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**Federal Bar
Association**
Minnesota Chapter

Bar Talk

President's Welcome

By Bill Otteson

Welcome to the 2015-16 program year for the Minnesota Chapter of the Federal Bar Association! I am honored and excited to serve as your President. We have a great team of all-volunteer leaders who have already begun working to further our Chapter's mission:

to advance the science of jurisprudence; to promote the administration of justice; to uphold high professional standards for the Federal judiciary, attorneys representing the government of the United States and attorneys appearing before courts, departments, and agencies of the United States; to expand the diversity of the membership; and to encourage cordial and friendly relations among members of the Federal bench and bar in Minnesota.

We are proud that our Chapter, nearly 900 members strong, is the most active FBA chapter in the nation. I thank my predecessor, Rachel Zimmerman Scobie, for her strong leadership during an incredible year that included numerous special programs in addition to our regular roster of outstanding events. I certainly have big shoes to fill.

And speaking of big shoes to fill, in June at our annual seminar we honored outgoing Chief Judge Michael J. Davis and welcomed incoming Chief Judge John R. Tunheim with the time-honored "passing of the bowtie" ceremony. Our Chapter thanks Judge Davis for his leadership of our court these last seven years, and we look forward to working with Chief Judge Tunheim as he continues the great work of the court.

Our monthly luncheon program will continue to anchor the Chapter. Please save



Bill Otteson

the following future dates to attend lunch with your bench and bar colleagues at the Minneapolis Club: October 7, November 18, December 16, 2015, and January 27, February 24, March 16, April 27, and May 25, 2016.

Our annual federal judges' dinner dance is a highlight of the social calendar. Please save the date of May 7, 2016, for a dinner plus a twirl around the dance floor at the Minikahda Club.

Other great programs will continue in 2015-16. I hope you will participate in as many of them as you are able, and encourage your colleagues to do so as well. They include our Newer Lawyers Luncheons, our annual Federal Practice Seminar, a golf tournament,

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several law school outreach programs, and our specific practice group activities, which include groups covering Intellectual Property, White-Collar Crime, and Mass Tort/Multi-District Litigation/Class Actions.

In partnership with the court, our Chapter has a proud history and commitment to Diversity and Access to Justice. That commitment will remain strong in 2015-16. To this end, look for information about an outreach program in November that we are co-sponsoring with the court in partnership with the Minnesota American Indian Bar Association and others. Other programs are also in the works. And, our Chapter will continue to support the court in the *Pro Se* Project that helps match volunteer attorneys

with *pro se* litigants who have cases pending in our courts.

You can look for information about all of these programs and more in future issues of this, our award-winning newsletter *Bar Talk*, or on the Chapter's website at www.fedbar.org/minnesota.com.

Finally, I want to encourage each of you to promote membership in the FBA within your firms and to your colleagues. As the old commercial said, "Membership has its privileges." They include not only discounted rates for Chapter programs, but also access to the *Federal Lawyer* magazine, member-only online access to the FBA's judicial profiles, and numerous educational and other programs put on by the national FBA organization.

In addition, our Chapter receives from the national FBA a significant portion of the national membership dues that you pay when you renew each year. So, a growing membership will help secure our Chapter's financial future for years to come.

Thank you again for your support of the Federal Bar Association, our Chapter, and our court. I look forward to serving you. Should you have any questions or thoughts about our Chapter in the year to come, I invite you to contact me directly at (952) 936-3116.

Bill Otteson is the Deputy General Counsel—Government & Internal Investigations at UnitedHealth Group and the President of the Minnesota Chapter of the Federal Bar Association.

The "Wow Factor" Never Goes Away: Former Chief Judge Michael J. Davis's Observations on Senior Status

By Jessica Roe and Kerri Nelson

For former Chief Judge Michael J. Davis, who moved to senior status as of August 1st, not much will change. He will continue to carry a full caseload, he intends to continue his passion for diversity, and he knows he will continue to feel the "wow factor"—spending each work day engaged in a profession he has always loved.

The biggest change, according to Judge Davis, actually occurred one month before he took senior status. Turning over the administrative duties to now Chief Judge John R. Tunheim was an enormous relief and a weight lifted off his shoulders, he indicated. "I don't think people realize that everything comes through the Chief Judge," he said, "and we carry a full caseload at the same time." While he acknowledges that he could have taken senior status several years ago, he held off because of difficult budgetary and funding issues, which he did not want to put on another chief judge's lap. Now, with his administrative load lightened he is free to focus on what he loves best: his work in the courtroom hearing trial lawyers present their cases.

While Judge Davis enjoys watching experienced lawyers in his courtroom, he also fervently believes in the need to develop the courtroom skills of younger lawyers. He hopes that senior partners will "seed" the next crop of talented and experienced



Former Chief Judge Michael J. Davis

trial lawyers by giving them more courtroom experience. In a legal atmosphere where the number of available

trials is decreasing and the financial burdens on litigants are increasing, Judge Davis hopes senior partners will allow associates to participate more in hearings and trials, even if it is only to examine one witness. Younger lawyers, he says, need the opportunity to make mistakes and learn from them, just as he did in his earlier days. Judge Davis recalls how his first few trials were “sink or swim,” and smilingly notes that today, law firm partners are likely to “be surprised at how well-equipped” new lawyers are to handle themselves in court.

Judge Davis’s experience is wide and varied: he worked for the Office of Legal Counsel for the Social Security Administration in Baltimore, Maryland, in 1973, and served as a criminal defense lawyer for the Neighborhood Justice Center in 1974, before returning to Minnesota. From 1975 to 1978, he was an attorney with the Legal Rights Center; he served as an attorney and commissioner at the Minneapolis Civil Rights Commission from 1977 to 1981; and he served as a public defender in Hennepin County from 1978 to 1983. Judge Davis also taught trial practice at the University of Minnesota for over 30 years. After serving on the state court bench in Hennepin County from 1984 to 1994, Judge Davis was nominated to the federal bench by President Clinton in 1993 and took his place as an Article III judge in March of 1994. When he first ascended to the federal bench, there were fewer magistrate judges, meaning that Judge Davis handled all parts of the civil matters before him, including settlement conferences, an aspect of civil work that he now misses. He also served a seven year term on the Foreign Intelligence Surveillance Court while continuing to carry a full case load as a federal judge. It is not difficult to believe him when he says “I loved all those jobs: lawyer, state court judge, and Article III judge.”

Asked what surprised him the most about becoming an Article III judge, Judge Davis cited two things. The first was “the loneliness of the position.” A self-described “people person” in his work as a lawyer and even state court judge, he appreciated being able to bounce ideas off other people, something he says happens less frequently in the federal judiciary. Second, he noted the complex

constitutional and social importance of the cases heard by the federal courts. For example, Judge Davis has recently been credited with his nuanced handling of cases relating to terrorism suspects.

A trailblazer for pluralism and access to justice in every sense, Judge Davis was only the 70th African-American attorney to become an Article III judge in the United States, the third African-American judge in the State of Minnesota, and the first to be confirmed to the U.S. District Court for the District of Minnesota. He is also the first to serve as Chief Judge. Today, his reduced administrative load has freed him up to continue the vital community outreach and access-to-justice initiatives he continues to champion: not only the 2013 Dred Scott project, the 2014 “In Her Honor: A Celebration of Women in Law” and Thurgood Marshall, but going forward, programs on Native American Treaty Rights and the Hispanic Experience in America. He is a mentor to numerous young people and a frequent presenter to public school students, informing and encouraging them regarding opportunities within the court system. He also speaks proudly of his work on the *Pro Se* Project, implemented to allow federal court *pro se* litigants the opportunity to consult with volunteer legal counsel. He exudes excitement when he discusses the *Pro Se* Project’s work and the now more than 300 volunteer attorneys participating in that program.

And, for those lawyers who are fortunate enough to appear before Judge Davis, what guidance does he have? Lawyers “shouldn’t be afraid to show their personality to the jury. It is one of the important aspects of trying a case,” Judge Davis explained.

Jessica L. Roe is a partner with the Roe Law Group, PLLC and specializes in employment and labor law.

Kerri J. Nelson is an associate with Bassford Remele, P.A., and specializes in employment law and insurance coverage disputes.

Disability Rights Organization The Arc Minnesota Awards Its Annual Public Policy Award to U.S. District Judge Donovan W. Frank

By Chelsea Zimmerman

On May 26, 2015, The Arc Minnesota awarded its annual Public Policy Award to U.S. District Judge Donovan W. Frank, honoring his lifelong dedication to disability rights and recognizing his steadfast commitment to ensuring that individuals with disabilities are treated fairly in the legal system. The event was held at the

Midland Hills Country Club in St. Paul, and drew a sold-out crowd for the first time in its nine-year history.

