

Volume 10

Issue 4

May 17, 2017

[www.fedbar.org/  
Minnesota.html](http://www.fedbar.org/Minnesota.html)

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**Federal Bar  
Association**  
Minnesota Chapter

# Bar Talk

## Magistrate Judge Schultz Joins District Bench

*By Erica A. Holzer*



On February 7, 2017, Magistrate Judge David T. Schultz took the oath of office and joined the District of Minnesota's bench as its newest magistrate judge. After a long career as a trial lawyer, Magistrate Judge Schultz is settling in to his new role as a judge. It has been a smooth transition, and Magistrate Judge Schultz is quick to give credit for that to the experienced court staff, his outstanding clerks and judicial assistant, and the impressive lawyers who have appeared before him.

Magistrate Judge Schultz was born in Hancock, Michigan, a small mining town of about 5,000 people in the Upper Peninsula. Shortly thereafter, his family moved to the Twin Cities, the place Magistrate Judge Schultz has called home for over five decades.

Magistrate Judge David T. Schultz, the newest member of the District bench.

*Magistrate Judge Schultz, continued on page 13.*

## Chapter Co-Sponsors CLE Addressing the Sex Trafficking of Individuals with Disabilities

*By Shannon Bjorklund*

Human trafficking takes many forms, and recent experience shows that it is occurring in our communities, and sometimes in plain sight. On April 4, 2017, the Diversity Committee and the University of Minnesota Division of the Minnesota Chapter of the FBA co-hosted a CLE about the sex trafficking of people with disabilities.

This program featured participants from several perspectives: prosecutors John Choi, Ramsey County Attorney, and Tracy Perzel, Assistant United

States Attorney; victim advocate Abigail Sterner; non-profit researcher and advocate Sarah Bessell, The Human Trafficking Pro Bono Legal Center; and U.S. District Court Judge Donovan W. Frank, a tireless advocate of people with disabilities.

Individuals with disabilities—and particularly those with cognitive disabilities—are especially vulnerable to human trafficking for several reasons. First, they may experience the world differently and communicate differently

than others. Many victims of human trafficking would not self-identify, perhaps because they do not always recognize that the abusive or manipulative behavior toward them could be labeled as trafficking. Individuals with disabilities may have additional barriers that make it harder for them to communicate their situation and receive the help they need. Second, it may be harder for outsiders to recognize the warning signs of trafficking, such as a controlling and dependent relationship with an

*CLE, continued on page 15.*



## Open Doors Program Continues to Build Bridges Between Judiciary and Local High School Students

By Theresa Anderson



From left to right, Amran Farah, Kendra Barnes, Shanzeil Hinton, and Faith Jackson participate in the Open Doors training session.

Open Doors to Federal Courts (“Open Doors”) is a longstanding initiative of the U.S. District Court for the District of Minnesota, supported by the Federal Bar Association and members of the local bench and bar. It brings programming into area high schools in order to build bridges between the judicial system and high school students. In addition, Open Doors strives to encourage all students, particularly students of color and students from diverse and low-income backgrounds, to imagine a career in the law. Open Doors also teaches students about important substantive issues and people, which in the past have included Dred and Harriet Scott, the Reconstruction Amendments, and the legacy of Justice Thurgood Marshall.

Magistrate Judge Kate M. Menendez headed this year’s program and enlisted the assistance of Minnesota Association of Black Lawyers members Johannes Widmalm-Delphonse, Amran Farah, Kendra Barnes, and Faith Jackson. Widmalm-Delphonse and Farah drafted a civil and criminal mock trial scenario. The criminal mock trial was a criminal damage to property case in which the tires of a brand new car that belonged to a Roosevelt High School student were slashed. The civil mock trial is a trademark infringement claim in which rapper Savage 21 filed a lawsuit against rapper Savage 22 for attempting to profit from the fame of Savage 21. The fact patterns in each scenario were designed to include challenging legal and social issues, issues of fairness in the court system, and discussions of bias, both implicit and explicit. Under the guidance of the volunteer attorneys, the students played all the roles of the mock trial, including judge, prosecutor or plaintiff’s attorney, defense attorney, witnesses, and jury.

A new emphasis of the program is training volunteer attorneys to work with students to help them be most effective

in building bridges and discussing issues of access, bias, and fairness. The attorneys attended a training session held at the Minneapolis federal courthouse. At the training, Barnes, Jackson, and Widmalm-Delphonse gave a powerful presentation on implicit bias. Farah led discussions with the volunteer attorneys on how to work with teenage students to grab and keep their attention, and how to have high expectations for each student while being sensitive to possible issues that each individual student may face.

Two attorneys per classroom, totaling forty-eight volunteer attorneys, visited fifteen Minneapolis public high school classrooms and eleven St. Paul public high school classrooms, reaching almost 800 students. The feedback from the teachers, students, and attorneys was all extremely positive.

Chapter President Tara Norgard and Chapter Co-Vice President for Special Events Daniel Hedlund procured a \$1,500 grant from the National Community Outreach Project of the Foundation of the FBA to purchase copies of the book *Black Lives Matter (Special Reports)* by Sue Bradford Evens and Duchess Harris. Chapter board member Patrick Arenz facilitated the purchase of 100 books to be distributed to the participating schools.

The Open Doors Program could not be the phenomenal success it has been for so many years without the willingness of the volunteer attorneys to share their time, stories, and insight with the Twin Cities high school community.

