



**Federal Bar
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Minnesota Chapter

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Bar Talk

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District of Minnesota Mourns Passing of United States Magistrate Judge Steven E. Rau

By Brian J. Pousson



United States Magistrate Judge
Steven E. Rau

We are deeply saddened to announce that United States Magistrate Judge Steven E. Rau passed away on November 8, 2019. He was 63 years old. Diagnosed with gastric cancer in 2017, Magistrate Judge Rau resolved to spend his remaining time with purpose. He achieved that admirable objective over the last two years, traveling with his loved ones, continuing his ju-

dicial work with tireless devotion, mentoring many younger lawyers, playing golf as often as he could, and sharing his distinctive laugh with everyone around him. Magistrate Judge Rau's family, friends, and colleagues will remember his life's seamless blend of the traditional and the irreverent. He combined a rigorous work ethic with an equally impressive *joie de vivre*. He was fiercely intelligent and brimmed with compassion. His gregarious nature and social personality was matched by his devotion to his wife, Christine, his children, Victoria, Alex, and Edward, his faithful hound, Teddy, and the many other surviving members of his family.

Magistrate Judge Rau was born and raised in Massachusetts, graduated from Carleton College, and earned his law degree from William Mitchell College of Law. He clerked for Minnesota Supreme Court Chief Justice Douglas K. Amdahl, then embarked on a lengthy private practice career in Minneapolis. Magistrate Judge Rau was appointed to the bench in 2011, and he left a lasting impression as a jurist who cared deeply about equal access to justice. Magistrate Judge Rau worked to keep the courthouse doors open to all by helping to establish the *Pro Se* Project. He was also instrumental in creating the Federal Transportation Program, which helps children travel to visit their mothers who are incarcerated in out-of-state prisons. He will be sorely missed by his entire "federal family." ■

Brian J. Pousson is a career law clerk for United States Magistrate Judge Katherine M. Menendez. When Magistrate Judge Rau and Pousson both worked in the St. Paul courthouse, they and their friend, Christopher Proczko, built a lasting bond around group biking trips to the office and over story-filled breakfasts at the Buttered Tin.

Editors' Note: The upcoming issue of Bar Talk will also honor Magistrate Judge Rau.

Minneapolis Federal Courthouse Named in Honor of Eighth Circuit Judge Diana E. Murphy

By Caitlinrose Fisher and Virginia McCalmont

On October 16, 2019, the Minneapolis federal courthouse gained a new name, and the late Eighth Circuit Judge Diana E. Murphy added yet another first to her remarkable career—becoming the first female circuit judge to have a federal courthouse named after her. The Minneapolis federal courthouse is now the “Diana E. Murphy United States Courthouse.”

Family, fellow judges, former law clerks, friends, and admirers gathered to mark the occasion, which was set in motion a year and a half earlier by former law clerk and general counsel to Minnesota Governor Tim Walz, Karl Procaccini, with Judge Murphy’s learning of the effort and giving her blessing to it just weeks before her passing. The process to name a federal building can be a complex one. But in this instance, the process moved swiftly and smoothly, culminating in congressional approval in just a few months. *See* 132 Stat. 3893 (2018). The widespread support enjoyed by the renaming effort—as demonstrated by the unanimous support of Minnesota’s congressional delegation—reflected the universal view that there could be no better person after whom to name the Minneapolis federal courthouse and no better tribute to Judge Murphy’s lasting legacy on the court.

Judge Murphy’s impact on the Minneapolis courthouse was quite literal. In written remarks read at the naming ceremony, Senior United States District Judge Donald D. Alsop described Judge Murphy as the mother of the courthouse structure. The building was proposed and designed during Judge Murphy’s tenure as Chief Judge of the District of Minnesota. Judge Murphy took her role in overseeing the building’s construction seriously, offering suggestions about how to ensure that the courthouse was a place welcoming

to all who entered it and selecting the rock men that grace the courthouse plaza. During that time, she developed a deep and lasting friendship with the building’s architect, Richard Gilyard. In fact, much to the delight of her law clerks, every December, Gilyard would join Judge Murphy and her chambers staff for lunch, regaling everyone with bits of trivia and funny anecdotes about the building and its construction. Judge Murphy not only was involved in the building’s development, she was also effective at managing it. As Emily W. Murphy, Administrator of the U.S. General Services Administration (no relation to Judge Murphy) noted at the courthouse naming ceremony, under Judge Murphy’s leadership, the courthouse was built on time and under budget.

Judge Murphy’s impact on the Court extends far beyond its physical structure. Judge Murphy was the first woman appointed to the District of Minnesota (1980) and to the Eighth Circuit Court of Appeals (1994). On the Eighth Circuit, she remained the sole female judge until Judge Jane L. Kelly joined her in 2013. Judge Murphy dedicated herself to advancing the status of women in the legal profession and on the bench, serving as a devoted mentor to many and participating in the Infinity Project’s work. As United States District Judge Nancy E. Brasel noted in her remarks at the courthouse naming ceremony, Judge Murphy’s seat on the District of Minnesota is a special testament to Judge Murphy’s legacy and efforts to advance gender parity on the bench, as it is the only federal judgeship in the United States to have been held for nearly fifty years by an unbroken line of women jurists (Judge Murphy, Senior United States District Judge Ann D. Montgomery, and Judge Brasel). Judge Brasel said that

she will “hold the seat in trust” until the next woman’s turn—a sentiment that would have been both shared and deeply appreciated by Judge Murphy.

