

Inside This Issue:

Judge Menendez Confirmed as U.S. District Judge	1
Farewell Reception for Anders Folk	1
Webinar on Becoming a Magistrate Judge	2
Bankruptcy Clerk's Corner	2
Clerk's Corner	3
NLC Co-Hosts Happy Hour	4
What It's Like to Be a Law Student During a Pandemic	5
December FBA Luncheon	6
January FBA Luncheon	7
February NLC Luncheon	8



Bar Talk

Judge Menendez Confirmed as U.S. District Judge

By Christopher Proczko

On December 22, 2021, Judge Katherine M. Menendez was sworn in as the District of Minnesota's newest U.S. District Court Judge. Judge Menendez comes to her new position with almost six years of experience as a federal magistrate judge on top of her 18 years of experience in the Office of the Federal Defender.

Judge Menendez grew up in Kansas, graduated with honors from the University of Chicago and magna cum laude from NYU Law, and clerked for the late Honorable Samuel J. Ervin III of the U.S. Court of Appeals for the Fourth Circuit. After her clerkship, she joined the Office of the Federal Defender in the District of Minnesota as a Soros Justice Fellow. She quickly made herself an indispensable asset and became an Assistant Federal Defender the next year. Judge Menendez represented her clients both at trial and on appeal,



Judge Menendez, continued on page 3.

Farewell Reception for Anders Folk

By Kristen Rau

On Friday, December 3, 2021, Chief Judge Tunheim, Judge Brasel, and the Chapter co-hosted a reception honoring former Acting U.S. Attorney for the District of Minnesota Anders Folk. Mr. Folk, who stepped down in early November to take a position with the Office of the Deputy Attorney General in Washington, D.C., most recently served as Acting U.S. Attorney for the District of Minnesota, before which he was First Assistant to U.S. Attorney Erica MacDonald.

Speakers at the event included former U.S. Attorney MacDonald, Acting U.S. Attorney Charles Kovats, Chapter President Dan Hed-

lund, Judge Brasel, and Chief Judge Tunheim. In their remarks, speakers recognized Mr. Folk's commitment to the "federal family" throughout the many challenges of the last several years, as well as his characteristic grace, patience, intelligence, and humility. Although boasting is not typically in his repertoire, Mr. Folk promised to continue singing the praises of Minnesota and its legal community around his new water cooler in D.C.

Mr. Folk will be greatly missed, and his return eagerly anticipated. Attendees at the event, and the legal community generally, bid him a fond farewell. ■

Kristen Rau is an Assistant United States Attorney.

Webinar on Becoming a Magistrate Judge

By Kelly Fermoyle



On December 13, 2021, the Chapter hosted the program “Becoming a Federal Magistrate Judge: Duties, Appointments, and Discussion.” For anyone who missed the session but would like to view it, a recording is available on the Court’s [website](#). The panel was moderated by Tara Norgard of Carlson Caspers and featured Chief Judge John Tunheim, Judge Susan Richard Nelson, Magistrate Judge Leo Brisbois, Magistrate Judge John Docherty, and then-Magistrate Judge (now District Judge) Kate Menendez, as well as Federal Defender Katherian Roe and Anders Folk, former Acting U.S. Attorney for the District of Minnesota.

Chief Judge Tunheim kicked off the program with opening remarks, noting the exceptional magistrate judge bench that the District has had and continues to have. Chief Judge Tunheim noted the timeliness of the program, as the District will likely have two openings on the magistrate judge bench within the next six to eight months. He encouraged all qualified candidates to apply for the positions as they become available. (The first opening was posted by the District on January 26, 2022, with an application deadline of March 11, 2022. Information is available on the Court’s [website](#).)

Next, Judge Susan Richard Nelson reflected on her time as a magistrate judge from 2000 to 2010 before becoming a district judge, stating that she “loved the job.” Judge Nelson tackled four common misunderstandings about the position. First, regarding a misconception that the bench decides who it will appoint in advance, Judge Nelson stated that her 22 years on the bench has made it clear that merit and excellence, above all, matter most when the bench selects magistrate judges. Second, Judge Nelson commented on the independence of a magistrate judge—stating that magistrate judges have complete independence in how they make decisions. Third, Judge Nelson spoke to the breadth of the disputes that come

Webinar on Becoming a Federal Magistrate Judge, continued on page 4.

Bankruptcy Clerk’s Corner

By Tricia Pepin

2022 continues to bring many changes to the U.S. Bankruptcy Court. On January 7, 2022, the Bankruptcy Court welcomed its newest Bankruptcy Judge, Kesha L. Tanabe! Judge Tanabe replaces Judge Sanberg, who retired on January 6, 2022. Judge Tanabe chambers in St. Paul and uses courtroom 2B. Please visit [Judge Tanabe’s page](#) on the Court’s website for information on Judge Tanabe’s order preparations and hearing guidelines, as well as rules for self calendaring.

