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Bar Talk

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Association
Minnesota Chapter

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Justice Sotomayor Strives to Support and Inspire Latino Youth at the Latino Legal Experience in Minnesota

By Bryan Browning, Lariss Maldonado, and Patricia Devoy

In September 2016, a coalition of leadership from the Minnesota Hispanic Bar Association (MHBA), the District of Minnesota, and the Federal Bar Association (FBA) brought Supreme Court Justice Sonia Sotomayor to the Minnesota History Center for a unique and inspirational multifaceted experience at the Latino Legal Experience in Minnesota.

The MHBA is dedicated to advancing the interests of Hispanic attorneys and law students in Minnesota. As part of that mission, the MHBA has increasingly fo-



United States Supreme Court Justice Sonia Sotomayor stands with the student scholarship winners.

cused on pipeline efforts, including partnering with a local immersion preschool, sponsoring a Latino Lawyer Camp for promising eighth-grade students, and organizing an annual mentorship program with local law schools.

Under the guidance and leadership of United States District Judge Ann D. Montgomery, the

Continued on page 6.

Minnesota Chapter Makes Its Mark in Cleveland

By Kerri Nelson

The Minnesota Chapter and its members were well represented at the September 2016 FBA annual meeting in Cleveland, Ohio. The Chapter was one of eleven chapters to be honored with a Presidential Excellence Award, which recognizes superior achievement in exceeding the objective criteria set by the Awards Committee to evaluate chapter activity. Adine Momoh accepted the award on behalf of the Chapter, accompanied by other Minnesota attorneys in attendance.

The Minnesota Chapter's newsletter, *Bar Talk*, was also one of nine recipients of an "Outstanding Newsletter Award," which was accepted by David Goodwin on behalf of the Chapter. An "outstanding" award is the higher of the two tiers of recognition for newsletters issued by chapters, sections, and divisions of the FBA.

Additionally, at the President's Installation Banquet, Judge Michael J. Davis of the U.S. Dis-

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Above: Minnesota Chapter members Jeannette Bazis, Dan Hedlund, Tara Norgard, Adine Momoh, David Goodwin, and Vildan Teske with the Presidential Excellence Award won by the Chapter.

Below: Members represent the Chapter in Cleveland. From left to right, Corie Tarara, Adine Momoh, Dan Hedlund, Vildan Teske, Tara Norgard, Anh Kremer, Anders Folk, David Goodwin, and Phillip Kitzer.



Chapter in Cleveland, continued from page 1.

trict Court for the District of Minnesota was presented with the Sarah T. Hughes Civil Rights Award. The award is named for Judge Hughes, a renowned federal district judge from Dallas, Texas. It acknowledges and recognizes an attorney or judge who promotes the advancement of civil and human rights, and who advances causes of civil rights, due process, equal protection, and the rights of women. Tara Norgard, President of the Minnesota Chapter and an attorney with the firm of Carlson, Caspers, Vandenburgh, Lindquist & Schuman, attended the presentation and accepted the award on Judge Davis's behalf.

Chapter members participated in other events at the convention. Phillip Kitzer of Teske Micko Katz Kitzer & Rochel, PLLP, presented a CLE entitled "Race and Religion in the Workplace." Also among the attendees were a number of Minnesota lawyers with deep connections to the FBA, including Jeannette Bazis, Greene Espel PLLP; David Goodwin, Gustafson Gluek PLLC; Anders Folk, Stinson Leonard Street LLP; Dan Hedlund, Gustafson Gluek PLLC; Anh Le Kremer, Center for Diagnostic Imaging; Adine Momoh, Stinson Leonard Street LLP; Tara Norgard, Carlson, Caspers, Vandenburgh, Lindquist & Schuman, P.A.; Joel Schroeder, Best & Flanagan LLP; and Corie Tarara, Seaton, Peters, & Revnew, P.A.

Kerri Nelson is an attorney at Bassford Remele, P.A.

Please join the U.S. District Court for the District of Minnesota and the Federal Bar Association to commemorate

THE SECOND FOUNDING

Between 1865 and 1870, the United States adopted the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution, which fundamentally changed and continue to shape our republic.

These Amendments have been called collectively "The Second Founding."

Please join us for a screening of the Emmy-nominated film *American Denial*, a documentary by Llewelyn Smith which examines the extent to which social conditions have changed for Americans today. A panel discussion led by distinguished guests will follow.

Tuesday, January 31, 2017 • Reception at 5:00 p.m. • Screening at 6:00 p.m.

Normandale Community College • Dale Lorenz Auditorium, Fine Arts Building, #F-1265

No reservation needed.

Please call (612) 664-5110 with questions.

Small but Mighty: The Eighth Circuit Court of Appeals Clerk's Office, St. Paul Division

By Janet Westenberg

Like the little engine that could, the staff at the Eighth Circuit Court of Appeals Clerk's Office in St. Paul works mightily and efficiently to transport a vast load of cases into the hands of the waiting Court of Appeals judges.

You'll find the main Court of Appeals Clerk's Office for the Eighth Circuit headquartered in St. Louis, Missouri. The Eighth Circuit Court of Appeals handles appeals cases from the U.S. District Courts in North Dakota, South Dakota, Minnesota, Iowa, Nebraska, Missouri, and Arkansas. If you're bringing an appeal case in the northern states of this region, you're likely to interface with the Eighth Circuit's divisional office located in St. Paul, Minnesota.

At the helm of the St. Paul appellate Clerk's Office, located on the fifth floor of the Warren E. Burger Federal Courthouse, is Deputy Clerk in Charge Maureen Watz Gornik. Now in her twenty-second year with the Office, Ms. Gornik has a unique background that has provided her with the wide-ranging skills necessary to effectively head the small divisional office. With a bachelor's

degree in economics from the University of Notre Dame in Indiana, Ms. Gornik decided to continue her education at Notre Dame by studying law. During law school, Ms. Gornik worked summers at a law firm in Chicago.

