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**Federal Bar
Association**
Minnesota Chapter

Bar Talk



L to R: Law student Alexander Beeby, law clerk Christy Martenson, United States District Judge Donovan W. Frank, law clerk Julia Zwak, and law student Jenny Yi at the reception.

Minnesota Chapter Hosts Tenth Annual Law Student Outreach Reception

By Jeff Justman

On February 22, 2016, the Minnesota Chapter held its tenth annual Law Student Outreach Reception. Hosted by Faegre Baker Daniels, the reception brought together members of the federal bench and bar with law students from Minnesota's three law schools.

Speakers at the event included Minnesota Chapter President Bill Otteson and law school outreach committee co-chairs Karin Ciano and Adine Momoh. Dozens of law students also attended, and a select few won free year-long memberships to the FBA.

But perhaps the most exciting opportunity was to network with federal practitioners and active federal district, magistrate, and bankruptcy judges. All who attended agreed that the event succeeded in its goal of highlighting the Chapter's initiatives for interested and aspiring law students.

Pictures from the Reception are on pages 2 and 3.

Jeff Justman is an attorney at Faegre Baker Daniels LLP and co-chair of the Communications Committee.



L to R: Adam Hansen shares a moment with Chief United States District Judge John R. Tunheim.

TENTH ANNUAL LAW STUDENT OUTREACH RECEPTION



L to R: One law student mingles with United States Magistrate Judge Steven E. Rau and United States District Judge David S. Doty.



L to R: Minnesota Chapter Board members Karin Ciano, Ann Anaya, and Adine Momoh share a moment with law student Anna Koch.



United States District Judge Ann D. Montgomery and United States Magistrate Judge Leo I. Brisbois.



L to R: Thomas Beimers, Daniel Vaknin, and United States Bankruptcy Judge Michael E. Ridgway discuss the ins and outs of the bankruptcy code.



L to R: Adine Momoh, Liz Cowan Wright, and Karin Ciano speaking at the event.



Minnesota Lawyers for Supreme Court Litigant Named Attorneys of the Year

By Tyler Young

In February 2016, Minnesota Lawyer recognized as “Attorneys of the Year” eight members of the litigation team that successfully represented Moones Mellouli in a significant immigration case before the United States Supreme Court in 2015.

In 2010, Mr. Mellouli, a math professor from Tunisia, pleaded guilty to possession of drug paraphernalia: his sock. Following that guilty plea, federal immigration officials deported Mr. Mellouli, a lawful permanent resident of the United States, to Tunisia. Five years later, on June 1, 2015, the Supreme Court held that Mr. Mellouli’s deportation was unlawful because the government had not shown that his sock-based conviction was related to any drug regulated by federal law. The Supreme Court’s decision cleared the way for Mr. Mellouli to return to the United States to be reunited with his fiancée.

But in July 2015, the United States Court of Appeals for the Eighth Circuit held, sua sponte, that the government might still be able to validate Mr. Mellouli’s deportation based on facts that were not established by his 2010 conviction and remanded the case to the Board of Immigration Appeals to decide whether to uphold Mellouli’s deportation based on this other evidence. After the Eighth Circuit denied Mr. Mellouli’s request for reconsideration, his legal team petitioned Justice Alito for a stay while they drafted a mandamus petition. Justice Alito (who had sided with the government in Mr. Mellouli’s case) agreed to the stay, as did the rest of the Court, which marked the first time the Supreme Court had granted a stay pending mandamus practice in decades.

In October, U.S. Solicitor General Verilli admitted defeat. The government conceded to the Supreme Court that the Eighth Circuit’s decision could not provide a basis for

Mr. Mellouli’s deportation and pledged never to invoke the Eighth Circuit’s reasoning to justify a deportation in the future. In November, the Board of Immigration Appeals granted the parties’ joint motion to dismiss with prejudice the proceedings against Mr. Mellouli, who is now free to return home.

Mr. Mellouli was represented by a team of dedicated lawyers and law students from the University of Minnesota Law School’s Center for New Americans, the Faegre Baker Daniels law firm, and the Immigrant Law Center of Minnesota. Minnesota Lawyer honored the following members of the litigation team as Attorneys of the Year: Ben Casper, Julia Decker, Katherine Evans, Dianne Heins, Jeff Justman, John Keller, Nicholas Nelson, and Aaron Van Oort.

Tyler Young is an attorney at Faegre Baker Daniels.

Bankruptcy Judge Kathleen H. Sanberg Hosts Newer Lawyer Luncheon

By Lauren D'Cruz

The Honorable Kathleen H. Sanberg hosted the Newer Lawyers luncheon on February 23, 2016. Judge Sanberg was appointed to the U.S. Bankruptcy Court for the District of Minnesota in 2012. The topic of the luncheon was "What Every Lawyer Needs to Know About Bankruptcy." Judge Sanberg provided a historical background of bankruptcy, noting that the term "bankruptcy" comes from the Latin words, first used in Italy, "banca rotta" or "broken bench." Judge Sanberg explained that the bankruptcy system gives debtors a fresh start, helps creditors by providing a system for the orderly dispersal of the debtor's assets, and gives certainty to society.

