



BAR TALK

Volume VII, Issue 1

September 15, 2014

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

President's Welcome

By Rachel Zimmerman

Welcome to a new season of activity for the Minnesota Chapter of the Federal Bar Association. As the second largest and perhaps the most active chapter of the FBA, there is a lot to be excited about in the coming year, and we need your help to get it done.

Our Membership

As a Chapter, we now have over 900 members, including a diverse array of members from the federal judiciary, government agencies, law firms, corporate legal departments, and the law schools. Formed in 1961, the Minnesota Chapter is kept alive by the participation and contributions of our members. The Minne-

sota Chapter of the FBA is a volunteer-run organization. The support and active participation of the membership allows important programs like the *Pro Se* Project and the annual Federal Practice Seminar to succeed. If you are a Chapter member and are looking for ways to get more involved, please reach out to the Chapter's Officers or Committee Chairs about opportunities. The Minnesota Chapter makes a big impact on the local community and federal bar. And it does so with the help of all of its members and their contributions, both big and small.

Our Educational Programs

Although we no longer have a cocktail hour preceding it, as we did in the early days of the Chapter's history, the monthly luncheon program will continue to serve as a centerpiece of the Chapter's educational programming. The monthly luncheons provide members with access to informative discussions and an opportunity to connect with fellow members of the federal bench and bar. The newer lawyer luncheons will continue to provide new members of the bar with valuable insight into federal court practice and procedure.

We have educational opportunities at the Federal Practice Seminar and other new



President Rachel Zimmerman

CLEs currently in the works. One highlight of this year will be our programming done in conjunction with the District Court celebrating Minnesota women lawyers and judges. If you have ideas for other new programs, please share them with us. Information about Minnesota Chapter programs and opportunities will be posted and updated on the Chapter website, so please check back often.

Our Social Events

As in past years, we will have numerous opportunities to connect socially and network with colleagues. The end-of-

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The Judicial Experience: FBA Summer Associate Luncheon

By Katie Uline

The importance of judicial experience was a strong theme throughout the annual FBA summer associate luncheons sponsored by the FBA Newer Lawyer's Committee and hosted by Chief Judge Michael J. Davis. The well-attended luncheons were open to law students working as summer associates, interns, or externs at local law firms and government agencies in the Twin Cities. Students in attendance represented public and private law schools from across the United States.

Because of the smaller size of the luncheons, students in attendance were treated to a more personalized meeting with



Students attending the June 19, 2014, Summer Associate Luncheon with Chief Judge Michael J. Davis.



Chief Judge Michael J. Davis speaks at the annual summer associate luncheon.

Chief Judge Davis. Held in his Minneapolis courtroom, the luncheon highlighted the outstanding work performed by the District of Minnesota and the Minnesota Chapter of the FBA. Chief Judge Davis's presentation detailed the District's case-load statistics for both civil and criminal cases as of June 2014. The diverse types of civil and criminal cases handled in the District of Minnesota underscored the importance of judicial experience. Working with the courts as an intern, extern, or law clerk provides students and attorneys with the opportunity to gain work experience covering a wide range of case law that may not be available in other settings.

Public service was a main theme of Chief Judge Davis's presentation to students. Chief Judge Davis discussed just a few of the many U.S. District Court/FBA Collaboration projects, including the FBA *Pro Se* Project, the Diversity Summit, the Dred Scott Project, and the Freedom Riders Exhibit that was displayed in the Minneapolis courthouse in June. It is outreach projects like these that afford the District of Minnesota and federal practitioners within the community the opportunity to educate and engage with students and the general public.

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Chief Judge Davis also spoke of the invaluable experience of clerkships and externships. Law clerks Katie Dunn, Clare Priest, and Angi Porter discussed their various roles within chambers. Daily duties as a law clerk include writing orders and bench memos and attending court hearings and trials. For example, Ms. Porter described what a great opportunity it has been working with Chief Judge Davis. As his law clerk, she has been exposed to different cases and has had the opportunity to attend many trials. Chief Judge Davis concluded the luncheons by reiterating the importance of clerkships and externships in the development of an attorney's legal career. He reminded students that it is not necessary to clerk immediately upon graduation, but that many attorneys begin their law careers at firms and transition to a clerkship later. Current law students are encouraged to gain experience as interns or externs, which could be the stepping stone for a federal judicial clerkship.



Katie Uline works in the Clerk of Court's Office in the United States District Court for the District of Minnesota.



L to R: **Kristine Wegner, Tiffany Sanders, Katie Dunn, Angi Porter, and Clare Priest** present to students at the summer associate luncheon.



President's Welcome

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summer golf tournament is always a great afternoon. Our practice groups, including the Intellectual Property practice group and the White Collar and Criminal practice group, are hard at work planning networking events for the coming year. The Federal Judges' Dinner Dance at the Minikahda Club is always a highlight of the year. A goal this year will be to expand the audience for these events by encouraging all Chapter members to participate. The By-Laws of the Minnesota Chapter provide that one of the Chapter's objectives is "to encourage cordial and friendly relations among members of the Federal bench and bar in Minnesota." By bringing Chapter members together for these events, we are able to accomplish that objective.

Our Service To The Community

Last but not least we provide service opportunities, including with the Chapter's award-winning *Pro Se* Project. Since its inception in May 2009, the Minnesota Chapter's *Pro Se*

Project has worked to provide attorney representation to more than 400 *pro se* litigants in the District. Without dedicated Chapter members willing to volunteer for these cases, the Project could not succeed.

Now, please help us get out there and spread the word. Let your colleagues know about all that comes with membership in the Minnesota Chapter of the FBA. More importantly, get involved. Our committees could not function without the contributions of volunteer committee members. If you have an interest in diversity, membership, communications, the *Pro Se* Project, or assisting with any of the events the Minnesota Chapter puts on, or if you have ideas for new events, please contact the appropriate committee chair or any of the officers of the Chapter. The more active our membership, the more we can do together.