But Ms. Gornik had never really set her career goal to work in a law firm, and before she settled into her life after law school, she decided to travel to American Samoa to volunteer as a high school teacher. American Samoa is a U.S. territory covering seven islands in the South Pacific and characterized by volcanic peaks and tropical rainforests. Ms. Gornik recounts how she became the parttime law clerk for the Chief Justice of the High Court of American Samoa while teaching courses comparable to those in the U.S. at a Catholic high school there. "He was newly appointed from the States and he didn't have a law clerk. So, I worked doing research for him in the evenings and weekends. It was so fascinating, really interesting

work." Ms. Gornik sees American Samoa as a beautiful place that she has gone back to visit at least six times since her days volunteering there.



Deputy Clerk Janet Michaels, Deputy Clerk in Charge Maureen Gornik, and Deputy Clerk Corrine Zilge.

Upon her return to the United States, Ms. Gornik clerked for a few years for a state court judge and then worked for three years for an electronic control manufacturer. "Working with this company was very educational about how businesses work," explains Ms. Gornik. "The founders were two entrepreneurs who left Honeywell and opened their own business. I managed their human resources, and I loved every minute of it." Ms. Gornik recalls how after she wrote the policy manuals, established comparative pay scales, and trained managers on hiring, reviewing, and firing, she then joined the Eighth Circuit. "My work with the court built upon my teaching experience, my human resources skills, and my time living on an island far away before coming to a divisional office; my boss knew that I could work independently." Ms. Gornik explains that all of this

served as a natural fit for her role with the Eighth Circuit Court of Appeals Clerk's Office.

Luckily, Ms. Gornik does not have to complete the work of the Court of Appeals Clerk's Office in St. Paul alone. She is assisted by her two deputy clerks, Janet Michaels and Corrine Zilge. With just the three of them, it is a small office. However, together, they do everything from fielding questions on the phone and docketing (or opening) cases, to processing motions and handling fee or appointment issues. They perform case management to ensure that cases are moving forward. In addition, they serve as courtroom deputies for oral argument sessions in the courtrooms located on the fifth floor of the St. Paul federal courthouse adjacent to the Clerk's Office. Ms. Gornik relays that most of the cases from Minnesota and the Dakotas are heard in St. Paul, and many of the cases from Iowa and Nebraska are also heard in St. Paul.

Clerk's Office, continued from page 3.

One week a month for seven months of the year, the Court of Appeals courtrooms in St. Paul host oral arguments. U.S. Court of Appeals cases are presented to a panel of three Court of Appeals judges hearing challenges to the U.S. District Court rulings. From one to three panels of judges at a time hear arguments. Ms. Gornik reports that October is a very busy time, as three divisions hold oral arguments in October. Ms. Gornik explains, "This means nine to eleven judges come with their staff and three courtrooms are in use." Deputy Clerks Janet Michaels and Corrine Zilge describe arriving to work at the crack of dawn on days when oral argument is in session in order to get everything ready and prepared for what must occur.

In addition to this work, Ms. Gornik describes the other duties she performs as three-fold. She reviews cases to ensure they have proper jurisdiction in the Court of Appeals and refers motions and questions on jurisdiction to administrative panels of judges. She oversees all the details of preparation and operation of the court weeks. And she prepares what are called screening sheets for all the civil cases in the northern three states. Ms. Gornik describes a screening sheet as an internal document, a summary recounting what happened in a case, detailing the critical issues, and recommending the time allotted for oral argument. Each case that is slated for oral argument will be given ten, fifteen, twenty, or thirty minutes for oral argument. "Most cases are given fifteen minutes for oral argument," Ms. Gornik explains. "A simple one issue case might be given ten minutes, a cross appeal might receive twenty minutes, and a very complicated case would receive thirty minutes of time." Ms. Gornik reveals that many cases are not given time for oral argument. "Oral argument is really a time for judges to get answers to the questions they have about the case. But sometimes the judges don't have any questions for the attorneys." The judges always have the discretion once oral argument is set on the calendar to determine that a case needs more time, less time, or even that there will be no oral argument, Ms. Gornik adds.

According to Ms. Gornik, what really describes the Eighth Circuit Court of Appeals Clerk's Office is that it is a public service court. "Chief Judge Richard Arnold set the bar high a long time ago. Court of Appeals Clerk of Court Michael Gans answers his own phone. There are no dumb questions. We can't give out legal advice, but we'll help the attorneys be prepared. Furthermore, many of the cases that come to our court are from *pro se* parties, and we help them through the process," explains Ms. Gornik.

The biggest challenge facing the St. Paul Court of Appeals staff is just how small they are compared to their St. Louis counterpart. "We really need to be so resourceful and we are continuously chasing down information. It takes an incredible amount of coordination." Ms. Gornik describes that, during a court week, they will have an average of fifty people coming in from out of town, comprised of the judges, their staff, and the attorneys, all staying in hotels. "There are so many things that come up, a lot of local questions. They are all trying to find their way." Ms. Gornik confesses that office and phone coverage really becomes a challenge during those times with just the three of them. Ms. Gornik credits her very capable staff and the relationships that have been established with the General Services Administration, information technology support, the U.S. Marshals and Court Security Officers, the Federal Bar, and all of the U.S. District Courts. "I consider it a partnership at the Clerk's Office level with all of the District Courts. To have that working relationship is just huge." Ms. Gornik served many years on the Board of Directors of the Minnesota Chapter of the Federal Bar Association, at times planning the Annual Judges' Dinner Dance, coordinating the Law School Award Receptions, and serving as co-chair of the Diversity Committee. She considers this group another strong partner in helping things go well for the Court of Appeals here in Minnesota.

Ms. Gornik proclaims that she loves her work at the Court of Appeals. She describes some of the more exciting cases they've had in court as the ones that bring in the supporters. She recalls cases involving Native American rights that brought in busloads of supporters from the reservation, some adorned in full headdresses. Ms. Gornik clarifies that all but sealed oral arguments can be listened to online, so they often do not get the public presence in their courts. Ms. Gornik also loves interacting with the judges. She says she wishes the bar could see the judges when they are just having conversations with each other, how they are just real people who care very deeply about what they do.

When asked what advice she would give to attorneys who are looking to present before the U.S. Court of Appeals, Ms. Gornik had only one brief answer: "Be prepared. When you're prepared, you earn the respect of the court."

Janet Westenberg is a Deputy Clerk for the U.S. District Court, District of Minnesota.