She noted that most bankruptcies are voluntary and that death, divorce, large medical bills, and poor money

management are common reasons people file for bankruptcy. Debts such as taxes, child support, and intentional tort damages are not dischargeable in bankruptcy. To discharge student loans, there must be compelling circumstances. Lastly, she discussed developments in bankruptcy law such as potentially allowing financial institutions to file for bankruptcy. It was an interesting, informative event that provided newer lawyers with an understanding of the bankruptcy process and practice area.

Lauren D'Cruz is an attorney at Lind, Jensen, Sullivan & Peterson, P.A.



MARK YOUR CALENDAR

For the Minnesota Chapter of the Federal Bar Association's

Annual Federal Judges' Dinner Dance

Saturday, May 7, 2016 | The Minikahda Club

Pro Bono Spotlight: Steven Smith of Nichols Kaster

By Kerri J. Nelson

It is “undisputed” that Steven Andrew Smith and members of his firm, Nichols Kaster, are highly respected employment and consumer rights attorneys. Smith has been named one of the “Best Lawyers in America” for the past two years and has been on the Minnesota Super Lawyers list each year since 2003. What may be less well-known is just how much Smith and his firm give back to the community. For one thing, they are top-of-the-list in assisting unrepresented employment litigants in connection with the federal *Pro Se* Project.

Tiffany Sanders, Coordinator of the *Pro Se* Project, describes the work of Smith and his firm as “outstanding.” Given the lengthy list of referrals they have handled, such accolades are well deserved. Smith explains that he either handles these cases personally or closely supervises associates in handling them. He also graciously offers advice and information to other volunteer lawyers from other firms who are helping the federal court’s *pro se* employment litigants. The reason, Smith notes, is that “every litigant in the court system deserves to be heard, and we are glad to play a small part in that process.”

Since the *Pro Se* Project’s inception, employment discrimination claims have been the most frequently referred type of case. They are often challenging to place with volunteer attorneys because of the time and expertise involved, but Smith and Nichols Kaster have stepped up to the plate repeatedly. Not only does this commitment to pro bono work benefit the litigants, but the firm sees a benefit from the opportunity to train associates in vital litigation skills.

SAVE THE DATE

The judges of the Eighth Circuit invite you to a Judicial Conference at the Embassy Suites Hotel in Rogers, Arkansas. The conference will take place **MAY 3—5, 2016**. Douglas Jones, attorney from Birmingham, AL, will give the keynote presentation—*Trial on the 16th Street Baptist Church Bombing*. Several distinguished speakers are confirmed, including the Commissioner of Major League Baseball, Robert D. Manfred, Jr. Please email questions to the Eighth Circuit Executive office at JudConf@ca8.uscourts.gov or telephone 314.244.2600.



Steven Smith

Smith’s commitment to the *Pro Se* Project goes beyond merely assisting individual litigants and supervising volunteer associate attorneys, however. In the fall of 2012, he was involved in the design of the Early Settlement Conference Project (ESCP), along with Judge Michael J. Davis and Magistrate Judge Franklin L. Noel, then-FBA *Pro Se* Project Chair Jeff Ali, Ms. Sanders, and other lawyers. This initiative was designed to better assist the court with its *pro se* employment discrimination docket, improve access to justice for *pro se* litigants, and encourage additional volunteer attorneys to take employment referrals. The ESCP was successful enough to be made permanent in 2014. Smith also presented at the *Pro Se* Project’s first Employment and Civil Rights seminar in April of 2013, and his presentation materials are still provided to volunteer attorneys for guidance in handling employment law cases.

Nichols Kaster and its attorneys (including Smith) have been repeatedly recognized as a top plaintiffs’ employment law firm, both locally and at a national level. Through their commitment to pro bono work, they continue to do good here at home, providing better access to justice for pro bono litigants in the federal courts.

This article was written with the invaluable assistance of *Pro Se* Project Coordinator **Tiffany Sanders**, who encourages any attorney interested in volunteering in any capacity to contact her at 612.965.3711 or proseproject@q.com.

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

Case Note on a Recent Securities Decision from Chief Judge Tunheim

By Vanessa Szalapski

Much of securities law is made in the Second and Ninth Circuits, but Chief Judge John R. Tunheim recently had an opportunity to make an important decision about the application of the statutory limitations period in scheme liability claims in a purported securities class action. According to this important decision, in order to determine when the statute of limitations starts running under the *Merck* discovery rule, courts must look at not only what plaintiffs pleaded, but also at how they pleaded it. Facts released into the public domain outside the class period to which no loss is attributed will likely not prevent the statute of limitations from running.

The case was *West Virginia Pipe Trades Health & Welfare Fund v. Medtronic*, and Plaintiffs, seeking to represent a class of investors, alleged that Medtronic, its former CEO, and its CFO made false statements and, along with four non-executive employees, engaged in a scheme to promote an allegedly dangerous surgical product so that it could artificially inflate its share price. --F. Supp. 3d--, 2015 WL 5736961, *2 (D. Minn. Sept. 29, 2015).¹ More specifically, Plaintiffs alleged that Medtronic defendants manipulated thirteen early INFUSE studies by forging and concealing financial relationships with physician authors, concealed or omitted known adverse side effects of INFUSE in publications authored by those physicians, and overstated the disadvantages of alternative procedures in the studies. *Id.* After largely dismissing the claims based on alleged misleading statements, the court was faced with whether the surviving scheme

liability allegations were timely given the large amount of publicity regarding the underlying allegations.