The remarks at the courthouse naming ceremony reflected Judge Murphy’s lasting impact on those who were fortunate enough to know her both personally and professionally. Chief United States District Judge John R. Tunheim served as the master of ceremonies, which also included video remarks from Representative Tom Emmer, the chief sponsor of the House bill to rename the courthouse (H.R. 6244 115th Cong. (2018)), and written remarks from Senator Amy Klobuchar, the chief sponsor of the Senate bill (S. 3021, 115th Cong. § 4315 (2018)). Several of Judge Murphy’s colleagues, friends, and family spoke, sharing memories of the Judge’s quick wit and incisive judgment. Judge Murphy’s colleague on the Eighth Circuit, Chief Judge Lavenski R. Smith, called Judge Murphy “the real deal”—someone who was unapologetically herself and lived the ideals of her commission both on and off the bench. Judge Murphy’s son, John Murphy, spoke of Judge Murphy’s abiding love for the law and her more than one hundred law clerks, whom she viewed as family. One of those clerks, Minnesota Supreme Court Justice Margaret H. Chutich, spoke of the influence Judge Murphy had on the lives of her clerk family, teaching all of those who worked with her the importance of considering each case carefully on its own merits and drafting opinions in language that is clear and accessible.

The ceremony concluded with Chief Judge Tunheim’s reading a proclamation by Governor Walz, which stated that in light of Judge Murphy’s “trail-blazing life and lasting legacy, it is fitting that the Diana E. Murphy United

Judge Murphy, continued on page 3.

Judge Murphy, continued from page 2.

States Courthouse is the first federal building in the Eighth Circuit to be named after a woman” and proclaimed October 16, 2019, as “Diana E. Murphy Day.” After the proclamation was read, attendees moved outside to witness the unveiling of Judge Murphy’s name on the courthouse’s exterior. Guests were also treated to a performance by a Native American drum circle, an ode to Judge Murphy’s noted expertise in and commitment to the development of federal Native American law.

It is hard to capture in words what it means to those who knew Judge Murphy best to see her name prominently displayed on the building to which she gave so much of herself. But many in the gathered crowd nodded in agreement when Judge Murphy’s law school classmate, friend, and fellow member of the District of Minnesota, Senior Judge Montgomery, noted that she would “always be proud to say that I work in the Diana E. Murphy Courthouse.” ■

Caitlinrose Fisher and Virginia McCalmont are attorneys at Greene Espel PLLP. They clerked for Judge Murphy from 2016–2017.



(L to R) Judge Kelly, Judge Brasel, and Senior Judge Montgomery at courthouse naming celebration



Attendees at the courthouse naming ceremony are treated to a performance by a Native American drum circle.



Chief Judge Tunheim shares remarks, with two former Judge Murphy law clerks, Justice Chutich and Procaccini

Minnesota Chapter Begins Monthly Luncheons with Fireside Chat Featuring Eighth Circuit Judge David R. Stras

By Emily McAdam



Judge Stras, Bullard, and Justman

On September 11, 2019, the Minnesota Chapter of the Federal Bar Association began its monthly luncheon series with a fireside chat featuring Judge David R. Stras of the Eighth Circuit Court of Appeals. Joining Judge Stras were two of his former research assistants from his days as a law professor at the University of Minnesota Law School, Elsa Bullard and Jeff Justman. The conversation topics ranged from Judge Stras's childhood in Kansas to how he uses technology as a judge.

Judge Stras touched briefly on his childhood. He grew up in Wichita, Kansas, where his mother's family settled. His paternal grandparents were Holocaust survivors who settled in Kansas City following World War II. Judge Stras clerked for United States Court of Appeals Judges Melvin T. Brunetti (Ninth Circuit) and J. Michael Luttig (Fourth Circuit) before clerking for United States Supreme Court Justice Clarence Thomas. His favorite memory from clerking was sitting around the fireplace in chambers discussing cases with Justice Thomas and his fellow clerks. Justice Thomas was the only Justice to actually use his fireplace, and given the antiquated ventilation system, everyone at the Supreme Court knew when he was enjoying a fire. Judge Stras also spoke of the immense privilege he felt at having the opportunity to learn not only from Justice Thomas, but also from his Supreme Court co-clerks.

A love of learning turned into a love of teaching, and Judge Stras taught at the University of Minnesota Law School from 2004 to 2010. Among his favorite memories from teaching were the times students came into his classes not knowing anything about the law, but by the end of the semester would be in his office discussing tough legal issues with confidence. Judge Stras also enjoyed involving students like Bullard and Justman as he worked on academic articles covering myriad topics.

Writing took on new meaning after Judge Stras's 2010 appointment to the Minnesota Supreme Court. Judge Stras joked that, unlike the writing he did as a professor, becoming a Minnesota Supreme Court Justice meant that *some* people might actually read what he wrote. Judge Stras knew that writing would be important in his new role, but he has discovered through his time as a justice and now judge two other traits vital to an appellate judge: patience and good listening. Serving on an appellate court, Judge Stras remarked, requires listening to your colleagues because at the end of the day you need to reach a majority position. In a way, Judge Stras found this process easier during his time on the Minnesota Supreme Court because he worked in the same building as his colleagues, making it less cumbersome to discuss cases and make decisions. Judge Stras observed that the process is different now that he sits on the Eighth Circuit; his colleagues are spread throughout the circuit, which means much of the back and forth is done digitally as opposed to in person.

Technology plays more of a role on the court than a practitioner might expect. Judge Stras shared that he reads everything case-related on his court-issued iPad. Specialized applications allow him to take notes and annotate materials as needed, and hyperlinks within briefs make it possible for him to jump directly to a cited case or portion of the record. This window into Judge Stras's process reinforces the importance of ensuring your citations are accurate. Although he still relies on his law clerks in preparing for cases, Judge Stras can easily check the accuracy of a party's legal and factual assertions himself.

Judge Stras opted for a fireside chat format because he wanted an informal setting where the audience could get to know him as more than a member of the judiciary. Toward the end of lunch, Bullard and Justman turned to some of Judge Stras's favorite pastimes: soccer, '80s hair bands, and fruit orchards. Although Judge Stras's favorite footballer is his son Ben, he also roots for Sporting Kansas City and Minnesota United FC. When not watching soccer or listen-

Judge Stras, continued on page 5.