Minnesota Chapter Sponsors CLE and Webinar Addressing Barriers to Voting by Persons with Disabilities

By João da Fonseca

Protecting the right of every American to vote is most fundamental to a robust democratic process. Yet, this right has not been enjoyed by every American. For example, only sixty years ago, African Americans were mostly disenfranchised because of legal mechanisms, such as poll taxes, designed to prohibit them from voting. This, despite the constitutional force of the Fifteenth Amendment, which was passed in the 1870s with the explicit purpose of securing the rights of African American men to vote. Things only changed in the 1960s with the passage of the Voting Rights Act, which dismantled these longstanding barriers to voting. Despite these significant victories, up to this day, there remain members of our population who are deprived of the right to vote, including persons with cognitive disabilities.

Continuing the Minnesota Chapter's steadfast commitment to the rights of persons with disabilities, a



Professor Schiltz, Secretary of State Simon, Judge Frank, and Magistrate Judge Rau participate in the CLE panel.

dynamic panel presented "Barriers to Voting by Persons with Disabilities" on October 4, 2016. The presentation was broadcast nationally from the Minneapolis office of Faegre Baker Daniels to an engaged audience. The panel featured United States District Judge Donovan W. Frank, Minnesota Secretary of State Steve Simon, and Professor Elizabeth R. Schiltz of the University of St. Thomas School of Law, and was moderated by United States Magistrate Judge Steven E. Rau.

The legal landscape for the rights of persons with disabilities begins with the United States Constitution, which on one hand protects the right to vote as a liberty interest under the Fourteenth Amendment but on the other hand allows states to set voting qualifications under Article I, Section 4. This tension oftentimes leads to legislation that unduly limits the right to vote of persons with disabilities.

While many states have lifted restrictions on voting based on ownership of property due to fear of low voting turnout, not so for persons with disabilities, recounted Professor Schiltz. Rather, these persons were considered "mentally impaired," "idiots," or "insane people," and, for these reasons, not allowed to vote. Thirty-eight states still have constitutional provisions disenfranchising persons with cognitive disabilities. And oftentimes, state laws ignore or contradict constitutional provisions.

In Minnesota, Article VII, Section 1 of the Minnesota Constitution prohibits persons under guardianship from voting. However, Minnesota Statutes section 524.5-120(14) gives a "ward or protected person" the "right to . . . vote, unless restricted by the court." In 2012, in *Minnesota Voters Alliance v. Ritchie*, 890 F. Supp. 2d 1106 (D. Minn. 2012), the Minnesota Voters Alliance brought multiple claims against Minnesota's Secretary of State in federal court, including a claim challenging the constitutionality of Article VII, Section 1, under the Equal Protection and Due Process Clauses of both the United States and Minnesota Constitutions. Plaintiffs also challenged the constitutionality of Minnesota Statutes section 524.5-301, which establishes guardianship by appointment by a parent, spouse, or court, under the Due Process Clause of the United States Constitution. After a review and analysis of Minnesota's election laws, Judge Frank dismissed plaintiffs' case, ruling that "the constitutional prohibition against voting based on guardianship status applies only when there

Justice Sotomayor, continued from page 1.

coalition steering committee

worked for over eighteen months to develop an exhibit and documentary film depicting the historical legal experience of Latinos in Minnesota

through narrative accounts and photographs. In anticipation of the event, middle and high school students from around the Twin Cities submitted works of art, poetry, and essays reflecting on what



Justice Sotomayor addresses the students attending the Latino Legal Experience in Minnesota event.

being Latino in Minnesota meant to them. Ten scholarship where she saw colorful rugs, oversized winners were selected, and their original works were included in the exhibit.

The event began with students, their families, and guests from the legal community touring the exhibit. El Sol Boy Scout Troup delivered the Posting of the Colors in Spanish, and a small group of female student vocalists sang The Star Spangled Banner and America the Beautiful. The documentary film "Someone Like Me Can Do This" premiered, which featured in-depth interviews of MHBA members discussing the stories of how their families came to Minnesota, the challenges they faced, and how they overcame them. These stories were uplifting and designed to send a powerful message to the students that others like them have succeeded and to encourage Latino youth to do the same.

Justice Sotomayor took the stage with a large group of middle and high school students for a candid question-andanswer session, where she shared her experiences growing up, through her education, and in her professional life. Justice Sotomavor sought to touch and impact each student in the room with her thoughtful anecdotes and advice. This was a once-in-a-lifetime opportunity for the students and for the lawyers in the audience.

When asked for tips about applying for college, Justice Sotomayor advised the students to "go somewhere different credit should use the event code 231198.

from what [they] are used to" because that is how we expand our dreams-by meeting others who can introduce us to places and ideas that we cannot otherwise imagine. She recalled her campus visit to Harvard University, which she described as one of the only times in her life she has ever run away from something. She recalled walking into the admissions office

furniture, and an environment different from anything she had ever known. She described feeling as though she did not belong, and recalled running from the interview, skipping the rest of her tour to escape that feeling. Justice Sotomayor shared this to reinforce her message that people should never let fear guide their decisions. She explained that listening to fear deprives us of our most important experiences—those that may be uncomfortable or intimidating, but ultimately deliver the greatest reward.

Justice Sotomayor shared that she was committed to supporting youth. She encouraged the students to write to her in the future to share their success stories. She noted that there were approximately 100 students in attendance, and with a promise that astounded everyone in the room said, "If any of you ever becomes a judge, I'll come and swear you in."

The MHBA is deeply indebted to the steering committee, and in particular Judge Montgomery. Without the support of the federal court, the FBA, or Judge Montgomery, this event could not have been such an overwhelming success, and the lives of so many students may not have been so positively affected. The impact of the experience cannot be overstated.

Attendees who wish to receive elimination-of-bias CLE

Bryan Browning is an attorney at Bassford Remele, P.A., and is the President of the Minnesota Hispanic Bar Association. Lariss Maldonado is an attorney at Faegre Baker Daniels LLP and President-Elect of the MHBA. Patricia Devoy is an attorney with Minnesota Lawyers Mutual Insurance Company and a member of the board of the MHBA.



