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MINNESOTA CHAPTER OF THE FEDERAL BAR ASSOCIATION

Bar Talk

GET INVOLVED IN THE FBA *PRO SE* PROJECT

The Minnesota chapter of the FBA has been helping the federal district court with *pro se* litigants for more than a decade. The chapter's original *pro se* program arose with the proliferation of employment law cases in the mid-90s, but later expanded to include all civil *pro se* litigants. Chapter members volunteered to be included on a list the Volunteer Lawyers Network used to administer the program.

In a joint initiative with the Court, the FBA re-examined the issue of *pro se* litigants this past year and began looking into alternative means of connecting *pro se* litigants with volunteer lawyers. On May 1, 2009, the FBA and the Court began a new program called the FBA *Pro Se* Project. The goal of the project is to provide every civil *pro se* litigant in the district an opportunity to be represented by counsel.

The project is off to a great start! Twenty-five litigants who would otherwise be *pro se* have received representation through the project, reducing the burden on the court, and providing greater access to justice in our community. Our chapter received a national award, the Ilene and Michael Shaw Public Service Award, for our work on the project.

We are not ready to rest on our laurels yet, however. Approximately 100-150 civil, non-prisoner cases involving *pro se* litigants are filed each year. That is a reasonable number for an organization with more than 800 members, but requires a commitment from chapter members to meet the project's long-term needs. If you are a member in private practice, you can expect a call from our project coordinator at some point asking for your help. Volunteers receive instructions, sample forms for use during the representation, and the sincere gratitude of the Court and the chapter.

Chief Judge Michael J. Davis and his colleagues plan to visit firms over the coming months to talk about the project. If you have any questions about the project or would like to set up a visit at your firm, give me a call or email me at lfriedemann@fredlaw.com. Thank you in advance for your support.

Lora Friedemann is a shareholder at Fredrikson & Byron, P.A., and the President of the Minnesota Chapter.

Peter Carter, Anh Le Kremer, Lora Friedemann, and Steve Rau accept, on behalf of the Minnesota Chapter, the Ilene and Michael Shaw Public Service Award at the national FBA convention.

INSIDE THIS ISSUE:

B. TODD JONES RETURNS TO PUBLIC SERVICE AS MINNESOTA'S TOP FEDERAL LAW ENFORCEMENT OFFICER

On September 18, 2009, against the marbled, majestic backdrop of the federal courthouse in downtown Minneapolis, a large crowd watched B. Todd Jones swear the oath to become, for the second time, the United States Attorney for the District of Minnesota. Among the many distinguished witnesses to the occasion were two of Jones's friends, United States Attorney General Eric Holder, and Senator Amy Klobuchar, the senior United States Senator for Minnesota.

Most people who are active in the FBA know Todd and his biography well: a graduate of Macalester College and the University of Minnesota Law School; a soldier, officer, and Judge Advocate in the United States Marine Corps; an Assistant United States Attorney and United States Attorney; and a successful lawyer in private practice. So this reporter sat down with our District's chief law enforcement officer to discover some things that FBA members may not already know about Jones.

When was it that you first started thinking about the law as a career?

After I graduated from Macalester, I was newly married and trying to figure out what to do. I worked as a paralegal at a small law firm in Bloomington, maintaining the library, doing some research, assisting attorneys with their cases, and attending some hearings. That got me interested in the law. I received a Patricia Harris Fellowship which paid for me to attend the University of Minnesota. Patricia Harris was Secretary of what was then the U.S. Department of Health, Education and Welfare. The Fellowships were a new program to support minority students going on to professional schools. In a way, my public service has been a way to repay that great opportunity.

Who are some of your role models?

My dad was my biggest role model growing up. He was not a lawyer, didn't go to college, had a G.E.D. But he was a smart man, and he worked hard to support our family. He spent eight years in the Air Force and had three kids by the time he was twenty-three years old. The times were very different, and my mom, who had several years of college, stayed at home raising the family. They both worked very hard so that we all could succeed.

Bobby Kennedy comes to mind as an inspirational professional role model. He was probably the bravest and best Attorney General our country has ever had. He truly transformed the Department of Justice from what had traditionally been a pretty low-key, white-shoe, inside-government organization into a more activist Department. His work in fighting organized crime, as well as on civil rights, has left a lasting mark on the Department and our country.