Pursuant to 28 U.S.C. § 1658 (b)(1), Plaintiffs needed to bring their claims within “2 years after the discovery of the facts constituting the violation.” Recently clarified by the U.S. Supreme Court in *Merck & Co. v. Reynolds*, the statute of limitations in § 1658(b)(1) “begins to run once the plaintiff did discover or a reasonably diligent plaintiff would have discovered facts constituting the violation—whichever comes first.” 559 U.S. 633, 653 (2010).

Interpreting the *Merck* discovery rule, Chief Judge Tunheim stated “that a reasonably diligent plaintiff has not ‘discovered’ one of the facts constituting a securities fraud violation until he can plead that fact with sufficient detail and particularity to survive a 12(b)(6) motion to dismiss.” *Medtronic*, 2015 WL 5736961 at *5 (citing *City of Pontiac Gen. Emps. Ret. Sys. v. MBIA, Inc.*, 637 F.3d 169, 175 (2d Cir. 2011)). But importantly, “the facts need not ‘perfectly match the allegations that a plaintiff chooses to include in its complaint in order for the statute of limitations to run.’” *Id.* (citing *Gavin/Solmonese LLC v. D’Arnaud-Taylor*, 68 F. Supp. 3d 530, 537 (S.D.N.Y. 2014)).

Applying this standard, the court dismissed Plaintiffs’ scheme liability claim. After considering the undisputed publicly available information cited by both sides, the court held that “plaintiffs had sufficient information” more than two years before they filed their complaint “to adequately plead their scheme or

course of conduct liability claim,” because several publically available sources, including newspapers, scientific journals, and a prior INFUSE-related securities class action established each element of Plaintiffs’ claim. *Id.* at *7 (internal quotations omitted). Although Plaintiffs attempted to rely on government findings released a year after the class period, the court held that these findings could not prevent the statute of limitations from running because Plaintiffs did not attribute any losses to their release. *Id.* at *8. The court also found that the allegations in the report were “not so different than the facts available prior to June 27, 2011 that plaintiffs could not have filed an earlier complaint and survived a motion to dismiss.” *Id.* at *9.

The court’s opinion makes clear that not every conceivable fact need be available to a securities plaintiff for the statute of limitations to begin running. Moreover, facts outside the class period that are not tied to any loss cannot be essential to a plaintiff’s case. In this case, because the court found that Plaintiffs had sufficient information to survive a motion to dismiss more than two years before they filed their Complaint, Plaintiffs’ claim was time barred under § 1658 (b)(1) and dismissed with prejudice.

¹ Plaintiffs also made claims against three consulting physicians that were dismissed on those doctors’ motion to dismiss.

Amendments To Federal Rules of Civil Procedure Go Into Effect

By João da Fonseca

Five new and significant revisions to the Federal Rules of Civil Procedure recently went into effect.

The amendments to the Federal Rules of Civil Procedure apply to all proceedings commenced after December 1, 2015, and to pending proceedings whenever “just and practical” to do so. The following is a brief review of some of these changes:

Rule 26(b)(1): Arguably the most important change, the scope of discovery must now be “proportional to the needs of the case.” What is “proportional to the needs of the case” is determined by considering the five factors adopted from 26(b)(2)(c)(iii) and a new factor, “the parties’ relative access to relevant information.” According to the Committee Notes, this “amendment restores the proportionality factors to their original place in defining the scope of discovery.” The scope of discovery was further redefined by the removal of the language “[r]elevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.”

Rule 34(b)(2)(B)–(C): Objections to each Rule 34 request must now “state with specificity the grounds

for objecting to the request, including the reasons.” In addition, “[a]n objection must state whether any responsive materials are being withheld on the basis of that objection,” amended in order to eliminate confusion as to which is the actual objection that justifies withholding the requested information.

Rule 37(e): The rule now provides that when “electronically stored information that should have been preserved in the anticipation or conduct of litigation is lost because a party failed to take reasonable steps to preserve it,” the court “may order measures no greater than necessary to cure the prejudice.” Furthermore, if a party had “intent to deprive” the other from obtaining the information, the court may prescribe inferences and even “dismiss the action or enter a default judgment” in favor of the prejudiced party. This amendment replaces the previous no sanctions “[a]bsent exceptional circumstances” rule and now sets a uniform standard to be applied across all federal circuits.

In addition, the following timelines should be considered by every federal practitioner:

Rule 4(m): A complaint must now be served within 90 days after being filed so as to prevent delay at the initial stages of litigation. This rule does not apply to service under Rule 71.1(d)(3)(A), which concerns service of a notice for condemnation of personal property and still does not apply to service in foreign countries under Rules 4(f) and 4(j)(1).