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Theresa Anderson is the judicial assistant for U.S. Magistrate Judge Franklin L. Noel.

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## Magistrate Judge Mayeron Reflects on Fourteen Years on the Bench

By Mary Schwind

Magistrate Judge Janie S. Mayeron retired from the bench on February 6, 2017, after serving the District of Minnesota for fourteen years. Her retirement brought to a close a long legal career, which began in 1976 as an associate at Best & Flanagan. In 1980, she moved to Popham, Haik, Schnobrich, Kaufman & Doty, where she practiced for nearly seventeen years, representing clients in many different types of litigation matters, including employment, products liability, professional malpractice, and commercial disputes. Her final chapter in private practice took her to Leonard, Street and Deinard (now Stinson Leonard Street) in 1997, where she was a shareholder and Vice-Chair of the Litigation Department and focused her career on the prevention and litigation of employment, noncompetition, and trade secret matters, and on general commercial litigation. Along the way, Magistrate Judge Mayeron chaired the ABA Labor and Employment Relations Subcommittee and Committee of Corporate Counsel, and the Minnesota State Bar Association's Civil Litigation Section and Alternative Dispute Resolution Committee. She was also an appointee to several Minnesota Supreme Court committees, including the Advisory Committee on General Rules of Practice, the Advisory Task Force Committee on Alternative Dispute Resolution, and the Judicial Evaluation Committee.



Magistrate Judge Mayeron.

Magistrate Judge Mayeron's interest in serving as a judge was sparked early, when her social studies teacher at Highland Park Senior High School (St. Paul) required the class to memorize all of the names of the United States Supreme Court Justices. Magistrate Judge Mayeron vowed that someday that teacher would memorize her name. While Magistrate Judge Mayeron did not achieve that childhood dream, she did

*Magistrate Judge Mayeron, continued on page 4.*

## Portrait of Judge Davis Unveiled in Well-Attended Ceremony

By Karl Procaccini



Judge Davis stands with his portrait after the ceremony.

On March 14, 2017, a capacity crowd gathered to witness the unveiling of Judge Michael J. Davis's official portrait. Chief Judge John R. Tunheim presided over the ceremony, which featured celebratory remarks by family, friends, and colleagues. As Minnesota FBA Chapter President Tara Norgard recounted, Judge Diana E. Murphy forecast in 1994 that Judge Davis would make a "profound impact" on the federal bench. Judge Murphy's judgment was affirmed throughout the event.

Several speakers highlighted Judge Davis's contributions to the legal community and beyond. Longtime friend William Manning explained that Judge Davis's appointment to the bench meant the loss of "a great, great trial lawyer" but the gain of "a tremendous judge." Norgard concurred, noting that Minnesota's first African-American federal judge "has led our community with a clear and strong voice that calls out to everyone to think and to act with courage and conviction, to ensure that all humans are treated with dignity, respect, and equality." Mike Essien, President of the Minnesota Association of Black Lawyers, commended Judge Davis for his unwavering

support of Minnesota's affinity bar associations. And Judge Donovan W. Frank praised Judge Davis's countless efforts to make the courts and legal profession open and welcoming to all. Those efforts include the FBA's award-winning *Pro Se Project*, which has provided pro bono counsel to hundreds of unrepresented litigants; the Open Doors to Federal

*Judge Davis, continued on page 6.*



*Magistrate Judge Mayeron, continued from page 3.*

pursue her interest in the law by entering the University of Minnesota Law School in 1973, immediately upon graduating *summa cum laude* from the University. After several years in private practice, she realized that her particular skills—research, writing, analysis, listening, management, leadership, and an almost maniacal devotion to fairness—would be well suited to a position on the bench. Magistrate Judge Mayeron's wealth of experience in case management, litigation tactics and strategy, discovery, and mediation served her well when she became a magistrate judge in 2003 and was reappointed in 2010.

Reflecting on the past fourteen years, Magistrate Judge Mayeron commented that the most satisfying aspects of her work have been the opportunity to work with incredibly smart and committed people, including court staff, her colleagues on the bench, pre-trial and probation personnel, counsel, and parties. Additionally, assisting attorneys and parties to reach a just and fair result—be it in the resolution of a motion or through a settlement conference—has been very rewarding. In light of the volume and variety of cases that a magistrate judge handles, Magistrate Judge Mayeron observed that nearly every day she was confronted with novel issues or had to quickly familiarize herself with unfamiliar areas of the law. According to Magistrate Judge Mayeron, the role of a magistrate judge presented the ultimate mental sharpening exercise—she often referred to the position as “brain candy.” She noted that the most challenging aspect of her work was the criminal docket—whether it was making difficult decisions to detain or release criminal defendants or deciding motions that raised thorny constitutional issues. Knowing that people's lives were in the balance weighed heavily on Magistrate Judge Mayeron.

During her years on the bench, Magistrate Judge Mayeron saw rapid and seismic changes in technology and how those changes impacted the cases

before her. Email, texting, and social media rapidly replaced face-to-face and phone communication, and created an enormous cache of information subject to discovery. In light of that, Magistrate Judge Mayeron had expected that she would be required to spend a substantial amount of time managing e-discovery disputes. But to her great surprise, and to the surprise and delight of her fellow magistrate judges across the country, lawyers, by and large, have figured out how to manage such discovery without the intervention of the courts. That said, Magistrate Judge Mayeron remarked that some of her longest and most complex decisions involved e-discovery.