How did you develop your passion for public service?

When I was growing up I wanted to be in the military like my Dad, not a lawyer. When I was very young I remember growing up on a military base and loved watching shows like *Combat* (with Vic Morrow) on television. In fact there was a time in the Marines when I considered not practicing law at all and pursuing a career as an infantry officer. But military life is hard on families, and, ultimately, due to family considerations—we had two kids at the time with a third on the way—I chose law.

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What advice do you have for newer lawyers starting out in the profession today?

Ask questions, find a mentor, don't be bashful. Don't wait in your office for something to happen. Get out and shadow someone you respect and learn from that person. The old-school approach to lawyer development, where it was more of an apprenticeship, still has a lot of value. If you can get a clerkship, I think clerking for a judge—any judge, in any court, anywhere—is a great way to extend your legal education and to learn how judges make decisions. It is also a great way to see lots of lawyering—good and bad—and try to learn from it.

Do you have any early observations on how the Obama/Holder Justice Department is different from the Clinton/Reno Justice Department?

I think we're seeing really a continuation of some of the things that were starting to happen at the end of General Reno's tenure. She served as Attorney General longer than anyone, eight years. Attorney General Holder was Deputy Attorney General at that time and will be taking some of the issues and policies that were just starting to mature in 2000 to the next level. He consistently talks about being "smarter" on crime, making decisions and deploying resources based on good information and needs. I believe there will be less "think-tanking" about programs and policies. We know what the challenges are, and a greater effort must be made on identifying where the needs are and putting resources into addressing those needs. This includes a greater recognition that the law enforcement needs of the District of Minnesota are different than the needs of the District of New Mexico or the Southern District of New York.

You have talked about the difficult times in the U.S. Attorney's Office for Minnesota over the last few years and your desire to reinvigorate the office. Early in your tenure, what is your sense of how the office is doing today, and what are some of the things you plan to do to reinvigorate the office?

This was a great office when I led it before, and it is still a great office today. I want to keep everyone's focus on the future, not dwell in the past. One of the things I've already done is put a revised leadership team in place. I don't call it a "management" team because we all know that it is impossible to "manage" lawyers! And federal prosecutors, perhaps more than any other type of lawyers, are lawyers who value highly their ability to act independently, to act in the interests of justice. I understand that and will work hard to make sure that we all can meet our responsibilities.

In the Marines, I learned a lot about leadership—both good and bad. I also learned how to be a good follower. The reality is that I probably learned more following poor leaders, and how to still accomplish the mission, than following the outstanding ones. This is not a commentary on our office's experiences over the last several years, but it is an observation on how I will draw on my past experiences to do what I can to be a good leader for the office.

You have a close relationship with the Attorney General as well as Senator Klobuchar, who both traveled to Minnesota for your investiture. What future plans do they have for you, or you for yourself, after U.S. Attorney?

I have no idea. I really think the job of United States Attorney is the greatest job there is in the law. Every day brings a new challenge. Margaret [Jones's wife] has told me that I have four years to do this. So all I am thinking about is doing the best I can while I am here. I truly believe that things happen in careers for reasons, and a lot of it is outside our control.

This is an unbelievably satisfying opportunity, and I am just honored and excited to be serving our country and the people of Minnesota again.

Bill Otteson is an Assistant United States Attorney in the Major Crimes Section of the United States Attorney's Office. Prior to entering private practice in Minnesota, he clerked for United States District Judge Donald D. Alsop.

THE PRO SE PROJECT'S INVALUABLE ASSISTANCE TO THE COURT

District courts across the nation—including the District of Minnesota—are inundated with litigation involving civil *pro se* parties. These cases often demand more judicial and court resources and thus detract from the efficiency of the federal court system. In the summer of 2008, Chief Judge Michael J. Davis approached the FBA about establishing a program to aid both the Court and the public through the pro bono representation of civil *pro se* litigants. The FBA, through Lora Friedemann, Steve Rau, Dan Gustafson, and Jeffer Ali, eagerly jumped into action. The *Pro Se* Project was born.