The Supreme Court Term in Preview

By Chad Pennington

On October 17, 2019, the Eighth Circuit Bar Association, in tandem with the Minnesota Chapter of the Federal Bar Association, hosted “The Supreme Court Term in Preview” at the Warren E. Burger Federal Courthouse. The CLE event was a panel discussion followed by a social reception. Panelists included attorneys Aaron Von Oort and Jeff Justman of Faegre Baker Daniels and attorneys Sybil Dunlop and John Baker of Greene Espel PLLP. The panel was moderated by Eighth Circuit Judge David R. Stras. The panel discussion focused on several upcoming United States Supreme Court cases in the areas of constitutional law, jurisdiction and procedure, statutory law, criminal law and procedure, and intellectual property law.

In constitutional law, the discussion focused on cases arising under the First, Second, and Fourteenth Amendments. In *Espinoza v. Montana Department of Revenue*, the Court will consider whether the First Amendment religion clauses or the Fourteenth Amendment

equal protection clause is violated by state action invalidating a generally available and religiously neutral student-aid program when that state program permits students to attend religious schools. In *New York State Rifle & Pistol Association v. New York*, the Court will consider whether a New York City ban on transporting a licensed, locked, and unloaded handgun to a home or shooting range outside the city limits violates the Second Amendment, the Commerce Clause, and the constitutional right to travel.

The criminal law and procedure discussion also focused on several cases. In *Kansas v. Glover*, the Court will consider whether, for purposes of a Fourth Amendment investigative stop, it is reasonable for an officer to suspect that the registered owner of a vehicle is the driver absent any information to the contrary. In *Ramos v. Louisiana*, the Court will consider whether the Fourteenth Amendment fully incorporates the Sixth Amendment right to a unanimous verdict. In *Kahler v. Kan-*

sas, the Court will consider whether the Eighth Amendment allows a state to abolish the insanity defense.

In federal statutory law, the panel discussed cases arising under the Affordable Care Act, *Moda Health Plan v. United States*, *Maine Community Health Options v. United States*, and *Land of Lincoln Mutual Health Insurance Co. v. United States*, and Title VII, *Altitude Express Inc. v. Zarda* and *Bostock v. Clayton County, Georgia*. In intellectual property law, the panel discussed *Peter v. Nankwest*, and in the realm of jurisdiction and procedure, the panel discussed cases arising under ERISA, *Retirement Plans Committee of IBM v. Janderz*, DACA and the APA, *Trump v. NAACP*, *McAleenan v. Vidal*, and *Department of Homeland Security v. Regents of the University of California*, and involving statutes of limitation, *Rotkiske v. Klemm* and *Intel Corp. Investment Policy Committee v. Sulyma*. ■

CLE Event Code: 280120; 1 Standard Credit

Chad Pennington practices with the Office of the Federal Defender-Fargo and is Co-Editor of Bar Talk.

Judge Stras, continued from page 4.

ing to music, you might find Judge Stras tending to one of his three plum, two cherry, two peach, or many apple trees. He thought picking fruit would be something he and his kids could enjoy together, but Judge Stras has found that it is mostly him figuring out how to manage the trees. Not to worry, he is alright with that.

When the conversation returned to the law, Judge Stras was asked what types of cases he missed from his time on the Minnesota Supreme Court. Judge Stras said that he missed state tax cases. When Justman asked whether he found such cases “taxing,” Judge Stras assured the chuckling crowd that the answer was “no.” ■

Emily McAdam is a law clerk for Senior United States District Judge David S. Doty and a 2019 graduate of the University of Minnesota Law School.

Minnesota Chapter Welcomes Governor Tim Walz to October Luncheon

By Cody Blades

Minnesota Governor Tim Walz was the featured guest at the October 16, 2019 Chapter luncheon. In a discussion moderated by Beth Forsythe of Dorsey & Whitney LLP, Governor Walz spoke about diversity in the judiciary, criminal justice reform, gun reform, and the important role of congressional oversight.

Since Governor Walz has been in office, thirty-five percent of judicial appointees have been people of color, and sixty percent have been women. Governor Walz stressed that his desire to foster diversity in the judiciary is “not for the sake of saying” that Minnesota’s bench is diverse, but because of the impact a diverse judiciary can have on the administration of justice: “People who come in front of those judges [need] to see themselves reflected in the judicial system,” he explained.

Governor Walz discussed his commitment to criminal justice reform, linking criminal justice reform with education reform: “We can either send them on a school bus to Head Start or a school bus to Stillwater.” According to Governor Walz, half of the people who go back to prison do so for parole violations, many of which are minor curfew violations. Because “ninety-five percent of the people that go to jail come back to be our neighbors,” Governor Walz observed that it is in the best interest of all of us if they are engaged in the process while serving their time and invested in the community once they are released.

As to gun reform, Governor Walz supports background checks and red flag laws. He believes there is a proper place for firearms in our society, noting that he went pheasant-hunting the weekend before the luncheon. However, Governor Walz commented that, as an artillery man in the Army, “I’ve shot everything. I can shoot a 155 mm cannon, but no one has made the case to me that you should own them.”

As to the role of congressional oversight in our democracy, Governor Walz cautioned that any attempt to “undermine” the built-in checks and balances of our system is a “real threat” to confidence in government. He emphasized the importance of meaningful institutional checks and balances, pointing to the Stop Trading on Congressional Knowledge Act (STOCK Act) he authored when he represented Minnesota’s First District in the United States House of Representatives. Signed into law by President Barack Obama on April 4, 2012, the STOCK Act prohibits members of Congress and congressional employees from using non-public information they obtain via their work to derive a personal benefit.