Rachel Zimmerman is a partner at Merchant & Gould P.C. specializing in intellectual property litigation.

FBA Hosts 40th Annual Federal Practice Seminar

By Nicholas J. Nelson

The Minnesota Chapter of the FBA celebrated 40 years of Federal Practice Seminars, along with its 12th annual Mason Memorial Luncheon, on June 26, 2014. Hundreds of attorneys attended the event at the Depot in Minneapolis.

Chief Judge Michael J. Davis welcomed the attendees and introduced the day's program in his annual "State of the District" address. Following Chief Judge Davis, a panel composed of U.S. Attorney Andrew M. Luger, as well as prominent members of the criminal defense bar and noted civil litigators,

engaged in a candid and illuminating discussion of what civil and criminal lawyers can learn from each other. Appellate attorney Aaron Van Oort conducted his signature Supreme Court review, running through the Court's recent decisions on forum-selection clauses, smart-phone privacy, and numerous other topics. District Judge Donovan W. Frank and Magistrate Judges Janie S. Mayeron, Jeffrey J. Keyes, and Steven E. Rau rounded out the morning with a discussion of key local rule amendments, with a focus on attorney-misconduct provisions.

Drug Enforcement Agency Administrator Michele Leonhart, a Minnesota native, gave the Mason Memorial Luncheon address. Administrator Leonhart entertained attendees with tales of her assignments as a young officer in Baltimore and

Minnesota and offered thought-provoking comments on the dangers of drug use.

Despite having to compete with the U.S.-Germany World Cup game, the afternoon session also drew significant attendance and interest. Robert K. Wittman, a retired member of

the FBI's Art Crime Team, shared his expertise regarding federal art crimes both in Minnesota and elsewhere. To close the day, civil-rights legend Diane Nash gave a powerful recounting of her experiences as a leader of the 1960s Freedom Riders movement. Ms. Nash told a poignant story of weathering opposition and joining the civil-rights movement to



Faegre Baker Daniels attorney Aaron Van Oort's Supreme Court review highlighted the smartphone privacy decision in *Riley v. California*.

find creative, non-violent ways to organize communities and break down in-

terracial barriers—while appreciating the moments of humor that these endeavors brought her way. (For more on the Freedom Riders, turn to page 12.) The seminar concluded with a conversation between Ms. Nash and Chief Judge Davis regarding prospects for the future.

In addition to benefiting from the wisdom of the seminar's speakers and panelists, attendees were able to receive 5.5 hours of CLE credit. May the next 40 years be just as good!



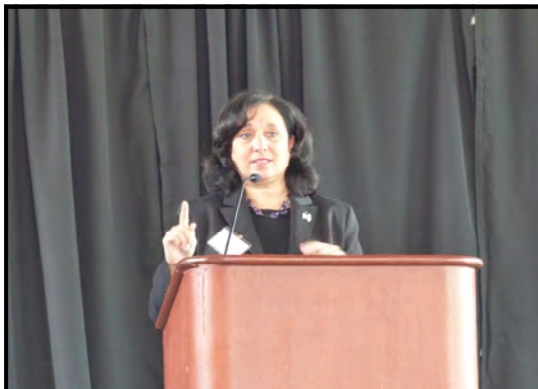
Nicholas J. Nelson is an associate at Faegre Baker Daniels LLP focusing on appellate litigation.



L to R: William Mauzy, Christopher Madel, District Judge Joan N. Ericksen, and U.S. Attorney Andrew M. Luger.



L to R: Chief Judge Michael J. Davis, Magistrate Judge Hildy Bowbeer, District Judge Susan Richard Nelson, and District Judge Donovan W. Frank.



DEA Administrator Michele Leonhart speaks at the Mason Memorial luncheon.

Federal Practice Seminar June 26, 2014



L to R: Chief Judge Michael J. Davis, Diane Nash, and District Judge Joan N. Ericksen.



L to R: District Judge James Rosenbaum (Ret.), District Judge Joan N. Ericksen, DEA Administrator Michele Leonhart, and District Judge Ann D. Montgomery.

UNITED STATES MAGISTRATE JUDGE HILDY BOWBEER

By Paige Stradley

On June 23, 2014, Magistrate Judge Hildy Bowbeer took the oath of office, bringing over 30 years of legal experience to the bench. The new position is one that Magistrate Judge Bowbeer anticipates will be both challenging and rewarding. She expects it will present the opportunity to learn new areas of the law and put her skills and previous experience to use with the ultimate goal of helping the public and adding value to Minnesota's federal judiciary.

As a one-time law clerk, private litigator, and in-house counsel, Magistrate Judge Bowbeer provides the Minnesota federal bench with a unique perspective. After clerking for the Minnesota Supreme Court, Magistrate Judge Bowbeer began her career at Gray, Plant, Mooty, Mooty & Bennett and later became a founding partner at the law firm of Bowman and Brooke. While at Bowman and Brooke, Magistrate Judge Bowbeer practiced in the area of products liability litigation, building a national trial and appellate practice. In 1997 Magistrate Judge Bowbeer moved in-house at 3M where she managed products liability and mass tort litigation. She later became

3M's Assistant Chief Intellectual Property Counsel, managing the company's intellectual property litigation. Throughout her years as an attorney, Magistrate Judge Bowbeer has been active in the legal community, serving on, among other things, the Sedona Conference Working Group on Patent Litigation Best Practices and the Judicial Selection Committee.

This vast experience has helped prepare Magistrate Judge Bowbeer for her new role. Throughout her career Magistrate Judge Bowbeer has had significant experience with e-discovery, an area of litigation that can often be quite complex. She has written and spoken on the subject, and Magistrate Judge Bowbeer's familiarity with and understanding of the e-discovery process is a skill that will frequently be put to use during her time on the bench.