Don Lavin, Executive Director of The Arc Minnesota, stated that Judge Frank was selected as this year’s award recipient in part for his “extraordinary leadership in

informing those in the legal profession” about “disability law and the rights of people with disabilities,” as well as his “dedication to the fair treatment of people with disabilities in our legal system.”

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Dr. Colleen Wieck, Executive Director of the Minnesota Governor's Council on Developmental Disabilities, presented the award to Judge Frank. She commended The Arc's selection of Judge Frank, stating that "if the criteria include innate compassion, basic decency, lending a helping hand and possessing a good heart, then The Arc Minnesota has made a wise choice in selecting Judge Frank." Wieck added that "Judge Frank constantly reminds people of the promise of equal justice under law."

Accepting the award, Judge Frank thanked his parents for instilling in him the values of treating everyone with respect and "thinking with your head, with the help of your heart." Judge Frank also thanked The Arc Minnesota and other disability advocates present for reminding him of his



Judge Donovan W. Frank (center) and Merrick self-advocates



Dr. Colleen Wieck and Judge Donovan W. Frank

oath and for teaching him about the obstacles and stereotypes faced by individuals with disabilities.

Judge Frank was presented with a commemorative book of testimonials from individuals with disabilities. The messages included the following praise: "Thank you for all that you do for me and others with disabilities"; "Judge Frank is a remarkable man. He likes helping others with disabilities"; "Honorable Judge Frank is a powerful person who makes a difference in the lives of people with disabilities"; "Thank you very much for

sticking by people with disabilities"; and "[Judge Frank] has helped so many of us believe in our potential. We are able to dream of things and do things that others told us we could not do."¹

Judge Frank has previously received the Paul G. Hearne Award from the American Bar Association for his service in advancing the rights, dignity, and access to justice for individuals with disabilities, and the Luther Granquist Systems Change Award from The Arc Minnesota for improving the lives of individuals with disabilities throughout the state.

¹ A video of the testimonials can be viewed at www.youtube.com/watch?v=i7NhX4I5nMo.

Chelsea Zimmerman is a law clerk to the Honorable Donovan W. Frank.

In Memoriam: The Life and Legacy of Lisa Rosenthal

By Katie Uline

Believe. This one word was a common theme for former Chief Deputy Clerk Lisa Rosenthal. On May 18, 2015, four days shy of her 50th birthday, Lisa Rosenthal passed away peacefully after her hard-fought battle with cancer.

In May 2011, Lisa became the new Chief Deputy Clerk for the District of Minnesota, rejoining Rich Sletten following a number of years as the Chief Deputy Clerk in the District of Maryland. Prior to working in Maryland, Lisa was Rich's Chief Deputy in the Middle District of Florida.

Lisa's tenure with the District of Minnesota was cut short after being diagnosed with metastatic stage four breast cancer in February 2012. Still, during her two and a half years in Minnesota, she made a lasting impression.

Many people knew Lisa for her accomplishments working with the federal bench and bar. She assisted with the transition of online case openings by attorneys in CM/ECF and helped prepare court staff for the implementation of NextGen. These professional accomplishments are important and beneficial to the court, but on a personal level, Lisa made an even greater impact.

Following her diagnosis, Lisa decided to make the most of life and took an early retirement from the court. Lisa continued to work on the fight against breast cancer, participating in the Washington D.C. "Avon Walk to Fight Breast Cancer." This two-day, 39-mile event was near and dear to Lisa's heart. Fittingly, she began participating in the Avon Walk in 2008, four years before her own cancer diagnosis. Remarkably, Lisa participated in her final Avon Walk just two weeks before her death. With the assistance of family, she was able to meet her fellow Avon Walk team members at each rest stop, allowing her to participate in the only way she could—by believing in and relying on others, and encouraging them to finish strong.

Lisa maintained a great circle of friends, a group that only expanded following her move from Maryland to Minnesota. It was this group of friends and family that helped her during her battle against cancer. No matter how

chemotherapy and radiation made her feel, she always believed in the power of positive thinking and relied on friends to help fulfill her philosophy, "If you BELIEVE in it, it can HAPPEN." It is this positive thinking that allowed Lisa to maintain an active lifestyle while continuing to undergo the rigorous cancer treatments. She visited friends, family, travelled, and checked things off her "bucket list."

Lisa didn't let cancer define her or prevent her from living a full life. She fought cancer with everything in her being and her "Believe" attitude allowed her to make the most of her final years. She turned her cancer diagnosis

from a negative in her life into something positive. Throughout her fight, she kept an active Caring Bridge website, which chronicled the ups and downs of battling cancer. This journal helped her friends, family, and colleagues stay connected and provided words of encouragement even if they were thousands of miles away.

Lisa is continuing to make an impact on the community even after her passing. Established while receiving treatment at the University of Minnesota, the Lisa Rosenthal Fund for Metastatic Breast Cancer Research lives on today. Donations made to this fund go directly to the research on metastatic breast cancer. Those interested in making a donation can do so at



Lisa Rosenthal

www.giving.umn.edu/giveto/rosenthal.

The entire federal family will forever be touched by the life and legacy of Lisa Rosenthal. In honor of her memory, a plaque will be placed on a memorial bench in the Minneapolis Clerk's Office. The plaque reads:

*In honor and memory of
Lisa Rosenthal,
Chief Deputy Clerk of Court,
"Believe, the joy is in the Journey."*

Katie Uline is the Financial Administrator with the United States District Court for the District of Minnesota.

Chief Judge Davis Again Hosts Luncheons for Summer Associates

By Brian Apel & Will Orlady



(L to R): Will Orlady, Tasha Francis, Jason Zucchi, and Brian Apel

Once again this year, now-former Chief Judge Michael J. Davis spoke to a group of law students and summer associates at the federal courthouse in Minneapolis on June 9, 2015. The Chief Judge began his remarks by discussing the District's diverse case-

load. Civil matters run the gamut, and drug cases dominate the criminal docket. But since the 2008 financial crisis, the District has seen a spike in fraud cases. Speaking more generally, Chief Judge Davis appreciated the commitment of the Minnesota congressional delegation to gaining another Article III judge for the District of Minnesota. While that effort has so far been unsuccessful, he is optimistic about the future.

Though the Chief Judge kept the conversation light, his remarks sought to remind those present of the responsibilities shared by legal practitioners.

Much of the remainder of Chief Judge Davis's presentation highlighted the Federal Bar Association's commitment to public service through numerous outreach programs. The Chief Judge stressed the importance of civic education and access to the judiciary. After naming several successful outreach

initiatives, Chief Judge Davis turned to the audience, reminding them that although much progress has been made connecting the federal bar to the surrounding community, more work remains.

Judge Davis's term as Chief Judge ended in June, and he has now assumed senior status. On a tour of his chambers after his address, Chief Judge Davis reminisced about his career, noting how nearly every position he has held in the last 40+ years was a position he did not expect to have. He left the audience with a nugget of encouragement, quoting a line from Yogi Berra: "When you see a fork in the road, take it."

Brian Apel is a student at the University of Michigan Law School and a 2015 summer associate at Fish & Richardson, P.C.

Will Orlady is a student at the University of Minnesota Law School and a 2015 summer associate at Fish & Richardson, P.C.

Screening of *Mr. Civil Rights* Caps Off Series of Events Celebrating Justice Thurgood Marshall

By Fran Kern

On May 12, 2015, the District of Minnesota, in conjunction with the Bloomington Human Rights Commission and the Minnesota Chapter of the Federal Bar Association, hosted a screening of the documentary *Mr. Civil Rights: Thurgood Marshall and the NAACP*. The film examines Marshall's career as an esteemed advocate and civil rights leader before he was appointed to the Second Circuit bench and the Supreme Court. Following the screening, a panel, moderated by Mary Moore Easter and featuring Chief United States District Judge Michael J. Davis, United States District Judge Donovan W. Frank, Minnesota Court of Appeals Judge Kevin Ross, civil rights leader Dr. Josie Johnson, and filmmaker Mick Caouette, discussed the film and Marshall's legacy.

The film screening and panel discussion capped off a series of events considering Marshall's life, work, and legacy, and celebrating the sixty-first anniversary of the landmark decision in *Brown v. Board of Education*, 347 U.S. 483 (1954), which Marshall argued successfully be-

fore the Supreme Court. On March 11, 2015, Twin Cities Diversity in Practice and the Minnesota Chapter of the Federal Bar Association sponsored a CLE focused on the original play *Thurgood* by George Stevens, Jr., at Minneapolis's Illusion Theater. The play recounts Marshall's life, beginning with his childhood in Baltimore and continuing through his historic service as Associate Justice on the Supreme Court of the United States. The panel discussion following the production featured the insights and perspectives of Minnesota state and federal judges.

