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Bar Talk

Katherian Roe Re-Appointed to Fifth Term as Federal Defender for the District of Minnesota

By Andrew H. Mohring

On February 18, 2022, Katherian D. Roe was sworn in for her fifth four-year term as the Federal Defender for the District of Minnesota. During this term, she will become the longest serving lawyer in the Office, surpassing the tenures of her predecessor Dan Scott and every other attorney in the Office. Building on the foundation Dan laid, Katherian's accomplishments as a lawyer and as the leader of the Office are the reasons it is a shining example of the vindication of indigent defendants' Sixth Amendment right to counsel.

Katherian began her work in the Minnesota Federal Defender's Office in August 1989, as only the fifth lawyer to work in that office. Having practiced Indian law in the Midwest for three years, she arrived with a newly minted criminal defense LLM from the Prettyman Fellowship program at the Georgetown Uni-



Katherian Roe Re-Appointed, continued on page 3.

Andrew Luger Returns as U.S. Attorney for the District of Minnesota



Andrew M. Luger was appointed by President Biden to serve as the 37th United States Attorney for the District of Minnesota. As U.S. Attorney and the chief federal law enforcement officer in the state, Mr. Luger leads an office that is responsible for prosecuting federal crimes, including civil rights violations, firearms offenses, narcotics trafficking, terrorism, child exploitation, human trafficking, financial frauds, public corruption, and tribal justice matters. The office is also responsible for representing the United States in affirmative and defensive civil cases, as well as assisting communities throughout Minnesota in proactive, community-building efforts designed to enhance public safety.

Andrew Luger Returns, continued on page 4.

Review of FBA National Diversity & Inclusion Committee Annual Report

By Kiera Murphy



**Federal Bar
Association**

Voice of the Federal Bar and Bench



FBA Committee on Diversity & Inclusion FY2021 ANNUAL REPORT

The Federal Bar Association has made tremendous progress on furthering diversity and inclusion. These efforts, which are documented in the National Diversity & Inclusion Committee's [2021 Annual Report](#), focus on membership, leadership, infrastructure, outreach and partnerships, and communications.

Membership initiatives were separated into three categories: (1) the launch of the Model D&I Plan for chapters, (2) the collection of diversity data on current FBA membership, and (3) a study of cost barriers to FBA membership. The Model Chapter D&I Plan was tested for the past few years with eleven different Chapters nationwide, and roll-out of an official Model Chapter D&I Plan is expected this year. The Plan includes guidance on many topics, such as recruiting and retaining members. Diversity and cost-barrier data will be used to track diversity among FBA members and encourage membership in underrepresented communities.

Leadership efforts included the collection of diversity data of current leadership, the recruitment and training of diverse leaders, personal commitment from leadership, and implicit-bias training for leadership. Collection of diversity data will show the current demographics of national and chapter leadership, while the recruitment and training of diverse leaders will hopefully increase diversity in leadership. The Committee also hopes to offer an official "Leadership Institute" for future leaders. FBA leaders are also planning to develop personal diversity action plans and will receive annual implicit bias training.

Infrastructure initiatives focused on integrating diversity efforts into the FBA, such as the launch of a D&I Model Plan for sections and divisions, a focus on diversity among

National D&I Report, continued on page 6.

Chief Judge Tunheim Delivers His Final State of the District Address

By Devin Driscoll

For the last time in his seven-year tenure as Chief Judge for the U.S. District Court for the District of Minnesota, Judge John R. Tunheim delivered the State of the District address at the February 16, 2022 monthly luncheon. Chief Judge Tunheim reported that the state of the District is strong.

The District celebrated many highlights in 2021, including:

In September, United States District Judge Kate Menendez was appointed by President Biden to fill the vacancy created when Judge Ericksen took senior status in 2019. Judge Menendez was confirmed on December 17, 2021.

United States Magistrate Judge John Docherty was appointed to fill the magistrate judgeship left open by the death of Judge Steven Rau in 2019.

United States District Judge Nelson took senior status, effective December 31, 2021. Chief Judge Tunheim noted

that the District looks forward to the nomination of her successor and to the appointment of a magistrate judge to succeed Judge Menendez.