Governor Walz was warm and charismatic, and filled the luncheon with abundant information and institutional knowledge. ■

Cody Blades is an associate at Zimmerman Reed PLLP and a member of the Public Client & AG Practice. She has been litigating cases for several years and is currently helping the State of Indiana and the State of Vermont litigate their cases against opioid manufacturers and distributors. Blades clerked for Minnesota Court of Appeals Judge John R. Rodenberg.

United States Magistrate Judge Tony N. Leung Shares About the Importance of Community Building

By Bryce Riddle

United States Magistrate Judge Tony N. Leung, the 2019–2020 President of the Minnesota Chapter of the Federal Bar Association, spoke at the September 18, 2019 Newer Lawyers’ Committee luncheon. Magistrate Judge Leung’s speech focused on the importance of community building.

Magistrate Judge Leung explained that his community involvement resulted in life-long mentorships and added immeasurable value to his legal practice. His community involvement led to a mentorship that became an integral part of his success as an attorney. Magistrate Judge Leung encouraged newer lawyers to develop relationships with mentors and champions who are invested in their personal growth and are willing to serve as their advocates. He added that young attorneys should be ready to give back and one day serve as someone else’s mentor and champion.

Magistrate Judge Leung stressed that community building requires early effort. He advised newer lawyers to view each other as part of a collaborative support network, not as competitors. Magistrate Judge Leung concluded with a reminder that building and fostering a supportive and collaborative community leads to greater collegiality within the legal profession and a more fulfilling legal career. ■

Bryce Riddle is an associate at Zimmerman Reed PLLP, where he concentrates his practice on complex litigation and class actions in the areas of sports, data breaches, and consumer protection law.



Bankruptcy Judge Kressel shares remarks about the court



Chief Bankruptcy Judge Ridgway addresses reception guests

Bankruptcy Court Celebrates Fortieth Anniversary of Bankruptcy Reform Act of 1978

By Lanna Magnolia

October 1, 2019, marked the fortieth anniversary of the effective date of the landmark Bankruptcy Reform Act of 1978. The Act established bankruptcy courts for each judicial district and created clerks of those courts, dramatically changing the way bankruptcy cases were handled in the United States.

On September 19, 2019, the Minnesota Chapter of the Federal Bar Association and the Bankruptcy Court for the District of Minnesota co-hosted a reception at the Shindig Event Center in downtown Minneapolis to celebrate the anniversary and to honor current and former judges of the Bankruptcy Court for the District of Minnesota.

Approximately 100 attendees, including several past and present district judges, magistrate judges, and bankruptcy judges, attended the event.

The attendees enjoyed remarks from Chief United States District Judge John R. Tunheim, Chief United States Bankruptcy Judge Michael E. Ridgway, United States Bankruptcy Judge Robert J. Kressel, and, on behalf of the Federal Bar Association, the 2019–2020 President of the Minnesota Chapter, United States Magistrate Judge Tony N. Leung. The speakers discussed the history of bankruptcy law in the United States, the creation of the Act, the importance

of bankruptcy law in the context of the broader justice system, and shared stories of District of Minnesota bankruptcy judges.

The attendees were also privileged to hear brief remarks from Robert Feidler, former President of the American Bankruptcy Institute. Feidler served for twenty years with Congress and the federal judiciary, including several years of work on the Act as a Senate Judiciary Committee staff member. Feidler presented a framed, official copy of the signed Act for viewing at the event. ■

Lanna Magnolia is a graduate of the University of Denver Sturm College of Law. She clerks for Chief Bankruptcy Judge Ridgway.

***Pro Se* Project Celebrates Tenth Anniversary at 45th Annual Federal Practice Seminar**

By Tiffany Sanders

Access to justice is a high priority of the United States District Court for the District of Minnesota and the Federal Bar Association. The *Pro Se* Project is a collaborative effort between the federal bench and bar that began ten years ago to increase access to justice for pro se litigants. The underserved of our community, who are ill-equipped to appear on their own, bring their most important issues into our courts, seeking justice without counsel. Pro se litigants pose unique challenges to judges, opposing counsel, and the court system as a whole, as they require more time and attention than litigants represented by counsel.

When Senior United States District Judge Michael J. Davis became Chief Judge in 2008, he worked with the court and key Federal Bar Association leaders United States Magistrate Judge Steven E. Rau (who was in private practice at the time), Dan Gustafson, Lora Friedemann, and Jeff Ali to address the challenges pro se litigants pose and to enhance access to justice. Through their leadership, the *Pro Se* Project began in May 2009. Gustafson and Gustafson Gluek PLLC volunteered to administer the project, and Tiffany Sanders became the *Pro Se* Project coordinator the following year.

When a civil pro se litigant appears in federal court, the presiding judge or magistrate judge exercises discretion in referring the litigant to the *Pro Se* Project. The goal of the project is to afford pro se litigants who receive a judicial referral a meaningful opportunity to consult with a volunteer attorney. Although the *Pro Se* Project does not have strict eligibility guidelines, the vast majority of pro se litigants who judges refer to the project are low-income individuals, and many litigants struggle with other disadvantages including disabilities, cultural challenges, and lack of access to education.

Attorneys who volunteer through the *Pro Se* Project are not obligated to represent pro se litigants, but numerous lawyers choose to do so. Many volunteer attorneys have argued their first motions and tried their first cases in federal court through *Pro Se* Project cases. And with the Early Settlement Conference Project, volunteer lawyers may enter a limited appearance in select cases to assist pro se litigants through a court-annexed settlement conference.

Since the project's inception in May 2009, the court has referred more than 750 cases to the *Pro Se* Project. Through the generous work of more than 450 volunteer attorneys, the project has served well in excess of 1,400 pro se litigants—plaintiffs, defendants, individuals, and groups involved in various types of civil cases (as demonstrated by the chart of referrals by nature of suit). Over the *Pro Se* Project's past decade, volunteer attorneys have performed awe-inspiring work, making a difference in individuals' lives, effecting positive change in our community, and assisting the court in the administration of justice.