Also, Judge Constantine now chambers in the Minneapolis courthouse and uses courtroom 8W.

In January, the Court made changes to how third and fourth division Chapter 7 and Chapter 13 cases are as-

signed. Now, these cases are randomly assigned to all four bankruptcy judges. This change will help the Court to distribute its caseload more equitably to all judges.

The Clerk’s Office continues to develop attorney procedures to provide step-by-step tutorials for filing in CM/ECF. The attorney procedures may be found on the Court’s website under the [“Filing Guidance” tab](#). The Clerk’s Office also recently updated the [Helpdesk phone numbers](#).

For the most up-to-date information on the U.S. Bankruptcy Court, visit the Court’s [home page](#). And please let me know if there are ways that we can better serve the members of our bar and public. ■

Tricia Pepin is the Clerk of the U.S. Bankruptcy Court for the District of Minnesota and has served in that position since August 2021. Before working with the U.S. Bankruptcy Court, Tricia served as Chief Deputy Clerk of the U.S. District Court.

Judge Menendez, continued from page 1.

eventually transitioning to primarily handling appeals for the office. In 2015, Judge Menendez and her then-colleague Douglas Olson successfully challenged the constitutionality of the residual clause in the Armed Career Criminal Act before the United States Supreme Court. After two rounds of briefing and two oral arguments before the Court, an eight-justice majority held that the imposition of an increased sentence under the residual clause violated due process because the Act's definition of a "violent felony" was unconstitutionally vague.

Judge Menendez was sworn in as a United States Magistrate Judge in the spring of 2016. On September 20, 2021, President Biden nominated her for the district judge opening created when Judge Joan N. Ericksen assumed senior status. Her confirmation hearing before the Senate Judiciary committee occurred on November 3, 2021, alongside four other judicial nominees. Despite months of preparation, Judge Menendez found the confirmation process even scarier than arguing at the Supreme Court. The exchanges, both at the hearing and in the written questions for the record thereafter, were more political and acrimonious than

she was expecting for a judicial confirmation. Most of the live questioning came from Senator Marsha Blackburn (R-TN) and Senator Ted Cruz (R-TX) and focused on whether Judge Menendez would be an impartial judge working for equal justice rather than a partisan advocate. Ultimately, Judge Menendez was favorably reported out of the Judiciary Committee on a 15-7 vote, and the Senate confirmed her nomination on December 18, 2021.

Although she is a certified expert in criminal law, Judge Menendez admits to having very little experience with civil practice before serving as a magistrate judge and recalls the learning curve as being very steep. She says that her time on the magistrate judge bench has given her a uniquely clear look into the mechanics of civil litigation, probably more so than she ever would have gotten as a district judge. Judge Menendez expects that the experience navigating everything from scheduling to discovery disputes to settlement, as well as the frequent engagement with the parties, will give her a better understanding of civil litigation and the legal and factual contexts of disputes before her. ■

Christopher Proczko is an attorney at Sapientia Law Group, practicing media and entertainment law and commercial litigation. He clerked for then-Magistrate Judge Menendez in 2016.

Clerk's Corner

By Andrew Pieper

COVID Operations

In December, Chief Judge Tunheim issued two General Orders related to COVID-19 pandemic operations: General Order No. 32 continues the District of Minnesota's Continuity of Operations status for another 90 days, and General Order No. 33 extends the authorization of video and teleconferencing as needed. These orders and all COVID-related orders can be found on the Court's [website](#).

Judge Happenings

As 2021 came to a close, Judge Paul A. Magnuson celebrated his 1981 appointment by President Ronald Reagan, marking 40 years on the bench!

The Court unveiled the official portrait of Judge Joan N. Ericksen on December 9, 2021, in a ceremony at the Diana E. Murphy U.S. Courthouse in Minneapolis. Remarks were given by Judge Patrick J. Schiltz, FBA President Dan Hedlund, Judge Rachel Clark Hughey of the Fourth Judicial District, Judge Ericksen's career law clerk Mark Hamre, and her court reporter Maria Weinbeck. The portrait was painted by artist Burton Silverman of New York, who joined the ceremony via Zoom. Judge Ericksen's portrait will hang in the ceremonial courtroom in Minneapolis.

Judge Katherine M. Menendez's formal investiture for her elevation to District Judge is scheduled for Thursday, April 14, 2022.