The *Pro Se* Project aspires to provide all non-prisoner *pro se* civil litigants an opportunity to consult with and be represented by counsel. The Court, on its own initiative, can refer *pro se* litigants to the Project. Once the Court refers a litigant, the *Pro Se* Project, currently at the directive of Dan Gustafson, forwards the case to an FBA member. Although the FBA member is not required to take a particular case, any assistance—whether accepting representation or merely providing counsel—assists the Court and the *pro se* litigant. The FBA member determines the scope of the representation, if any. The Project ultimately provides a unique opportunity for FBA members to provide pro bono service that benefits not only litigants but also the federal court system.

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Thank you to the following individuals who have participated in the *Pro Se* Project:

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Gustafson Gluek P.L.L.C.

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The Court is also implementing an internal program to assist those *pro se* litigants who want to represent themselves. Information and tutorials about court rules and electronic filing will be available online. Each courthouse in the district will also have a publicly accessible computer terminal available to enable litigants to file documents and access other court records.

The *Pro Se* Project "has been enthusiastically endorsed by the bench and is a much needed tool for the administration of justice," commented Chief Judge Davis. He also praised the FBA and its members for their prompt responses to *Pro Se* Project referrals and saluted the "miraculous" efforts of Friedemann, Rau, Gustafson, and Ali to get the program up and running. He noted that the Minnesota FBA has some of the best lawyers in the country. "I do hope the federal bar enthusiastically embraces the project because justice should not be just for the rich."

Molly Borg is an associate at Briggs and Morgan, P.A. and a member of the FBA Communications Committee. Prior to joining Briggs, Molly clerked for United States District Judge Paul A. Magnuson.

HOW *ASHCROFT V. IQBAL* WILL CHANGE YOUR LIFE (WELL, AT LEAST YOUR PROFESSIONAL ONE)

It's pretty daring to contend that a civil procedure case will change your life. It is perhaps even more daring to say that a civil procedure case about pleading will change your life. But the Supreme Court's ruling earlier this year in *Aschcroft v. Iqbal*, 129 S. Ct. 1937 (2009), is just that important. In *Iqbal*, the Supreme Court confirmed the death of, and then dug a grave for and buried, notice pleading, at least as it had existed from 1957, when the iconic *Conley v. Gibson*, 355 U.S. 41 (1957), was decided, to the spring of 2007, when *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), was decided.

The advent of the Federal Rules of Civil Procedure in 1938 technically ushered in the age of notice pleading, with Rule 8's simple requirement of only a "short and plain statement of the claim showing that the pleader is entitled to relief." But Justice Black, writing for the majority in *Conley,* authored the familiar mantra that law students would memorize and lawyers would quote for the next fifty years: "a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Conley*, 355 U.S. at 47. This "no set of facts" standard governing 12(b)(6) motions became the animating spirit behind the liberal notice-pleading notion that decisions should be made on the merits of cases rather than through pre-discovery, pleadings-based dispositions. Even when some lower courts began chafing under the weight of over-burdened dockets and tried to stretch pleading standards in order to eliminate meritless claims, the Supreme Court reaffirmed this spirit. *See, e.g.*, *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 507 (2002).

In 2007, however, the Court had a change of heart. The infamous "no set of facts" test of *Conley*, the Court declared, had "earned its retirement" and was "best forgotten." *Twombly*, 550 U.S. at 563. In *Twombly,* the Court reinterpreted Rule 8, at least in antitrust conspiracy cases, as requiring allegations showing plausible entitlement to relief. To make this showing, plaintiffs must show substantiating facts that move liability from a mere possibility to something that discovery is reasonably likely to confirm. *See id.* at 556 (proper standard "calls for enough fact to raise a reasonable expectation that discovery will reveal evidence of [the elements of the claim]."). In the language of the Court, "a plaintiff's obligation to provide the 'grounds' of his 'entitle[ment] to relief' requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of actions will not do . . . ." *Id.* at 555-56. Instead, a complaint must provide "enough facts to

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state a claim to relief that is plausible on its face." *Id.* at 570.