In honor of the *Pro Se* Project's tenth anniversary, volunteer attorneys were invited to attend the Minnesota Chapter of the Federal Bar Association's 45th Annual Federal Practice Seminar on June 20, 2019 free of charge. The court generously funded *Pro Se* Project volunteers' registration fees in gratitude for the ten years of service participating lawyers provided. The seminar's commemoration of the *Pro Se* Project's tenth anniversary included United States District Judge Wilhelmina M. Wright's presentation of the *Pro Se* Project Lifetime Achievement Award to Gustafson and recognition of all the volunteer attorneys.

Over the course of the decade, Gustafson and the Gustafson Gluek firm have accepted more *Pro Se* Project referrals than any other law firm. Highlights of the cases Gustafson and the firm have accepted are among the most significant highpoints of the *Pro Se* Project and include:

- Changing Hennepin County Adult Detention Center's procedures for detaining adults with mental health issues;
- Advancing Minnesota's Muslim inmate population in their free exercise of religion by making halal-certified meals available in Minnesota Department of Corrections facilities; and
- Providing representation to more than 700 sex offenders in the Minnesota Sex Offender Program, giving them a means to challenge the constitutionality of their civil commitments.

Gustafson received a standing ovation in accepting the *Pro Se* Project Lifetime Achievement Award. Gustafson also extended thanks to the 450-plus volunteer attorneys who have made the *Pro Se* Project a success. The seminar concluded with a happy-hour reception celebrating a decade of *Pro Se* Project volunteer attorneys and their contribution to enhancing access to justice in our federal court.

For more information on the *Pro Se* Project or to volunteer, contact Tiffany Sanders at proseproject@q.com or 612.965.3711. ■

Tiffany Sanders is the Pro Se Project Coordinator.

Pro Se Project Referrals

May 2009 – June 2019

By Nature of Suit

Civil Rights	206
Employment Discrimination	201
Social Security	98
Consumer Rights	66
Contract	43
Personal Injury	22
Tax	18
ERISA	15
Fraud	12
Habeas Corpus	7
Immigration	7
Real Property	7
Trademark Infringement	7
Copyright	6
Labor	4
Medical Malpractice	4
Racketeer Influenced and Corrupt Organizations Act	4
Assault, Libel, Slander	3
N/A - 8th Circuit and pre-filing referral	3
Personal Property	3
Federal Communications Act	2
Forfeiture	2
Insurance	2
Motor Vehicle	2
Return of Child/Rights of Access to Child	2
Securities/Commodities	2
Arbitration	1
Banks and Banking	1
Commerce	1
False Claims	1
Family Medical Leave Act	1
Freedom of Information Act	1
Intellectual Property	1
National Labor Relations Act	1
Patent Infringement	1
Return of Child/Rights of Access to Child	1
Tribal Land	1
Total	759



**PRO SE PROJECT
2009 – 2019
A Decade of Volunteer Attorneys**



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Diversity Committee Co-Sponsors Student Legal Writing Workshop

By Frank Aba-Onu



(L to R) Judge Tostrud, Justin Erickson, Dean Robert Vischer, Professor Julie Oseid, Anne Regan, Frank Aba-Onu, Elizabeth Odette

Together with the University of St. Thomas School of Law, the Diversity Committee of the Federal Bar Association's Minnesota Chapter co-sponsored a Law Student Writing Workshop on Thursday, November 7, 2019.

As part of this event, University of St. Thomas law students

attended a forty-five-minute panel discussion with United States District Judge Eric C. Tostrud, Anne Regan, Hellmuth & Johnson, and Justin Erickson, law clerk for United States Magistrate Judge Tony N. Leung, to discuss the art of legal writing.

After the discussion, the students broke up into two groups. The 2Ls and 3Ls presented writing samples to various attorney volunteers for critique and suggestions. The 1Ls received a legal writing problem (with brief facts and excerpts of relevant legal authorities) and had the opportunity to brainstorm and then discuss the writing problem with an attorney volunteer.

After this, the students networked with the attorney volunteers during a reception hour. There was a good turnout, with thirty-seven students and equal representation from the legal community. Both students and volunteers remarked that this was an invaluable program to assist the students in honing their legal writing skills while positively interacting with local practitioners. ■

Frank Aba-Onu is a shareholder at Bassford Remele and litigates employment, professional liability, and general liability matters. Aba-Onu also serves as a Co-Chair for the Diversity Committee of the Minnesota Chapter of the Federal Bar Association and as Vice-President of the Minnesota Association of Black Lawyers.

District of Minnesota Welcomes Kosovo Legal Experts

By Theresa Anderson

This September, Minnesota was the proud host of a delegation of legal experts from Kosovo. The visiting experts are part of a sentencing commission tasked with establishing a refined sentencing system in Kosovo that places greater importance on the sentencing process. The Kosovo delegation consisted of supreme court judges, a judge on the appellate court, a municipal court judge, prosecutors, a criminal law professor, and two legal assistants. Accompanying the delegation were Lana Ownes, a resident legal advisor with the U.S. Overseas Prosecutors Development and Assistance ("OPDAT") and Brittany Garcia, an OPDAT program analyst.

During its week-long visit, the delegation observed both state and federal government entities. At the federal level, the delegation observed a sentencing and a change of plea hearing before Chief United States District Judge John R. Tunheim. The experts also attended a panel discussion with Assistant United States Attorneys, Federal Public Defenders, and U.S. Probation and Pretrial Services regarding the use of the Federal Sentencing Guidelines and the role of each institution in implementing the guidelines. Chief Judge Tunheim and the Minnesota Chapter of the Federal Bar Association hosted a reception for the participants.