Thurgood also played a role in the District of Minnesota's 2015 Open Doors program, which partnered with the Minneapolis, St. Paul, and Bloomington public schools, to show students Marshall's impact on all Americans. Approximately one hundred attorneys and judges volunteered their time to visit more than seventy-five high school classrooms in April to discuss Marshall's life and career, and to share their personal stories of how and why they chose to pursue legal careers. After the

classroom visits, students attended assemblies which included a performance by James Craven, the actor who played Marshall in Illusion Theater's production of *Thurgood*, and a panel discussion moderated by United States Magistrate Judge Franklin L. Noel. During the panel discussion, lawyers and judges shared their compelling stories of overcoming adverse and challenging situations to become successful legal professionals. In all, this year's Open Doors program reached over 2,300 Twin Cities students. The District of Minnesota is grateful to all of the judges, lawyers, law students, and other individuals whose contributions made this year's program such a success. Attorneys interested in volunteering with the Open Doors program in the future should contact a member of the Communications Committee for opportunities.



(L to R) Dr. Josie Johnson, Judge Donovan W. Frank, Judge Kevin Ross, Mick Caouette, and Judge Michael J. Davis discuss the film *Mr. Civil Rights*.

Photo provided by the City of Bloomington Human Rights Commission.

Fran Kern is a business litigation attorney with Moss & Barnett, P.A.

District of Minnesota Hosts Judicial Delegation from Pakistan

By Fran Kern

On August 11, 2015, the District of Minnesota hosted a reception in honor of a judicial delegation from Pakistan. The delegation, which was comprised of twelve justices of Pakistan's courts, spent two weeks in the United States as part of a program sponsored by the U.S. Department of Justice and the Commercial Law Development Program of the U.S. Department of Commerce called *Sharing of Judicial Experiences: Intellectual Property Rights*.

During its time in the Twin Cities, the delegation attended sessions dealing with the intellectual property law and procedure in the U.S., observed a mock claim-construction hearing presented by area attorneys, and met with area technology companies and their leaders.

The reception, hosted by the District of Minnesota and the Minnesota Chapter of the Federal Bar Association, brought together the delegates with judges, professors, and lawyers from within the District. Chief Judge

John R. Tunheim emceed a short program, which featured remarks by Minnesota FBA chapter president Rachel Zimmerman Scobie; Charlie Jenkins, Assistant United States Attorney at the U.S. Embassy in Pakistan; Judge Joan N. Ericksen; Joe Yang, senior counsel at the Department of Commerce; the Honorable Muhammad Noor Meskanzai, Chief Justice of the High Court of Balochistan; and the Honorable Muhammad Farrukh Irfan Khan, Justice of the Lahore High Court. The program concluded with the presentation of certificates to the delegates and a performance of traditional Pakistani and American music.

Through the reception and the program, both Pakistani and American participants had the opportunity to converse with and learn from one another.

Fran Kern is a business litigation attorney with Moss & Barnett, P.A.

SAVE THE DATE

NOVEMBER,
2 — 13, 2015

For the District
of Minnesota's
Outreach Project:

*Why Treaties
Matter: Self-
Government in
the Dakota and
Ojibwe Nations*

WATCH FOR
MORE DETAILS
THIS FALL

Minnesota Chapter Sponsors Webinar: “25 Years of The Americans With Disabilities Act: Reflections on the Past and Hopes for the Future.”

By João M. da Fonseca

“Helpless Crippled Attends CAL”—this was the “warm welcome” that a local newspaper gave Ed Roberts in 1962 when he started college at the University of California at Berkeley, recounted Dr. Colleen Wieck, Executive Director of the Governor’s Council on Developmental Disabilities. Mr. Roberts contracted polio at age 14 and beat the odds and much prejudice to graduate from college and become the founder of successful programs designed to support students with disabilities at the University of California. He also became the Director of the California Department of Rehabilitation, an agency that had previously deemed Mr. Roberts incapable of being employed.

Stories like Mr. Roberts’s were recounted on July 23, 2015, at the Warren E. Burger Federal Building and United States Courthouse in Saint Paul, in a Minnesota Chapter-sponsored webinar broadcast to a national audience. Entitled “25 Years of the Americans with Disabilities Act: Reflections on the Past and Hopes for the Future,” the webinar was moderated by Tara Norgard, a partner at Carlson Caspers.

Perhaps the most known of all media coverage on the subject was the ABC news exposé “Willowbrook: The Last Great Disgrace,” aired in 1972, which revealed the inhumane conditions of mentally disabled residents at the overcrowded Willowbrook State School in New York City. The reporter, Geraldo Rivera, described the conditions of residents there as “one attendant for perhaps fifty severely and profoundly [disabled] children. Children lying on the floor naked and smeared with their own feces, they were making a pitiful sound, a kind of mournful wail that it is impossible for me to forget. It smelled of filth, it smelled of disease, and it smelled of death.” Lawsuits across the country followed, as



(L to R) Thomas F. Nelson, Dr. Colleen Wieck, Magistrate Judge Steven E. Rau, Judge Donovan W. Frank, and Tara Norgard.

well as programs seeking to improve the conditions of persons with developmental disabilities.

One of these lawsuits was *Welsch v. Likins*, considered by Magistrate Judge Steven E. Rau as a “treatise” on the development of disability law. The plaintiffs in *Welsch*, residents of the Cambridge State Hospital, filed a lawsuit in 1972 arguing that hospital conditions violated their Eighth Amendment right to be free from cruel and unusual punishment as well as their rights to due process. The plaintiffs asked that the institutions be compelled to “develop less restrictive, community-based alternatives for the care and treatment of judicially committed mentally [disabled] persons.” Judge Earl R. Larson, writing for the United States District Court for the District of Minnesota, stated: “The evidence in the instant case is overwhelming and convincing that a program of ‘habilitation’ can work to improve the lives of Cambridge’s resi-

dents. . . . Everyone, no matter the degree or severity of [disability], is capable of growth and development if given adequate and suitable treatment.” After *Welsch* was decided, the number of residents at the Cambridge facility was reduced, the staff-resident ratio improved, and better programs were implemented.

Minnesota Senator Hubert H. Humphrey tirelessly fought to pass anti-discrimination legislation, seeking to amend the Civil Rights Act of 1964 to include persons with disabilities as a protected class. And when he was unable to do so, Senator Humphrey persisted and added a sentence to Section 504, in the Vocational Rehabilitation Act of 1973, in what became the first law protecting individuals with disabilities.

During the 1980s, members of Congress began to advocate for the passage of the ADA, thanks to the efforts of Senator Lowell Weicker, Jr. (parent of a son with Down Syn-

drome) and Congressman Anthony Coelho (who himself had epilepsy). Significant efforts were also led by Justin and Yoshiko's Dart nationwide tour between 1988 and 1989, which hosted 62 forums and collected more than 5,000 stories of disability discrimination and 8,500 signatures for a petition in support of the Americans with Disabilities Act (ADA), published in the Washington Post.

One of the saddest stories was that of Lisa Carl, who on May 28, 1988, wanted to watch a movie in a theater in Tacoma, Washington; the owner of the theater, however, did not want Ms. Carl in his theater because she had cerebral palsy and used a wheelchair. The owner stated to Ms. Carl's advocate: "I don't want her in here and I don't have to let her in."

This and several other stories made their way to Washington, D.C., and built a strong momentum for the passage of the ADA. On March 12, 1990, as part of the fight for the ADA's passage, persons with disabilities went to the Capitol and drew national attention by climbing the building's 78 steps without their wheelchairs, crutches, or walkers. The event came to be known as the "Capitol Crawl." One of the leaders, Michael Winter, stated: "Some people may have thought it was undignified for people in wheelchairs to crawl in that manner, but I felt that it was necessary to show the country what kinds of things people with disabilities have to face on a day-to-day basis. We had to be willing to fight for what we believed in." Shortly thereafter, on July 26, 1990, the ADA was signed into law by President George H.W. Bush in front of 3,000 people on the White House south lawn.

While the ADA secured important rights for persons with disabilities, there was still significant progress to be made. In 1999, nine years after the passage of the ADA, the Supreme Court of the United States decided *Olmstead v. L.C.* The plaintiffs in *Olmstead*, Lois Curtis and Elaine Wilson, were voluntarily admitted for treatment, at different times, to the

Georgia Regional Hospital in Atlanta. Their doctors later approved a transition to a community-based setting, but the State of Georgia nonetheless kept them institutionalized.

Justice Ruth Bader Ginsburg, writing for the majority, concluded that the State of Georgia violated Title II of the ADA. The Court held that states were required to place persons in community-based treatment when appropriate to do so rather than keeping them in a segregated institutional setting.

The ADA has come to be one of the most litigated statutes in federal courts, with constant fights over the meaning of "disability." The Supreme Court has twice weighed in on that fight too, in *Sutton v. Airlines* and *Toyota v. Williams*. But then in 2008, Congress passed the Americans with Disabilities Act Amendments Act (ADAAA), explicitly rejecting the Court's narrow definitions in the *Sutton* and *Toyota* decisions, and broadening the meaning of "disability" for purposes of the ADA.