Suffice it to say, *Twombly* created quite a stir. But *Twombly* probably didn't change your life, at least not radically. First, *Twombly* was, as mentioned, an antitrust conspiracy case. Although the Court's language was certainly broad enough to suggest that the new pleading standard being articulated could apply outside of that context, the Court's ultimate conclusions in the case seemed firmly rooted in concerns about excessive litigation costs. As Justice Souter, writing for the majority, said, "it is one thing to be cautious before dismissing an antitrust complaint in advance of discovery, but quite another to forget that proceeding to antitrust discovery can be expensive." 550 U.S. at 558. Thus, a compelling argument could be made that *Twombly*'s reach was limited to high-cost, complex litigation matters. Second, the Court in *Twombly* said that it was retaining the longstanding requirement that courts, when considering 12 (b)(6) motions, assume the veracity of the plaintiff's allegations. *See id.* at 555-56 (court should assume that "all allegations in the complaint are true (even if doubtful in fact)"). Taken together, these two limitations had something of a dampening effect. The world of federal civil litigation had been altered but not completely remade.

Iqbal, however, has no similar limitations. *Iqbal* unequivocally establishes that the new pleading rules of *Twombly* apply in "all civil actions." *Iqbal*, 129 S. Ct. at 1953. Second, and far more importantly, the Court in *Iqbal* dramatically undercut the rule requiring courts to assume the truthfulness of the plaintiff's allegations. Purporting to explain the plausibility requirement that it had announced in *Twombly*, the Court in *Iqbal* imposed a new gatekeeping duty on district courts. Pursuant to this gatekeeping duty, a district court should not accept the veracity of "threadbare recitations of a cause of action's elements, supported by mere conclusory statements." *Id.* at 1949. Moreover, even when there are well-pleaded factual allegations that the reviewing court should assume are true, the court is required to engage in a "context-specific" analysis of whether the complaint states a plausible claim. *Id.* at 1950. In doing so, the court should "draw on its experience and common sense" to ascertain whether the well-pleaded factual allegations go beyond merely suggesting the "possibility of misconduct" and instead "plausibly suggest an entitlement to relief." *Id.* Indeed, the Court in *Iqbal* went so far as to say that the alleged factual allegations in a complaint need not only be consistent with the claim asserted but also must exclude "more likely explanations" in order to be plausible. *Id.* at 1951 ("Taken as true, these allegations are consistent with petitioners' purposefully designating detainees 'of high interest' because of their race, religion, or national origin. But given more likely explanations, they do not plausibly establish this purpose."). In other words, a reviewing court need not—and should not—draw inferences from the alleged facts favorable to the plaintiff if a competing interpretation of the alleged facts is more "plausible."

In short, *Iqbal* has rewritten the rules governing notice pleading and motions to dismiss and remade the world of federal civil litigation. At a minimum, the two-pronged approach that district courts must now take when evaluating a complaint—they must weed out mere conclusions and then they must evaluate the remaining factual allegations to assure that they are "plausible"—means that, to survive a motion to dismiss, plaintiffs need to plead some facts in their complaint. Because no one knows precisely how many or what caliber of facts are necessary to substantiate a claim, plaintiffs will likely invest greater resources and time at the pleading stage of litigation than they have in the past. And defendants will, no doubt, bring motions to dismiss with greater frequency. Whether the new era of quasi-fact pleading introduced by *Iqbal* results in a more efficient administration of justice and a net reduction in the costs of litigation remains to be seen. What seems certain, however, is that the threshold step in federal civil litigation has radically changed, and thus the professional lives of federal court litigators will not be the same.

Allen Blair, an Associate Professor at Hamline University School of Law, teaches and writes about Contract Theory, Federal Jurisdiction, and Commercial Law. Before beginning his teaching career, Allen served as a law clerk for United States District Judge Paul A. Magnuson and then as an Associate at Greene Espel, P.L.L.P.

CHANGING THE RULES

CHANGES IN FEDERAL RULES WILL AFFECT TIME-COUNTING PROCEDURES AND DEADLINES

Effective December 1, 2009 (absent intervening congressional action), the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Federal Rules of Bankruptcy Procedure, and the Federal Rules of Appellate Procedure will be amended. The changes address two related matters:

- The method for calculating time periods set out in the rules, such as deadlines for actions; and
- The specific time periods in certain of the federal rules.