At the state level, the delegation visited the Minnesota Attorney General's Office, where it was greeted by Attorney General Keith Ellison and learned about how a prosecutor's office approaches sentencing, visited the Minnesota Sentencing Guidelines Commission, and observed criminal sentencing hearings in Ramsey County. The delegation also met with University of Minnesota Law School Professors Richard Frase and Kevin Reitz, both of whom are associated with the Robina Institute of Criminal Law and Criminal Justice. The delegation even took in a Minnesota Twins game!

The District of Minnesota has a long tradition of hosting delegations from all over the world. We should all be proud that Minnesota is a sought-out destination for other countries seeking to learn about the United States legal systems. ■

Theresa Anderson is a Judicial Assistant to United States Magistrate Judge Elizabeth Cowan Wright.

Diversity Committee Co-Sponsors Panel Discussion on Hate Speech

By Gabriel Ramirez-Hernandez

On October 24, 2019, the Diversity Committee co-sponsored the World Without Genocide program, “Incitement, Hate, and Free Speech,” at Mitchell Hamline School of Law. The event consisted of a panel discussion about hate speech within the context of the First Amendment. Panelists Teresa Nelson, Legal Director for the Minnesota ACLU, Don Simmons, civil rights attorney at the Council on American-Islamic Relations-Minnesota, and Anthony Susan, Communications Director of the Jewish Community Relations Council, spoke about the violence that Muslim, Jewish, and broader communities currently face. At the heart of the discussion was conflict—not merely between groups, but within groups.

The events in Charlottesville, Virginia in 2017 were a topic of discussion. It was noted that the ACLU aided the Charlottesville organizers in securing their permit to rally. Although the answer to negative speech is more speech, Nelson mentioned that the Charlottesville rally caused many in the organization to take a step back. Now, Nelson and others within the organization have a heightened focus on whether the person or organization soliciting services from the ACLU is ultimately seeking violence. Nelson quoted Justice Louis D. Brandeis: “If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence.”

Susan laid out the history of antisemitism in Minnesota, starting with the legal profession. He noted many of the preeminent firms of today—such as Maslon LLP and Stinson LLP—were not born out of choice. Rather, those firms formed as a direct result of exclusive and antisemitic hiring practices in Minneapolis. The means to organize antisemitic acts has now shifted to online platforms and remains a major problem. Susan noted that Carey McWilliams once said that “Minneapolis is the capitol of antisemitism in the United States.”

Simmons expressed that the Muslim community shares similar challenges as other groups targeted by hate speech, including challenges in the areas of housing and employment. He pointed to a meeting in St. Cloud that was cancelled due to protesters and the attendant high risk of violence. Ironically, the meeting was to discuss hate speech faced by the local Muslim community. News headlines could report on such events in a variety of ways, and understanding how news outlets report on the Muslim community is an active effort for Simmons and the Council.

The Federal Bar Association’s Diversity and Inclusion Committee continues to collaborate with diverse groups within the community. This was an event that attracted and engaged more than Federal Bar Association members. College and law students, state and federal practitioners, representatives from community organizations, and community members were all present at this event. ■

Gabriel Ramirez-Hernandez is a 3L student at Mitchell Hamline School of Law and a board member of the school’s Federal Bar Association student division.

Report from the Federal Bar Association National Convention in Tampa

By David Goodwin

The 2019 National Federal Bar Association Annual Meeting and Convention was held in Tampa, Florida on September 5–7. The convention was a resounding success, with over 300 Federal Bar Association members from forty states attending. The Minnesota Chapter was well represented by thirteen members, including Chapter President, United States Magistrate Judge Tony N. Leung.

The convention once again offered an engaging mix of legal education, leadership development, Federal Bar Association business, and social networking. The CLEs touched on a range of topics as varied—and timely—as criminal justice reform, the impact of marijuana legalization in the workplace, witness preparation, cybersecurity, and immigration advocacy.

Substantive training was also available for incoming chapter presidents and national officers. The training sessions ensure that the Federal Bar Association sections, divisions, and chapters meet the ever-changing needs of our membership.

The primary piece of Federal Bar Association business consisted of the National Council meeting. The meeting is an opportunity for open discussion of the current status of the organization and how best to continue its ongoing success.

Social outings were also spread out over the course of the convention. Some of the highlights included a cocktail reception with sunset views of Tampa Bay and an evening at the Florida Aquarium.

National Convention, continued on page 15.

National Convention, continued from page 14.

The Minnesota Chapter and its members were recognized for contributions to the Federal Bar Association and the legal profession. Our Chapter was named one of three 2019 Chapters of the Year. *Bar Talk* was also awarded a 2019 Meritorious Newsletter Award. As for our members, Federal Bar Association Fellows Chair Jeanette Bazis inducted the 2019 Fellows of the Foundation of the Federal Bar Association. The foundation is an honorary organization of attorneys who have demonstrated outstanding dedication to the welfare of their communities and the highest principles of the legal profession. Minnesota Chapter members Phillip Kitzer and Joel Schroeder were among the select group bestowed with the honor this year.

The 2020 Annual Convention in Charleston, South Carolina, will mark the centennial anniversary of the Federal Bar Association and promises to be another spectacular event. I hope to see you there. ■

David Goodwin is a partner at Gustafson Gluek PLLC, where his practice focuses on complex class action litigation. He is a past Director of the Federal Bar Association and Chair of the Younger Lawyers Division. He currently serves as an Eighth Circuit Bar Association Vice President and the Pro Se Project Liaison.