Left: Justice Sotomayor fields a question from a student attending the event.

Right: Justice Sotomayor and United States District Judge Ann D. Montgomery with palas de me alpa, or "shovels of my grandfather," presented by local artist Jimmy Longoria.

Below: Justice Sotomayor paused for a photo with event attendees after she spoke.





Photos by Rebeccah Parks.

Minnesota Federal Judiciary Hosts Pakistani Judicial Delegation

By Sahr A.M. Brima

In late August, the Minneapolis federal judiciary hosted a reception at the federal courthouse in Minneapolis for a high-level delegation of Pakistani judges.

Pakistan is a federal parliamentary republic in South Asia. With a population exceeding 200 million people, it is the sixth most populous country and is bordered by India to the east, Afghanistan to the west. Iran to the southwest, and China in the far northeast. Pakistan has recently reached a critical stage in reforming its intellectual property ("IP") regime as it seeks to update its IP legislation. Its newly established special courts (IP Tribunals) adjudicate cases involving IP disputes.

The delegation met with members of the United States judiciary, enforcement agencies, academia, and business community to learn about effective best practices in establishing IP regimes that foster economic development. According to Judge Nameem Akhtar, who hears IP appeal cas-



Chief Judge Tunheim, Judge Ericksen, United States Magistrate Judge Hildy Bowbeer, and United States Magistrate Judge Becky R. Thorson welcomed an esteemed delegation of Pakistani judges to Minnesota.

es in the High Court of Baluchistan, this tour gave the Pakistani judges interaction with all spheres of IP cases for a comprehensive understanding of how to run an efficient IP tribunal. Judge Akhtar explained that the legal system in the United States is more developed and gives more importance to intellectual property. In Pakistan, however, criminal cases far outnumber IP cases. While business and commerce exist, Judge Akhtar believes that a robust regime that protects IP rights is foundational for business and commerce to thrive.

In his opening remarks to those gathered for the reception, Chief Judge John R. Tunheim revealed that he has been to Pakistan four times and enjoyed wonderful hospitality there. He further stressed the importance of dialogue and sharing experiences with colleagues across the world. Judge Joan N. Ericksen also spoke about the mutual benefit to such an exchange. Her remarks were followed by a brief address from Pakistani Judge Shaheed Waheed. He explained that all countries are working toward one goal—to bring happiness to their citizens by fostering economic prosperity. To Judge Waheed, justice means achieving economic prosperity and Pakistan, with a more unified, proactive judiciary is equipped to follow the example of the Minnesota judiciary in efficiently doing justice.

Sahr A.M. Brima is an attorney with the law firm of Lockridge Grindal Nauen P.L.L.P.

Barriers, continued from page 5.

1117.

Barriers to voting in Minnesota are lete. also dictated by whether there are procedures in place during an election facilitating access to voting and guar- the audience as Pamela Hoopes, a civil anteeing that persons receive the assistance they need during and prior to Center, shared practical insights on election day. Secretary of State Simon how to think about legal options to shared that, overall, Minnesota has improve voting rights, special challengbeen faring well on that front, as evi- es, and difficulties. The panel ended denced by positive survey results con- with a friendly announcement by

finding of incapacity to vote." Minn. places in the state. He acknowledged, Center's toll-free hotline, which is Voters Alliance, 890 F. Supp. 2d at however, there is much work to be available for callers who have quesdone, including upgrading election tions about their right to vote, in yet equipment that is now becoming obso- another meaningful gesture to ensure

> Pearls of wisdom came also from tions. rights attorney at the Disability Law

has been an individualized judicial ducted across a diverse range of polling Judge Frank about the Disability Law that persons with disabilities had the opportunity to vote in this year's elec-

> João da Fonseca is an attorney at the law firm Halunen Law.

Judges Frank and Thorson Honored for Disability Rights Work

By Chelsea Walcker

non-profit organization that provides advocacy and support with U.S. Supreme Court precedent. Under the leadership services for individuals with disabilities, awarded its annuand supervision of Judge Frank, Magistrate Judge Thoral Luther Granquist Systems Change Award to United son, and Commissioner Tingerthal, Minnesota now joins a States District Judge Donovan W. Frank, United number of other states in adopting an Olmstead Plan de-States Magistrate Judge Becky R. Thorson, and Minnesota signed to ensure that individuals with disabilities are able

Housing Finance Agency Commis sioner Mary Tingerthal for their work improving the lives of individuals with disabilities throughout the state. Judge Frank, Magistrate Judge Thorson. and Commissioner Tingerthal ceived their award at The Arc's annual awards banquet at the Shoreview Community Center in Shoreview, Minnesota.

The Luther Granquist Sys-Change tems Award honors outstanding individuwho

Judge Frank,, Commissioner Tingerthal, Magistrate Judge Thorson, and Deb Good, Vice President of The Arc Board, at the September 23 award banquet. (Photo by Rebecca L. Baertsch.)

through individual, legal, or public policy advocacy. The award is named after a retired Minnesota Disability Law Center attorney who was a tireless and passionate advocate for individuals with disabilities, particularly concerning the de-institutionalization of individuals with developmental disabilities from Minnesota hospitals and the provision of educational services for students with developmental disabilities.

Judge Frank, Magistrate Judge Thorson, and Commissioner Tingerthal were selected for the Luther Granquist Systems Change Award based on their pivotal work in the development and implementation of the Minnesota Minnesota Olmstead Plan. Olmstead Plan, the state's first comprehensive plan to safeguard the inclusion and independence of individuals with disabilities in their communities. The Minnesota Plan, Judge Frank and Magistrate Judge Thorson have Olmstead Plan is the result of a 1999 U.S. Supreme Court been instrumental in their efforts to educate legal profesdecision holding that the segregation of individuals with sionals and the public at large about disability rights. Both disabilities is unconstitutional, and a 2011 class action were critical in creating the Disability Justice website and settlement approved by Judge Frank that required, among public television documentaries, participating in Partners

On September 23, 2016, The Arc Minnesota, a statewide other things, the creation of an Olmstead Plan consistent

to live, learn, and work in the most integrated setting of their choosing. Lieutenant Governor Tina Smith said of Judge Frank's approval of the Minnesota Olmstead Plan, "Judge Frank's decision is a step towards helping Minnesotans with disabilities enjoy the full range of options available."