The Court has begun the process to select a new magistrate judge to replace Magistrate Judge Hildy Bowbeer, who will retire in June. The application deadline is March 11. Turn to page 2 for more information about the vacancy and the application process from the recent "Becoming a Federal Magistrate Judge" webinar event. ■

Andrew Pieper is Chief Deputy Clerk for the District of Minnesota.

Webinar on Becoming a Federal Magistrate Judge, continued from page 2.

before magistrate judges, noting that management of civil litigation is just one aspect of the position, whereas magistrate judges also handle mediations, civil and criminal motions, criminal pretrial work, habeas petitions, and social security appeals, to name just a few. Fourth, Judge Nelson dismissed a common concern that an applicant will not be sufficiently qualified in either the civil or criminal realm. Judge Nelson noted that almost all applicants will have far more experience in one or the other, as most attorneys focus exclusively in either criminal or civil work during their practice.

The magistrate judges on the panel elaborated on the points made by Judge Nelson, each discussing their own path to becoming a magistrate judge and the importance and breadth of the position. Judge Brisbois first commented on the significance and solemnity of the role, quoting Justice Sotomayor: “Without the distinguished service of these judicial colleagues, the work of the fed-

eral court system would grind nearly to a halt.” Judge Menendez discussed having to learn everything about civil litigation when she became a magistrate judge (for example, figuring out exactly what is an interrogatory) after a career practicing criminal law with the Federal Defender’s Office. Judge Docherty discussed the vast and critical role that a magistrate judge plays in a criminal case.

Moderator Tara Norgard then discussed the role of the magistrate judge with Katherian Roe and Anders Folk, from the perspective of the Office of the Federal Defender and the U.S. Attorney’s Office, respectively. Katherian Roe again highlighted the importance of the magistrate judge in a criminal case, pointing out that a defendant will see the magistrate judge as the only court representative until a case reaches trial. W. Anders Folk echoed the points made by Katherian Roe and stated how important it is for a magistrate judge to provide a consistent forum by show-

ing the seriousness of the Court before every single criminal defendant.

Chief Judge Tunheim concluded the panel session by providing an overview of the appointment process, from approval within the government through the application and interview process, to the background check and appointment of the selected candidate. He also provided a list of essential traits and helpful experience that will make for the most qualified applicants—things that will make an excellent judge—including work ethic, strong legal experience and abilities, and a judicial temperament.

Finally, the discussion continued in small breakout groups, each led by a magistrate judge or district judge. Each of the small groups provided an opportunity for participants to ask judges questions about the process of becoming a magistrate judge and the duties of a magistrate judge. Accompanying written materials regarding the role of a magistrate judge are available on the Chapter’s [website](#). ■

Kelly Fermoyle is an associate at Faegre Drinker Biddle and Reath, specializing in business and intellectual property litigation, and Co-Editor of Bar Talk.

NLC Co-Hosts Outdoor Newer Lawyers Happy Hour

By Bar Talk Editors

The Chapter’s Newer Lawyers Committee co-hosted an outdoor Holiday Happy Hour on January 12, 2022, on the Keg and Case patio in St. Paul with our colleagues from the Newer Lawyers Sections of the MSBA, HCBA, and RCBA. The group enjoyed gathering around fires, consuming very large and soft pretzels and moderately sized beers, and playing a little trivia. It was a rare opportunity to see colleagues in person, and the group felt lucky to get a winter day that hovered around the freezing point without going much below it. ■



What It's Like to Be a Law Student During a Pandemic

By Liz Scheibel



Three law students (one from each of the Minnesota schools) and one recent graduate graciously shared their thoughts on what it's like to be a law student during a pandemic—something those of us who graduated before 2020 have not experienced and likely could not have imagined as students. Our legal community can learn something from their comments: what we need to know as potential employers, colleagues, and humans who have had our own experiences of the last couple of years.

Please introduce yourself to our readers.

Nhoa Stanton

I am a 2L at Mitchell Hamline. I started my law school journey in fall 2020 in the midst of the pandemic. I am in the full-time on-campus program. However, I participate in a hybrid learning style due to the pandemic, with most of my classes held remotely and a few in person. I am currently the Co-President of the Asian Pacific American Law Student Association and a student member of the school's Diversity, Equity, and Inclusion Steering Committee. After my 1L year, I began a clerkship at the Hennepin County Attorney's Office, working in the Adult Prosecution division. My career goal is to be a civ-

il litigator working at a mid-size or large law firm.