The amendments adopt the "days are days" approach to computing all time periods in each set of rules. Under the present rules, intermediate weekends and holidays are counted when the time period in question is eleven days or more, and not counted when the time period in question is ten days or fewer. Under the "days are days" approach, intermediate weekend days and holidays are always counted. The proposed amended rules provide that practitioners are to "count every day, including intermediate Saturdays, Sundays, and legal holidays." *Proposed* Fed. R. Civ. P. 6(a)(1)(B); *proposed* Fed. R. Crim. P. 45(a)(1)(B); *proposed* Fed. R. Bankr. P. 9006(a)(1)(B); *proposed* Fed. R. App. P. 26(a)(1)(B).

In addition, several rules setting forth specific time periods will be changed pursuant to the amendments. Most periods shorter than thirty days will be changed to multiples of seven days. Further, because the "days are days" approach will have the effect of shortening deadlines for existing time periods, proposed amendments to numerous Appellate, Bankruptcy, Civil, and Criminal Rules extend almost all short deadlines to offset the effect of including intermediate weekend days and holidays in calculating deadlines.

Given the above, practitioners should be aware that most time periods in the federal rules will change in December 2009. In addition, as mentioned in the following article, there are corresponding proposed changes to the Local Rules that, if approved, will go into effect. These changes to the Federal Rules and the Local Rules will be the subject of a full-length article in the next issue of Bar Talk.

In the meantime, for further information about these amendments, see the Federal Courts' website, at www.uscourts.gov/rules. Information from the Federal Courts' website, and from Moore's Federal Practice, Time Computation Amendments to Federal Rules and Statutes (2009), was relied upon for this update.

Leah Janus is an associate at Fredrikson & Byron, and the Co-Chair of the FBA Communications Committee. Prior to joining Fredrikson, Leah clerked for United States District Judge Richard H. Kyle.

NEW AND PROPOSED CHANGES TO LOCAL RULES

Several amendments to the Local Rules for the United States District Court for the District of Minnesota took effect on September 24, 2009. Additional proposed amendments have been posted for public comment. The approved (and pending) amendments result in changes to the Local Rules that address civil motion practice (including motions to amend pleadings), filing deadlines, and sentencing procedures in criminal cases.

The amendments to **Local Rule 7.1**, Civil Motion Practice, present new procedures and clarify requirements regarding existing procedures. The new provisions provide in part that:

- A hearing date must be scheduled before any motion is filed. (L.R. 7.1(a) and 7.1(b).)
- Motions to exclude expert testimony are treated as dispositive motions. (L.R. 7.1(b).)

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- Unpublished opinions should not be attached to briefs if they are available on publicly accessible databases like Westlaw or Lexis. (L.R. 7.1(i).)
- Specific procedures now govern post-trial or post-judgment motions. (L.R. 7.1(c).)

The clarifications provide that:

- No reply memoranda are permitted for nondispositive motions without prior court approval. (L.R.7.1(a)(1).)
- Reply briefs cannot raise new issues or address issues beyond those raised in the responsive brief. (L.R. 7.1(b)(3).)
- A single word-count limit applies, whether a party files a single motion for summary judgment or several. Requests to enlarge the word-count limit must be made in a letter to the Court and filed and served pursuant to ECF procedures. (L.R. 7.1(b)(4).)

Local Rule 15.1 now dictates that, when a motion to amend pleadings is made, the moving party must:

- Attach a copy of the proposed amended pleading; and
- Provide a redline comparison of the proposed amended pleading and the pleading sought to be amended.

Changes to the Local Rules are not limited to civil matters. The September 24, 2009, amendments also significantly revised **Local Rule 83.10**, Sentencing Procedures in Criminal Cases Subject to the Sentencing Reform Act of 1984. Prior practice under Local Rule 83.10 required sentencing position papers to be filed before the final version of the presentencing report was sent to the Court. The revisions provide for a more orderly presentation of sentencing issues to the Court with sentencing position papers due after the final presentencing report is filed. Thus, sentencing position papers deal only with issues that remain unresolved after the filing of the report. The new Local Rule 83.10 also provides:

- The procedure for compiling the final presentencing report has changed. (L.R. 83.10(a)-(d).)
- Replies to opposing parties' position papers are now permitted. (L.R. 83.10(g).)

Additionally, the Court has proposed amending the filing deadlines in the Local Rules to conform to the computation of time deadlines that will take effect on December 1, 2009. The chart below summarizes the proposed changes.