Dr. Colleen Wieck. Executive Director of Minnesota the Governor's Council on Developmental Disabilities,

significant systemic change for individuals with disabilities commended The Arc's selection of this year's award recipients. According to Dr. Wieck, "Judge Frank, Magistrate Judge Thorson, and Commissioner Tingerthal were critical players in creating the Olmstead Plan, and are all still actively involved in the implementation, monitoring, reporting, and improvement of the Plan." Dr. Wieck added that each honoree played very different roles in creating the Minnesota Olmstead Plan, with Commissioner Tingerthal serving as the lead executive branch representative, Magistrate Judge Thorson presiding over mediations between various state agencies regarding the substance of the Minnesota Olmstead Plan, and Judge Frank reviewing drafts of the Minnesota Olmstead Plan and approving the final

In addition to their work on the Minnesota Olmstead

Luther Grandquist Award, continued from page 9.

er outreach efforts.

In recognition of their contributions to the disability justice community, Judge Frank and Magistrate Judge Thorson have received numerous awards for their work. Judge Frank is the only person in The Arc's history to be awarded the Luther Granquist Award twice, having received the award in 2011. Judge Frank also previously received The Arc's Public Policy Award, the American Bar Association's Paul Hearne Award, and the Federal Bar Association's Elaine R. "Boots" Fisher Award for his service in advancing the rights of individuals with disabilities. According to Dr. Wieck, "Judge Frank has profound knowledge in the field, deep friendships with people in the field, and he is in constant contact with those whose lives are affected by developmental disabilities." Dr. Wieck said of Magistrate Judge

in Policymaking sessions, and raising issues related to disa- Thorson, "Magistrate Judge Thorson started the nowbility justice through legal education seminars, among oth- annual Disability Justice Seminar hosted by Robins Kaplan LLP while she was a partner, and since she was appointed magistrate judge, she has participated in every disabilityiustice-related event."

> Thanks to the efforts of Judge Frank, Magistrate Judge Thorson, and Commissioner Tingerthal, Minnesota continues to be a leader in services for individuals with disabili-

Chelsea Walcker is an attorney at Robins Kaplan LLP.

Monthly Luncheon Addresses Islamaphobia in Minnesota

Bv Samir Islam

On September 14, 2016, during the Chapter's monthly luncheon at the Minneapolis Club, United States Attorney Andrew Luger hosted a panel presentation entitled "Addressing Islamophobia in Minnesota." The panel focused on humanizing the effects of anti-Muslim animus in the Twin Cities and in greater Minnesota through the discussion of personal experiences of two Somali-American Muslims, Lul Hersi and Asma Jama. During the presentation, Ms. Hersi and Ms. Jama shared their personal stories about how directed hatred has affected them and offered steps that can be taken in Minnesota communities to quell enmity against specific religious groups. Ms. Hersi, a community advocate in St. Cloud and mother of four children, focused her remarks on the unease that Somali-American children face in her community, especially in schools. Ms. Hersi's commentary was a stark reminder that hatred affects community members of all ages, impacting people doing such mundane things as eating lunch in a school cafeteria. Ms. Jama shared her experiences after being assaulted in an Applebee's in Coon Rapids. Ms. Jama was struck by a customer with a glass beer mug because she was speaking Swahili in the restaurant. She recounted the physical and emotional toll the assault caused, serving as a tangible example of the realities of anti-Muslim animus. U.S. Attorney Luger also discussed his efforts to address Islamophobia, including the actions of the newly formed Lawyers' Committee on Hate Crimes and Islamophobia.

Stories of Islamophobia are becoming more prevalent throughout Minnesota and across the country. Difficult to define, Islamophobia has been described as a combination of fear, hatred, and bigotry against people perceived to be Muslim; a key factor in this brand of hate is perceived identity as a member of a religious group, though victims of Islamophobia and nativism are often not Muslims themselves. The rise in anti-Muslim animus puts pressure on communities and states with large Muslim populations, and the legal response, especially for affected individuals and communities, has been lacking. Organizations like the Lawyers 'Committee on Hate Crimes and Islamophobia work with communities in Minnesota to bridge community-wide gaps in understanding and emphasize commonalities. Undoubtedly, a push for addressing Islamophobia will largely be the work of individual communities, but presentations, like the one hosted by U.S. Attorney Luger, will help humanize the effects of animus in Minnesota.

Samir Islam is an attorney at Dorsey & Whitney, LLP.

Moving Forward: District Judges Involved in Just the Beginning Foundation

By Jennifer Coates



District of Minnesota judges attend the biennial Just the Beginning Foundation conference.

Front row, left to right: Judge Davis, Billy Wright, Judge Wright.

Back row, left to right: Magistrate Judge Leung, Magistrate Judge Brisbois, Sara Wahl.

This past September, United States District Judge Michael J. Davis, United States District Judge Wilhelmina M. Wright, United States Magistrate Judge Leo I. Brisbois, and United States Magistrate Judge Tony N. Leung attended the Just the Beginning National Conference in New York City. Held biennially, the conference celebrates the integration and diversity of the federal judiciary.

This year's conference, entitled "Equal Justice Under Law: Celebrating the Legacy of Judge Constance Baker Motley," drew over 400 students, attorneys, and judges from all around the country to celebrate the fiftieth anniversary of the appointment of Judge Constance Baker Motley, the first woman of color appointed to the federal bench. Honoring Judge Motley held particular significance for those attending. As Magistrate Judge Leung reflected, "Judge Constance Baker Motley's incredible life shows the limitless potential in America for everyone that is given an opportunity to contribute to the civic good." Noting her incredible civil rights work, Judge Davis added, "Judge Motley worked alongside Thurgood Marshall to achieve some of the most important human rights and civil rights decisions in this country's history. [Those lawyers] changed our society to one that is better."