Brandon Luu

I am a 3L at the University of St. Thomas School of Law, and I started law school in 2019. After earning my undergraduate degree at the University of Minnesota, I worked at Wells Fargo Bank and Thrivent Community Foundation. During law school, I was a compliance extern at Panasonic USA, a law clerk for the U.S. Attorney's Office, and a law clerk at the Hennepin County Attorney's Office. Most recently, I was a judicial extern to Magistrate Judge Tony N. Leung, and I am currently an extern to Bankruptcy Judge William J. Fisher. I am also the University of St. Thomas Law Journal's Membership Editor, President for the Asian Pacific American Law Student Association, and Vice President for St. Thomas's Federal Bar Association student group. Outside of law school, I spend time with my 8-month-old shorkie, Suki, and explore local restaurants with my fiancée.

Sam Meshbesh

I am in my last semester at the University of Minnesota, and I attended only one semester of law school before the pandemic. Prior to law school, I went to St. Olaf College and majored in History, then worked as an assistant editor at the Minnesota Historical Society for two years. I am president of my school's chapter of the Federal Bar Association, have participated in the Theater of the Relatively Talentless (TORT) musical program as a writer and singer, and have enjoyed living at the Gamma Eta Gamma Law Fraternity for three years. My hobbies outside of school include sailing, weightlifting, cooking, and listening to history podcasts.

Zac McFarland

I graduated from the University of Iowa College of Law in 2020, right at the inception of the COVID-19 pandemic. Before law school, I went to St. John's University where I studied Political Science and Economics while also playing football. In law school, I was Co-President of the Iowa Student Bar Association, argued in front of the Iowa Supreme Court, and practiced in our Federal Criminal Defense Clinic for my entire 3L year. I spent both of my summers in law school as a Summer Associate with Fredrikson & Byron and started my career there after taking the bar exam, but I am currently clerking for Chief Judge John Tunheim.

What has going to law school during a pandemic been like?

Nhoa Stanton

At first, it was weird attending law school via my bedroom, but it has become my new normal, and now I prefer remote classes over traditional in-person classes. My 1L year was offered entirely remotely. It was much more challenging to socialize with colleagues than I expected. After class was over, we were all burnt out from too much screen time, so we logged off. There weren't many opportunities to get to know peers, so law school sometimes felt very lonely. However, the pandemic brought me and my classmates in my section closer during my 2L year. Now, when we see each other in the halls or in class, we always say "hi." There is a special bond of getting through 1L "Zoom school" together.

I expected law school to be hard, but attending law school during a pandemic made it more challenging. However, I am grateful my first cold-

Magistrate Judge John Docherty Discusses Work on Terrorism Cases, War Crimes Prosecution, and—Now—the Bench

By Liz Scheibel



The Chapter's December Monthly Luncheon featured the District of Minnesota's newest judge, Magistrate Judge John F. Docherty. Judge Docherty was profiled in the [previous issue of Bar Talk](#), but in a conversation with Faris Rashid, attorney at Greene Espel, the Judge talked in detail about some of the most interesting parts of his background, as well as his views on various aspects of litigation now that he's on the bench.

One of the highlights of the conversation was the discussion of Judge Docherty's work on terrorism cases as an Assistant U.S. Attorney. Mr. Rashid asked Judge Docherty what it was about this work that he found so compelling. First, he said it was gratifying to be able to intervene in the recruitment of young men in the Twin Cities by terrorism organizations—although it was in the context of criminal prosecution, lives were saved by this work. Second, Judge Docherty said that as a lawyer, it was a great area to be working in because so much of it was new; without an existing robust body of law, his teams were using fundamental principles of, for example, the Fourth and Fifth Amendments of the U.S. Constitution to craft new legal theories and solutions. The Judge also noted that, in addition to the case work, his work on terrorism and national security issues went beyond what could be accomplished in the courtroom and included engaging with relevant communities, law enforcement, and policy stakeholders.

Mr. Rashid prompted Judge Docherty to also discuss his work as a prosecutor at the United Nations International Criminal Tribunal for the Former Yugoslavia (ICTY), specifically for the trial of General Dragomir Milošević. Judge Docherty noted that the cases there were of a size and complexity beyond anything he had handled before, with trials that lasted months. He said it was the biggest professional challenge he could find, and it had the added benefit of allowing his family to live in Europe for a time and explore other cities and countries on the weekends.

Working at the ICTY gave Judge Docherty a unique perspective on how societies and nations function, having seen a society where the rule of law stopped working and disputes were decided by ammunition rather than courts. Mr. Rashid aptly observed that all of us, as attorneys, essentially practice on agreement. Judge Docherty noted that a big difference between his work at the ICTY and the other work he has done is that there was no enforcement mechanism—one just hopes countries impose sanctions because of criminal behavior, or if there is a fugitive, one has to hope and beg a country will turn over the person. The Judge also highlighted a big difference between the ICTY trial and his usual prosecution work: the case was tried to a panel of three judges, not a jury. Judge Docherty had no criticism for the panel, but the experience nonetheless gave him an appreciation for the jury system and the common-sense perspective juries have.