In addition, Magistrate Judge Bowbeer's position at 3M managing litigation helped shape her perspective on dispute resolution, an aspect of the job that she looks forward to tackling. As in-house counsel at 3M, Magistrate Judge Bowbeer often thought about how to best achieve 3M's goals in a cost-effective manner including considering the various parties' and court's resources. And she frequently



United States Magistrate Judge Hildy Bowbeer

participated in mediation and ADR which also required an understanding of the parties' competing and overlapping interests. Magistrate Judge Bowbeer's ability to look at a case, understand competing and overlapping interests, and then find a way to encourage the parties to find a resolution based on those interests, is an asset that she believes will enable her to aid parties in resolving their disputes.

Magistrate Judge Bowbeer's years participating in mediation and ADR have also left her with a sense of what makes an effective mediator. In the coming years, Magistrate Judge Bowbeer hopes to develop and exhibit the qualities and characteristics that she has observed in effective mediators, including:

- ◆ patience;
- ◆ a lack of preconceived notions about how the mediation ought to come out;
- ◆ good listening skills, including the ability to understand what is being

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stated implicitly;

- ◆ An ability to understand the real concerns of each party; and
- ◆ a willingness to put in the time and effort it takes to help the parties either get to a resolution or get to a place where they can make intelligent decisions about how to move forward.

Although Magistrate Judge Bowbeer has an array of experiences in the legal profession, she acknowledged that she will be hearing cases on areas of the law that she has not previously encountered. In particular, Magistrate Judge Bowbeer explains that her career focused on civil litigation rather than

criminal law, so her criminal docket will require that she learn about and develop new expertise in the criminal arena. Nevertheless, Magistrate Judge Bowbeer looks at this as an exciting challenge and an opportunity to expand her understanding of the legal system. And she is quick to note that with this and other challenges she may encounter, she is lucky to be surrounded by wonderful colleagues and mentors who have been generous about offering their time to help her.

In fact, it was these colleagues—fellow magistrate and district court judges—who prompted Magistrate Judge Bowbeer to consider joining the bench.

She describes her colleagues' love of the job as a "powerful incentive," and it was this love of the job and the goal of contributing something meaningful to the court and to the community that ultimately motivated Magistrate Judge Bowbeer to apply for and accept the position of Magistrate Judge. She looks forward to getting involved with organizations relating to the judiciary—such as the Federal Magistrate Judges Association—and plans to participate in the court's various community outreach programs and events.

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Paige Stradley is an associate at Merchant & Gould P.C.

HIGHLIGHTS FROM ANOTHER MEMORABLE MN FBA GOLF TOURNAMENT MIDLAND HILLS COUNTRY CLUB ~ AUGUST 25, 2014

By Tracey Donesky & Susan Ellingstad

The 2014 MN FBA Golf Tournament and Kickoff Social Event was marked by a great turnout, great weather (particularly compared to last year's stifling hot temperatures), and great golf. With record-setting numbers and needing a low back nine scorecard playoff to take the win, the team of Randy Kahnke, Ryan Long, Mark Pihlstrom, and Sean Somermeyer took home first place victory with a 14-under record-setting score of 58. Also shooting 58 and edged out only by the scorecard playoff, second place went to the team of John Bjorkman, state Judge Chris Wilton, Rhett McSweeney, and Shawn Raiter. Third place went to the team

of Joe Dixon III, District Judge David Doty, Bill McNab and Bill Otteson, with a low score of 60 which also required a scorecard playoff to break a third place tie. The longest drive was accomplished by Mark Pihlstrom for the men and Tracey Donesky for the women. Closest to the pin was achieved by John Bjorkman for the men and Jill Gustafson for the women. The longest putt was awarded to Michael Fondungallah for the men and Brooke Anthony for the women. Unfortunately, the hybrid Toyota Camry went unclaimed again this year for the Hole-In-One competition on the 16th Hole, but better luck next year (and with hopefully a more favorable pin placement!).

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FEDERAL PRACTICE COMMITTEE: NEW LOCAL RULE ON ATTORNEY DISCIPLINE

By **Karin Ciano**

Many federal practitioners may not be aware that the United States District Court for the District of Minnesota has its own rule on attorney discipline: Local Rule 83.6. While the court can and does refer attorney discipline matters to the Minnesota Office of Lawyers' Professional Responsibility, the court also has the power to independently investigate and discipline members of its bar.

On May 14, 2014, the court approved a substantially revised Local Rule 83.6. The new text reflects the Federal Practice Committee's efforts to clarify and organize the rule, and to address the concerns that the bench and the public raised during the notice and comment period. Subsection (a) advises practitioners that the court adopts the Minnesota Rules of Professional Conduct and that attorneys practicing before the court must follow those rules. Subsection (b) sets out the range of potential court-imposed discipline, including "disbarment, suspension, public reprimand, private admonition, monetary sanctions, or restitution." Attorneys admitted to practice before the court must report whether they have been disciplined or convicted of certain crimes; subsection (c) of the new rule advises them when and how to do it, and subsection (d) identifies the circumstances under which the federal court may automatically suspend their right to practice in connection with a suspension or conviction.

Subsection (e) addresses disciplinary proceedings. The court may appoint investigatory counsel to investigate alleged attorney misconduct; investigatory counsel will provide a written report recommending whether to begin disciplinary proceedings. The new rule more clearly advises practitioners of the procedure for investigations and disciplinary proceedings, the role of court-appointed investigatory

and disciplinary counsel, and the circumstances under which findings will be made public.

The rule includes a new provision, subsection (f), authorizing the court to temporarily suspend an attorney while an investigation or disciplinary proceeding is pending if evidence establishes probable cause to believe the attorney has committed misconduct, and that the attorney "poses an immediate threat of serious harm to the public, to any person, or to the administration of justice."