Chief Judge Tunheim also noted the return of some in-person events in 2021, including:

The unveiling of portraits for Judge Ericksen, which will hang in the 15th-floor courtroom of the Murphy Courthouse in Minneapolis, and for former Judge Dennis Donovan, who served from 1945–1974. Judge Donovan's portrait, the third posthumous portrait commissioned by the District, will hang in the Heaney Courthouse in Duluth.

The triumphant return of the Minority Judges Reception, which was held on the plaza outside of the Murphy Courthouse in July and attended by more than 200 guests. The event featured the awarding of an engraved gavel to Senator Tina Smith, in recognition of her efforts to secure legislation to make Juneteenth a federal holiday.

Chief Judge Tunheim Address, continued on page 9.

Katherian Roe Re-Appointed, continued from page 1.

versity Law School, where she was the Stiller Fellow, with wisdom and audacity well beyond her 29 years. She served as an Assistant Federal Defender from 1989 to 2002, including a stretch as the Office's first Senior Litigator, before leaving to join the Hennepin County bench. She served as a District Judge until 2006, when she returned after Dan's retirement to become the Federal Defender.

In founding and guiding the Office through its first three decades, Dan established a number of visionary structures and practices, laying the foundation upon which Katherian has built. Structurally, the Minnesota Office became and remains one of the few in the country to directly manage the District's Criminal Justice Act ("CJA") Panel, the group of court-approved lawyers who represent the indigent accused when the Federal Defender is either conflicted or overwhelmed. From the beginning, the CJA Panel has been populated by many of the state's best defense lawyers.

The notion of federal court as the domain where the great and powerful are brought to justice is statistically indefensible: To this day, nine out of ten people accused of federal offenses in this District are poor enough to qualify for court-appointed counsel. Procedurally, the Minnesota Office has always considered all of the indigent accused in the District to be its clients, whether represented by the Office's lawyers or CJA Panel lawyers. This world view, expanded under Katherian's leadership, is seen in the Office's com-

mitment to training its panel members in both the basics of federal defense practice and cutting-edge developments. A fundamental commitment to these clients is further demonstrated by the Office's efforts to ensure that all prisoners serving Minnesota federal sentences are represented in the retroactive application of favorable Supreme Court decisions (from *Bailey* to *Johnson* and beyond) and amendments to statutes and the Federal Sentencing Guidelines, regardless of who represented them originally. Katherian has overseen these projects, including the Office's recent and ongoing work through the District's compassionate release screening protocol. These efforts have resulted in the restoration to liberty of thousands of the Office's clients.

The Constitution, its Bill of Rights, and the specific protections enshrined in the Due Process clauses and the Fourth, Fifth, and Sixth Amendments are easy to love in the abstract. However, mere admiration does not translate to suppressing illegally obtained evidence or responding to *Brady* violations with meaningful relief. Real life is more challenging. The truth is that Constitutional protections hinge on the everyday work of the Federal Defender's Office and the CJA Panel, inside and outside of the courtroom. The right to counsel is either real or an illusion depending on what happens in these real live courtrooms.

Katherian's leadership includes training, mentoring, supporting, and defending the Office's lawyers, as they take
Katherian Roe Re-Appointed, continued on page 8.

Clerk's Corner

By Andrew Pieper

The formal investiture for Judge Menendez was held on April 14, 2022. Senator Klobuchar was among the distinguished guests who spoke at the wonderful event.

The Court updated its COVID-19 Guidance most recently on March 21, 2022, in [General Order No. 35](#). The order vacates General Order No. 33 and allows CARES Act authorization to continue, which includes the ability to use telephone and video conferencing for certain criminal proceedings. While masks and social distancing are no longer required at all courthouses, they are still recommended. Judges maintain discretion to require masks during court proceedings. This and other related orders can be found on the District website on the [COVID-19 Guidance page](#).

Federal Rule of Civil Procedure 7.1 requires parties to identify all corporate parents, wholly owned subsidiaries, and certain ownership by publicly held corporations. As of March 28, 2022, the event in CM/ECF was modified to include the entry of all corporate parents, wholly owned subsidiaries, and publicly held corporations when the dis-

closure statement is filed. A procedure to assist with the new filing requirements is available on the District [website](#). Please contact the CM-ECF Help Desk (612-664-5155) if you have any questions regarding this change.