The case settlement conference is one of the most critical aspects of the work of a federal magistrate judge. Magistrate Judge Mayeron is well known and well regarded for her skills in conducting these settlement conferences and helping parties resolve their seemingly intractable differences. Magistrate Judge Mayeron brought decades of experience in civil mediation to the bench, having begun mediating in the early 1980s. At that time, the Mediation Center, a non-profit organization, was one of the first organizations to train mediators and conduct mediations of civil disputes. The Minnesota Department of Human Rights tapped the Mediation Center to assist it in mediating discrimination charges that were languishing within the Department. Magistrate Judge Mayeron was trained through the Mediation Center and began mediating cases *pro bono*. She eventually developed a significant civil mediation practice before her appointment to the bench.

When meeting with parties and their lawyers before dividing them for negotiation, Magistrate Judge Mayeron would share her strongly held belief that virtually all cases should settle and that the parties, and not strangers to the case (i.e., the judge or jury), should control the outcome of a dispute. She explained that, after liti-

gating and mediating numerous cases, she had developed this philosophy based on client satisfaction (parties were more satisfied with settlements than outcomes determined at trial), her observation that in no other arena would a person turn over a problem to a third party or stranger to solve, and research that showed that lawyers were terrible predictors of what a judge or jury would decide at trial. In fact, at the settlement conference, Magistrate Judge Mayeron told the clients that if their lawyer had predicted a particular outcome, then they should get that prediction in writing and she would make it “official” by stamping it with the Court's seal! At the conclusion of a successful settlement, Magistrate Judge Mayeron would commend the parties and remind them that in her opinion the result, while not perfect, was far superior to a result that could have been imposed upon them by a judge or jury because they had controlled the outcome.

Reflecting on the advice she would give to attorneys preparing for a settlement conference in federal court, Magistrate Judge Mayeron noted that it was important for attorneys to realistically assess the strengths and weaknesses of the client's case and communicate that assessment to the client; determine whether there is an emotional component that the judge should address; time the settlement conference appropriately so there has been an adequate exchange of information through formal or informal discovery; and understand their client's negotiation style.

Consistent with her devotion to helping parties resolve their differences through skilled mediation, Magistrate Judge Mayeron singled out her informal motion practice as a particular point of pride. Early in her tenure as a judge, Magistrate Judge Mayeron realized that some issues could be resolved through informal telephone conferences, rather than costly and time-consuming formal motion practice, and

*Magistrate Judge Mayeron, continued on page 6.*



## Lively Discussion Characterizes “Practicing Law Across Generations” Panel

By Faris Rashid

Everyone seems to have an opinion regarding the generational differences between “baby boomers” and “millennials,” and how those differences affect career development and opportunities. Less frequently discussed is how real and perceived generational differences affect the development of legal careers. To that end, on March 7, 2017, the Minnesota Chapter of the Federal Bar Association and the Civil Litigation Section of the Hennepin County Bar Association (“HCBA”) co-hosted a panel discussion titled “Practicing Law Across Generations” at the Minneapolis office of Stinson Leonard Street. The panel is in keeping with the mission of The Vintage, the Chapter’s effort to create opportunities for newer and more experienced attorneys to share their practice experiences with one another. The FBA and HCBA hoped the panel would facilitate a candid discussion among judges and attorneys of different backgrounds and years of practice. Participating on the panel were Judge Ann D. Montgomery of the United States District Court for the District of Minnesota, Judge Marta M. Chou of the Hennepin County District Court, Tom Nelson of Stinson Leonard Street, Rebecca Moos of Bassford Remele, Barry Landy of Ciresi Conlin, and Brittany Skemp of Nichols Kaster.



Tom Nelson, Rebecca Moos, and Brittany Skemp participate in the panel.

The discussion began with the question of whether a “generation gap” exists today between more established attorneys and those attorneys at the start of their careers. Typical of the entire, lively discussion, the panelists each had unique views and challenged each other on their assumptions. Skemp and Landy agreed that attorneys starting their careers today faced greater difficulty securing the same experiences and practice opportunities as their more senior colleagues, but the panel debated how best to overcome those challenges or whether they even existed. For example, Nelson identified what he viewed as the key factors changing the practice of law today, including escalating legal fees, which increasingly deprived junior attorneys of trial and other experiences. Moos agreed and suggested that more senior attorneys needed to intentionally secure those opportunities with clients, instead of expecting them to happen automatically.



Faris Rashid, Judge Montgomery, Judge Chou, and Barry Landy share their thoughts about working with lawyers from different generations.

law.

Throughout the hour-long discussion, the panel also engaged with the audience regarding how the practice of law is changing, and what those changes mean for both senior and junior attorneys. Prompted by a question from the audience, the group discussed whether the increased flexibility afforded through working remotely improved attorneys’ quality of life, deprived attorneys of the chance to network and create meaningful bonds, or both. The audience also challenged the fact that many discussions about legal career development focused on large law firm models and ignored other, equally competitive government and public-interest legal positions that face their own sets of generational challenges.

The discussion ended with an agreement that the challenges faced today by attorneys of all generations would not be solved easily, but that discussing those challenges candidly and finding common ground was a good start. The FBA and HCBA look forward to hosting similar events to continue the conversation, and note that other similar efforts at cross-generational dialogue are taking place across the Minnesota legal community.