Speaking of common sense, when discussing his new role as a judge, Judge Docherty often mentioned his pragmatic outlook when it comes to working on his cases—he cited Fed. R. Civ. P. 1, calling for the just and expeditious resolution of cases. The Judge is clearly enjoying his new job, calling the mix of cases he works on “colorful,” and finding more similarities than differences between criminal and civil cases. He cited the support a judge receives from chambers as the secret to how judges do what they do (much like the excellent support he acknowledged receiving from colleagues at the U.S. Attorney's office). When asked for his advice to lawyers, Judge Docherty returned to common sense—advising lawyers to keep common sense as your guiding light, just like you would tell a jury before they deliberate. ■

Liz Scheibel is term clerk to the Honorable Eric C. Tostrud, Co-Editor of Bar Talk, and Co-Chair of the Chapter's Newer Lawyers Committee. She went down an internet rabbit-hole on the ICTY trial discussed here—spotting Magistrate Judge Docherty in a YouTube video of the trial's judgment—and invites readers to do the same.

January Luncheon Features Great North Innocence Project

By Donna Reuter

A staggering 3 to 5% of incarcerated people are innocent and wrongfully convicted. The Great North Innocence Project works to free those wrongfully convicted and prevent future wrongful convictions from occurring in Minnesota, North Dakota, and South Dakota. The Great North Innocence Project is part of the Innocence Network, which includes the Innocence Project.

The organization was featured at the Chapter's January luncheon. Magistrate Judge David T. Schultz and Innocence Project staff attorney James Mayer spoke about their work with the organization. Judge Schultz opened the discussion by sharing his experience, before becoming a magistrate judge, helping exonerate a man who was wrongfully convicted—a story that was emblematic of the work done by the Innocence Project.

Next, Mr. Mayer provided greater detail about the organization's mission and statistics related to wrongful convictions. He described the organization as three legs of a stool. The first leg involves screening and investigating to identify innocent people in prison and then efforts to exonerate them. The second leg involves criminal justice reform, including bi-partisan reform efforts and legislation, to prevent wrongful convictions from happening in the first place. And the third leg involves outreach and education to raise awareness about the work the Innocence Project does.

Since 1989, the Innocence Project has contributed to over 2,800 exonerations in the United States. Many false convictions arise from eyewitness misidentification, perjured testimony, false confessions, official misconduct, and jailhouse snitches. DNA evidence has proven highly instrumental in overturning convictions.

Mr. Mayer shared the story of Sherman Townsend, the first client of the Great North Innocence Project. Mr. Townsend was wrongfully convicted of burglary and served ten years before his release.

This is his story.

On a hot August night, a couple was accosted by an intruder in their upstairs duplex. Neither got a good look at the intruder who escaped out of the window. Police interviewed a neighbor who described a Black man as fleeing down the alley wearing shorts and a T-shirt. Shortly thereafter, the police arrested Mr. Townsend at a nearby convenience store because he met the description: a Black man wearing shorts and a T-shirt. Unfortunately for Mr. Townsend, he also had a prior burglary conviction. He was arrested and prosecutors offered him a plea bargain. Mr. Townsend refused to plead guilty to a crime he had not committed and was eventually convicted and received the maximum sentence.

Years later while in prison Mr. Townsend met David Jones, a fellow inmate. David Jones was shocked to learn that Mr. Townsend was incarcerated for a burglary that occurred ten years before. Mr. Jones was shocked because he was, in fact, the intruder who had committed the crime for which Mr. Townsend was convicted. Mr. Jones was the neighborhood eyewitness who had described the "culprit" to the police to draw attention away from himself. Driven by remorse, Mr. Jones signed an affidavit confessing to the crime, included a hand-drawn map, and cooperated with the Innocence Project to secure Mr. Townsend's release. Mr. Townsend was eventually exonerated.

These unjust and sobering situations are what Innocence Project volunteers and employees strive to remedy. Both Mr. Mayer and Judge Schultz encouraged luncheon audience members to volunteer. Judge Schultz encouraged participation for those with the time and means because "you are doing a great service."

Consider helping in the following ways: donate at greatnorthinnocenceproject.org, volunteer for the Great North Innocence Project, or volunteer as pro bono counsel for Conviction Review Unit applicants. (The CRU is a partnership between the Minnesota Attorney General's Office and the Great North Innocence Project and began accepting applications from incarcerated people last summer.) Mr. Mayer can be contacted at jmayer@gn-ip.org. ■

Donna Reuter is a trial associate at Dorsey & Whitney LLP. Also a licensed pharmacist, her practice focuses on healthcare and intellectual property litigation.