The Committee on Model Jury Instructions for the Eighth Circuit recently released a new tool with increased functionality for both Civil and Criminal Pattern Jury Instructions. Trial lawyers and judges will benefit from this new tool that enables users to format an entire packet of jury instructions with a few clicks. Use of the Jury Instructions Builder ("JIB") will ensure that the most current Committee-approved version of instructions is being used. The JIB is available on the Eighth Circuit's dedicated [website](#).

Finally, amendments were made to the Local Rules, including adding Juneteenth National Independence Day to the list of holidays in Local Rule 83.11. The District of Minnesota will observe Juneteenth for the first time this year on June 20, 2022. See the amendments under the Local Rules [page](#), along with an updated list of court [holidays](#). ■

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

Andrew Luger Returns, continued from page 1.

Although he served once before as U.S. Attorney during the Obama administration, Mr. Luger is approaching the job with a fresh perspective. In reflecting on why he wanted to step back into this role, Mr. Luger cites the shifting landscape, the rise in violent crime, and the need for leadership. In his words: “So much has changed in the last few years, Minnesota has changed. We are seeing disturbing increases in violent crime, not just in the cities but across the state. I wanted to return to public service to help our community—our state—at such a difficult time. I want to see this city, and this state, thrive. I want to contribute to bringing about positive change.”

The rise in crime, gun violence, and carjacking weighs heavily on Mr. Luger as he identifies his top priorities and allocates office resources accordingly. Within the first two weeks in the office, Mr. Luger assembled his management team, first by naming his First Assistant U.S. Attorney, Ann Bildtsen. Ms. Bildtsen is a veteran of the Office’s Civil Division. Mr. Luger

says she brings excellent judgment and an ability to identify solutions to just about any problem, which proves why she was the right person for the job. Mr. Luger also named Ana Voss as Chief of the Office’s Civil Division and Melinda Williams as Chief of the Criminal Division. He describes both division chiefs as natural leaders with a wealth of experience perfectly suited to tackle the challenges at hand: “When it comes to managing an office, I firmly believe in the strength of differing skills, opinions, and approaches, which can actually bring about cohesion and collaboration in advancing the mission of the Office. I am also a firm believer in transparency. I have an open-door policy; in fact, there’s always fresh, hot coffee in my office.”

Attorney General Merrick Garland appointed Mr. Luger to his Attorney General’s Advisory Committee (AGAC). Only 12 of 93 U.S. Attorneys across the country were selected to serve. The role of the AGAC is to provide insight into matters facing the Department of Justice, as well as advise the Attorney

General on matters of policy, procedure, and management.

As we’ve seen, the nomination and confirmation process for becoming a U.S. Attorney can be a long one. Once the state’s Senators recommend an individual, often through a selection committee, that name gets passed along to the White House for vetting. The next step is a Senate Judiciary Committee vote and then confirmation by the full U.S. Senate. In Mr. Luger’s case, this process lasted approximately six months. Mr. Luger emphasized his gratitude to Senators Tina Smith and Amy Klobuchar for their steadfast support and work to move the confirmation process along.

Before returning to the U.S. Attorney’s Office, Mr. Luger was a partner in the Minneapolis office of Jones Day from 2017 to 2022. As a member of the firm’s Investigations and White Collar Defense Practice, he represented local and international companies and was a leader of the firm’s national hate crimes and extremism initiative. ■

Bankruptcy Court’s Clerk’s Corner

By Tricia Pepin

We continue to experience change in the bankruptcy system. On April 1, 2022, adjustments to the dollar amounts stated in various provisions of the Bankruptcy Code and one provision of Title 28 of the United States Code went into effect. The adjustments reflect the change in the Consumer Price Index for all Urban Consumers published by the U.S. Department of Labor for the three-year period ending immediately before January 1, 2022, rounded to the nearest \$25. With these changes, several national forms and one local form were updated to reflect the new dollar amounts. These adjustments apply to cases filed on or after April 1, 2022. Please read our [public notice](#) announcing these changes, which includes a table outlining all the dollar-amount adjustments.