*Faris Rashid is an attorney with Greene Espel, PLLP, and co-chair of CLE programming for the Civil Litigation Section of the Hennepin County Bar Association.*



*Judge Davis, continued from page 3.*

Courts program, which has educated thousands of urban and rural high schoolers about the legal profession; and numerous outreach programs commemorating civil rights heroes and legal trailblazers who, like Judge Davis, broke down barriers and helped the legal profession better reflect the community that it serves.

Dr. Josie R. Johnson and Hennepin County District Court Judge Lyonel Norris both emphasized the personal impact that Judge Davis has had on young and aspiring lawyers. Judge Norris, who twice clerked for Judge Davis, recalled the “hundreds if not thousands of young people” who flocked to Judge Davis’s chambers seeking mentorship and guidance. Judge Norris noted that those lucky enough to work with Judge Davis discover life in chambers to be “smart, complicated, contradictory, sometimes difficult, and always interesting—just like Judge Davis.”



Judge Davis joins his family next to his portrait.

Addressing the crowd with grace and humility, Judge Davis shared his family’s rich history and expressed gratitude to the two most important women in his life—Doris Ruth Smith Davis, his mother, and Sara Wahl, his wife of forty-one years. Mrs. Wahl, directing her remarks at Judge Davis, also evoked the memory of his mother: “Your mother would be so proud of you. I can see her smile now, lined from ear to ear, just big.” Dry eyes were in short supply.

Judge Davis selected acclaimed portrait artist Jason Bouldin after seeing Bouldin’s striking portrait of civil rights icon Medgar Evers. Bouldin, who lives and paints in Oxford, Mississippi, has painted portraits for over twenty federal judges. The portrait—unveiled at the end of the ceremony by Judge Davis’s sons Michael II and Alexander—was met with applause and enthusiasm. It will be displayed permanently in Courtroom 15E of the Minneapolis federal courthouse.

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*Karl Procaccini is an attorney at Greene Espel PLLP. He clerked for Judge Davis from 2011 to 2012.*

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*Magistrate Judge Mayeron, continued from page 4.*

began offering informal motion practice as an alternative method to resolve disputes. In the years since, many parties benefited from this procedure.

Unlike some of her contemporaries, who have developed robust mediation or arbitration practices upon their departure from the bench, Magistrate Judge Mayeron has retired fully and considers her role in the legal profession as a lawyer, mediator, and judge complete. Magistrate Judge Mayeron stated that life in the immediate future will be devoted to finally getting a full night’s sleep, reading something besides legal briefs and cases, traveling, and spending time with her husband, children, grandchildren, and 95-year-old mother. In the past, Magistrate Judge Mayeron has been privileged to serve on the Board of Directors of the Northern Clay Center and the MacPhail Center for Music, and as a Board Member and the President of the University of Minnesota Alumni Association. In this vein, she expects that she will again explore non-profit service in her retirement. In the interim, look for her walking her beautiful Portuguese Water Dog, Zoe, along West River Road!

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*Mary Schwind is special counsel to Kubes Law Office, PLLC, and a former law clerk to Magistrate Judge Mayeron.*

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## Judge Montgomery Honored for Service to District

*By Matthew Webster*

On March 15, 2017, Judge Ann D. Montgomery was honored at a Minnesota Chapter luncheon event commemorating her assumption of senior status on May 31, 2016. In keeping with FBA tradition, Judge Montgomery was presented an engraved chair in honor of her years of service and leadership in the FBA.

The luncheon presentation began with an introduction by Chapter President Tara Norgard. She formally presented the chair to Judge Montgomery and praised her years of service to the Chapter, including her service as the first woman president from 1985 to 1986 and her many contributions over the years to members of the Chapter.



Left: Judge Montgomery was joined by her clerks after being presented with an engraved chair honoring her service and leadership to the Chapter.

Judge Montgomery's former judicial law clerk, Assistant U.S. Attorney Lola Velazquez-Aguilu, then introduced Judge Montgomery by highlighting many of her trailblazing accomplishments. From playing basketball as a University of Kansas Jayhawk in the days before Title IX to being the first person to give birth to a child while serving as a judge in the state of Minnesota, Judge Montgomery is well known for breaking new ground with grace.

Judge Montgomery's remarks reminisced on the history of, and her involvement with, the Minnesota Chapter. She spoke of her first tongue-tied introduction to Judge Donald D. Alsop and the welcome collegiality of the FBA in the early 1970s when she was a young Assistant U.S. Attorney. Judge Montgomery also juxtaposed memories of early FBA Judges Dinner Dances (in which the few women in the local bar had full dance cards) with the more diverse FBA of today. Her comments highlighted the unique perspectives gained from her twenty-three years on the federal bench, twenty of which she served as district judge. Judge Montgomery's remarks ended with her thoughts on the importance of a strong judiciary and a collegiate bar.

The luncheon event was attended by many current and retired jurists, as well as thirteen of Judge Montgomery's past and present judicial law clerks. From the people in the room to the vibrancy of the local FBA chapter, Judge Montgomery's many contributions to the bar were on full display at this memorable event.

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*Matthew Webster is an attorney at Gray Plant Mooty. He clerked for Judge Montgomery.*

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## Changes to ECF Filing and Interpleader Funds

### CLERK'S CORNER

By Tricia Pepin

The Clerk's Office has implemented several changes already in 2017. Please be sure to check the court's website for current local rule and Electronic Case Filing (ECF) filing guidance.