Yet, challenges still remain. Judge Donovan W. Frank stressed that persons with disabilities constitute the largest forgotten minority in the United States and are often faced with numerous challenges, including poverty, lack of legal counsel, employment and medical obstacles, and court backlogs. Judge Frank emphasized the importance of being zealous in ensuring that persons with disabilities are included, especially through legislation.

Alluding to this "forgotten minority," Thomas F. Nelson, a partner at Stinson Leonard Street, made references to the novel *Invisible Man* by Ralph Ellison, and how it is easy for us to see those different from us as the "other." In his closing remarks, Mr. Nelson stated, "The goal is to make sure we recognize the temptation to treat persons with disabilities as 'other.' But then we must move on to grant them the dignity they deserve."

Judge Frank admitted that even

in the federal courts, persons with disabilities can face challenges. He shared the story of a juror who was blind and how during the *voir dire*, he felt compelled to emphasize to the attorneys that it would be improper for either counsel to exclude the juror on the basis of her blindness. At the end of the trial, one of the jurors approached Judge Frank and confessed to the jurors' initial negative stereotypes in having a juror with blindness. However, the juror later affirmed that it benefited the entire group to have her there because "she saw things we didn't see." Judge Frank said that those who are deaf or in wheelchairs face similar challenges and charged lawyers and judges to give equal access to justice to all people.

He also recounted how once a group of adults with developmental disabilities visited his chambers, and he asked them what were the most important rights they had. Some of the answers included statements like: "I have the right to live on my own like all of the other people in the United States"; "I have the right to live in the community with my friends"; and "I have the right to have a job where I can use my brain."

Referring to a quote by Rev. Dr. Martin Luther King, Jr., Judge Frank stated: "In the end, we will remember not the words of our enemies, but the silence of our friends." "There cannot be silence," he added.

João M. da Fonseca is an attorney with Halunen Law, serving in the firm's employment and consumer class action practices.

During the webinar, the presenters shared numerous educational resources and opportunities to get involved. For further information, please see: www.disabilityjustice.org or contact João at 612-605-4098 or dafonseca@halunenlaw.com.

The District of Minnesota Welcomes United States Magistrate Judge Jon T. Huseby as Part-Time Magistrate in Bemidji

By Tara Craft Adams



Magistrate Judge Jon T. Huseby

Jon T. Huseby was appointed to the position of part-time U.S. Magistrate Judge for the District of Minnesota earlier this year. An eight-member Merit Selection Panel, chaired by U.S. District Judge Donovan W. Frank, reviewed all applications for the position,

interviewed candidates, and recommended those who were best qualified.

The district judges ultimately selected Mr. Huseby, who has an impressive background. Magistrate Judge Huseby received his B.A. from the University of Minnesota and graduated from the University of North Dakota School of Law in 2001. Prior to attending law school, he served in the United States Army. He worked as an associate attorney at the law firm of Hazelton and Rodgers from 2001 to 2006 and as a staff attorney for Legal Services of Northwestern Minnesota from 2006-2008. He is currently a partner in the firm of Fuller, Wallner, Cayko, Pederson & Huseby in Bemidji, specializing in workers' compensation, social security disability appeals, and personal injury matters.

Magistrate Judge Huseby fills the vacancy left by Mary Kay Klein, who retired from the position. Magistrate Judge Huseby will serve the Bemidji area. His duties

include signing warrants and complaints, holding initial appearances, and handling petty offenses and misdemeanors. He will serve a four-year term and will be eligible for reappointment thereafter.

Although the majority of his private legal practice has occurred in state court, since his appointment, Magistrate Judge Huseby is very much enjoying working in the federal system. He stated that all of the judges on the federal bench have been great mentors and that everyone has been very welcoming. He is particularly enjoying his new exposure to criminal law and his interactions with federal agents and probation officers. Please join us in welcoming Magistrate Judge Huseby to the District of Minnesota.

Tara Craft Adams is an associate with Seaton, Peters & Revnew, P.A. practicing in the areas of labor and employment law.

**"CM/
ECF
NextGen
Goes
LIVE
on
October
5th!"**

Clerk's Corner

By Tricia Pepin

NextGen: The District of Minnesota will go live on CM/ECF NextGen on Monday, October 5, 2015! In order to accommodate this upgrade, the ECF system will be down from Thursday, October 1st at 5:00 p.m. through the weekend. Be sure to read your ECF notification emails for the most current information on how the upgrade to NextGen will affect you.

Remember: in order to file in NextGen, every attorney must have his or her own individual PACER account. For more information on the NextGen upgrade and how to create your own PACER account, visit the CM/ECF NextGen page on the court's website at: www.mnd.uscourts.gov/

cmecf/nextgen.shtml.

Local Rule 49.1: Training sessions on LR 49.1, Filing Documents Under Seal in Criminal Cases, will be held monthly throughout the year. Criminal bar members who have not already attended training or who want to attend again are encouraged to attend a training session. To sign up for sealed training, visit the Court's website at: www.mnd.uscourts.gov/cmecf/training.shtml.

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

District of Minnesota Adopts New Local Rule Governing the Sealing and Unsealing of Documents in Criminal Cases

By Andrew H. Mohring

The combination of the electronic filing of case documents and global internet access to them presents a unique set of challenges to the court and to counsel, particularly in the context of criminal cases. The intersection of these phenomena require the balancing of competing interests—the public's interest in the activities of the courts in general and in criminal proceedings in specific, on one hand, and the privacy and safety interests of parties and witnesses, on the other. Although these interests are not new, electronic filing and internet access to court dockets are.

Effective July 20, 2015, the District of Minnesota has adopted a new local rule governing the sealing and unsealing of documents in criminal cases in the District. The Rule brings significant changes with it in several areas of criminal practice, particularly regarding maintaining documents under seal after sentencing. It builds upon the former “auto-seal” list, which defined several types of documents that could be filed under seal automatically or close to automatically.

The Rule's Major Points

The most significant changes from current practice are that all documents in criminal cases are to be filed electronically, through the CM/ECF system, and that absent a separate motion and order, many of these documents will be automatically unsealed at sentencing. Specifically, LR 49.1 calls for all documents to be filed electronically, including all documents offered in connection with sentencing. Most sensitive documents can initially be filed under seal with little process or fanfare, but others require a motion to allow them to be filed under seal. And many of these documents, including nearly all documents relating to sentencing, will be unsealed when the sentencing judgment is filed by the court, unless a separate motion to extend the sealing is made and granted.

The Details

LR 49.1 recognizes three classes of documents, and provides different processes for each. The first group are documents that must be filed under seal. These include a number of prosecution-specific submissions, such as grand jury material, and applications for wiretaps, pen registers, and trap and trace devices. They also include documents for which sealing is required by statutes, regulations, and rules, such as everything relating to juveniles and juvenile proceedings and the Pre-Sentence Investigation Reports authored by the Probation Office. These documents are filed under seal without separate motion, and they remain sealed in perpetuity.

The second group of documents can be filed under seal without separate motion, but are not required to be. These include motions for travel costs, and for the appointment of taint teams. They also include all documentation relating to prosecution motions under 18 U.S.C. § 3553(e) and U.S.S.G. § 5K1.1 for reduced sentences for defendants who have cooperated and provided substantial assistance to the authorities. Finally, this group includes reference letters, medical documents, and reports of psychological and chemical dependency evaluations and counseling, usually offered by the defense. These documents can but need not be filed under seal, and the initial sealing happens without need of a separate motion and order. However, all of these documents are unsealed when the sentencing judgment is filed, usually on the day of the sentencing hearing itself. Maintaining these documents under seal beyond that point requires a separate motion and order extending their initial sealed status to a set date in the future.

The third group of documents includes everything not covered in the first two collections. Filing documents in this group under seal requires a

separate motion to seal. LR 49.1 outlines the procedure for this subspecies of criminal motion practice, including filing a generic public motion that discloses nothing about the documents themselves, a supporting memorandum that is filed under temporary seal, and the submission of redacted, public versions of the documents, where possible. Here, too, the motion and resulting order must provide for the unsealing of the documents at a set future date. This group notably includes sentencing positions, which are written statements of facts and law offered in sentencing advocacy.

Practice Pointers

The electronic submission of all sentencing documents and the presumptive unsealing of these documents at sentencing constitute significant changes from past practice. Counsel for both prosecution and defense have long played a significant role in looking after the privacy and safety interests of witnesses, defendants, and their families. LR 49.1's procedures give new emphasis to these responsibilities. With this rule, motions to file documents under seal, particularly sentencing positions, may become more common. More importantly, motions to extend the sealing of sensitive documents have now become a necessary part of criminal practice, for both prosecution and defense. Variations from judge to judge may develop, and counsel are encouraged to consult with chambers for guidance in individual cases or the clerk's office for more general questions. For those wishing more information, the clerk's office continues to hold monthly training sessions on the rule and its procedures.

