large Maryland <input type="radio"/> Maryland Massachusetts <input type="radio"/> Massachusetts-\$10 Michigan <input type="radio"/> Eastern District of Michigan <input type="radio"/> Western District of Michigan Minnesota <input type="radio"/> Minnesota Mississippi <input type="radio"/> Mississippi Missouri <input type="radio"/> At Large Montana <input type="radio"/> Montana Nebraska <input type="radio"/> At Large Nevada <input type="radio"/> Nevada New Hampshire <input type="radio"/> At Large	New Jersey <input type="radio"/> New Jersey New Mexico <input type="radio"/> At Large New York <input type="radio"/> Eastern District of New York <input type="radio"/> Southern District of New York North Carolina <input type="radio"/> Middle District of North Carolina <input type="radio"/> Western District of North Carolina North Dakota <input type="radio"/> At Large Ohio <input type="radio"/> John W. Peck/Cincinnati/Northern Kentucky <input type="radio"/> Columbus <input type="radio"/> Dayton <input type="radio"/> Northern District of Ohio-\$10 Oklahoma <input type="radio"/> Oklahoma City <input type="radio"/> Northern/Eastern Oklahoma Oregon <input type="radio"/> Oregon Pennsylvania <input type="radio"/> Eastern District of Pennsylvania <input type="radio"/> Middle District of Pennsylvania <input type="radio"/> Western District of Pennsylvania Puerto Rico <input type="radio"/> Hon. Raymond L. Acosta/Puerto Rico-\$10 Rhode Island <input type="radio"/> Rhode Island	South Carolina <input type="radio"/> South Carolina South Dakota <input type="radio"/> At Large Tennessee <input type="radio"/> Chattanooga <input type="radio"/> Memphis <input type="radio"/> Mid-South <input type="radio"/> Nashville <input type="radio"/> Northeast Tennessee Texas <input type="radio"/> Austin <input type="radio"/> Dallas-\$10 <input type="radio"/> Del Rio-\$25 <input type="radio"/> El Paso <input type="radio"/> Fort Worth <input type="radio"/> San Antonio <input type="radio"/> Southern District of Texas-\$25 <input type="radio"/> Waco Utah <input type="radio"/> Utah Vermont <input type="radio"/> At Large Virgin Islands <input type="radio"/> Virgin Islands Virginia <input type="radio"/> Northern Virginia <input type="radio"/> Richmond <input type="radio"/> Tidewater Washington <input type="radio"/> At Large West Virginia <input type="radio"/> At Large Wisconsin <input type="radio"/> At Large Wyoming <input type="radio"/> 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
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Signature _____ Date _____

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

Signature of Applicant _____

Date _____

(Signature must be included for membership to be activated)

*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.