#### Civil Sealed Training

In February 2017, Local Rule 5.6, Filing Documents Under Seal in Civil Cases, was implemented. (For more information about this new local rule, please see page 10 of this issue of *Bar Talk*.) The Clerk's Office was pleased to have hundreds of e-filers take advantage of our live training sessions to prepare for this rule. We will continue to provide occasional civil sealed training sessions through 2017. Visit our training page at [www.mnd.uscourts.gov/cmecf/training.shtml](http://www.mnd.uscourts.gov/cmecf/training.shtml) for more in-

#### Proposed Order Changes

Effective April 1, 2017, attorneys must file all proposed orders in ECF. Filing the proposed order in ECF allows the attorney to serve the proposed order electronically. Attorneys must also email to the chambers email box an editable version (e.g., a version in Microsoft Word) of the proposed order after it is filed. See Local Rules 7.1, 49.1, 67.1, and 67.2 for the rule changes.

#### Depositing and Withdrawing Interpleader Funds

Effective April 1, 2017, certain steps must be followed to deposit and with-

draw interpleader funds. Interpleader funds are funds deposited under 28 U.S.C. § 1335. Local Rules 67.1 and 67.2 have been amended to incorporate these changes, and the Clerk's Office has prepared a step-by-step procedure to assist filers with the new process, which can be found at [www.mnd.uscourts.gov/cmecf/reference\\_guides.shtml](http://www.mnd.uscourts.gov/cmecf/reference_guides.shtml).

*The Clerk's Corner is provided by Tricia Pepin, Chief Deputy Clerk of the U.S. District Court for the District of Minnesota. If you have a question or topic you would like to see addressed in the Clerk's Corner, please contact Tricia at [tricia\\_pepin@mnd.uscourts.gov](mailto:tricia_pepin@mnd.uscourts.gov).*

**Join Us  
for the Minnesota Chapter's  
Golf Tournament**

**August 28, 2017 | Noon**

**Midland Hills Country Club  
Roseville | Minnesota**



## National FBA Recognizes Momoh for Moot Court Leadership

By Janet Westenberg



Adine Momoh, right, joins Joey Bowers after they received awards for their work on the Thurgood Marshall Memorial Moot Court Competition.

As a director of the Thurgood Marshall Memorial Moot Court Competition and committee chair for the last five years, there is little that goes on during the two-day national competition held in Washington, D.C. that Adine S. Momoh hasn't been involved in. So it came as a complete surprise to her when the national FBA presented her and co-director Joey Bowers with awards of their own during the awards ceremony for the twentieth annual competition that took place on March 16 and 17, 2017. Momoh was presented with an inscribed glass plaque in appreciation of her leadership and dedication to the program from 2013 to 2017.

The Thurgood Marshall Memorial Moot Court Competition is held in the Superior Court of D.C., then moves to the U.S. Court of Federal Claims, and concludes at the U.S. Court of Appeals of the Armed Forces in Washington, D.C. Student teams of two, assisted by their coach, compete to present the best written and oral argument in real court settings before judges and seasoned law practitioners. In

order to organize such a “real-world” experience, Momoh recruited committee members and oversaw various volunteers and subcommittees to tackle specific tasks, such as drafting the fact pattern for the legal problem presented, drafting a bench brief identifying the legal authorities to guide volunteer judges, and scoring briefs submitted by the teams. Momoh explains that the competition is made possible with the help of her co-director and countless volunteers who support her.

Momoh will transfer leadership to new directors in May. “I never meant to serve this long; it has been a true labor of love,” she reflects. Momoh identifies her unique leadership contribution as increasing the visibility and student participation from accredited law schools, including William Mitchell College of Law, now Mitchell Hamline School of Law, which participated for the first time in 2013. The competition that began in 1996 with ten teams currently has around forty teams competing nationally.

Momoh has many highlights from her time heading the moot court competition, including the impression the competitors left on her. “Just observing how well the students delivered their arguments, responded effortlessly to the judges’ questions, and had the law and facts nearly completely memorized, has really inspired me to a higher standard of excellence in my own professional work.” Momoh also recalls the excitement of working with the problem authors to craft a fair and balanced challenge, developing lifelong friendships with the volunteers, and the time she was called to fill in last-minute as a judge in a final round and went from being planner to participant. “These experiences and the relationships I made, I will never forget.”

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

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## Chapter Chosen for Pilot Mentorship Program

By Joey Balthazor

The Law School Outreach Committee (“LSOC”) has for a while now considered starting a formal mentorship program. The Minnesota Chapter, after all, is one of the largest and most active FBA chapters in the country. There are three law schools in the Twin Cities. And the Minnesota Chapter has long preached mentoring. A mentorship program just needed a spark.

The igniting news came late last December: The national FBA would be starting a pilot mentorship program running from February to June 2017, and Minnesota would be one of eight chapters chosen to test it out.

Sixty local FBA members—thirty attorneys and thirty law students—applied for the pilot program. The LSOC paired mentors and mentees based on practice interests, educational backgrounds, and career goals.

*Mentoring, continued on page 10.*



## New Local Rule Addresses Filing Under Seal in Civil Cases

By Jeff Justman

On February 27, 2017, the District of Minnesota rolled out a new rule, Local Rule 5.6, to govern the filing of materials under seal in civil cases. This rule significantly changes the procedures governing the sealing of documents in civil cases, and is intended (1) to provide a uniform process for filing information under seal in civil cases and (2) to reduce the amount of information filed under seal in civil cases. The rule requires that all documents filed in a civil case, including sealed documents, be filed electronically via the Court's Electronic Case Filing (ECF) system. The rule specifies that a party may seek to have only

"confidential information," as defined in LR 5.6(c)(2), filed under seal, via the following four-step process:

**Step One (LR 5.6(d)(1)).** A party who seeks to file a document under seal must first file the document under temporary seal. At the same time, the party must either (a) file a version of the document with the confidential information redacted or (b) file a statement that the entire document is confidential or that redaction is impracticable.