Andrew H. Mohring is the First Assistant Federal Defender for the United States District Court for the District of Minnesota.

History of the Minnesota Federal Bar Association, Part Three: Into the New Millennium

By Tara Norgard, Isabel Levinson, and Nate Louwagie

This is the third installment of the Minnesota FBA's History Project, a series of articles designed to preserve and share the long and celebrated history of our Chapter since it was formed in 1940.

During the course of this history project, the authors interviewed nearly forty presidents and leaders of the Minnesota Chapter of the FBA and studied the organization's historical documents. Two themes emerged from this research.

First, although most Chapter presidents serve for a one-year term, that term is preceded—and followed—by many years of service to the organization and its members. Presidents and other leaders of the Chapter dedicate countless hours to enhancing the practice of law and access to justice in our courts, and have provided meaningful and substantive opportunities to learn from and collaborate with others in the legal community. Their work continues the strong tradition of service and collegiality has been a hallmark of our Chapter since its inception.

Nothing in our Chapter is static—members take on changing and new roles every year and continue to strengthen the ties that bind the community of federal judges, officials, and practitioners that gather under the umbrella of our FBA Chapter. The board meets twice a year, the executive committee several times on top of that, and subcommittees gather routinely to address the issues of the day. Unlike many organizations of its size, the work of the Minnesota Chapter is done entirely by volunteers who donate their time on top of their “day jobs” as judges and lawyers. The volunteering base of our Chapter is hardly a footnote to the story of an organization that has grown to be over 900 members strong.

The second theme that shines through our Chapter's history is the deep commitment of the federal bench to the partnership with our Chapter. Many judges have served as president of the Chapter over the years. Their work is not limited to lending their names to the masthead. Rather, their leadership involves hard work on critical issues and projects that would not happen without their support, guidance, and involvement. Minnesota's federal judges have served many other roles as well, chairing and working on committees, providing thoughtful leadership, mentoring and generously volunteering their time to host, speak, and lead our many Chapter activities. Their commitment is seemingly infinite, as they continue to actively serve on the board and provide steadfast support, even long after their “official” duties as president and committee chairs have passed. The same is true for the many lawyers who have spent decades leading and nurturing our FBA Chapter.

This steadfast dedication of the bench and bar is exemplified in numerous initiatives that began as ideas in the 1990s and took hold in the new millennium.

The origins of what is now the District of Minnesota's nationally recognized *Pro Se* Project date back to a brown bag lunch in 1996. That is the year that Patricia Bloodgood, who was then serving as chair of the Chapter's Pro Bono Committee and who would later lead the organization as president (1999-00), held a brown bag lunch with Clerk of Court Frank Dosal, the Volunteer Lawyers Network (VLN), and FBA members to discuss issues involving *pro se* litigants. There began the FBA's collaboration with the Court and VLN aimed at improving access to justice by providing civil *pro se* litigants with an opportunity to

have meaningful consultation with a lawyer. At that time, the majority of *pro se* cases involved employment law issues.

Over time, the needs of *pro se* litigants continued to evolve. In 1998, now-Magistrate Judge Steven E. Rau chaired a task force to assess the Chapter's efforts to provide *pro se* litigants with representation in federal court and to ensure that the Chapter's work in this area continued to flourish. Under the leadership of Magistrate Judge Rau and many others, the program continued to grow. By 2007, the Chapter's *pro se* panel consisted of over 100 volunteer FBA attorneys and the program had expanded to include civil rights, social security, and bankruptcy cases. This early work was the seed for what would later become the nationally recognized *Pro Se* Project.

The watershed moment for the program came in 2008, when the Court and the Minnesota Chapter reexamined the issues facing *pro se* litigants in the District, and began looking into how the program could evolve even further to connect litigants with volunteer lawyers. In the summer of 2008, then-Chief Judge Michael J. Davis (2004-05 Chapter President) approached the Chapter about establishing an enhanced program to aid both the Court and the public through the pro bono representation of civil *pro se* litigants. The Minnesota Chapter, through Dan Gustafson (2002-03 Chapter President), Magistrate Judge Rau (2008-09 Chapter President), Lora Friedemann (2009-10 Chapter President), and Jeffer Ali (chair of the Chapter *Pro Se* Committee), heeded the Court's call and jumped into action. With the tireless work of these and other leaders from the Court and the FBA, the *Pro Se* Project was born and its leaders went on the road to law firms

throughout the community to garner support and participation. In May 2009, the Gustafson Gluek law firm agreed to administer the *Pro Se* Project on a voluntary basis. In June 2010, the Chapter hired Tiffany Sanders as the *Pro Se* Project's full-time coordinator. Sanders, who continues to steward the Project today, was instrumental in formalizing the Project and guiding its growth over the years. The Project was an immediate success and has garnered numerous awards and accolades, including the national FBA's Ilene and Michael Shaw Public Service Award and the American Bar Association's Harrison Tweed Award, one of the ABA's most respected honors.

With this solid foundation, the *Pro Se* Project continued to expand and enhance representation of *pro se* litigants in the District—and continues to do so today. For example, in 2010, the Project partnered with the Minnesota Justice Foundation to pair volunteer law students with attorneys who accept *Pro Se* Project referrals. Several FBA luncheon presentations have addressed the *Pro Se* Project and have recognized its leaders and participants. In March of 2011, the Court hosted the First Annual *Pro Se* Bar Summit, including various legal aid clinics, pro bono legal service providers, law librarians, law firm pro bono coordinators, and law clinics. The *Pro Se* Project also expanded its outreach efforts to Duluth, Fergus Falls, and the Iron Range. In 2013, Judge Davis called on Tiffany Sanders, Magistrate Judge Franklin L. Noel, the Court's liaison to the *Pro Se* Project, and Jeffer Ali, the Chapter's *Pro Se* Project Chair, to lead a brainstorming meeting with lawyers from the community and explore options for recruiting additional volunteer attorneys. Among other things, that brainstorming session led to the *Pro Se* Project's Pilot Early Settlement Conference Project (ESCP), which allows a volunteer lawyer to enter a limited appearance for the purpose of assisting *pro se*

litigants with a Court-annexed early settlement conference. With overwhelming support from *pro se* litigants and volunteer attorneys, the Court made the ESCP a permanent fixture the following year.

In 2013, the *Pro Se* Project also held its first seminar to educate attorneys on employment and civil rights laws—the types of cases the Court most often refers to the *Pro Se* Project. Numerous substantive seminars and training sessions have followed. And each year, the Court and the Minnesota Chapter hold a reception to recognize the volunteer attorneys who generously donate their time to assist *Pro Se* Project litigants. From May 2009 through December 2014, the *Pro Se* Project worked on over 400 cases referred by the Court and has worked with 123 volunteering law firms from throughout the District of Minnesota. With the success of its formative years firmly rooted, the *Pro Se* Project is well-situated to serve the community and the Court for years to come.

In 2000, Judge James B. Loken became the first judge of the United States Court of Appeals for the Eighth Circuit to serve as president of the Minnesota Chapter. In doing so, Judge Loken continued the deep commitment of the bench to the FBA community. Although he had long been active in Chapter leadership, and continues his involvement to this day, Judge Loken is quick to credit the work of others, reflecting on his role as a “supporter” of the myriad activities and initiatives that the Chapter was engaging in as it entered the new century. As it passed from the 1990s to the new millennium, the Chapter continued to pursue new areas of growth and opportunity for its members. Having been an active member of the FBA since beginning his career as a law clerk to Judge David S. Doty, Randall Kahnke had long appreciated the importance of the Minnesota Chapter to its members. When he became president in 2001, he noticed the qualitative growth of

the organization as it continued to meet the needs of the bench, the bar, and the community at-large.

One such initiative that launched in 2001 under Kahnke's presidency was the Chapter's formal commitment to diversity. In October 2001, the Diversity Committee was formed with a responsibility to encourage more active participation of attorneys of diverse backgrounds at all levels of the FBA in an effort to benefit not only the FBA, but the broader legal community as a whole. In 2005, the Chapter adopted a formal resolution making the Chapter's strong commitment to diversity part of its bylaws. With the help of Judge Donovan W. Frank (2010-11 Chapter President) and other Chapter leaders, the work of the Diversity Committee broke new ground—the Minnesota Chapter was the first, and for many years the only, FBA Chapter with a Diversity Committee—and soon was recognized on a national level. In 2006, the national FBA awarded Judge Frank the Elaine R. “Boots” Fisher Award for his outstanding public service and dedication to diversity in the legal community. In 2011, the national FBA Board of Directors incorporated a commitment to diversity in the FBA's Mission Statement, which became part of the FBA's Constitution. They also called on Judge Frank to lead the FBA's national Diversity Task Force. As part of that work, Judge Frank, along with other leaders from the Minnesota Chapter, conducted the national organization's Annual Chapter Leadership Training on diversity issues.