Judge Motley's legacy is unquestionably apparent in the work of Just the Beginning. Established in 1992, Just the Beginning is an organization committed to increasing diversity in the legal profession by encouraging youth from underrepresented populations to pursue careers in the law. The foundation offers a variety of programming nationwide that is designed "to inspire under-represented, under-served, and at-risk students and increase the diversity in the legal profession." Examples of programming include the Middle School Law Camp, Summer Legal Institute for High School Students, and the Summer Judicial Internship Diversity Project for Law Students, which provides judicial internships for



Magistrate Judge Leung, Judge Davis, and Magistrate Judge Brisbois.

Just the Beginning, continued from page 11.

law students from groups underrepresented in the legal profession.

Pipeline initiatives like these resonate loudly with Magistrate Judge Brisbois, who believes the diversity of the legal profession, and in particularly the judiciary, will strengthen us as a society. "Pipeline initiatives are important for our community. We are very quickly becoming a majority minority nation. The bench has not kept up with these demographic changes. [It] must reflect society, or society will lose its trust and confidence in the institution."

Here in Minnesota, the foundation has offered the High School Summer Legal Institute, hosted by the University of Minnesota Law School, for several years. Described as Just the Beginning's "cornerstone youth program," the high school program, held in seven other cities across the country, is not only designed to inspire Minnesota youth to pursue higher education and careers in the legal field, but it also helps students to develop skills, such as critical thinking and public speaking, that will help them achieve success. One of the highlights of the Minnesota program includes a federal court day where the students spend a full day at the Minnesota federal courts learning about the federal judiciary. This year's program, organized by Judge

Davis, a long-time supporter of the program, and Judge Wright, included an opportunity for the students to meet with members of the U.S. Marshals Service, observe hearings presided over by Judge Davis, and work with attorneys from private practice, the U.S. Attorney's Office, and the Federal Public Defender's Office to put on a mock trial. Students also had the opportunity to attend a judicial panel, comprised of United States District Judge Donovan W. Frank, Judge Wright, and Magistrate Judge Brisbois, to learn more about the path to becoming a lawyer and ultimately a judge. Such opportunities to connect with young people are important to Judge Wright: "It is very important to me to be accessible to young people, particularly young people of color. I enjoy helping young people see pathways to leadership and success, to help them envision themselves in roles that they may not imagine for them-These themes of leadership, sponsorship, and mentoring ran throughout the September conference and provided new perspectives about how one can contribute to strengthening the pipeline. Judge Leung especially enjoyed the panel entitled "Legal Education and the Law School of 2016: Marketplace Challenges to Diversity—What Happens to Student of Color?," in which six law school deans emphasized the importance of building the law school pipeline as early as high school. The deans also spoke to the strategies they are employing for enhancing the law school experience. Those strategies included using diversity focus groups, mentoring, advocacy, and assessing the strengths and weaknesses of quantitative and qualitative student assessments. Judge Leung expressed optimism about these initiatives. "It was good to hear about the concrete steps law schools are currently taking to better educational experiences for all their students," Leung said. Other favorite sessions included attending the remarks of Supreme Court Justice Sonia Sotomayor and observing the Historic Reenactment of a Trial: Constance Baker Motley, James Meredith, and The University of Mississippi. Said Judge Wright of the re-enactment, "It brought to life the cases I studied. It was inspiring to think of the grit, intellect, and sacrifices made by some lawyers and judges to vindicate the rights of African-American students."

Looking Forward

The Minnesota District Court's strong presence at this year's Just the Beginning conference reflects the court's long-held commitment to diversity, equal justice, and inclusion. And though there is progress yet to still be made, there appears to be an active and enduring commitment to press forward. Judge Brisbois captured it best: "We do what we can, where we can, and over a course of years, we make progress collectively to improve and strengthen our communities."

Jennifer Coates is an attorney at Bowman & Brooke, LLP.

U.S. Bankruptcy Court Recognizes Employees in 2016 Awards Ceremony

By Ming Tan

On September 29 2016, the United States Bankruptcy Court for the District of Minnesota held its annual employee recognition awards ceremony at the United States Courthouse in Minneapolis. This year, Clerk of Court Lori Vosejpka opened the ceremony by introducing the featured speakers, Tara Norgard, President of the Minnesota Chapter of the Federal Bar Association, and Mychal Bruggeman, representative from the Minnesota State Bar Association Bankruptcy Section. Chief Judge Kathleen H. Sanberg recognized the employees who had reached various service anniversary milestones and presented awards to all the winning recipients.

Service Milestones: These awards honor employees' years of service and are given at five-year intervals. This year's recipients were Heather Beach (15 years), Renee Edwards (25 years), Sandy Flaherty (25 years), Jennifer Loman (25 years), Peter Moberg (30 years), Jessica Nin (20 years), Cathy Noble (25 years), Carrie Nordstrom (30 years), Jamie Smith (5 years), and Shelley Stevens (25 years).



Court staff and awardees at the September ceremony.

Back row, left to right: Chief Deputy Ming Tan, Jessica Nin, Peter Moberg, Sam Runck, Kristin Neff, Jamie Smith, Pam Berhow, Tammy Troje, Linda Evenson, Sandy Flaherty, Mary Blesi, Barbie Montez, Cathy Noble, Renee Edwards. Jennifer Loman.

Front row, left to right: Dave Conn, Shelley Stevens, Carrie Nordstrom, Debi Vanderport, Clerk of Court Lori Vosejpka, Heidi Jackson, Heather Beach.

Special Service Award: This award is granted to employees for making a special contribution in the public interest that reflects favorably on the federal judiciary. Mary Blesi, Dave Conn, Linda Evenson, and Sandy Flaherty received the Special Service Award this year.



Chief Judge Sanberg presents an award to Jamie Smith.

Suggestion Award: This award is granted to employees for adopting suggestions which, when implemented, will directly contribute to increased productivity in carrying out the court's programs or mission. This year, Sam Runck received the Suggestion Award.

Honorary Award: This award recognizes employees who consistently provide a level of service to the public and fellow employees that exceeds normal job requirements. Pam Berhow, Heidi Jackson, Barbie Montez, Kristin Neff, and Debi Vanderport received the Honorary Award this year.

Wellness Award: This award recognizes an employee who has demonstrated significant commitment to improving his or her own wellness or who inspires others to make good, healthy choices and positive changes. Sandy Flaherty was this year's Wellness Award recipient.