**On May 14,
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Rule 83.6.**

If an attorney is suspended, whether automatically or after disciplinary proceedings, subsection (g) addresses when and how they may apply to the court for reinstatement. Here again, the court may appoint investigatory counsel to assess and recommend whether the suspended attorney should be reinstated. The rule advises suspended attorneys of the procedure for reinstatement, and notes that reinstatement proceedings are publicly filed.

Subsection (h) continues the practice of permitting the court to assess the fees and costs of investigatory and disciplinary counsel against attorneys who are disciplined or who seek reinstatement.

Finally, subsection (i) provides for service of disciplinary notices and related orders, and also directs the Clerk of Court to notify any other jurisdiction in which the disciplined attorney is admitted to practice, as well as the ABA National Lawyer Regulatory Data Bank.

Comments or concerns about any of the court's local rules may be raised with the court or with any member of the Federal Practice Committee. The names of committee members may be found on the court's website.



Karin Ciano is a member of the Federal Practice Committee and has her own firm, Karin Ciano Law PLLC.

The *Pro Se* Project's Pilot Early Settlement Conference Project Becomes Permanent

By Tiffany A. Sanders

The *Pro Se* Project is a collaboration between the United States District Court for the District of Minnesota and the Minnesota Chapter of the FBA to improve access to justice in our federal courts and to address the challenges civil *pro se* litigants pose to our federal judicial system. When the court refers a case to the *Pro Se* Project, the coordinator works to connect the *pro se* litigant with a volunteer attorney.

Since its formal inception in May 2009, the *Pro Se* Project has worked with over 400 *pro se* litigants in the District of Minnesota. During this time, the court has consistently referred more employment discrimination cases to the *Pro Se* Project than any other type of case. *Pro se* employment discrimination referrals can be challenging to place with volunteer lawyers because the cases are time-consuming and expensive. In addition, many law firms do not represent plaintiffs in employment cases, or the firms have actual or positional conflicts of interest.

In an effort to better assist the court with its *pro se* employment discrimination docket, enhance access to justice for *pro se* employment discrimination

litigants, and encourage additional volunteer attorneys to accept these, as well as other types of *Pro Se* Project referrals, the court implemented the Pilot Early Settlement Conference Project (ESCP) on March 25, 2013. For a period of one year, the court tested the Pilot ESCP to determine whether it was effective in assisting the court with expediting its civil docket and with improving access to justice for the underserved.

One method the court devised to evaluate the Pilot ESCP was an online survey. Chief Judge Michael J. Davis requested all ESCP *pro se* litigants, volunteer counsel, opposing counsel, and Magistrate Judges complete at the conclusion of each court-annexed settlement conference through the Pilot ESCP. An overwhelming majority of survey participants—90 percent—responded that the Pilot ESCP is a worthwhile program. And 97 percent of the survey participants responded that the Pilot ESCP effectively reduced litigants' costs and the duration of litigation. On July 17, 2014, the court made the ESCP permanent.

The distinctive feature of the ESCP is that it allows a volunteer lawyer to enter a limited appearance for the sole purpose of assisting the *pro se* litigant with a

court-annexed early settlement conference. The ESCP operates as follows:

- ◆ In every case involving a civil *pro se* litigant, the assigned Magistrate Judge makes an individual judgment regarding whether the case will benefit from referral to the ESCP at the Rule 16 scheduling conference.
- ◆ If the court makes a referral to the ESCP, the court enters an Order of Referral to the ESCP and communicates the Order to the *Pro Se* Project coordinator. Upon receipt of the referral, the *Pro Se* Project coordinator endeavors to locate a volunteer lawyer willing to assist the *pro se* litigant in an early settlement conference.
- ◆ The volunteer lawyer, or Special Settlement Conference Counsel, enters a Notice of Limited Appearance and a Declaration signed by the *pro se* litigant. The referring Judge's chambers schedules a settlement conference.
- ◆ If the case settles, the court handles it as it would any other settled case. If the case does not settle, Special Settlement Conference Counsel and the *pro se* litigant have 15 days to decide whether the Special Settlement Conference Counsel will enter a full appearance.
- ◆ If within 15 days Special Settlement Conference Counsel does not enter a full appearance, the court enters an Order relieving the Special Settlement Conference Counsel of his or her limited appearance and the case proceeds pursuant to the Pretrial Scheduling Order.

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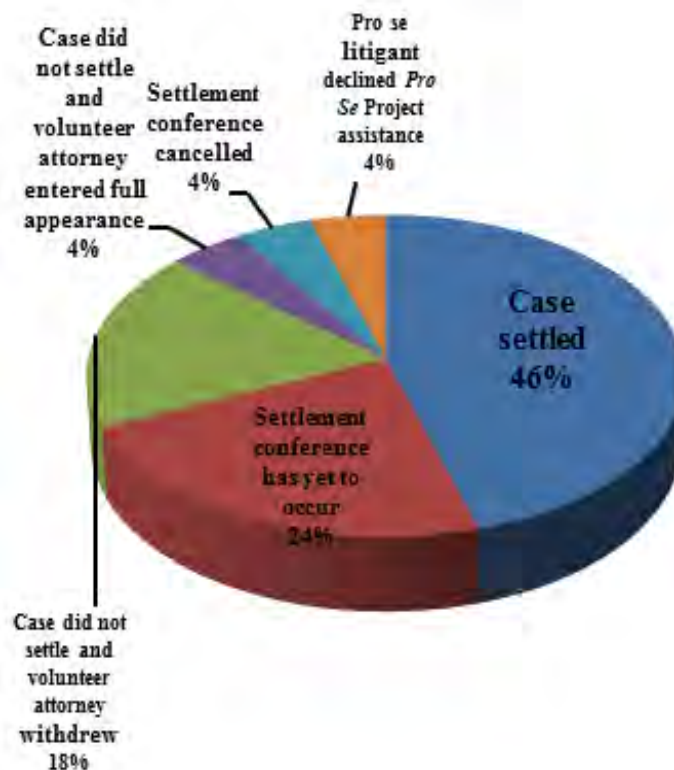
The following charts demonstrate the types of cases the court referred to the Pilot Early Settlement Conference Project from March 25, 2013, through June 30, 2014.