Finally, the Court proposes to amend **Local Rule 54.3**, Time Limit for Motion for Award of Attorney's Fees, to provide a procedure for the taxation of costs. The public review and comment period for these proposed rules ended on October 16, 2009. Look for updates and further details on these proposed changes to the Local Rules in future issues of Bar Talk.

Busola Akinwale is an attorney in private practice at Akinwale Law Office, LLC and a member of the FBA Communications Committee.

Steven E. Rau is a partner at Flynn, Gaskins and Bennett and is the immediate past president of the Minnesota Chapter. He also serves on the Court's Federal Practice Committee and as the co-chair of the chapter's *Pro Se* Project.

Local Rule	Proposed Change
1.1(f) Scope of the Rules	Explanatory language for computing time changed
5.3 Deadline for Filing Answers	10 days changed to 14 days
5.5(b)-(c) Redaction of Transcripts	Removed "calendar"
7.1(b) Civil Motion Practice	45 days changed to 42 days; 20 days changed to 21 days for responses; and 12 days to 14 days for replies
7.2(b) Procedures in Social Security Cases	10 days changed to 14 days
16.2(a) Pretrial Conferences	14 days changed to 21 days; 10 days changed to 14 days
26.1(f) Discovery	10 days changed to 14 days
39.1(b) Preparation for Trial in Civil Cases	10 days changed to 14 days; 5 days changed to 7 days
54.3(b) Time Limit for Motion for Award of Attorney's Fees	15 days changed to 14 days
72.2(a)-(b) Review of Magistrate Judge Rulings	10 days changed to 14 days
83.6(b), (k) Attorney Discipline	In (b), 5 and 3 days changed to 7 days; in (k) 10 days

JACK MASON LAW & DEMOCRACY INITIATIVE: BOOKS FOR AFRICA

At the 2008 Federal Bar Association Mason Memorial Luncheon, Chief Judge Michael J. Davis announced that St. Paul-based Books For Africa (BFA) had joined with Minnesota law firms, law schools, and West, a division of Thomson Reuters, to create a law book program named to honor former United States Magistrate Judge Jack Mason. Judge Mason was a BFA board member at the time of his death in 2002.

Books For Africa is the largest shipper of school and library books to the continent of Africa. Since 1988, BFA has sent more than twenty million secondary and university books to forty-five African countries. The Law & Democracy Initiative's Advisory Board is co-chaired by former UN Secretary General Kofi Annan and former U.S. Vice President Walter Mondale. The Board consists of prominent attorneys from the area and around the world, as well as judges and rule-of-law leaders, such as Chief Judge Davis.

This year, at the Mason Memorial Luncheon, Chief Judge Davis reported on the new law book program. The program was formally launched at an event at the Minnesota History Center on September 12, 2008, with video greetings from Secretary General Annan and remarks by Congressman Keith Ellison. Among other comments, Congressman Ellison remarked that, "Democracy is not just about elections. It is more about what happens between those elections. Books For Africa, with this supply of law books and treatises to the institutions that make the rule of law possible, is helping to develop a stable society in countries across Africa."

Lane Ayres (left) and Tom Pfeifer, Vice President of Government and Academic Markets at West. Tom was instrumental in securing West's donations to BFA.

BFA's first shipment of books left St. Paul in October 2008 bound for the Grimes School of Law at the University of Liberia. It contained almost 1,500 new latest-edition books donated by West, including fifty copies of a textbook for each of the school's twenty-three courses, a set of ALR, and more than 300 books for the school's library. In November, law books donated by law firms were sent to two law schools in Rwanda. Human rights materials from Advocates for Human Rights were sent to Zimbabwe Lawyers for Human Rights. In March, a West-donated CJS series was sent to the law school in Iringa Tanzania, in memory of Washington County District Judge David Doyscher, a longtime BFA supporter.

Building on these shipments, BFA, through the Jack Mason Law & Democracy Initiative, has now established a partnership with West to provide a significant number of new latest-edition law books over the next several years. Seven African law schools sent lists of titles or general subjects needed for the schools' libraries. From those lists, BFA developed a 600-book law library. In September, that library was sent to Cameroon. A shipment left in early October for the law school in Sierra Leone, with the 600-book law library plus fifty copies of books for eleven courses the school teaches. This shipment was sponsored by the Section of International Law of the American Bar Association.