A Conversation with Federal Defender Katherian Roe and United States Attorney's Office Acting Criminal Chief Tim Rank

By Emily M. McAdam

On February 23, 2022, the Chapter's Newer Lawyers Committee hosted a conversation with the District of Minnesota's own Federal Defender Katherian Roe and Acting Criminal Chief for the United States Attorney's Office Tim Rank. The conversation was enlightening—especially for those coming from a civil litigation background—and gave a wonderful glimpse into what day-to-day life in each office is like and how folks like Katherian and Tim get to where they are today.

There are twenty-one people in the Federal Defender's Office: eleven lawyers, three investigators, paralegals, and technology and administrative support staff. Katherian has been the Federal Defender for sixteen years; she serves four-year terms, and the Eighth Circuit Court of Appeals recently appointed her to a fifth term. Katherian is responsible for selecting the attorneys who serve in the first-assistant and assistant defender roles. Although the attorneys in these positions have extensive experience and often stick around for long careers, the Federal Defender's Office also works with law students, provides in-depth training for attorneys serving on the CJA panel, and runs a mentoring program for attorneys looking to enter federal criminal practice.

Katherian described the office as mostly reactive, which makes sense because the Federal Defender responds to the charges brought by the U.S. Attorney's Office. Katherian decides which cases her office handles and which are sent out for other representation. Of the cases prosecuted in the District of Minnesota, Katherian and her team defend approximately 60-65% of them, and the attorneys, while sometimes developing extra expertise in a given area, take all kinds of cases, rather than specializing. Unlike some districts, the District of Minnesota has major crimes jurisdiction, meaning it shares concurrent jurisdiction with tribal courts on some matters, so the District sees a number of cases arising from tribal lands.

The U.S. Attorney's Office has approximately 130 people who work in the office; 65 are assistant United States attorneys. The office is made up of three divisions: the civil division, which handles both plaintiff- and defense-side work, cases under the False Claims Act, and cases relating to collections work arising from criminal forfeiture and restitution orders; the criminal division (the largest, with forty-five attorneys), which handles narcotics, guns, financial fraud and public corruption, national security and cybercrimes, and major crimes cases; and finally, the appellate division, which has three attorneys who handle (you guessed it) appeals. The office works with investiga-

tive partners from an "alphabet soup" of agencies like the FBI, DEA, ATF, Secret Service, United States Postal Inspection Service, and the offices of the inspector general at numerous federal agencies. And although the U.S. Attorney's Office prosecutes cases, it is far more involved with the investigation leading up to charging than its state counterparts typically are.

Because the U.S. Attorney is appointed by the President and confirmed by the Senate, the office's priorities may change with each administration. But as Tim explained, it's not as if this means cases are brought and then dropped if a new administration decides to focus elsewhere. Tim used the metaphor of a python eating a pig—a python can't change course part way through its meal, and once a case is being worked up, the U.S. Attorney's Office sees it through. So, in reality, there's a remarkable amount of consistency in the office. What can cause more sudden changes is what is happening in the local community. For example, after the unrest following the murder of George Floyd, the office saw an increase in arson cases.

When Katherian takes a step back to focus on the bigger picture, her sights are often set on how she can help increase diversity among federal defenders. As part of this effort, Katherian spearheaded a mentorship program to connect less experienced criminal attorneys with more experienced practitioners. This program served as a model for Federal Defender offices throughout the country. And more recently, Katherian served on a task force supported by Chief Justice John Roberts that produced a study on issues of diversity in federal practice. Much of this work centers around efforts to increase diversity among the ranks of newer attorneys interested in criminal law and/or federal practice so that, when there are openings with the team at the Federal Defender's Office, there are diverse candidates poised to fill them.

After law school, Tim clerked for the Fifth Circuit Court of Appeals and then moved to Minnesota to start his career in civil practice. Tim realized early that the sense of fulfillment he felt working on criminal matters as a clerk was missing; as he strategized on what to do next, he took on every pro bono criminal matter he could get his hands on to increase his skill and knowledge base. These efforts paid off; he gained a position in the criminal division with the Minnesota Attorney General. Tim was with the Attorney General's office for six years and then, in 2004, joined the U.S. Attorney's Office in the criminal division, working on financial fraud and public corruption cases. The rest is history.

Conversation with the Federal Defender and U.S.A.O. Acting Criminal Chief, continued from page 8.