The CARES Act Bankruptcy provisions also expired on March 27, 2022, and as of the writing of this article,

Congress has yet to act to reinstate them. The Bankruptcy Court amended its Small Business Reorganization Act (SBRA) Interim Rule 1020 to reflect this change.

The 2022 amendments to the Federal Rules of Bankruptcy Procedure include several changes to implement the SBRA, which created a new subchapter V of Chapter 11 for the reorganization of small business debtors. Other rules are also slated to be amended in 2022. Please visit the U.S. Courts’ [website](#) for more information about these upcoming amendments, as well as amendments to the Federal Rules of Appellate, Civil, and Criminal Procedure. The amendments are projected to take effect on December 1, 2022.

For the most up-to-date information on the U.S. Bankruptcy Court, visit the Court’s [website](#). 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 the Chief Deputy Clerk of the U.S. District Court.

March Luncheon Tackles “The Future of the Bar Exam”

By Jacob F. Siegel

The Chapter’s March Monthly Luncheon featured a panel discussion on the future of the Minnesota Bar Exam, including perspectives from the Minnesota law schools, private practitioners, and the Minnesota Board of Law Examiners (BLE).

Barry Landy, partner at Ciresi Conlin LLP, moderated the discussion and began with an introductory presentation about recent changes to the bar exam here and across the country. In 2018, the National Conference of Bar Examiners (NCBE)—which develops the content for the Uniform Bar Exam (UBE)—appointed a Testing Task Force “to identify the legal knowledge and skills entry-level attorneys are expected to have or learn within the first three years of practice, and to determine whether, how, and when those identified competencies should be assessed on a bar examination.” The NCBE Board of Trustees ultimately approved the Task Force’s recommendation for a “NextGen Bar Exam,” which among other things is expected to place less of an emphasis on memorization of doctrine and more of an emphasis on lawyering skills. The NextGen Bar Exam is currently in the second year of an anticipated five-year development process.

Emily Eschweiler, Director of the BLE, then shared the steps that the BLE is taking here in Minnesota. Last June, the BLE published a Public Notice announcing a two-year study of the bar exam and other potential pathways to licensure. After public hearings last fall, the BLE formed working groups to study (1) changes to the bar examination; (2) potential alternative models, including “diploma privileges”; and (3) a post-graduation supervised-practice model. The working groups are expected to issue written reports at the end of May, and the BLE will seek further public input before filing its final report with the Supreme Court in June 2023.

The presenters then reflected on the current exam and the alternative models under consideration by the working groups. Anthony Niedwiecki, President and Dean of Mitchell Hamline School of Law, explained the reasons for his public stance against the current bar exam, calling it a test that was “designed to be exclusionary.” Dean



Niedwiecki also opined that “one size doesn’t fit all” and encouraged the development of multiple pathways to licensure.

A.L. Brown, attorney at Capitol City Law Group, LLC, presented a different viewpoint. Although he made clear that he was no defender of the format of the present bar exam—describing it as a “useless tool”—he objected to the idea that the exam needed to change to “help minorities.” As he put it, the bar exam is “not the time to figure out you have a Diversity, Equity, and Inclusion problem.” He also raised the concern that some of the proposed alternatives to the bar exam, such as the apprenticeship model, could disadvantage members of groups that are underrepresented in the legal profession and therefore less likely to have personal connections to lawyers.

As Eschweiler pointed out, it is ultimately up to the Supreme Court to decide what changes to the bar examination and licensure will be implemented. However, there will be ample opportunities for attorneys to weigh in over the next year, and the spirited debate among members of the bar is likely to continue. ■

Jacob F. Siegel is an associate at Ciresi Conlin LLP, where his practice focuses on complex commercial litigation and appeals. He was admitted to practice in Minnesota on motion but fondly recalls his days spent studying for the New York Bar Exam.