STATUS	NUMBER OF REFERRALS
Employment discrimination	11
Consumer debt	4
Civil rights	3
Contract	2
ERISA	1
Fraud	1
TOTAL	22



The following charts demonstrate the status of the cases the court referred to the Pilot Early Settlement Conference Project from March 25, 2013, through June 30, 2014.

STATUS	NUMBER OF REFERRALS
Case settled	10
Settlement conference has yet to occur	5
Case did not settle and volunteer attorney withdrew	4
Case did not settle and volunteer attorney entered full appearance	1
Settlement conference cancelled	1
<i>Pro se</i> litigant declined <i>Pro Se</i> Project assistance	1
TOTAL	22



The following table lists the volunteer lawyers who accepted Pilot Early Settlement Conference Project referrals from March 25, 2013, through June 30, 2014, and the number of referrals accepted.

VOLUNTEER ATTORNEYS & FIRMS	NUMBER OF REFERRALS
Thomas J. Lyons, Jr. <i>Consumer Justice Center P.A.</i>	1
Jesse H. Kibort <i>Daniels & Kibort, PLLC</i>	1
Daniel J. Cragg <i>Eckland & Blando LLP</i>	1
Nicholas G. B. May <i>Fabian May & Anderson, PLLP</i>	1
Ryan Vettleson <i>Gaskins, Bennett, Birrell, Schupp LLP</i>	1
Matthew L. McMullen <i>Kolinski & McMullen, LLC</i>	1
David L. Shulman <i>Law Office of David L. Shulman PLLC</i>	1
Zorislav R. Leyderman <i>The Law Office of Zorislav R. Leyderman</i>	1
Andrew Muller, PLLC <i>The Muller Law Firm</i>	1
Ochen Kaylan <i>Robins, Kaplan, Miller & Ciresi, L.L.P.</i>	1
Mark C. Santi <i>Thompson Hall Santi Cerny & Dooley</i>	1

VOLUNTEER ATTORNEYS & FIRMS	NUMBER OF REFERRALS
Bryan R. Battina <i>Trepanier MacGillis Battina, P.A.</i>	1
Erica E. Davis David L. Wilson <i>Wilson Law Group, LLC</i>	1
June P. Hoidal <i>Zimmerman Reed, P.L.L.P.</i>	1
Steven Andrew Smith Cristina Parra Jason Hungerford <i>Nichols Kaster, PLLP</i>	3
Scott M. Flaherty Kristine M. Boylan <i>Briggs and Morgan, P.A.</i>	2
Peter F. Barry <i>Barry & Helwig, LLC</i>	1
Beth Bertelson <i>Bertelson Law Offices P.A.</i> João M. Da Fonseca <i>Crutchfield & Martin, PLLC</i>	1

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

HOW CAN I PARTICIPATE IN THE *PRO SE* PROJECT OR THE EARLY SETTLEMENT CONFERENCE PROJECT?

The *Pro Se* Project is a collaboration between the United States District Court for the District of Minnesota and the Minnesota Chapter of the Federal Bar Association to improve access to justice in our federal courts and to address the growing challenges civil *pro se* litigants pose to our federal judicial system. The goal of the *Pro Se* Project is to provide civil *pro se* litigants with an opportunity to have a meaningful consultation with a volunteer lawyer.

Volunteer attorneys who participate in the *Pro Se* Project are a tremendous help to *pro se* litigants, to the Court, and to all federal practitioners with paying clients. Each and every volunteer attorney's efforts collectively help unclog our federal court system and make justice more accessible to those with limited means.

To volunteer for the *Pro Se* Project, including the Early Settlement Conference Project, contact Tiffany Sanders at proseproject@q.com or (612) 965-3711.

District Court Sponsors Freedom Riders Exhibit

“Without their courage and vision, America would not be the same America we know today.”

By Bridget Sullivan

From June 6-20, 2014, the United States District Court for the District of Minnesota hosted a tour of the “Freedom Riders” in the Minneapolis Courthouse Atrium. The Gilder Lehrman Institution of American History and PBS’ history series, American Experience, created the exhibit which was funded through a grant from the National Endowment for the Humanities. The tour started with a reception on June 6th and included an introduction by Chief Judge Michael J. Davis about the Court’s efforts at community outreach and the legacy of the Freedom Riders. “Without their courage and vision, America would not be the same America we know it today,” said Chief Judge Davis. “The Freedom Riders pressured the federal government (particularly the Interstate Commerce Commission) to live up to its broken promise, which was to outlaw the doctrine of ‘separate but equal.’ They did so nonviolently and with solidarity in the face of brutal physical attacks, imprisonment, and intimidation.”

Following Chief Judge Davis’s remarks were speeches by Daniel Bergin of Twin Cities Public Television (TPT), Honorary Chairperson Dr. Josie R. Johnson, and Keynote Speaker U.S. Representative Keith Ellison. Magistrate Judge Franklin L. Noel then introduced four former Freedom Riders: Peter Ackerberg, Robert Baum, Dave Morton, and Claire O’Connor. Each of the Freedom Riders spoke and shared his or her firsthand experiences in Mississippi facing arrest, imprisonment, and intimidation.