The court would like to thank the Federal Bar Association and the Minnesota State Bar Association Bankruptcy Section for sponsoring this event.

Ming Tan is the Chief Deputy of the U.S. Bankruptcy Court for the District of Minnesota.

Inaugural Gathering of The Vintage Brings Attorneys Together

By Joey Balthazor

the fifteenth floor of the Minneapolis Federal Courthouse joyful. to kick off the Chapter's new program, The Vintage. Inspired by U.S. Magistrate Judge Jeffrey J. Keyes (Ret.), The Vintage is a program designed to bolster the long tradition in this District of fostering education, inclusion, service, and mentorship between seasoned members of our federal bar community and newer members. In bolstering this tradition, the chapter will hold several events throughout the year.

Participants first gathered outside of the fifteenth-floor courtroom for food and drinks, where seasoned judges and lawyers introduced each other to newer lawyers and law students. Past Hennepin County Bar Association President Tom Nelson then ushered everyone inside Chief Judge John R. Tunheim's courtroom for story time. A panel of local notables—Judge Keyes, Judge Michael J. Davis, Judge Ann D. Montgomery, Judge David S. Doty, and attorney Cornell Leverette Moore-sat in front of a crowded courtroom. Each panelist shared a story about a time early in their careers in which an experienced attorney comically made a positive impact on them. (You never know whom you might run into while submitting a brief for the Eighth

In the early evening of Tuesday, October 25, a fervent Circuit.) Colorful commentary by Mr. Nelson underscored group of federal judges, lawyers, and law students met on the evening's atmosphere, which could best be described as

> But after a few stories, participants no longer felt like they were inside the largest courtroom in Minnesota. Rather, it seemed as if they were sitting inside a banquet hall, reflecting on the foundation upon which this federal bar community was built-education, inclusion, service, and mentorship. It is motivating to think about who in that courtroom will be the subject of those stories in the future, and even more so who will be sharing them.

> More programs from The Vintage are being planned for the future, including mentoring opportunities in low bono work and other events that bring together our younger and seasoned lawyers and judges to learn from each other. To get involved, please contact Lauren D'Cruz at lauren.d'cruz@lindjensen.com or Monica Fahnhorst at monica.fahnhorst@cdirad.com.

Joey Balthazor is a third-year law student at Mitchell Hamline School of Law.



Magistrate Judge Keyes, Christopher Preceko, Tom Nelson, and United States Magistrate Judge Becky R. Thorson attend the first event for The Vintage.



Top: Lauren Krueger, United States District Judge Susan R. Nelson, Michael Sawers, and Mark Schroeder.

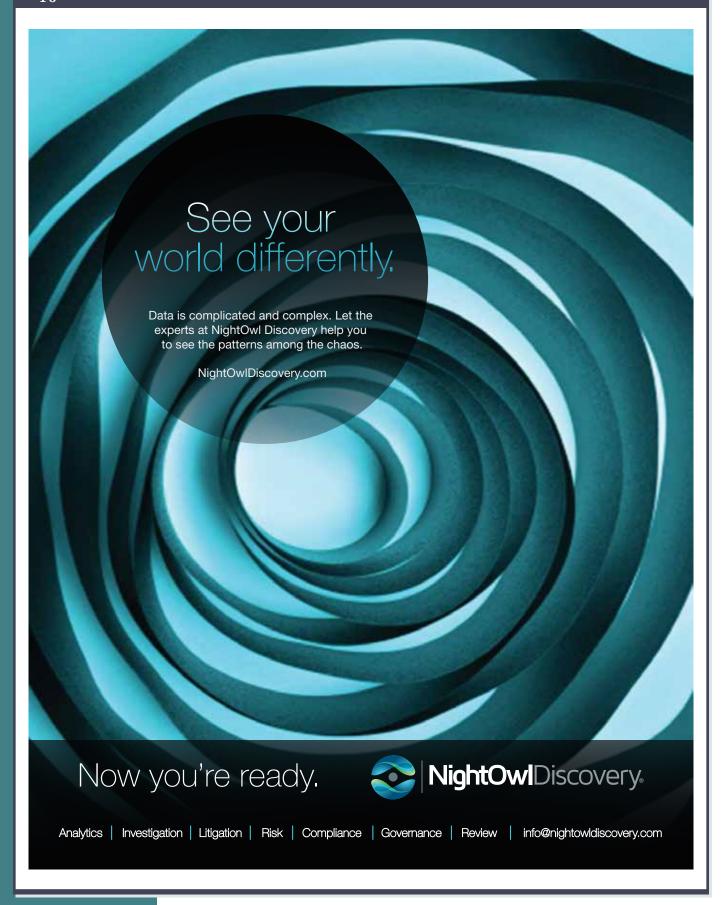
Middle: Gauri Samant and United States Magistrate Judge Franklin L. Noel.

Bottom: Inti Martinez Aleman, Judge Davis, and Sahr Brima.









Judge Davis Receives Sarah T. Hughes Award



At the Chapter's October luncheon, Minnesota Chapter President Tara Norgard presented United States District Judge Michael J. Davis with the Sarah T. Hughes Civil Rights Award. For more information about Judge Davis's receipt of this prestigious award, please see the September 2016 issue of Bar Talk, available at http://www.fedbar.org/Image-Library/Chapters/Minnesota-Chapter/Bar-Talk/September-2016.aspx.

Highlights from Another Memorable Chapter Golf Tournament

By Tracey Holmes Donesky

Another successful Federal Bar Association, Minnesota Chapter Golf Tournament and Kickoff Social Event was held on Monday, August 29, 2016, at Midland Hills Country Club. With a 14-under-par score of 58, the team of John Bjorkman, Rhett McSweeney, Eric Shesman, and Chris Wilton took home a first-place victory.