Law schools will not be the only recipients of BFA law books. A shipment is planned for Tanzania before the end of 2009. That shipment will contain West law books for the Attorney General's office,

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the Military Academy, the Human Rights Commission, and Tanzania's court system, in addition to three law schools. A donation from the Minnesota Chapter of the Federal Bar Association is supporting the shipment to the High Court of Tanzania.

In 2000, while meeting in his chambers with a lawyer from Ghana, Judge Mason asked why BFA did not also send law books. Thanks to major support from Dorsey & Whitney; Robins, Kaplan, Miller & Ciresi; other law firms, bar associations, judges, and lawyers; and the partnership of Thomson Reuters, Judge Mason's dream is now a reality. Kofi Annan has said, "Rule of law as a mere concept is not enough. Laws must be put into practice, and permeate the fabric of our lives." Thanks to help from the legal community in Minnesota, the Jack Mason Law & Democracy Initiative is helping to further the rule of law in Africa.

Former Hennepin County Attorney **Lane Ayres** is the Director of the Jack Mason Law & Democracy Initiative. For more information about this Initiative, contact Lane at lanebfa@gmail.com, or 612-616-5661. Please visit the website at: https://www.booksforafrica.org/initiatives/law-democracy.html

CLERK'S CORNER

Effective Monday, **September 21, 2009**, the United States District Court for the District of Minnesota changed the court's electronic case management system (CM/ECF) to allow for electronic payment of court fees for *pro hac vice* admissions and appeals fees. Secure, online payments may be made by credit/debit card through the U.S. Treasury's pay.gov website. In the first two weeks since electronic payments started, the clerk's office has received close to $2,000 via pay.gov. There are plans to expand the use of pay.gov for new civil case fees, as well as allowing attorneys to re-register and pay their re-registration fee through the system.

In addition, the Court has created a committee called the ECF Sealed Committee. This Committee has the important task of recommending to the Court policies, and creating procedures, regarding the sealed functionality of CM/ECF. Currently, sealed cases and documents are filed in paper and are not electronically available on CM/ECF. By implementing the sealed functionality of ECF, attorneys may be allowed to post sealed documents directly to CM/ECF, restricting access to only the parties and the Court. Chief Judge Michael J. Davis has appointed Judges Donovan W. Frank and Joan N. Ericksen to co-chair the committee. Other members of the Committee will include lawyers, chambers staff, clerk's office staff, and employees from other agencies. The Court's website will soon include a link to the roster of the public lawyer members.

For information on pay.gov, please visit the Court's website at www.mnd.uscourts.gov. For information on the sealed functionality of ECF, please contact Chief Deputy Wendy Osterberg at 612-664-5010.

MEMBERS ON THE MOVE

In August, Sam Hanson, a shareholder and member of the board of directors of Briggs and Morgan, was elected Chair of the Board of Trustees of the National Conference of Bar Examiners. Congratulations, Sam!

Are you a member of the FBA? Have you recently made a career change, authored an interesting article, or received an appointment or award? Please submit your news, publications, and updates to Bar Talk at Anita_Terry@mnd.uscourts.gov.

CALENDAR OF UPCOMING EVENTS

October 21, 2009
Monthly Luncheon
The Minneapolis Club

November 18, 2009
Monthly Luncheon
The Minneapolis Club

December 1, 2009 (12:00 pm)
Executive Board Meeting
Fredrikson & Byron

December 23, 2009
Monthly Luncheon
The Minneapolis Club

January 20, 2010
Monthly Luncheon
The Minneapolis Club

February 17, 2010
Monthly Luncheon
The Minneapolis Club

March 17, 2010
Monthly Luncheon
The Minneapolis Club

March 25, 2010 (6:00 pm)
Spring Board of Directors Meeting
Women's Club of Minneapolis

April 21, 2010
Monthly Luncheon
The Minneapolis Club

May 1, 2010
Dinner and Dance
Minnekhada Country Club

May 12, 2010
Monthly Luncheon
The Minneapolis Club

THE NEXT ISSUE . . . .

Will arrive to you in your inbox in mid-December and in hard copy at the December 23, 2009 FBA luncheon.

THE COMMUNICATIONS COMMITTEE

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*Special thanks to **Rebecca L. Baertsch,** Judicial Assistant to United States District Judge Donovan W. Frank, for her proofreading expertise.*