For example, Freedom Rider Claire O’Connor spoke about the passion for social justice and civil rights her parents shared with her, which prompted her to become a member of the Congress of Racial Equality (CORE). It was CORE that recruited an integrated group to ride two buses from Wash-



L to R: **Keynote Speaker and U.S. Representative Keith Ellison; Freedom Rider Peter Ackerberg; Honorary Chairperson Dr. Josie R. Johnson; Freedom Riders Claire O’Connor, Robert Baum, and Dave Morton; Magistrate Judge Franklin L. Noel; and Chief Judge Michael J. Davis.**

ington, D.C. to New Orleans in 1961. In Alabama, a mob attacked one of the buses, threw an incendiary device into the bus, and then set upon the riders as they fled the burning bus. But as O’Connor explained, news of the assault only motivated her more to join the Freedom Rider movement, even at the young age of 19.

On June 11, 1961, O’Connor and the other Minnesota Freedom Riders were arrested at the Jackson, Mississippi bus depot for disturbing the peace. She spent 28 days in custody, first in the county jail and then in state prison. The men in the Minnesota group were detained for almost two months before they were released on bail. Not surprisingly, all of them have devoted most of their lives to social justice causes including opposing the Vietnam War, fighting against racial discrimination, and providing affordable housing for the poor.

The evening’s program ended with closing remarks by Judge Susan Richard Nelson. All involved appreciated the Freedom Riders’ experience.



Bridget Sullivan is the Senior Legal Counsel in the Office of Chief Counsel at the Minnesota Department of Transportation.

History of the Minnesota Federal Bar Association

Building the Foundation: 1944 through the mid-1980s

By Isabel Levinson & Tara Norgard

William Shakespeare got it right when he wrote, “What’s past is prologue.”¹ Without knowing it, he was foreshadowing the story of the Minnesota Chapter of the FBA. From its earliest days through today, our Chapter has been dedicated to strengthening the federal legal community, providing opportunities for education and leadership, and supporting our federal court and the rule of law. Ours is a story with a rich past and a keen vision for the future. It is the story of strong leaders, meaningful work, and a vibrant community. And it is a story that builds on our past as we continue to meet the challenges and opportunities that lie ahead.

Preserving our Chapter’s history was the brainchild of former Chapter President Rachna Sullivan, who, along with other members of the Long Range Planning Committee (Judge Donovan W. Frank, Judge Susan Richard Nelson, Peter Carter, Tara Norgard, and Rachel Zimmerman) developed the Minnesota FBA History Project. Thirty-five of our Chapter’s past and present leaders and members graciously and enthusiastically shared their memories and documents for this project, which is being presented in a series of installments that will be published in *Bar Talk* and on our Chapter’s website over the coming year. This is the first installment.

Where it All Began

The national FBA was organized in January 1920. Twenty years later, the roots of our present-day organization were

planted when the “St. Paul-Minneapolis” Chapter of the FBA first became active in 1940. A charter was granted to the chapter in 1944. The first president noted in the records was Victor E. Anderson. Very little is known or recorded from those early years. And given that the chapter was “re-activated” in the early 1960s, the early days of our chapter were likely marked by a small, informal group.

Early Leaders and Founding Principles

Judge Miles W. Lord ushered in a new era of the Minnesota Chapter of the FBA when he took the reins of the organization in 1961, the same year President John F. Kennedy appointed him United States Attorney for the District of Minnesota. Many of today’s members have memories of Judge Lord’s enthusiasm and strong leadership, including cajoling his clerks and attorneys to join the new Chapter. “I think he twisted more than a few arms,” said James Simonson, who became a member in the early 1960s and has long been a member of our Chapter’s board. Chapter President Keith Halleland (1995-96) clerked for Judge Lord and is among many who remember Judge Lord’s dedication to the “federal family” and the FBA.

Most members during those early years were government attorneys. However, it is unclear when that requirement changed. Judge Ann D. Montgomery—who joined the FBA when she was an Assistant United States Attorney, served as President of the Chapter in 1985-86, and remains a leader to this day—recalls that government employ-

ees comprised the majority of the membership until at least the early 1980s. What we do know is that in 1985 the national FBA eliminated the distinction between “active” and “associate” membership, while maintaining the requirement that “a candidate for national office must be or has been employed in the service of the United States or District of Columbia, and who while so employed does or has performed the work of a legislator, judge, lawyer, or member of a quasi-judicial board or commission.”

If being a government attorney was a requirement at the national level, the Minnesota Chapter forged its own path. Many members and several early presidents were private practitioners, including two who were interviewed for this project: Jay Kelly (1973-74) and John Halpern (1979-80).

Word spread about the Minnesota Chapter through the enthusiastic voices of its leaders and the relationships that were forged as members worked hard to do meaningful work for the federal bar. Kelly remembers that Thomas Steele, Jr. (the only Chapter President to serve two terms, 1962-63 and 1969-70) urged him to become involved. Kelly also was friends with and worked on Chapter projects with two future presidents, John Murray (1975-76) and United States Bankruptcy Judge Jacob Dim (1976-77).

Halpern and others, including Judge Montgomery and Frank Hermann (Chapter President from 1985-86)

¹ *The Tempest*, Act II, Scene 1.

(Continued on next page)

credit Judge Robert G. Renner, who was United States Attorney for the District of Minnesota when he served as Chapter President (1974-75), as instrumental in leading our organization to where we are today. Judge Renner astutely recognized that when people know each other, they work better together, both inside and outside of the courtroom. Halpern recalls Judge Renner's encouragement to become active in the FBA in the early 1970s when Halpern returned to Minnesota after working in Washington, D.C. Halpern said he appreciated the collegial atmosphere of the Chapter, which provided young attorneys like him with an opportunity to socialize with other federal practitioners and to learn the tools of the trade at the monthly luncheons and federal practice seminars.