Rule 26(d)(2)(A): This rule now allows parties to provide (“deliver”) document requests before the parties’ first Rule 26(f) conference (but at least 22 days after service of the summons and complaint), making the Rule 26(f) conference more efficient by allowing the parties to have focused discussions about discovery issues and to readily make any necessary modifications to their requests.

For further information, the United States Courts website, www.uscourts.gov, has published a document called “Redline of Civil Rules Amendments,” which shows all of the changes to the rules, including Advisory Committee Notes explaining the reasons for these changes.

João M. da Fonseca is an attorney at Halunen Law.

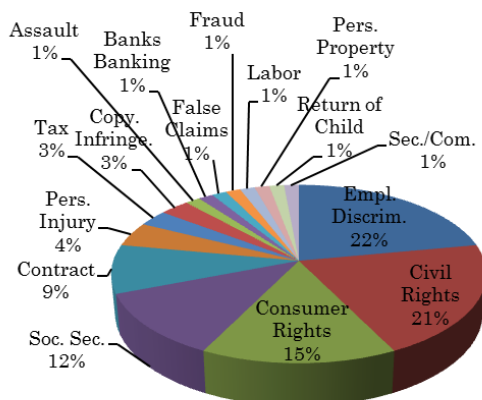
Pro Se Project—2015 Summary

By Tiffany A. Sanders

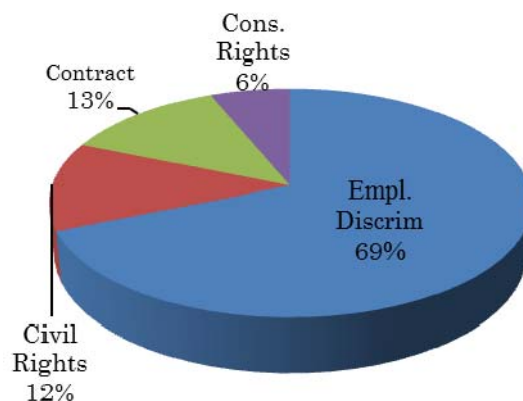
The *Pro Se* Project is a successful collaboration between the U.S. District Court, District of Minnesota, and the Minnesota Chapter of the Federal Bar Association that provides civil *pro se* litigants with an opportunity to have a meaningful consultation with a volunteer attorney. Since 2009, the *Pro Se* Project has worked with over 1,000 *pro se* litigants the Court has referred to the *Pro Se* Project. The generous contribution of time and talent by volunteer lawyers enables the *Pro Se* Project to serve the Court, assist *pro se* litigants, and enhance access to justice.

In 2015 the Court referred 68 cases to the *Pro Se* Project and 16 cases to the Early Settlement Conference Project (ESCP). The following charts show the types of cases the court most often referred to the *Pro Se* Project and the ESCP during 2015.

Pro Se Project Referrals



Early Settlement Conference Project Referrals



As the following charts demonstrate, of the 68 *Pro Se* Project referrals, 29 *pro se* individuals filed *In Forma Pauperis* (IFP) applications. In eight cases, the Court dismissed the matter prior to the IFP determination, or the Court required the *pro se* litigant to file an Amended Complaint before making an IFP determination. Of the 21 remaining *pro se* litigants, the court granted IFP status in 16 cases – 76% of the *pro se* IFP applications.

<i>In Forma Pauperis</i> Applications	
IFP application filed	29
Not applicable (case removed from state court or <i>pro se</i> litigant is defendant or respondent)	23
No IFP application filed	16
TOTAL	68

<i>In Forma Pauperis</i> Status	
IFP status granted	16
Case dismissed prior to IFP decision	6
IFP status denied	5
Litigant must amend Complaint	2
TOTAL	29

Participating Law Firms

Talented lawyers from a variety of law firms generously donated their time and expertise in 2015 to assist individuals through the *Pro Se* Project and the ESCP. The following charts list the participating law firms and the number of referrals accepted.

<i>Pro Se</i> Project Firms		
1.	Anthony Ostlund Baer & Louwagie	1
2.	Barna, Guzy & Steffen	1
3.	Barry & Helwig	1
4.	Bassford Remele	1
5.	Bertelson Law Offices	2
6.	Briggs and Morgan	2
7.	Carlson Caspers	1
8.	Christensen Law Office	1
9.	Consumer Justice Center	1
10.	Daniels & Kibort	1

11.	Dorsey & Whitney	1
12.	Eckland & Blando	1
13.	Faegre Baker Daniels	2
14.	Fredrickson & Byron	1
15.	Friedman Iverson	3
16.	Fryberger, Buchanan Smith & Frederick (Duluth)	1
17.	Greene Espel	1
18.	Gustafson Gluek	1
19.	Hellmuth & Johnson*	1
20.	Karin Ciano Law	2

21.	Keogh Law Office	2
22.	Law Office of Richard G. McGee	1
23.	Law Offices of Wayne G. Nelson	1
24.	Lind, Jensen, Sullivan & Peterson	1
25.	Lindquist & Venum	2
26.	Maslon LLP	3
27.	Mayer Brayer	1
28.	Merchant & Gould	1
29.	Nichols Kaster	2
30.	Peterson & Fishman	2
31.	Robins Kaplan	2
32.	Ross & Orenstein	1
33.	Shulman & Buske	1
34.	Stephen J. Beseres Attorneys at Law*	1