The Minnesota Chapter's work in the area of diversity continued to deepen and expand in the years that followed. For example, every year the committee coordinates numerous events with many other organizations to encourage networking and inclusion of everyone in our diverse legal community, including members of all racial and ethnic minority groups,

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women, people with developmental disabilities and the lesbian, gay, bisexual and transgender community. The Chapter also supports the Page Education Foundation, whose mission is to encourage Minnesota's youth of color to pursue post-secondary education, including law school. And its commitment to diversity and inclusion has been at the core of the Chapter's major initiatives, including the *Pro Se* Project, the Federal Transportation Project, and the Chapter's educational and awareness work in the area of disability justice.

The Chapter's commitment to new lawyers also became formalized in the new millennium. A longstanding tenet of the organization has been to provide mentoring to new lawyers who are beginning their practice in federal court. In 1996, the Chapter established the Newer Lawyers Committee as an enhanced commitment to this purpose. The Committee has two goals: (1) to acquaint newly practicing lawyers with the federal bench and typical issues in federal court; and (2) to foster FBA membership. In 1999, the Committee began the tradition of organizing in-chambers luncheons for newer lawyers with the federal bench. These luncheons, graciously hosted by members of the bench, provide an opportunity to learn about current issues in the court in a small and informal setting. In 2004, the program added a summer associate luncheon hosted by the Chief Judge, which is so popular that it has been expanded to two sessions to accommodate all who want to attend.

The Chapter's grant program also took hold as we entered the new century. In 1995, Barb D'Aquila reported to the board that significant funds were raised at that year's dinner dance—leading to a discussion about how the funds could be used to further the Chapter's goals. In 1996, the Chapter created a foundation to provide grants to various 501(c)(3) organizations for activities that further the Chapter's

mission and, in particular, have a focus on issues that are federal in nature. The foundation was funded the following year and in 1998 the Chapter issued its first grants. The Grant Committee's mandate is to identify, evaluate, and recommend to the Chapter's Board potential grant recipients, including those involved with promoting and supporting legal research and education, advancing the science of federal jurisprudence, facilitating the administration of justice, fostering improvements in the practice of federal law, and promoting diversity and high standards of federal practice. Since 1998, the Minnesota Chapter has awarded over \$330,000 in grants to numerous organizations whose work furthers those goals. As Judge Joan N. Ericksen (2013-14 Chapter President) remarked, "The Chapter's annual grants are an important part of what makes the Minnesota Chapter such a meaningful organization. Our leaders and members devote a great deal of time and thought into making recommendations to the Board that are in line with our mission and the needs of our community and the organizations that serve them."

Dan Gustafson took the helm of the Chapter in 2002, but had been an active member and leader of the organization since his law school days. Gustafson said that when he started attending Chapter events as a law student and working for a law firm, the annual Judges' Dinner Dance "was the big event that defined the organization," while the monthly luncheons still were rather small by comparison. Gustafson changed that when he became chair of the luncheon committee in 1998 and invited newly-appointed U.S. District Court Judge Donovan W. Frank to speak. The spark was lit. "This really drew a larger attendance," said Gustafson. "Then we decided to streamline the notice process and started sending out faxes to remind members about the luncheons." Gustafson continued to usher in new ways for the Chapter to communicate with its members,

spearheading the evolution from fax to email and, along with now Magistrate Judge Becky R. Thorson and Kristine Boylan, developing the Chapter website. Gustafson's activity in the Chapter increased "to almost a full-time job" when he became heavily involved in the *Pro Se* Project, which he calls "one of the great things about this organization." Gustafson's early, longstanding and continued support of the *Pro Se* Project has been a keystone for its success.

During Gustafson's leadership, the Chapter also continued to pay respects to its past and plan for its future. In March 2003, Judge Ann D. Montgomery (1985-86 Chapter President) discussed plans for the first Mason Memorial Luncheon and the goal honoring Magistrate Judge Mason's commitment to diversity and equal opportunity. Since then, with the continued guidance of Judge Montgomery, the Mason Memorial Luncheon has become a cornerstone of the Chapter's Annual Federal Practice Seminar, featuring renowned speakers on a multitude of topics year after year. While it created a tribute to Judge Mason's memory in 2003, the Chapter also continued to plan for the future. That same year the Chapter Board established the Long Range Planning Committee to institutionalize ongoing and thoughtful planning for the organization in the years to come.

As new projects and initiatives continued to evolve in the new century, they were all made possible by the historical and cherished hallmarks of collegiality and collaboration that have long been the foundation of our FBA Chapter. Mary Knoblauch (2003-04 Chapter President), noticed this collegiality very quickly upon becoming involved in the FBA early in her career. "I soon learned, from talking to other members and when I was involved at the national level, that this was unique to the Minnesota Chapter," said Knoblauch. Those qualities that the Minnesota Chapter so purposefully cultivated and shared

continued to be a compelling draw for new members. During Knoblauch's year as president, membership in the Chapter increased from about 490 to 700, with now-Magistrate Judge Becky R. Thorson serving as the Chapter's Vice President for Membership.

At the spring meeting of the Board in 2004, Rebecca Chaiken of the United States Probation Office made a presentation to the Chapter Board about an initiative to set up a program to assist family members of female federal inmates from

Minnesota who were serving their terms in other states because there were no federal prison facilities for women in Minnesota. Knoblauch formed a committee—which included representatives of the U.S. Attorney's Office, the U.S. Probation Office, and other federal agencies—to explore what role, if any, the Chapter could take in addressing that issue. The next and last installment of the FBA History Project will pick up with what soon became the Federal Transportation Project, along with other important work of the Chapter as the new millennium progressed.

Tara Norgard is a partner with the law firm of Carlson Caspers.

Isabel Levinson is a writer, editor, and historian.

Nate Louwagie will be joining the Carlson Caspers firm in the fall of 2015.

Pro Se Project Celebrates Five-Year Anniversary With Reception Honoring Volunteer Attorneys

By Tiffany Sanders



Tiffany Sanders, the Pro Se Project Coordinator, receives praise from FBA President Rachel Zimmerman Scobie, left, and numerous district and magistrate judges

On June 2, 2015, on the 15th floor of the Minneapolis Courthouse, the Pro Se Project celebrated five years of improving access to justice in the District of Minnesota by recognizing the volunteer lawyers and generous contributors who have made the Pro Se Project a success. The Court and the Minnesota Chapter of the Federal Bar Association acknowledged over 300 lawyers from more than 120 firms throughout the District of Minnesota who have

counseled, consulted, advised, and represented *pro se* litigants in the nearly 500 cases the court has referred to the Pro Se Project since May 2009.

Judge Michael J. Davis and Magistrate Judge Franklin L. Noel gave remarks on behalf of the court and thanked the volunteer attorneys for their important work over the past five years to protect the rule of law and to assist the court's *pro se* civil litigants. Rachel Zimmerman Scobie of Merchant & Gould thanked the Pro Se Project volunteer attorneys and supporters on behalf of the FBA, and emphasized how their work through the Pro Se Project furthers the mission of the FBA by improving access to justice in our District. Jennell Bilek of Carlson Caspers provided her perspective as a Pro Se Project volunteer and a newer lawyer, and discussed how her work on Pro Se Project cases – all outside of her practice area – enriched her practice of law. Tiffany Sanders, the Pro Se Project Coordinator, provided highlights of Pro Se Project cases and volunteer attorneys' work during the Pro Se Project's first five years. Examples of these efforts included:

- Daniel E. Gustafson and the Gustafson Gluek firm's important Pro Se Project work which includes:

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Jennell Bilek of Carlson Caspers gives remarks at the Pro Se Project celebration event.