The FBA provided a welcoming community to many who came—or returned—to Minnesota to practice law in our Chapter's early years. Richard Flint joined the FBA in 1962, two years out of law school, after his reserve unit was called up and he was commissioned a Judge Advocate General. Living in Washington, D.C., and working out of the Pentagon, Flint was an active member of the FBA in the nation's capital

and an early leader of the national Younger Lawyers Division. When he returned to Minnesota to practice law as a civilian in 1964, Flint was keenly aware of the value of the FBA and asked the President of the D.C. Chapter to write a letter of recommendation to the Minnesota President as a way to become integrated into the local community. Flint quickly ascended the ranks in Minnesota, serving as Chapter President from 1967-68. He remembers the organization as being small but vibrant and an excellent opportunity to make friends, many of whom were helpful to a young lawyer. One such friend was Harry Sieben, Chapter President from 1968 to 1969, who at the time was a leader in the Small Business Administration and would later become a United States Magistrate Judge and Clerk of the U.S. District Court. Flint recalls that Sieben "knew everybody in town" and routinely brought in local dignitaries and other community leaders to speak at the monthly lunches.

Those simple concepts of welcoming people and knowing each other are cornerstones of our Chapter that have been carried through the years.

Judge Andrew Danielson, who served as United States Attorney for our District in 1977-78 and became Chapter President

1980-81 (and later, a Hennepin County Judge) was one of many who commented about the close relationship between the bench and bar in Minnesota that has been long-cultivated by our Chapter. The Minnesota FBA—with the bench's steadfast support—has from its earliest years provided opportunities for practicing attorneys to know Minnesota's federal judges inside as well as outside the courtroom. Danielson acknowledged that these relationships were facilitated by the fact that the federal practice was relatively small even through the early 1980s, so that almost everyone who had cases in federal court knew each other and the judges that presided over their cases.

The Federal Practice Seminar, monthly luncheons, and Judges' Dinner Dances were among the many Chapter events that provided opportunities for lawyers and judges to forge relationships outside of court. These events, and the other early traditions that continue to this day, will be covered in our next installment.



Isabel Levinson is a writer, editor, and historian. **Tara Norgard** is an attorney at Carlson Caspers. Tara's litigation practice is focused on patents, trademarks, trade secrets, and unfair competition.

GOLF TOURNAMENT HIGHLIGHTS

(Continued from page 7)

A special thanks to our hole sponsors: Faegre Baker Daniels, LLP; Analytics, Inc.; Merchant & Gould P.C.; Larson King, LLP; Fredrikson & Byron, P.A.; Lindquist & Vennum, PLLP; Stinson Leonard Street LLP; Lockridge Grindal Nauen P.L.L.P.; Gray Plant Mooty; John W. Borg, ADR Judge (Ret.); Nilan Johnson Lewis PA; and our hole contest sponsors: Gustafson Gluek PLLC, Robins Kaplan Miller & Ciresi, L.L.P.; Robert Half Legal; Anthony Ostlund Baer & Louwagie;

P.A.; Bassford Remele, P.A.; Zimmerman Reed, PLLP; and our Hole-In-One Competition sponsors Legal Discovery and Fruth, Jamison & Elsass., PLLC. Please be sure to save the date for the 2015 Tournament to be held on **Monday, August 24, 2015!**



Tracey Donesky is an attorney at Stinson Leonard Street LLP. **Susan Ellingstad** is an attorney at Lockridge Grindal Nauen P.L.L.P. They are the Chairs of the annual MN FBA Golf Event.

MN FBA GOLF TOURNAMENT ~ MIDLAND HILLS COUNTRY CLUB ~ AUGUST 25, 2014



L to R: Third place winners Bill Otteson, Joe Dixon Jr, Bill McNab, and District Judge David S. Doty.



L to R: Becky Thorson, District Judge Donovan W. Frank; Pat Martin, Lora Friedemann, and Tara Norgard.



L to R: Magistrate Judge Jeffrey R. Keyes, Tracey Donesky, Magistrate Judge Steven E. Rau, and Tom Nelson.

Photos submitted by Adine S. Momoh



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By Lauren D'Cruz

Carlson, Caspers, Vandenburg, Lindquist & Schuman is a Minneapolis intellectual property law firm, focused mainly on counseling, transactional work, and litigation of trademark, copyright, and high technology patent rights. While Carlson Caspers is an IP firm, it has fostered a culture of giving back to the community through its pro bono work in non-IP matters. Being a smaller firm, it has chosen to focus its efforts largely on a few local pro bono programs such as the FBA's *Pro Se* Project, Children's Law Center of Minnesota ("CLCM"), Volunteer Lawyers Network ("VLN"), and Southern Minnesota Regional Legal Services ("SMRLS").

Since 2009, Carlson Caspers attorneys have taken 11 cases through the *Pro Se* Project and obtained favorable settlements in many of them. Most of the cases were employment discrimination matters, involving claims of race, national origin, disability, and age discrimination. One case involved a Muslim Somali woman who was terminated from her job for reasons related to her wearing a religious head scarf while working. The case settled on favorable terms for Carlson Caspers' client. Another matter related to a franchising dispute in which Carlson Caspers obtained dissolution of a provisional default order against its small business owner client, successfully opposed the plaintiff's interlocutory appeal to the Eighth Circuit Court of Appeals, and helped the client take discovery and settle the case through a successful court-ordered mediation. Through its work with the *Pro Se* Project, Carlson Caspers has provided access to justice for disadvantaged and indigent clients, while at the same time easing the burden on the courts in lawsuits involving unrepresented parties.

Carlson Caspers attorneys have also represented children in numerous matters referred from the Children's Law Center of Minnesota. Most Carlson Caspers attorneys involved with the

PRO BONO ***SPOTLIGHT***



A series of articles highlighting the pro bono work being done by FBA Chapter members.

CLCM have worked many years with each child until he or she turned 18 and have represented multiple children through the program. One Carlson Caspers partner has represented four children in cases involving the termination of parental rights due to neglect and transfer of custody, facilitating the adoption of a child, and supporting educational and vocational opportunities as the children enter adulthood. A Carlson Caspers associate has represented three children in the past few years, including two children living in foster homes later adopted by their foster parents.