35.	Stinson Leonard Street	2
36.	Stoel Rives	1
37.	Teske Micko Katz Kitzer & Rochel*	1
38.	The Law Office of Zorislav R. Leyderman	2
39.	Thibodeau, Johnson & Feriancek (Duluth)	1
40.	Thompson Hall Santi Cerny & Katkov	1
41.	Trepanier Macgillis Battina	1
42.	Warner Law Office	1
43.	Weinrich Law Office	1
44.	Winthrop & Weinstine	2
45.	Zimmerman Reed	1

* Denotes first time participants.

Early Settlement Conference Project Firms

1.	Briggs & Morgan	2
2.	Christensen Law Office	1
3.	Eckland & Blando	1
4.	Fabian May & Anderson	1
5.	Fruth, Jamison & Elsass	1
6.	Halunen Law	1
7.	Kelly A. Jeanetta Law Firm	1
8.	Merchant & Gould	1
9.	Nichols Kaster	1
10.	Shulman & Buske	1
11.	Teske, Micko, Katz, Kitzer & Rochel*	1
12.	The Law Office of Zorislav R. Leyderman	1
13.	Thompson Hall Santi Cerny & Katkov	1
14.	Warner Law Office	1

To learn more about the Pro Se Project, or to volunteer, contact Tiffany Sanders, Pro Se Project Coordinator, at proseproject@q.com or 612.965.3711.



Clerk's Corner: CM/ECF NextGen Update

By Tricia Pepin

The U.S. District Court for the District of Minnesota successfully implemented CM/ECF NextGen on October 5, 2015. Attorneys must now sign into their individual PACER accounts for ECF filing access. The individual PACER account will allow both PACER access and ECF filing access. Attorneys must complete a **one-time** linking process before they will be able to file in NextGen ECF. To date, approximately 3,500 attorneys have linked their accounts. For more information on CM/ECF NextGen **(including the detailed step by step linking procedure)**, please visit the CM/ECF NextGen Page on our website at:

<http://www.mnd.uscourts.gov/cmecf/nextgen.shtml>.

Other NextGen courts include the Second Circuit, Ninth Circuit, Kansas District Court, Alaska Bankruptcy Court, Oregon Bankruptcy Court, New Jersey Bankruptcy Court, Florida Northern District Court and California Southern Bankruptcy Court.

Tricia Pepin is the Chief Deputy Clerk with the United States District Court for the District of Minnesota.

Minnesota Chapter Member Brian Rochel Receives FBA's Labor and Employment Section Author of the Year Award

By Corie Tarara

Each year the FBA's Labor & Employment Section recognizes an "Author of the Year" at the FBA's national meeting. This award is given to an L&E Section member who has made outstanding contributions to the Section's publications (*The Labouring Oar* newsletter or the Circuit Updates), or other publications on behalf of the Section (*The Federal Lawyer*). Contributions are measured in terms of quality and/or quantity of submissions.

At the September 2015 national meeting in St. Lake City, the L&E Section's Board of Directors were proud to award this honor to Minnesota Chapter member Brian Rochel of Teske, Micko, Katz, Kitzer & Rochel. Brian was

recognized for his outstanding job the past year assisting with both writing the monthly Circuit Updates and preparing them for publication to the Section. On behalf of the L&E Section, we greatly appreciate and thank Brian for his past contributions and continued involvement in the Section, now as Co-Chair of the Publications and Public Relations Committee. He was most deserving of this award.

Corie Tarara is the Vice Chair of the FBA's Labor and Employment Section and an attorney at Seaton, Peters & Revnew P.A.

Minnesota Law Review Celebrates 100th Issue with Self-Reflective Symposium

By Adam Hansen

The Minnesota Law Review recently celebrated its 100th anniversary. The editors and staff of Volume 100 dedicated the journal's annual symposium—appropriately called "Standing on the Shoulders of Giants"—to looking back and reflecting on the past 100 years of legal scholarship. Professor Daniel Farber (now the Sho Sato Professor of Law at the University of California-Berkeley) delivered remarks on the journal's humble beginnings in Volume One. Chief Judge John R. Tunheim and Senior Eighth Circuit Judge Myron H. Bright reflected on the

role of legal scholarship in the courts. Judge Bright served as an editor in 1946-47. Although Judge Bright claimed to be the most senior editor emeritus in attendance, a great number of former editors and staff also attended the event.

Pictures from the Symposium on are page 12.

Adam Hansen is an attorney at Nichols Kaster, PLLP and co-chair of the Communications Committee.