- Changing the Hennepin County Adult Detention Center's procedures for detaining adults with mental health issues;
 - Advancing Minnesota's Muslim inmate population's free exercise of religion by making halal-certified meals available in Minnesota Department of Corrections facilities during regularly scheduled meals; and
 - Providing representation to more than 700 sex offenders in the Minnesota Sex Offender Program to challenge the constitutionality of their civil commitments.
- Assisting individuals in approximately 150 employment cases who challenged workplace discrimination based on race, religion, national origin, age, disability, and gender. Over the past five years, Steven Andrew Smith of Nichols Kaster, Nicholas G. B. May of Fabian, May & Anderson, Clayton D. Halunen of Halunen Law and Kelly A. Jeanetta of the Kelly A. Jeanetta Law Firm, have consistently accepted the court's employment discrimination referrals, and Jeff Ali of Carlson Caspers has continuously worked outside of his practice area to represent the court's *pro se* employment discrimination litigants;
 - Counseling and representing individuals in nearly 100 cases of civil rights violations, including the mother of a child who was shot and killed by Minneapolis police (represented by Ryan O. Vettleson of Gaskins Bennett Birrell Schupp);
 - Permitting over 60 individuals to appeal denials of social security benefits, including a woman who was blinded by repeated assaults from her stalking ex-husband (represented by Fay Fishman of Peterson & Fishman);
 - Counseling and representing more than 50 individuals in cases involving consumer and financial issues, including the stressful foreclosure of their homes and harassing and abusive debt collectors. Over the past five years, Todd Murray of Friedman Iverson, Tommy Lyons, Jr. of Consumer Justice Center, Peter Barry of Barry & Helwig, Michael Keogh of Keogh Law Office, and Jesse Kibort of Daniels & Kibort have consistently accepted the court's consumer rights referrals;
 - Providing legal assistance and representation in important family disputes including:
 - A mother in a difficult international child custody case (counseled by Robins Kaplan attorneys);
 - Opposing *pro se* family members in a dispute regarding whether a deceased's father's beneficiary included his child with a disability (represented by Eric J. Steinhoff of Lind, Jensen, Sullivan & Peterson and David E. Bland of Robins Kaplan);
 - The mother of a son with special needs facing discrimination at school (represented by David P. Graham of Dykema Gossett) and David Raphan of Chesnut Cambronne created a special needs trust for the proceeds of the settlement; and
 - An out-of-state single mother of young children who was sued by her incarcerated, harassing ex-husband (represented by Jerome D. Feriancek Jr. of Thibodeau, Johnson & Feriancek in Duluth).
 - Advocating on behalf of dozens of individuals with disabilities who faced discrimination in education, housing, employment, and in correctional facilities. Over the past five years, Adam Gillette of Fruth, Jamison & Elsass, David A. Allgeyer of Lindquist & Vennum, and Karin Ciano of Karin Ciano Law have unfailingly assisted numerous *Pro Se* Project litigants with disabilities, including mental health issues;
 - Obtaining citizenship for *pro se* immigrants, through R. Mark Frey of the Frey Law Office, who has handled the *Pro Se* Project's immigration and naturalization referrals over the past five years; and

- Bringing hope and relief to *pro se* defendants who find themselves sued in federal court without the resources to defend against lawyers in complicated lawsuits, and who have no knowledge or experience navigating the federal judicial system. Individuals who benefited from the help of *Pro Se* Project volunteers include:
 - An elderly grandmother, who does not own a computer, who was sued for illegally downloading a movie. Lora M. Friedemann of Fredrikson & Byron represented the woman and obtained a favorable resolution;
 - An individual franchise owner who was sued in a complicated case involving the scope of a non-compete agreement. The case involved an issue that was appealed to the Eighth Circuit during the pendency of the litigation, and Matt Goggin of Carlson Caspers assisted the *pro se* defendant with the District Court litigation and the 8th Circuit appeal;
 - Numerous individuals who received a return on their investments and were sued by the Trevor Cook Ponzi scheme receiver. Karl L. Cambronne of Chestnut Cambronne, James R. Behrenbrinker of Behrenbrinker Law, and James M. Susag of Larkin Hoffman Daly & Lindgren are defending the investors;
 - Parents of a school-aged child who were sued by the child's coach after reporting the coach's assault of their child. Paul C. Peterson of Lind, Jensen, Sullivan & Peterson is defending the parents;
 - An out-of-state individual who was sued by his prior employer, a software company, in a complicated lawsuit involving numerous claims pertaining to the confidentiality agreement and to proprietary information. James Long of Briggs and Morgan defended the individual and worked to achieve a resolution;
 - A retired woman who was sued by the United States government for a petition for judicial approval of levy upon principal residence. Keiko L. Sugisaka of the Maslon firm represented the retiree and worked to achieve a creative solution that permitted the woman to keep her home;
 - An individual who was sued by the United States Department of Labor for failing to submit premium payments to his health insurer; the government claimed that the individual became an ERISA fiduciary by having control over plan



assets. Lincoln Loehrke of Dorsey & Whitney is defending the individual; and

- A small business owner who was sued by several employees for gender discrimination after the business owner accommodated the request of his client, a Saudi Arabian prince. Kyle Fogt and Joel Schroeder of Faegre Baker Daniels are assisting the business owner.

The reception was a festive culmination of the efforts of hundreds of *Pro Se* Project volunteer attorneys who, over the past five years, have generously donated their time, talent, and skills to allow *pro se* litigants an opportunity to tell their stories and to be heard, to restore individuals' hope and dignity, and to demonstrate through their actions that our judicial system serves all people equally. The reception celebrated the volunteer attorneys who have shown by example that "Equal Justice Under Law" applies to everyone regardless of income, education, race, religion, language, culture, or physical or mental abilities. Here's to all the *Pro Se* Project volunteer attorneys and to the continued success of the *Pro Se* Project.

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

Pro Bono Spotlight: Todd Murray

By Lauren D'Cruz



Todd Murray

Todd Murray is a plaintiff's consumer litigation attorney at Friedman Iverson in Minneapolis. He focuses on litigation involving auto fraud, debt collection harassment, and credit reporting errors. He is the author of the Fair Debt Collection Practices Act chapter of Minnesota CLE's Debtor/Creditor handbook and is on the section council for the MSBA Consumer Litigation section. Murray has made impressive contributions to the *Pro Se* Project and is the subject of this issue's "Pro Bono Spotlight." Murray first volunteered for the *Pro Se* Project in 2011 as a solo practitioner, and he has continued to actively participate since joining Friedman Iverson in 2013.

Murray has been involved in seven *Pro Se* Project cases. One of Murray's first cases, *Chun v. OneWest Bank, et al.*, Civil 11-3615 RHK/FLN, was a consumer rights case involving elderly Korean immigrants, John and Helen Chun. In 2006, the Chuns refinanced their home of thirty years, unaware of the adjustable rate on the new mortgage, which resulted in their mortgage payment increasing beyond their means. By 2010, they were behind on their payments to their loan servicer and were faced with losing their home. The Chuns applied for a mortgage modification through the federal government's HAMP program but were turned down. At the loan servicer's urging, the Chuns applied for modifications two more times, only to be rejected both times.

The Chuns then hired a realtor to put their home on the market to recoup the significant equity they had accrued over the years. While the home was on the market, the loan servicer contacted them a fourth time and told them to apply for a modification, which the servicer again represented would be approved. The

Chuns relied on this promise and took their home off the market to apply for the modification. At the same time their application was processed, their home was sold at a foreclosure auction. This practice has become known as dual-tracking.

The Chuns sued the loan servicer in state court, alleging that the company misrepresented their loan and made false promises to them. The loan servicer removed the case to federal court, and the Chuns' initial attorneys moved to withdraw on the basis that they did not agree to federal court representation. The motion was granted and the case was referred to the *Pro Se* Project. Murray accepted the referral. The loan servicer ultimately moved for summary judgment, which was granted. The Court held that Minnesota's credit agreement statute barred the Chuns' claims. Had the lawsuit occurred several years later, the Chuns would have been able to sue under Minnesota's new statute barring dual-track foreclosures. Murray's representation of the Chuns helped shed light on the dual-tracking issue in Minnesota courts.

In addition to accepting *Pro Se* Project cases, Murray presented at the *Pro Se* Project's May 16, 2014, Consumer Rights Seminar and at the January 14, 2015, Minnesota CLE webcast on debtor-creditor/bankruptcy issues, which was co-sponsored by the *Pro Se* Project. It is important to note that Murray's pro bono work goes beyond his involvement in the *Pro Se* Project. He has also made valuable contributions to Volunteer Lawyers Network (VLN). He volunteers once per month at VLN's Legal Access Point Clinic. He provides free legal advice to clients on topics ranging from personal injury matters to debtor/creditor issues. He also takes on two to three full-representation debt collection defense cases each year through VLN. He has obtained favorable results for his clients, including vacating a judgment that was improperly obtained, as well as stopping wage garnishment of a client on public assistance.

For the last three years, Murray has also been named a North Star Lawyer, an award given to attorneys who work fifty or more pro bono hours per year. By devoting significant time and resources to local pro bono programs, Murray is improving the access to justice and exemplifying the highest ideals of the legal profession.

Lauren D'Cruz is an associate with Lind Jensen Sullivan & Peterson, P.A., practicing in the areas of employment and insurance litigation.

FBA Hosts 41st Annual Federal Practice Seminar and Mason Memorial Luncheon

By Lance Bonner

On June 22, 2015, members of the bench and bar gathered for the 41st Annual Federal Practice Seminar and 13th Annual Mason Memorial Luncheon at St. Thomas University's Schulze Hall Auditorium & Schulze Grand Atrium. The event provided attendees a full day of informative presentations and an opportunity to socialize with fellow FBA members, judges, and professors. This year the seminar also served as a celebration of outgoing Chief Judge Michael J. Davis and his outstanding tenure as chief judge.