Minnesota Chapter Members Serve at National Level

By Chad Pennington

Several members of the Minnesota Chapter of the Federal Bar Association serve in exciting national leadership roles for Federal Bar Association. In addition, several local members completed Federal Bar Association National service effective October 1, 2019. Those Federal Bar Association members are as follows:

Jeanette Bazis, Greene Espel PLLP: Immediate-Past President of Foundation of the Federal Bar Association and new member of the Federal Bar Association National Board;

David Goodwin, Gustafson Gluek PLLC: Vice President for the Eight

Circuit Bar Association and continued service on the Federal Bar Association National Board;

Dan Hedlund, Gustafson Gluek PLLC: Completed service as an Eighth Circuit Bar Association Vice President;

Adine Momoh, Stinson LLP: Chair of the Younger Lawyers Division, new member of the Federal Bar Association National Board, continued service as an Eighth Circuit Bar Association Vice President;

Vildan Teske, Teske Katz Kitzer PLLP: Completed Federal Bar Association National Board service and new member of the Federal Bar Association's

Federal Bar Building Corporation Board;

Anh Kremer, CDI: Completed service as Federal Bar Association General Counsel, new Treasurer of the Federal Bar Association, continued service on the Federal Bar Association National Board; and

Tara Norgard, Carlson Caspers, PA: Chair of the Federal Bar Association National Special Task Force on Diversity and Inclusion.

We sincerely wish these members well and thank them for their vital contributions, past and present, to the National Federal Bar Association. ■

Chad Pennington practices with the Office of the Federal Defender-Fargo and is Co-Editor of Bar Talk.

Highlights from the 2019 Golf Tournament and Kick-Off Social Event

By Aaron Knoll and Phil Goter

This year's golf tournament and kick-off social event was one for the history books.

With a forecast of rain and thunderstorms, about seventy brave souls nonetheless showed up for a round of golf. The rain began to pour on the first hole—and only intensified. As tee boxes started to flood, the course was forced to stop play after eight holes. Players gathered in the clubhouse to dry off, enjoy much-needed refreshments, and share stories and laughs about the day's events.

Though players tried their best, the hole-in-one contest prize—a Toyota Camry—went unclaimed again this year.

Thank you to all of our sponsors! Without their support, we could not have provided the hole contests, prizes, and social hour.

Golf Tournament, continued on page 16.

Newer Lawyers' Committee and United States District Judge Wilhelmina M. Wright Host Discussion on Expectations, Challenges, and Opportunities for New Federal Lawyers

By Michael Laird

On October 29, 2019, United States District Judge Wilhelmina M. Wright welcomed newer lawyers to her courtroom for a question and answer session conducted by Alia Abdi, co-chair of the Newer Lawyers Committee. During the event, Judge Wright provided advice on personal and professional growth for young attorneys.

Professionally, Judge Wright encouraged newer lawyers to find opportunities to “exercise the muscle” of oral arguments. Judge Wright indicated she would invite newer lawyers to make initial oral arguments, then allow more senior lawyers to make summary or follow-up arguments. She encouraged newer lawyers to seek similar arrangements before other judges. Her most important oral argument advice to newer lawyers: do not interrupt the judge—something she learned firsthand as a newer lawyer.

Judge Wright also emphasized the importance of building a personal “board of directors,” a phrase she used to describe legal mentors who can help guide newer lawyers and develop their skills. Judge Wright encouraged newer lawyers to find legal role models to put on their board of directors, and



Abdi and Judge Wright

to watch, listen, and learn from those attorneys whenever possible.

Personally, Judge Wright advised newer lawyers to take time to get outside of their legal identities. She told newer lawyers to be deliberate and intentional about scheduling time to find joy outside of the profession. Judge Wright also encouraged newer lawyers to view life as a motion picture, not as a snapshot, and to know that joyful times are not far away in the future even when work is busy now. ■

Michael Laird is an associate at Zimmerman Reed PLLP, where he concentrates his practice on complex litigation and class actions in the areas of sports, data breaches, and consumer protection law.

Golf Tournament, continued from page 15.

Hole-in-One Contest Sponsors: Gustafson Gluek PLLC; Robins Kaplan LLP; Larson King, LLP.

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In addition, tremendous thanks to all who helped plan and execute the event, including Golf Tournament Committee members Jason Johnston, Holley Horrell, Peter McElligott, David Carrier, John Pavelko, and Erin Westbrook. If you are interested in serving on the planning committee for next year, please contact Aaron Knoll (aknoll@greeneespel.com).

We look forward to seeing all of you at the Golf Tournament Committee's events in 2020! ■

Aaron Knoll is an attorney at Greene Espel PLLP. He represents clients in high-stakes business litigation, renewable-energy disputes, and internal and agency investigations.

Phil Goter is a Principal at Fish & Richardson P.C., where he litigates complex patent and competition law disputes and counsels clients around the world seeking to protect their intellectual property, especially in emerging technologies such as 5G, autonomous vehicles, clean energy, and artificial intelligence.



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Instructions for Application/Recommendation for Executive Committee Positions

Deadline: February 20, 2020, submit to teske@tkkrlaw.com

The Minnesota Chapter of the Federal Bar Association seeks outstanding, service-minded individuals who reflect the breadth and diversity of the Chapter's membership to fill Executive Committee (officer and committee co-chair) positions for the 2020–21 year (Sept. 1, 2020–Aug. 31, 2021). The current leadership roster is available online at http://www.fedbar.org/Chapters/Minnesota-Chapter/Officers_1.aspx. Details on initiatives for which each leader is responsible are at <http://www.fedbar.org/Chapters/Minnesota-Chapter/Chapter-Initiatives.aspx>. The application form will also be posted on the website and will be distributed to membership by email in January 2020.

All applications and recommendations will be considered by the Chapter's Nominations Committee. Committee chair positions will be appointed by the Chapter President, and officer positions will be nominated by the Nominations Committee for election by the membership. Prior experience serving on a Chapter committee or otherwise providing leadership within the Chapter is preferred for those seeking appointment or nomination to the Executive Committee. Completed forms may be emailed to teske@tkkrlaw.com. The deadline for the submission is **February 20, 2020**.