**Step Two (LR 5.6(d)(2)).** After all documents relating to the underlying mo-

tion have been filed, the parties must together file a completed Joint Motion Regarding Continued Sealing Form. The joint motion must be filed within 21 days after the filing of the final memorandum authorized by LR 7.1 and must address every document filed under temporary seal in association with the underlying motion. The magistrate judge will rule on the joint motion in an order that will specify whether and to what extent each document will remain sealed. If the magistrate judge orders the unsealing of information that a nonparty has designated as confidential or proprietary,

*Filing Under Seal, continued on page 12.*

*Mentoring, continued from page 9.*

Five federal judges and one Minnesota Supreme Court Justice are mentors in the program: U.S. District Chief Judge John R. Tunheim, U.S. Bankruptcy Judge Katherine A. Constantine, U.S. Bankruptcy Judge William J. Fisher, U.S. Magistrate Judge Steven E. Rau, U.S. Magistrate Judge Hildy Bowbeer, and Minnesota Supreme Court Justice David L. Lillehaug all participate in the program. There are also mentors from the United States Attorney's Office, the Minnesota Attorney General's Office, and law firms, including Fredrikson & Byron, P.A., Gustafson Gluck PLLC, and Felhaber Larson, P.A., providing experience from many practice areas.

Mentees in the FBA mentorship program benefit from the experience of leading attorneys, like Chapter President Tara Norgard, and of newer, rising attorneys like Molly Littman, a litigation associate at Gray Plant Mooty, and Ann Motl, a law clerk to Magistrate Judge Bowbeer, who provide insight for students transitioning from studying hypotheticals to practicing and clerking.

Mentees seeking clerkships, or work in government or with law firms have more than a good shot finding a mentor having experience in those areas. Judge Fisher and Paul Gaus, a third-year student at the University of Minnesota Law School, for example, are a perfect match.

Judge Fisher practiced commercial and bankruptcy law and served as a district court judge in Minnesota's Fourth District before being appointed to the federal bench. Paul wants to practice commercial and bankruptcy law and,

sure enough, will be clerking for a bankruptcy judge in the District starting Fall 2018. Judge Fisher and Paul's interests are also aligned outside the law. They are both avid sport fans, enjoy exercising, and can be found cycling around the Twin Cities.

"It is very gratifying to get to know enthusiastic young lawyers such as Paul," says Judge Fisher. "They represent a great hope for the profession, and it is the duty of the more experienced lawyers—I hate to say older—to help guide them to strengthen the legal profession and society. Young lawyers such as Paul also have a lot to teach us—ok I give in—older lawyers."

"I am extremely grateful for the opportunity to participate in the FBA mentorship program," Paul says. "Judge Fisher genuinely enjoys teaching and working with young lawyers. He is very receptive to questions that inevitably arise as I prepare to start my career. That is incredibly valuable to someone like myself who still has much to learn about the practice of law."

Judge Fisher and Paul are just one example of mentorship pairs who have excelled during the program. Many others have also enjoyed meeting and learning from respected members of the federal bench and bar. Interest for next year has already started. For those reasons and many more, the LSOC looks forward to learning from this pilot program and to an even bigger and better program coming this fall. Thank you to all mentors and mentees. Keep having fun!

*Joey Balthazor is a third-year student at Mitchell Hamline School of Law and a member of the FBA Membership Committee. He would like to give special thanks to Nick Datzov, Fredrikson & Byron, P.A., his mentor.*



## Annual Law School Reception Connects Students to Federal Bench and Bar

*By João da Fonseca*

On February 28, 2017, members of Minnesota's federal bench and bar welcomed law students to meet, mingle, and network at the FBA Annual Law Student Reception hosted by Halunen Law at their offices in the IDS Center. More than 100 guests enjoyed hearty appetizers and the opportunity to learn more about the practice of law from members of the federal bar. Law Student Social Committee Chairs Karin Ciano and Lauren D'Cruz organized the event.

Clayton Halunen welcomed attendees and told students that the key to a successful law practice is to pursue their passion and what brings them most joy, no matter what the job market looks like. Chapter President Tara Norgard thanked the federal bench for their involvement in the Chapter and shared the Chapter's core values, including collegiality, ethics, and inclusiveness to diversity. Bill Hittler encouraged those present to get involved with the Page Education Foundation, which provides scholarships to 600 high school students to attend college and mentoring during their college education. U.S. District Court Judge Donovan W. Frank augmented Mr. Hittler's endorsement of the Page Education Foundation by emphasizing the life-changing impact of mentorship to the Page Scholars and also how it improves the public perception of legal professionals. Ciano commended the student chapters at the University of Minnesota and Mitchell Hamline for their active involvement in the FBA, and encouraged the law students at St. Thomas to form their own chapter. D'Cruz shared details of upcoming FBA events and afterward conducted a raffle of free FBA memberships for the law students.

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



Clockwise from top:  
Clayton Halunen welcomes attendees.  
Karin Ciano addresses law students and Chapter members.  
Attendees enjoy the reception.

Photos courtesy of Alexandra J. Olson.