Judge Davis kicked off the seminar with a warm welcome and state of the district address. He highlighted the District's continued leadership in utilizing magistrate judges to handle the District's top-ten caseload. Judge Davis proudly spoke of the community outreach programs that the District has sponsored through the Open Doors to Federal Courts program, designed to encourage members of rural and inner city communities to pursue careers in the justice system. He specifically highlighted this year's program on Thurgood Marshall. Judge Davis concluded his welcome by praising the District as the "best in the country."

Three presentations followed Judge Davis's remarks. Aaron Van Oort of Faegre Baker Daniels gave his always-riveting U.S. Supreme Court review, highlighting recently released and pending Supreme Court decisions and previewing cases to be decided in 2016. In his presentation titled, *Nelson Mandela – The Greatest Lawyer That Has Ever Lived*, William H. Manning of Robins Kaplan guided attendees through Nelson Mandela's life as a lawyer, using his life of advocacy as an example of the legal profession's overarching duty to the system of justice." The morning session concluded with a presentation by Marygrace J. Schaeffer, from DecisionQuest, on jury selection.

The light-filled Schulze Atrium was an appropriately cheerful setting for a tribute to Judge Davis during the Mason Memorial Luncheon. Judge Davis was honored with a moving video featuring friends, family, and colleagues recalling entertaining stories from his professional life and speaking graciously about his leadership of the District. Following the tribute, Judge Davis conducted the passing-of-the-bowtie ceremony, giving the ceremonial bowtie to incoming Chief Judge John R. Tunheim. Jake Sullivan, senior fellow at the Jackson Institute for Global Affairs at Yale University, gave the luncheon's keynote speech, discussing the intersection between law and for-



Outgoing Chief Judge Michael J. Davis presents the "Chief Judge's bow tie" to new Chief Judge John R. Tunheim.

eign policy and his time in the State Department as Hillary Clinton's deputy chief of staff.

After the luncheon, Professor Sarah Deer of William Mitchell College of Law presented on the topic, "Violence Against Native Women and the New Provisions of the Violence Against Women Act." She detailed astonishing statistics related to violence against Native American women by non-Native Americans, the legal causes of historical increases in rates of violence against Native women, and the federal legislative responses to those problems.

The seminar concluded with two discussions of high profile cases in the District. Magistrate Judge Steven E. Rau moderated a panel discussion of *Doe v. Anoka-Hennepin School District No. 11*, featuring two of the attorneys on the case, Paul Cady, the Anoka-Hennepin School District's General Counsel, and Ana H. Voss, the Civil Division Chief in the United States Attorneys' Office in the District of Minnesota. Additionally, Katherine M. Menendez, from the Office of the Federal Defender, related her experience arguing before the Supreme Court in *Samuel James Johnson v. United States*.

A special thank you to the FBA Seminar Planning Committee for the successful planning and execution of this year's event.

Lance Bonner is an associate with Lindquist & Vennum LLP and specializes in business and commercial litigation.

Highlights From Another Memorable FBA-MN Golf Tournament

By Tracey Donesky

Another golf tournament and kickoff social event is in the record books. With a 13-under par score of 59, the team of Craig Gorski, Phillip Goter, Kip Peterson and Joel Kunza took home first-place victory. With a 12-under par score of 60, second place honors went to the team of Paul Hemming, Scott Kroeger, Mike Sawers and Alec Shevod.

Individual contest winners:

Longest Drive - Men: Eric Tostrud

Longest Drive - Women: Tracey Donesky

Closest to the Pin - Men: Joel Kunza

Closest to the Pin - Women: Jill Gustafson

Longest Putt - Men: Jim Kaster

Longest Putt - Women: Elizabeth Grande

Jamal Faleel generated the most excitement of the day by coming within mere inches of a hole-in-one on the 16th Hole, and which would have won him a new hybrid Toyota Camry. What a shot!

Thanks to all law firms, organizations, and people who helped make this event such a success. Be sure to **Save the Date** for the 2016 Tournament on August 29, 2016, at the Midland Hills Country Club.



Jamal Faleel nearly scores a hole in one!

Tracey Donesky is a partner at Stinson Leonard Street LLP.

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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: **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 email **Joe Dixon** at jdixon@fredlaw.com.

Upcoming Events:

September 22, 2015

*Newer Lawyers
Luncheon*

12:00 PM

Minneapolis Club,
Minneapolis

October 7, 2015

Monthly Luncheon

12:00 PM

Minneapolis Club,
Minneapolis

October 27, 2015

*Newer Lawyer
Luncheon*

12:00 PM

Minneapolis Club,
Minneapolis

November 16, 2015

*Newer Lawyers
Luncheon*

12:00 PM

Minneapolis Club,
Minneapolis

November 18, 2015

Monthly Luncheon

12:00 PM

Minneapolis Club,
Minneapolis

December 16, 2015

Monthly Luncheon

12:00 PM

Minneapolis Club,
Minneapolis



Minnesota Chapter of the Federal Bar Association Monthly Luncheon Series 2015-2016 Season Pass

The Minnesota Chapter of the FBA cordially invites you to become a Season Pass holder for the 2015-2016 monthly luncheons at the Minneapolis Club. The Season Pass is available to FBA members only and guarantees your seat at a reduced rate. *As a Season Pass holder, registration for each luncheon is simple and easy – just RSVP electronically with your meal choice each month.*

Presentations for the year include:

- ❖ September 9, 2015 Recruitment and Radicalization in the Twin Cities
Charles Kovats, Assistant U.S. Attorney
Jon Watson, FBI Intelligence Analyst
- ❖ October 7, 2015 State of the District
Chief Judge John R. Tunheim
- ❖ November 18, 2015 Reflections from the Bench
Judge Donald D. Alsop

To purchase your Season Pass for the upcoming FBA Luncheon Season (9 monthly luncheons from September 2015 to May 2016), please mail this form, along with your check made payable to the Minnesota Chapter of the Federal Bar Association to:

Joseph T. Dixon III
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota 55402-1425
jstahura@fredlaw.com

- ☐ FBA Member Season Pass - \$300 enclosed
- ☐ Judicial Clerk/Government Attorney Season Pass (FBA Members only) \$150 enclosed

Name(s)

Firm/Organization

E-mail address(es)

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



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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.....	<input type="radio"/> \$165	<input type="radio"/> \$145
Member Admitted to Practice 6-10 Years.....	<input type="radio"/> \$230	<input type="radio"/> \$205
Member Admitted to Practice 11+ Years.....	<input type="radio"/> \$275	<input type="radio"/> \$235
Retired (Fully Retired from the Practice of Law).....	<input type="radio"/> \$165	<input type="radio"/> \$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.....	<input type="radio"/> \$105	<input type="radio"/> \$80
Member Admitted to Practice 6-10 Years.....	<input type="radio"/> \$165	<input type="radio"/> \$140
Member Admitted to Practice 11+ Years.....	<input type="radio"/> \$210	<input type="radio"/> \$170
Retired (Fully Retired from the Practice of Law).....	<input type="radio"/> \$105	<input type="radio"/> \$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)	<input type="radio"/> \$50
Second year student (includes three years of membership)	<input type="radio"/> \$30
Third year student (includes two years of membership)	<input type="radio"/> \$20
One year only option	<input type="radio"/> \$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="radio"/> Admiralty Law	<input type="radio"/> \$25	<input type="radio"/> Indian Law	<input type="radio"/> \$15
<input type="radio"/> Alternative Dispute Resolution	<input type="radio"/> \$15	<input type="radio"/> Intellectual Property Law	<input type="radio"/> \$10
<input type="radio"/> Antitrust and Trade Regulation	<input type="radio"/> \$15	<input type="radio"/> International Law	<input type="radio"/> \$10
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<input type="radio"/> Bankruptcy Law	<input type="radio"/> \$25	<input type="radio"/> Qui Tam Section	<input type="radio"/> \$15
<input type="radio"/> Civil Rights Law	<input type="radio"/> \$10	<input type="radio"/> Securities Law Section	<input type="radio"/> \$0
<input type="radio"/> Criminal Law	<input type="radio"/> \$10	<input type="radio"/> Social Security	<input type="radio"/> \$10
<input type="radio"/> Environment, Energy, and		<input type="radio"/> State and Local Government	
Natural Resources	<input type="radio"/> \$15	<input type="radio"/> Relations	<input type="radio"/> \$15
<input type="radio"/> Federal Litigation	<input type="radio"/> \$20	<input type="radio"/> Taxation	<input type="radio"/> \$15
<input type="radio"/> Government Contracts	<input type="radio"/> \$20	<input type="radio"/> Transportation and	
<input type="radio"/> Health Law	<input type="radio"/> \$15	Transportation Security Law	<input type="radio"/> \$20
<input type="radio"/> Immigration Law	<input type="radio"/> \$10	<input type="radio"/> Veterans and Military Law	<input type="radio"/> \$20

Career Divisions

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

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

Chapter Total: _____

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