Name of applicant or recommended candidate: _____

Applicant/candidate's contact information (organization, email, phone number, and mailing address):

Requested/recommended Committee Chair/Officer position(s) (in order of preference):

Name and contact information of person submitting a recommendation:

For those submitting a recommendation, have you discussed your recommendation with the candidate and has the candidate indicated an interest and willingness to serve in the recommended position(s)? ____ Yes ____ No

1. For applicants: Why are you interested in serving in the role(s) designated above and what experience and qualities would you bring to your work as a Chapter leader?

For recommendations: Why are you recommending this person for the role(s) designated above and what experience and qualities would the person bring to her/his work as a Chapter leader?

2. Describe your/the candidate's current and past involvement and leadership experience in Chapter activities and committees.

3. Describe your/the candidate's current and past involvement and leadership experience in other bar associations or non-profit organizations.

4. To be a candidate for the Executive Committee, a person must be a member in good standing of the Minnesota Chapter of the Federal Bar Association. Are you/the candidate a member in good standing of the Chapter?

____ Yes ____ No, but I will join the Federal Bar Association by April 1, 2020. ■

What's Happening in the Minnesota Chapter?

January 22: White Collar Compliance & Criminal Law Committee Social

The White Collar, Compliance & Criminal Law Committee of the Minnesota Chapter of the Federal Bar Association is pleased to host a social event for prosecutors, defense attorneys, and other members of the Federal Bar Association and affiliated bar associations. Event speakers are being finalized. As in the past, speakers will address issues of concern and import to the criminal bar and to the District of Minnesota. This social event is historically well attended and is successful in bringing together members of the bench and bar. We believe this year's event will be the same. We hope to see you there!

Time: 5:00 p.m. to 7:00 p.m.

Location: Diana E. Murphy United States Courthouse, 15th Floor Atrium, 300 S Fourth Street, Minneapolis

Questions and Requests for Accommodations: Marnie.Fearon@gpm.law or Joseph.Thompson2@usdoj.gov

Membership Committee Actively Recruits New Members

The Membership Committee has been active in working to increase and retain chapter membership. Among other things, this October, the Committee analyzed a large amount of data and sent a mailing encouraging 446 lapsed members to rejoin the Chapter. On October 25, 2019, committee members Adam Hansen, Christine Jordan, Jeannine Lee, Kiera Murphy, and Dan Rogan staffed a Federal Bar Association table at the Minnesota Supreme Court's new lawyer admission ceremony and were available to answer questions from the new lawyers. Stay tuned for additional ways in which the Membership Committee intends to reach new and diverse populations. In the meantime, if you have any ideas for the Membership Committee, please contact Joel Schroeder (jschroeder@bestlaw.com) or Adam Hansen (adam@apollo-law.com).

The Chapter welcomes the following new members:

Leland P. Abide	Eric Friske	Scott A. Neilson
Catherine H. Ahlin-Halverson	Payton E. George	Hannah Nelson
Benjamin E. Alberty	Mary Susan Gerber	Emily E. Niles
Larina Alton	James Adam Godwin	Megan Odom
Court Anderson	Aaron Robert Gott	Marc Prokosch
David Archer	Kyle Hahn	David Racine
David W. Asp	Benjamin Hamborg	Joseph R. Richie
John Bisanz	Adam Hoskins	Mary Riverso
Nathan Tyler Boone	Joseph Thomas Janochoski	Mathias W. Samuel
Frederic Bruno	Suzanne L. Jones	Libretta P. Stennes
Rory Collins	Stephanie L. Knapp	John Sullivan
Ricky Yohann DeMello	William E. Manske	Derek Waller
Rachel Dougherty	Emily Muirhead McAdam	Samuel L. Walling
Matthew Ebert	Stephen Davis Morrison	Joseph David Weiner
Douglas L. Elsass	Kailey C. Mrosak	Josiah Young



Upcoming Events:

January 8, 2020

Monthly Luncheon
Chief U.S. District Judge
John R. Tunheim
12:00 pm
Minneapolis Club

January 22, 2020

*White Collar Practice
Group Social Mixer*
5:00 pm – 7:00 pm
Diana E. Murphy United
States Courthouse,
15th floor atrium

February 12, 2020

Monthly Luncheon
Minnesota Attorney
General Keith Ellison
12:00 pm
Minneapolis Club

March 11, 2020

Monthly Luncheon
12:00 pm
Minneapolis Club

Editors-in-Chief
Kari Dahlin
Chad Pennington

Editors
Fran Kern
Ryan Merker
Gerri Rishel
Devona Wells

Layout
Taya Swenson Schmid

Bar Talk is the official newsletter of the Minnesota Chapter of the Federal Bar Association, published quarterly by the *Bar Talk* Committee. For any inquiries or article suggestions, please contact **Chad Pennington** (Chad_Pennington@fd.org) or **Kari Dahlin** (kmdahlin@arthurchapman.com).

A special thank you to **Gerri Rishel**, Courtroom Deputy to Senior United States District Judge Michael J. Davis, for her proofreading expertise, and **Taya Swenson Schmid**, Dorsey & Whitney LLP, for formatting this issue.

Thank you to Xact Data Discovery for printing this issue of *Bar Talk*.

Want to get involved in the Minnesota Chapter of the Federal Bar Association? Visit <http://www.fedbar.org/Chapters/Minnesota-Chapter/Chapter-Initiatives.aspx> for a full list of committees and information about how to get involved.

Online Registration:

The Minnesota Chapter of the Federal Bar Association utilizes an online registration system for the monthly Minneapolis Club luncheons. A registration link will be sent to you via e-mail for each luncheon. One feature of the system is the automatic calendar entry; just click "Add to Calendar" from the registration system or your confirmation e-mail. Registration coordinators have the option to register multiple attendees in a single registration. Also, Season Pass holders must register for each luncheon online to select their meal choice and confirm their attendance.



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