Individual contest winners were:

Longest Drive—Men (sponsored by Fish & Richardson): Eric Tostrud Longest Drive—Women (sponsored by JAMS Mediation): Jill Gustafson Closest to the Pin—Men (sponsored by Robert Half Legal): Tommy Lyons Closest to the Pin—Women (sponsored by Zimmerman Reed): Laurie Tostrud Longest Putt—Men (sponsored by Fredrikson & Byron): Chris Haugen Longest Putt—Women (sponsored by Greene Espel): Tracey Donesky Longest Putt—All (sponsored by Faegre Baker Daniels): Tom Lyons Sr. Straightest Drive—Men (sponsored by Anthony Ostlund): Ted Rogers Straightest Drive—Women (sponsored by Robins Kaplan): Brooke Anthony

Unfortunately the excitement generated by Jamal Faleel in his near miss hole-in-one on the sixteenth whole last year did not repeat itself in 2016, and the top prize of a 2016 Toyota Camry went unclaimed for another year. Special thanks nonetheless to Gustafson Gluek PLLC and Merchant & Gould for their generous sponsorship of this hole. Special thanks to our other hole sponsors: Bassford Remele; Briggs & Morgan; Carlson, Caspers, Vandenburgh, Lindquist & Schuman; Gray Plant Mooty; Larson King; Stinson Leonard Street; Xact Data Discovery,; Winthrop & Weinstine; and Zimmerman Reed.

Please be sure to **save the date** for the 2017 Tournament to be held on **Monday, August 28, 2017** at Midland Hills Country Club!

Tracey Holmes Donesky is a partner at Stinson Leonard Street LLP.

Upcoming Events:

January 11, 2017 Monthly Luncheon: State

of the District by Chief Judge Tunheim

Minneapolis Club

January 31, 2017

The Second Founding: Screening of "American Denial" 5:00 p.m. Normandale Community College

February 15, 2017

Monthly Luncheon Noon Minneapolis Club

February 23, 2017

Newer Lawyers Luncheon: Magistrate Judge Noel Noon Federal Courthouse, Minneapolis

March 15, 2017

Monthly Luncheon Noon Minneapolis Club

March 23, 2017

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

April 11, 2017

Newer Lawyers Luncheon: Judge Davis Noon Federal Courthouse, Minneapolis

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

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

Online Registration:

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

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

Federal Bar Association Application for Membership

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

Advocacy

and improve the federal legal system through grassroots work in over 90 FBA chapters and a strong national

Networking

The opportunity to make a change 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 chap-

Expand your connections, advance your career

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

Applicant Information

First Name	M.I.	Last Namé	Suffix (e.g. Jr.)	Title (e.g. Attorney At Law, Partner, Assistant U.S. Att	torney)
O Male O Female	Have you been	an FBA member in the past? O ye	es O no Which	h do you prefer as your primary address? O business O l	home
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Authorization Statement

By signing this application, I hereby apply for membership in the Federal Bar Association and agree to conform to its Constitution and By signing its approximation, Thereography of the menter state has a substant and agree to engome to contained herein is true and complete. I understand that any false statements made on this application will lead to rejection of my application or the immediate termination of my membership. I also understand that by providing my 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

(Signature must be included for membership to be activated)

*Contributions and dues to the FBA may be deductible by members under provisions of the IRS Code, such as an ordinary and necessary business expense, except 4.5 percent which is used for congressional lobbying and is not deductible. Your FBA dues include \$14 for a yearly subscription to the FBA's professional magazine.

Application continued on the back



Membership Categories and Optional Section, Division, and Chapter Affiliations

Membership Levels

Sustaining Membership

Members of the association distinguish themselves when becoming sustaining members of the FBA. Sixty dollars of the sustaining dues are used to support educational programs and publications of the FBA. Sustaining members receive a 5 percent discount on the registration fees for all national meetings and national CLE events. They are also eligible to receive one free CLE webinar per year.

	Private Sector	Public Sector
Member Admitted to Practice 0-5 Years	\$165	O \$145
Member Admitted to Practice 6-10 Years	\$230	O \$205
Member Admitted to Practice 11+ Years	\$275	O \$235
Retired (Fully Retired from the Practice of Law)	3 \$165	O \$165

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	\$105	O \$80
Member Admitted to Practice 6-10 Years	\$165	O \$140
Member Admitted to Practice 11+ Years	\$210	O \$170
Retired (Fully Retired from the Practice of Law)	\$105	O \$105

Associate Membership

Foreign Associate

Admitted to practice law outside the U.S. O \$210

Law Student Associate

First year student (includes four years of membership) 🔾 \$50
Second year student (includes three years of membership)
Third year student (includes two years of membership)
One year only option O \$20

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

Dues Total:

Practice Area Sections

O Admiralty Law	.\$25
O Alternative Dispute Resolution	\$15
O Antitrust and Trade Regulation	\$15
O Banking Law	
O Bankruptcy Law	\$25
O Civil Rights Law	\$10
O Criminal Law	\$10
O Environment, Energy, and	
O Environment, Energy, and Natural Resources	.\$15
Natural Resources	\$20
Natural Resources O Federal Litigation	.\$20 .\$20
Natural Resources O Federal Litigation O Government Contracts	.\$20 .\$20 .\$15

O Indian Law	\$15
O Intellectual Property Law	\$10
O International Law	\$10
O Labor and Employment Law	\$15
O Qui Tam Section	\$15
O Securities Law Section	\$0
O Social Security	\$10
O State and Local Government	
Relations	\$15
O Taxation	\$15
O Transportation and	
Transportation Security Law	\$20
O Veterans and Military Law	\$20

Career Divisions

O Corporate & Association Counsel (in-house counsel and/or	
corporate law practice)	\$20
O Federal Career Service (past/present employee of federal government)	N/C
O Judiciary (past/present member or staff of a judiciary)	N/C
O Senior Lawyers* (age 55 or over)	\$10
O Younger Lawyers* (age 36 or younger or admitted less than 3 years)	N/C
O Law Student Division	N/C
*For all dibility data of birth must be provided	

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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.

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Hawaii

O Hawaii

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	North Carolina	Tennessee
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	O Cincinnati/ Northern	Vermont*
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	O Columbus	O Virgin Islands
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	Eastern	Washington*
	Oklahoma	O At Large
	<u>Oregon</u>	West Virginia
	O Oregon	O Northern
	Pennsylvania	District of West
	O Eastern District	Virginia-\$20
	of Pennsylvania	Wisconsin*
	O Middle District	O At Large
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Chapter Total:

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Name on card (please print)		
Card No.	Exp. Date	
Signature	Date	