## Chapter Hosts 35th Annual Law Student Scholarship Award Ceremony and Reception

By Lauren D'Cruz



This year's award recipients and members of the District bench. From left to right, Judge Frank, Joey Balthazor, Magistrate Judge Rau, Hannah Nelson, Judge Doty, Judge Ericksen, and Bridget Duffus.

On April 13, 2017, the Minnesota Chapter hosted the annual law student scholarship award ceremony and reception at Mitchell Hamline School of Law. The ceremony celebrated the accomplishments of three graduating students from each of the local law schools who have demonstrated an excellence in the study and practice of federal law. Each award is named in honor of a person who significantly contributed to the federal legal system in Minnesota. Award recipients receive \$2,000 and an engraved wooden plaque.

This year the Judge Earl R. Larson Award was presented by Judge Joan N. Ericksen to Bridget Duffus from the University of St. Thomas School of Law. Judge David S. Doty presented the Judge Edward J. Devitt Award to Hannah Nelson from the University of Minnesota Law School. Judge Donovan W. Frank and Magistrate Judge Steven E. Rau presented the Harry A. Sieben Award to Joey Balthazor from Mitchell Hamline School of Law.

The Minnesota Chapter has recognized outstanding achievement by law students from the local law schools for thirty-five years. The program furthers the Chapter's mission of encouraging and maintaining high standards of learning and competence in the legal profession. The Chapter thanks the students, judges, law school deans, professors, and supporters for making the wonderful event a success.

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*Lauren D'Cruz is an attorney with the law firm of Lind, Jensen, Sullivan & Peterson P.A.*

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*Filing Under Seal, continued from page 10.*

the party who filed the information under seal must, within seven days after entry of the order, serve on the nonparty a copy of the document containing that information and the order.

**Step Three (LR 5.6(d)(3)).** After the magistrate judge rules on the joint motion, any party or nonparty who objects to the magistrate judge's ruling may file a motion for further consideration by the magistrate judge. A motion for further consideration by the magistrate judge is a nondispositive motion governed by LR 7.1(b).

**Step Four (LR 5.6(d)(4)).** After the magistrate judge disposes of the motion for further consideration, any party or non-

party who filed or opposed that motion may file an objection to the magistrate judge's order. Such an objection is governed by LR 72.2(a).

For questions on how to file sealed civil documents, contact the ECF Helpdesk at 612-664-5155. In addition, attorneys who have questions on how to apply the rule may reach out to any public member of the Federal Practice Committee.

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*Jeff Justman is an attorney at Faegre Baker Daniels LLP and Secretary of the Minnesota Chapter of the FBA.*

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## Year Brings Changes to Grant Committee

*By the Chapter Grant Committee*

The Chapter's Grant Committee saw big changes in 2016. After many years of co-chairing the Grant Committee, Jim Simonson served as a committee member as opposed to committee co-chair. Both Simonson and Dulce Foster, last year's Grant Committee co-chair, provided meaningful insight and guidance as the two rookies, Magistrate Judge David T. Schultz and Michael Sawers, took on the important role of Grant Committee co-chairs. Magistrate Judge Schultz and Sawers's first year at the helm of the Grant Committee was supported by healthy Chapter finances: the Grant Committee was able to award over \$50,000 in grants to very worthy grant recipients.

While this first year of transition to Magistrate Judge Schultz and Sawers resulted in many retained processes, the Grant Committee is looking ahead to ways to sharpen the process for the Committee and for applicants. Under Tara Norgard's Chapter leadership, the entire Chapter redoubled its focus on increasing awareness and emphasis on diversity and inclusion. With that renewed focus in mind, the Grant Committee intends to broaden its search for grant applicants and Committee members in 2017. The Grant Committee recognizes that a wide range of viewpoints and perspectives will broaden the Committee's approach to awarding grants and strengthen its ultimate reach, with the intention of reaching new groups and causes.

Also consistent with the Chapter's focus on including a new range of participants, the Grant Committee is always searching for new committee members and applicants. For all those interested in getting involved with the FBA but unsure where to start, the Grant Committee welcomes attorneys of all stripes and backgrounds.

Grant applications will be made available this summer, with applications due in September. Stay tuned for details regarding Grant Committee membership and the grant application details!

*Magistrate Judge Schultz, continued from page 1.*

Magistrate Judge Schultz graduated from Carleton College *magna cum laude* with distinction and as a member of Phi Beta Kappa in 1981. He also lettered in baseball, as an infielder for the Carleton Knights. It is no secret that baseball has been a lifelong passion for Magistrate Judge Schultz. After college, he continued to play into his early 50s "long after his prime" in Minnesota's Senior Men's Amateur Baseball League. Magistrate Judge Schultz says he learned more about himself and the game of baseball playing in that amateur league than anywhere else. Now, as a coach for his children's baseball teams, he enjoys being able to teach his kids to love and respect the game and all that it has to offer, on and off the field.

After Carleton, Magistrate Judge Schultz attended Stanford Law School. He graduated in 1985 and joined the firm of Leonard Street and Deinard. In his first year in practice, Magistrate Judge Schultz took on a pro bono death penalty case, the first of three pro bono death penalty cases he would take in his career. As a result of his work on that case, his client's sentence was commuted to life imprisonment. He also worked on the *In re Norwest Bank Fire Cases* trial team, which at the time was the biggest tort case in Minnesota history.