Carlson Caspers has also taken housing cases through VLN and SMRLS, usually representing single mothers with children facing eviction in landlord-tenant disputes. One Carlson Caspers attorney is a past recipient of the VLN's Pro Bono Private Practitioner of the Year for his pro bono work on behalf of VLN.

Carlson Caspers attorneys also do other types of pro bono work. One Carlson Caspers partner has donated hundreds of hours over the past decade to the Parish Church of St. George in litigation and related administrative claims. By devoting its time and resources to providing excellent legal services to local pro bono programs and nonprofits, Carlson Caspers is making a significant and lasting contribution to the community.



Lauren D'Cruz is an associate at Lind, Jensen, Sullivan & Peterson, P.A. and a member of the Communications Committee.

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Calendar of Upcoming Events

- ♦ **September 25, 2014 | 4:00 p.m.**
Newer Lawyer Event: Magistrate Judge Steven E. Rau
Offices of Faegre Baker Daniels, LLP
- ♦ **October 8, 2014 | 12:00 p.m.**
Newer Lawyer Luncheon: Magistrate Judge Janie S. Mayeron
Courtroom 9E, U.S. Courthouse in Minneapolis
- ♦ **October 22, 2014 | 12:00 p.m.**
Monthly Luncheon
Minneapolis Club, Minneapolis
- ♦ **November 3, 2014 | 12:00 p.m.**
Newer Lawyer Luncheon: Magistrate Judge Leo I. Brisbois
Courtroom 8E, U.S. Courthouse in Minneapolis
- ♦ **November 12, 2014 | 12:00 p.m.**
Monthly Luncheon
Minneapolis Club, Minneapolis
- ♦ **December 17, 2014 | 12:00 p.m.**
Monthly Luncheon
Minneapolis Club, Minneapolis

BAR TALK is the official newsletter of the Minnesota Chapter of the FBA. It is published quarterly by the Communications Committee.

For any inquiries or article suggestions, please contact:

Jeff Justman at jeff.justman@faegreBD.com or

Kelly Laudon at klaudon@lindquist.com.

ONLINE REGISTRATION NOW AVAILABLE

The Minnesota Chapter is utilizing an online registration system for the monthly Minneapolis Club luncheons this year. A registration link will be sent via e-mail for each luncheon. One feature of the system is an 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.

Please e-mail Kelly Laudon at klaudon@lindquist.com if you have any questions

connect



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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.

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

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

Leadership

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

Learning

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

expand your connections, expand your career

THREE WAYS TO APPLY TODAY: ① Join online at www.fedbar.org; ② Fax application to (571) 481-9090; or ③ Mail application to FBA, 1220 North Fillmore St., Suite 444, Arlington, VA 22201. For more information, contact the FBA membership department at (571) 481-9100 or membership@fedbar.org.

FEDERAL BAR ASSOCIATION APPLICATION FOR MEMBERSHIP (CONTINUES ON REVERSE)

Applicant Information

First Name _____ M.I. _____ Last Name _____ Suffix (e.g. Jr.) _____ Title (e.g. Attorney At Law, Partner, Assistant U.S. Attorney) _____

☐ Male ☐ Female

Have you been an FBA member in the past? ☐ yes ☐ no

Which do you prefer as your primary address? ☐ business ☐ home

Firm/Company/Agency		Number of Attorneys	
Address		Suite/Floor	
City	State	Zip	Country
()	()		
Phone	Fax	E-mail	

Address			Apt. #
City	State	Zip	Country
()	()		
Phone	Fax		
/ /			
Date of Birth	E-mail		

Bar Admission and Law School Information (required)

U.S.	Court of Record: _____
	State/District: _____ Original Admission: / /
Tribal	Court of Record: _____
	State: _____ Original Admission: / /
Foreign	Court/Tribunal of Record: _____
	Country: _____ Original Admission: / /
Students	Law School: _____
	State/District: _____ Expected Graduation: / /

Practice Information

PRACTICE TYPE

- Private Sector: ☐ Private Practice ☐ Corporate/In-House
Public Sector: ☐ Government ☐ Association Counsel
☐ Nonprofit ☐ University/College
☐ Military ☐ Judiciary

PRIMARY PRACTICE AREAS

- | | |
|--|--|
| <input type="radio"/> Administrative | <input type="radio"/> Health |
| <input type="radio"/> Admiralty/Maritime | <input type="radio"/> Immigration |
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| <input type="radio"/> Bankruptcy | <input type="radio"/> International |
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| <input type="radio"/> Other: _____ | |

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SUSTAINING MEMBERSHIP

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

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

ACTIVE MEMBERSHIP

Open to any person admitted to the practice of law before a federal court or a court of record in any of the several states, commonwealths, territories, or possessions of the United States or in the District of Columbia.

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

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<input type="radio"/> Criminal Law	<input type="radio"/> Social Security
<input type="radio"/> Environment, Energy, and Natural Resources	<input type="radio"/> State and Local Government Relations
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<input type="radio"/> Government Contracts	<input type="radio"/> Transportation & Transportation Security Law
<input type="radio"/> Health Law	<input type="radio"/> Veterans Law
<input type="radio"/> Immigration Law	
<input type="radio"/> Indian Law	

Career Divisions

<input type="radio"/> Federal Career Service (past/present employee of federal government)	N/C
<input type="radio"/> Judiciary (past/present member or staff of a judiciary)	N/C
<input type="radio"/> Corporate & Association Counsels (past/present member of corporate/association counsel's staff)	\$10
<input type="radio"/> Senior Lawyers* (age 55 or over)	\$10
<input type="radio"/> Younger Lawyers* (age 36 or younger or admitted less than 3 years)	N/C

*For eligibility, date of birth must be provided.

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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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Chapter Total: \$ _____

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

Signature of Applicant _____

Date _____

(Signature must be included for membership to be activated)

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