MINNESOTA LAW REVIEW SYMPOSIUM

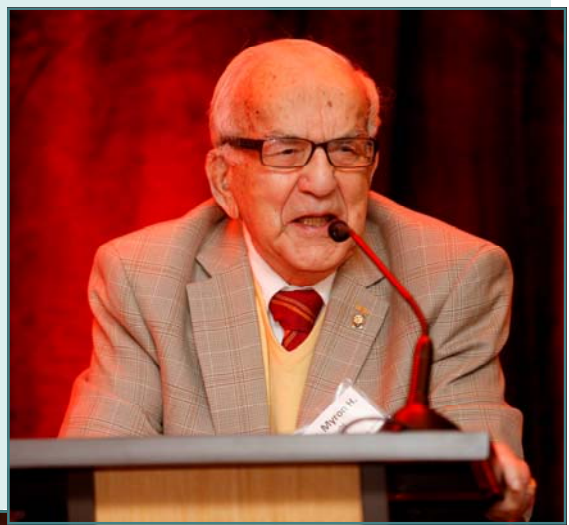


Former
Vice President
Walter Mondale.

Madge Thorsen,
first female
president of the
Law Review.



Professor Kenneth S. Abraham,
University of Virginia School of Law.



Judge Myron H. Bright of the United States
Court of Appeals for the Eighth Circuit.



Rachel Clark Hughey,
Partner at Merchant
& Gould.



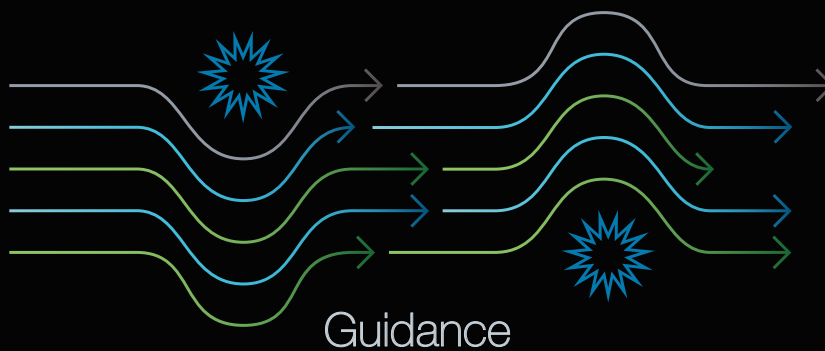
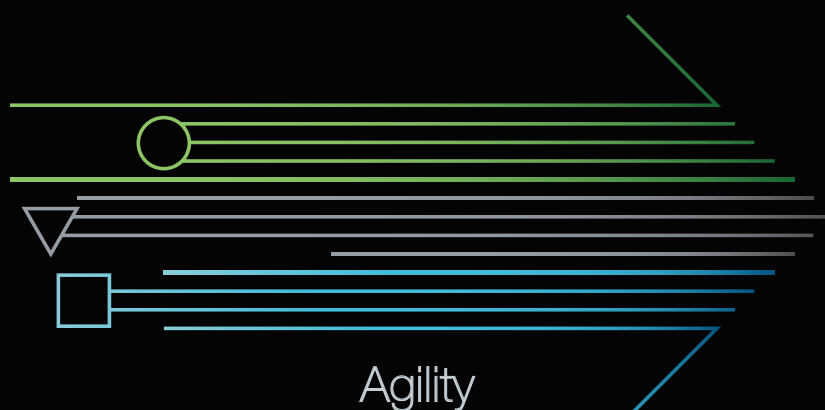
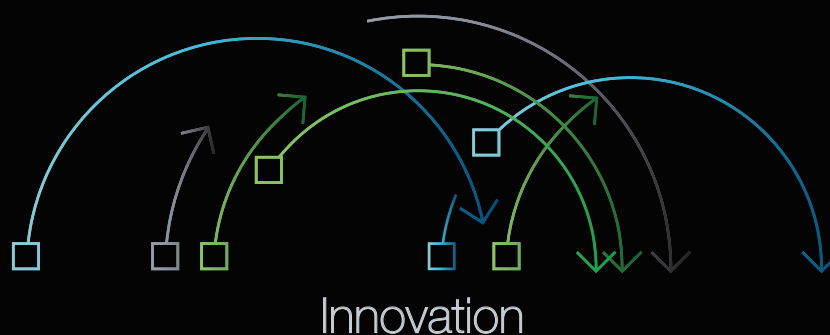
Professor Catherine M.
Sharkey, New York
University School of Law.



Professor Daniel A. Farber, UC Berkeley School of Law.



Chief Judge John R. Tunheim.



NightOwl Discovery helps companies in the most demanding industries reach their discovery management goals. Our tailored programs and guidance complement and maximize existing investments in people, process and technology. **Now you're ready.**