In 1987, an opportunity presented itself for Magistrate Judge Schultz to join the Minnesota Attorney General's Office, and he took it. For the next eleven years, Magistrate Judge Schultz worked in the AG's office under former Attorney General Skip Humphrey and his chief deputy at the time, U.S. District Court Chief Judge John R. Tunheim. Magistrate Judge Schultz tried over twenty cases during

his time at the AG's office, prosecuting white-collar crimes in the Law Enforcement Section and as a civil trial attorney in the Solicitor General's Section.

Magistrate Judge Schultz then joined the law firm of Hallelund, Lewis, Nilan, Sipkins, and Johnson. And in 2006, he joined the law firm of Maslon LLP, where he practiced until his appointment to the federal bench. As an attorney in private practice, Magistrate Judge Schultz practiced primarily in federal court litigating a broad range of complex disputes, including intellectual property and medical-device product liability actions. He became board certified as a Civil Trial Advocate by the National Board of Trial Advocacy and as a Civil Trial Specialist by the Minnesota State Bar Association. In addition to trying cases to verdict in state and federal courts throughout the country, Magistrate Judge Schultz also developed an active appellate practice, having argued more than fifty cases before several federal circuits as well as the Minnesota Supreme Court and Minnesota Court of Appeals.

Amidst his vibrant law practice, Magistrate Judge Schultz never lost sight of his commitment to pro bono work and regularly devoted several hundred hours to pro bono representation every year. Over the years Magistrate Judge Schultz represented a diverse range of clients in pro bono matters, from helping a young woman escape a violent relationship, to helping the family of Father John Kaiser, who was murdered in Kenya, reverse the Kenyan government's finding of suicide; from representing an individual charged with "criminal syndicalism" under a statute enacted during the 1919 "Red Scare," to helping the family of a murdered

*Magistrate Judge Schultz, continued on page 15.*





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*Magistrate Judge Schultz, continued from page 13.*

woman secure justice by achieving a civil finding of homicide when the criminal system failed. In 2000, Magistrate Judge Schultz led a delegation of lawyers and judges to Kosovo to write the criminal procedure bench book for the post-war Kosovar judiciary, which was later adopted by the United Nation's General Assembly.

Most recently, Magistrate Judge Schultz represented a 57-year-old man named Terry Olson who, on September 13, 2016, became the fifth person on record to obtain early release from prison through the work of the Innocence Project of Minnesota. As a result of his tireless work to help free the wrongfully convicted and reform the criminal justice system, Magistrate Judge Schultz was recognized at the Innocence Project's 2016 Benefit for Innocence with the "Never Forgotten Award" and was named a 2016 Attorney

of the Year by *Minnesota Lawyer*. Magistrate Judge Schultz has served on the board of the Innocence Project of Minnesota for the past twelve years and as Chair of the Board in 2007. He has also served on the Board of the Council on Crime and Justice and was appointed by the President of the American Bar Association to serve on the Death Penalty Representation Project's Steering Committee.

The breadth and depth of Magistrate Judge Schultz's experience as trial lawyer are sure to make him an excellent magistrate judge and a welcome addition to the federal bench in the District of Minnesota.

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*Erica A. Holzer is a litigation and appellate attorney at Maslon LLP.*

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*CLE, continued from page 1.*

At right: Panel participants and organizers. From left to right, Rachel Cardwell, Abigail Sterner, Tracey Perzel, Judge Frank, John Choi, Sarah Bessell, Vildan Teske, and James Soper.



other adult. Third, individuals with disabilities are sometimes targeted because the perpetrator will steal the victim's Social Security or other benefit payments, while exploiting and abusing the individual.

The participants shared stories of exploitation, prosecution, and even prevention of human trafficking. One key message repeated by several participants was the critical role of bystanders: attorneys, doctors, police, neighbors, friends, and community members. They emphasized that success stories—intervention or prevention—occur when bystanders listen to their "gut reaction" that something is wrong. For example, one participant shared a story that a neighbor requested a police welfare check after hearing suspicious noises from an upper window. The police learned that a woman with a disability was being locked in the upper level of the house and was being groomed to be sex trafficked. The neighbor's intuition and proactive approach led to an intervention at a critical point. The participants concluded by challenging attendees to be aware of individuals they may come in contact with, to rely on intuition, and to report any suspicions. As the example given demonstrates, a well-timed welfare check can make a critical difference.

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*Shannon Bjorklund is a partner at Dorsey & Whitney LLP, specializing in intellectual property litigation and public law applicable to government entities in Minnesota.*

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## Upcoming Events:

**June 20, 2017**

*Federal Practice Seminar  
and Mason Memorial  
Luncheon*  
8:30 a.m. to 6:00 p.m.  
University of St. Thomas  
School of Law

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**August 28, 2017**

*Annual Chapter Golf  
Tournament*  
Noon  
Midland Hills Country  
Club, Roseville

To register, please  
contact Tracey Holmes  
Donesky at  
Tracey.Donesky@Stinson.  
com.

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

A special thank you to **Rebecca Baertsch**, Judicial Assistant to Judge Donovan W. Frank, for her proofreading expertise, and **Cassandra Doran**, Mitchell Hamline School of Law, for her formatting assistance.

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## Special Thanks

The Chapter would like to extend its sincere gratitude to  
**NightOwl Discovery**  
for its long-standing support of *Bar Talk*.

Since 2010, NightOwl has supported our Chapter by printing and delivering the copies of *Bar Talk* distributed at our monthly luncheons.

The Chapter appreciates your generosity and support.