Katherian's path started in high school when she would go to courthouses to observe proceedings. When asked what she was doing there, her response was simple: "It's a public courtroom, isn't it?" In deciding to go to law school, Katherian promised her family that she would return to practice Indian law, a promise she kept. Katherian began her legal career in Wisconsin with the Indian Legal Services program. She then accepted a fellowship at Georgetown Law Center that allowed her to teach while earning her LL.M. After Georgetown, Katherian knew she wanted to return to Indian country and wanted to work in a district with a major crimes division (so she could represent Indian people in federal court). This brought her to the District of Minnesota, where Katherian joined the Federal Defender's Office as an assistant federal defender. After a stint as a Hennepin County District Judge (and winning re-election), Katherian returned to take on the role of Federal Defender for the District of Minnesota.

When asked what advice they have for people who are interested in a career with the Federal Defender or U.S. Attorney's Office, Tim and Katherian agreed on three things. First, observe, as much as you possibly can, other attorneys in the courtroom. Take note of what you want to emulate (and take note of what you don't). Next, get yourself in the courtroom as much as you can. Handle hearings, argue motions, get on a trial team. The folks who join both Katherian's and Tim's offices often have extensive courtroom experience. Finally, be excellent. How? One way is by being the most prepared person in the room. Know your case inside and out, practice answering the tough questions, and prepare yourself to handle the unexpected. ■

Emily McAdam is an attorney at Greene Espel. Before entering private practice, she had the privilege of watching the teams at the Federal Defender's Office and the U.S. Attorney's Office in action as a clerk for the Honorable David S. Doty.

Law School During a Pandemic, continued from page 5.

call experience was not in person, so I guess that's a positive of the pandemic.

Brandon Luu

Law school during the pandemic has been interesting because there is less face-to-face interaction. Everyone is taking precautions to get through these strange times, and it is a little hard because one of the great things about the first half of my 1L year was the in-person camaraderie with other students. Despite this, the University of St. Thomas professors have been great at making sure that students have been getting through these tough times.

Sam Meshbesh

Going to law school during the pandemic definitely took some getting used to. My second semester of law school was fully online, and my second year was "hybrid," with about half of the classes online and half in-person. Luckily, this semester and the last have been primarily in-person, and I have gotten to see my classmates more often.

Not being able to see my friends and family in person as often as I would have liked during the beginning of the pandemic was difficult, and being entirely online made the law school experience much more impersonal. However, I have appreciated the flexibility of online classes and hope that courts stay partially online, as it is very convenient for all parties.

Zac McFarland

On one hand, the effects of the pandemic didn't affect me as much as others—I was taking most of my credits through our clinic, albeit while facing new hurdles due to our clients' vulnerability as incarcerated individuals. On the other hand, 3Ls were very aware of how different the law school experience was because we had the most "traditional" experience up until that point. Many 3Ls wondered how pass/fail grading would affect summer and post-graduation opportunities for 1Ls and 2Ls.

We also had our own effects to worry about. We were fairly certain our job market would not be quite as tough as

during the recession. However, that was about all the certainty we had. Knowing we would not get a formal graduation ceremony was a tough pill to swallow after all the work we put in. We also faced seemingly endless changes and speculation regarding the administration of the bar exam. To top it off, George Floyd's murder rocked our community in the short time between graduation and the start of bar study. Although it was only a few months, my experience as a pandemic law student was about as chaotic as it could possibly be.

What do you want lawyers (who presumably did not attend law school during a pandemic) to understand about the experience you and your classmates have had?

Nhoa Stanton

I hope lawyers and the legal industry have learned the importance of mental and physical health. I think there weren't enough boundaries between lawyers and their work pre-pandemic, and I hope we can continue to support lawyers in taking care of themselves.

Law School During a Pandemic, continued on page 10.

Law School During a Pandemic, continued from page 9.

For employers looking to hire recent grads, I would tell them that this has been the most challenging time of many students' lives. We were law students during a global pandemic; a presidential election; a rise in hate and hate crimes; and a time where our profession was being attacked and scrutinized, probably the most it has ever been. Grades or ranks probably do not reflect everything an applicant can bring to your law firm, so give students who survived law school during the pandemic a chance because it shows how resilient and dedicated to our profession we are.

Brandon Luu

Law school during the pandemic was different for everyone. It completely changed the school environment. Both teachers and law students had to adapt to a particular style of teaching/learning that I do not think is really indicative of how well individuals will do as attorneys. Further, I think a lot of law students are struggling because the usual systems in place for networking are gone. No longer can students just go to an in-person event and expect to chat with numerous attorneys—it takes a lot more effort to establish relationships. It has especially become a lot more difficult for law students who came into the profession without an established network within the profession (e.g., first-generation lawyers).

Sam Meshbesh

My firm has been very accommodating to working from home. From everyone I have spoken to, I think that employers and attorneys have been understanding about the challenges caused by COVID; none of my friends has encountered difficulties explaining a pass-fail semester to interviewers.