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Upcoming Events:**March 23, 2016***Newer Lawyer Luncheon*12:00 PM
St. Paul Federal
Courthouse**April 21, 2016***Newer Lawyer Luncheon*12:00 PM
Minneapolis Federal
Courthouse**April 27, 2016***Monthly Luncheon*12:00 PM
Minneapolis Club**May 7, 2016***Annual Federal Judges' Dinner Dance*Minikahda Club
Minneapolis**May 25, 2016***Monthly Luncheon & Annual Chapter Business Meeting*12:00 PM
Minneapolis Club**June 21, 2016***Federal Practice Seminar & Mason Memorial Luncheon*8:30 AM to 5:30 PM
University of St.
Thomas, Minneapolis**Communications Committee:****Tara Craft Adams**
Seaton, Peters & Revnew,
P.A.**Brittany Bachmann**
Nichols Kaster, PLLP**Shannon Bjorklund**
Dorsey & Whitney LLP**Lance Bonner**
Lindquist & Vennum LLP**Amy Conners**
Best & Flanagan**João da Fonseca**
Halunen Law**Andy Davis**
Minnesota Attorney
General's Office**Lauren D'Cruz**
Lind, Jensen, Sullivan &
Peterson, P.A.**Tasha Francis**
Fish & Richardson, P.C.**Adam Hansen** (Co-chair)
Nichols Kaster, PLLP**Vicki Hruby**
Jardine, Logan & O'Brien,
P.L.L.P.**Jeff Justman** (Co-chair)
Faegre Baker Daniels LLP**Steve Katras**
Stinson Leonard Street LLP**Fran Kern**
Moss & Barnett, P.A.**Kelly Laudon**
Lindquist & Vennum, LLP**Nate Louwagie**
Carlson Caspers**Jon Marquet**
Bassford Remele, P.A.**Ryan McCarthy**
Dakota County Attorney's
Office**Pete McElligott**
Anthony Ostlund Baer &
Louwagie P.A.**Adine Momoh**
Stinson Leonard Street LLP**Kerri Nelson**
Bassford Remele, P.A.**Timothy O'Shea**
Fredrikson & Byron, P.A.**Ryan Schultz**
Robins Kaplan L.L.P.**Paige Stradley**
Merchant & Gould P.C.**Vildan Teske**
Teske, Micko, Katz, Kitzer
& Rochel, PLLP**Kathryn Uline**
United States District Court
for the District of Minnesota**Chelsea Walcker**
Robins Kaplan L.L.P.**Janet Westenberg**
United States District Court
for the District of Minnesota**Tyler Young**
Faegre Baker Daniels LLP**Jason Zucchi**
Fish & Richardson, P.C.

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: **Jeff Justman** at jeff.justman@faegreBD.com or **Adam Hansen** at ahansen@nka.com.

A special thank you to **Rebecca Baertsch**, Judicial Assistant to the Honorable 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 **Joe Dixon** at jdixon@fredlaw.com.

Federal Bar Association Application for Membership

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

Advocacy

The opportunity to make a change and improve the federal legal system through grassroots work in over 90 FBA chapters and a strong national advocacy.

Networking

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

Leadership

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

Learning

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

Expand your connections, 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 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 _____ Email Address _____

Address _____ Apt. # _____
City _____ State _____ Zip _____ Country _____
() _____
Phone _____ Date of Birth _____
Email Address _____

Bar Admission and Law School Information (required)

U.S. Court of Record: _____
State/District: _____ Original Admission: / /

Foreign Court/Tribunal of Record: _____
Country: _____ Original Admission: / /

Tribal Court of Record: _____
State: _____ Original Admission: / /

Students Law School: _____
State/District: _____ Expected Graduation: / /

Authorization Statement

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 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 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



**Federal Bar
Association**

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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	\$145
Member Admitted to Practice 6-10 Years	\$230	\$205
Member Admitted to Practice 11+ Years	\$275	\$235
Retired (Fully Retired from the Practice of Law)	\$165	\$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	\$80
Member Admitted to Practice 6-10 Years	\$165	\$140
Member Admitted to Practice 11+ Years	\$210	\$170
Retired (Fully Retired from the Practice of Law)	\$105	\$105

Associate Membership

Foreign Associate

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

Law Student Associate

First year student (includes four years of membership)	\$50
Second year student (includes three years of membership)	\$30
Third year student (includes two years of membership)	\$20
One year only option	\$20

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

Dues Total: _____

Practice Area Sections

<input type="checkbox"/> Admiralty Law	\$25	<input type="checkbox"/> Indian Law	\$15
<input type="checkbox"/> Alternative Dispute Resolution	\$15	<input type="checkbox"/> Intellectual Property Law	\$10
<input type="checkbox"/> Antitrust and Trade Regulation	\$15	<input type="checkbox"/> International Law	\$10
<input type="checkbox"/> Banking Law	\$20	<input type="checkbox"/> Labor and Employment Law	\$15
<input type="checkbox"/> Bankruptcy Law	\$25	<input type="checkbox"/> Qui Tam Section	\$15
<input type="checkbox"/> Civil Rights Law	\$10	<input type="checkbox"/> Securities Law Section	\$0
<input type="checkbox"/> Criminal Law	\$10	<input type="checkbox"/> Social Security	\$10
<input type="checkbox"/> Environment, Energy, and		<input type="checkbox"/> State and Local Government	
Natural Resources	\$15	<input type="checkbox"/> Relations	\$15
<input type="checkbox"/> Federal Litigation	\$20	<input type="checkbox"/> Taxation	\$15
<input type="checkbox"/> Government Contracts	\$20	<input type="checkbox"/> Transportation and	
<input type="checkbox"/> Health Law	\$15	Transportation Security Law	\$20
<input type="checkbox"/> Immigration Law	\$10	<input type="checkbox"/> Veterans and Military Law	\$20

Career Divisions

<input type="checkbox"/> Corporate & Association Counsel (in-house counsel and/or corporate law practice)	\$20
<input type="checkbox"/> Federal Career Service (past/present employee of federal government)	N/C
<input type="checkbox"/> Judiciary (past/present member or staff of a judiciary)	N/C
<input type="checkbox"/> Senior Lawyers* (age 55 or over)	\$10
<input type="checkbox"/> Younger Lawyers* (age 36 or younger or admitted less than 3 years)	N/C
<input type="checkbox"/> Law Student Division	N/C

*For eligibility, date of birth must be provided.