I hope that the acceptance of remote work and virtual proceedings does

not end when the pandemic subsides, as these changes improve work-life balance for attorneys of all experience levels while also reducing costs for employers and courts, as well as hassle for clients.

Zac McFarland

I hope that lawyers take the time to reflect and internalize what the last few years have been like. The vast majority of the community has displayed levels of support and camaraderie that could hardly be expected. However, there were still small contingents that acted like everything was normal. I think it's a disservice to our community, and the greater community we serve, to not be mindful of the generation of incoming attorneys and law students who have been thrust into experiences and environments unlike any before them.

I also hope the last few years have helped us collectively realize that the intersection of law and technology is growing quickly. We have done an incredible job of adapting over the last few years, but it shouldn't take a once-in-a-hundred-year pandemic to get us to embrace the evolution of our practice.

What's next for you?**Nhoa Stanton**

I plan on taking the bar exam in Minnesota after graduating in the spring of 2023. I would like to find a job in civil litigation. No matter where I end up, I hope to advocate for diversity, equity, and inclusion. I am passionate about diversifying the legal profession and making it as inclusive as possible. I hope to take what I have been able to implement at Mitchell Hamline for staff and students and apply it to the legal profession. I also want to work on legal education in high schools. I think it is vital for the youth to understand

the law and their legal rights, and it is my hope that through this understanding, they will be able to make more informed decisions. I want to help my community and help others succeed in the legal profession. My career goal is civil litigation, but my passion is social justice.

Brandon Luu

After law school, I don't have anything lined up yet! I am currently interested in clerking with a judge, but I am also interested in jumping straight into litigation practice at a firm. I am currently just going where the wind takes me.

Sam Meshbesh

I am currently clerking for Gordon & Rees and have accepted an offer to work for their Minneapolis office as an associate after bar passage. I do hope that the pandemic ends soon, as it's much easier for me to make connections with the local legal community through in-person events. I have also heard that the bar exam is a very different experience in its present state, but the past two-odd years have made me ready for anything!

Zac McFarland

My clerkship with Chief Judge Tunheim will wrap up this fall, and I plan on taking a little time off before returning to private practice. I look forward to traveling and taking the post-bar trip (even if a few years late!) that was impossible during the beginning of the pandemic.

I am unsure what returning to "normal" means or would look like at this point, but I will say that I am looking to the future with optimism to see how our community, including both current and future members of the profession, will meet and overcome the inevitable challenges. ■

Liz Scheibel is term clerk to Judge Eric C. Tostrud and Co-Editor of Bar Talk. She will never get over the closing of Allie's Deli in downtown Minneapolis during the pandemic.



Let's *evolve* the *agility* of *legal solutions*

Demands are high. Change happens quickly. From designing legal workflows for agile scale to decreasing response & resolution times, Consilio is trusted by over 4,000 global corporations and law firms to deliver a complete legal consulting & services experience. We invite you to discuss your goals and work together to evolve the future of your legal solutions.

For more, visit consilio.com.



*Evolving the future
of legal solutions*

Upcoming Events:

Wednesday,
April 13, 2022
Monthly Luncheon
Noon to 1:00 p.m.

Thursday,
April 28, 2022
*Pre-Trial and Early
Case Coordination:
Multidistrict Litigation
vs. Coordinated and
Consolidated Class and
Mass Actions*
Noon via Zoom

Wednesday,
May 4, 2022
New Lawyers Luncheon
Noon to 1:00 p.m.

Saturday,
May 7, 2022
Judges' Dinner Dance
6:00 p.m.

Monday,
May 9, 2022
*Discovery in Complex
Cases: Best Practices
on Cutting-Edge E-Dis-
covery Issues and Tips
for the Meet and Confer
Process*
Noon via Zoom

Wednesday,
May 11, 2022
Monthly Luncheon
Noon to 1:00 p.m.

12

Editors-in-Chief

Kelly J. Fermoye

Elizabeth M.C. Scheibel

Megan L. Odom

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 **Kelly Fermoye** (kelly.fermoye@faegredrinker.com), **Elizabeth Scheibel** (emcavert@gmail.com), or **Megan Odom** (MLO@ciresiconline.com).

A special thank you to **Faegre Drinker Biddle & Reath, LLP**, for formatting this issue.

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 FBA utilizes an online registration system for the monthly Minneapolis Club luncheons. A registration link will be sent to you via e-mail for each luncheon. One feature of the system is the automatic calendar entry; just click "Add to Calendar" from the registration system or your confirmation e-mail. Registration coordinators have the option to register multiple attendees in a single registration.



**Federal Bar
Association**
Minnesota Chapter