Sections and Divisions Total: _____

Chapter Affiliation

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

Alabama <input type="checkbox"/> Birmingham <input type="checkbox"/> Montgomery <input type="checkbox"/> North Alabama	Idaho <input type="checkbox"/> Idaho Illinois <input type="checkbox"/> Central District of Illinois <input type="checkbox"/> Chicago <input type="checkbox"/> P. Michael Mahoney (Rockford, Illinois) Chapter Indiana <input type="checkbox"/> Indianapolis <input type="checkbox"/> Northern District of Indiana Iowa <input type="checkbox"/> Iowa-\$10 Kansas <input type="checkbox"/> Kansas Kentucky <input type="checkbox"/> Kentucky Louisiana <input type="checkbox"/> Baton Rouge <input type="checkbox"/> Lafayette/ Acadiana Colorado <input type="checkbox"/> Colorado Connecticut <input type="checkbox"/> District of Connecticut Delaware <input type="checkbox"/> Delaware District of Columbia <input type="checkbox"/> Capitol Hill <input type="checkbox"/> D.C. <input type="checkbox"/> Pentagon Florida <input type="checkbox"/> Broward County <input type="checkbox"/> Jacksonville <input type="checkbox"/> North Central Florida-\$25 <input type="checkbox"/> Orlando <input type="checkbox"/> Palm Beach County <input type="checkbox"/> South Florida <input type="checkbox"/> Southwest Florida <input type="checkbox"/> Tallahassee <input type="checkbox"/> Tampa Bay Georgia <input type="checkbox"/> Atlanta-\$10 Hawaii <input type="checkbox"/> Hawaii	New Hampshire <input type="checkbox"/> New Hampshire New Jersey <input type="checkbox"/> New Jersey New Mexico <input type="checkbox"/> New Mexico New York <input type="checkbox"/> Eastern District of New York <input type="checkbox"/> Southern District of New York <input type="checkbox"/> Western District of New York North Carolina <input type="checkbox"/> Eastern District of North Carolina <input type="checkbox"/> Middle District of North Carolina <input type="checkbox"/> Western District of North Carolina North Dakota <input type="checkbox"/> North Dakota Ohio <input type="checkbox"/> Cincinnati/ Northern Kentucky-John W. Peck <input type="checkbox"/> Columbus <input type="checkbox"/> Dayton <input type="checkbox"/> Northern District of Ohio-\$10 Oklahoma <input type="checkbox"/> Oklahoma City <input type="checkbox"/> Northern/ Eastern Oklahoma Oregon <input type="checkbox"/> Oregon Pennsylvania <input type="checkbox"/> Eastern District of Pennsylvania <input type="checkbox"/> Middle District of Pennsylvania <input type="checkbox"/> Western District of Pennsylvania	Puerto Rico <input type="checkbox"/> Hon. Raymond L. Acosta/ Puerto Rico-\$10 Rhode Island <input type="checkbox"/> Rhode Island South Carolina <input type="checkbox"/> South Carolina South Dakota <input type="checkbox"/> South Dakota Tennessee <input type="checkbox"/> Chattanooga <input type="checkbox"/> Memphis <input type="checkbox"/> Mid-South <input type="checkbox"/> Nashville <input type="checkbox"/> Northeast Tennessee Texas <input type="checkbox"/> Austin <input type="checkbox"/> Dallas-\$10 <input type="checkbox"/> El Paso <input type="checkbox"/> Fort Worth <input type="checkbox"/> San Antonio <input type="checkbox"/> Southern District of Texas-\$25 <input type="checkbox"/> Waco Utah <input type="checkbox"/> Utah Vermont* <input type="checkbox"/> At Large Virgin Islands <input type="checkbox"/> Virgin Islands Virginia <input type="checkbox"/> Northern Virginia <input type="checkbox"/> Richmond <input type="checkbox"/> Roanoke <input type="checkbox"/> Hampton Roads Chapter Washington* <input type="checkbox"/> At Large West Virginia <input type="checkbox"/> Northern District of West Virginia-\$20 Wisconsin* <input type="checkbox"/> At Large Wyoming <input type="checkbox"/> Wyoming
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Chapter Total: _____

Payment Information

TOTAL DUES TO BE CHARGED

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

☐ Check enclosed, payable to Federal Bar Association

Credit: ☐ American Express ☐ MasterCard ☐ Visa

Name on card (please print) _____

Card No. _____

Exp. Date _____

Signature _____

Date _____