National D&I Report, continued from page 2.

speakers and presenters, the incorporation of accessibility principles into FBA events, the creation of a mentorship program, and the evaluation of policies and bylaws. The sections and divisions Model Plan will be launched in 2022 and will provide a template and road map on best practices. Diversity among speakers, presenters, and presentation topics will also be prioritized. An Accessibility Manual was launched in 2021 to assist the FBA in creating accessible events, whether in-person or virtual. Further, the Lift Up Leadership Mentorship program was launched earlier this year and has attracted students and attorneys from all types of practices. Lastly, the Committee plans to review policies and bylaws to advance diversity and inclusion.

Outreach and Partnership efforts were separated into three main categories: (1) the creation of the affinity bar liaison position, (2) the creation of a Speakers Bureau, and (3) the Af-

finity Bar Roundtable event. First, the affinity bar association liaison establishes relationships with various affinity bars, where a member of an affinity bar association has an official position as liaison to the FBA Diversity & Inclusion Committee. Currently, there are 16 liaisons from bar associations, including the Disability Rights Bar Association, the Federal Judges Association, the Federal Magistrate Judicial Association, the Hispanic National Bar Association, the National Asian Pacific American Bar Association, the National Bar Association, and the ABA D&I Committee. Second, the Speakers Bureau is a repository of diverse speakers who are experts on various topics. The Speakers Bureau is meant to help facilitate diversity among FBA speakers and presenters. Third, the Affinity Bar Roundtable event is hosted each year at the National Convention. Representatives from the affinity bar associations attend and engage in a discussion on diversity and inclusion with the FBA.

Communications initiatives included revising the FBA Diversity Statement, creating a D&I Value proposition, and publishing the D&I Action Plan, along with several other publishing projects. The revised FBA Diversity Statement was approved by the Board this past fall. The new Statement was updated to reflect a longer list of diverse identities, among other things. The D&I Value proposition lays out why diversity and inclusion are important to the FBA. The value of diversity and inclusion to the FBA includes attracting younger or newer lawyers, helping to educate members and third parties on diversity and inclusion, and improving the FBA's brand. Further, the FBA has published the D&I Action Plan and will continue to promote the Plan throughout the year. Lastly, the FBA created media content to promote diversity and inclusion, such as the "Profiles in D&I Leadership" series that showcased articles on different members of the D&I Committee Corporate Counsel Advisory Board. ■

Kiera Murphy is Co-Chair of the National FBA D&I Communications Sub-Committee. She is an associate in the Business Litigation practice group at Faegre Drinker Biddle & Reath LLP.

April Luncheon Panel Discusses High-Publicity Trials

By Mary Rivero

The Chapter's April Luncheon featured a panel discussion about high-publicity trials, with a focus on the prosecutions of Derek Chauvin and Kim Potter. Panelists who played key roles in the Chauvin prosecution included Steve Schleicher from Maslon LLP and Josh Larson from the Hennepin County Attorney's Office. (Unfortunately, Jerry Blackwell from Blackwell Burke P.A. was unable to attend.) The panel also included Erin Eldridge from the Minnesota Attorney General's Office, who worked on the prosecution of Kim Potter. Nate Louwagie from Carlson Caspers moderated the discussion, which was held in-person at the Minneapolis Club.

The discussion focused on the additional challenges that accompany high-publicity trials. In both the Chauvin and Potter cases, live broadcasts of the proceedings provided greater public access to the courtrooms. Larson commented that there was a concern that the coverage could affect the witnesses, but in the end, he did not think it did. Eldridge explained that with greater public access came increased attention, which—unlike for her male colleagues—was seemingly focused on her appearance and the sound of her voice. She responded by remaining committed to what was important in the case and continuing to employ her personal style. Eldridge has found that all attorneys have their own styles, and to be her best, she needs to be herself and do her job her own way. She also observed that contemporaneous public feedback can be insightful when trying to convince a jury comprised of the public. Similarly, Larson found himself asking whether the public commentary on Twitter might correlate to the jury's thinking. Schleicher said he, too, had to resist the urge to scroll through Twitter and, instead, focused on executing their team's well-formulated trial plan without getting distracted by other people with other plans.

High-Publicity Trials, continued on page 10.

Newer Lawyers Judge Luncheon on Discovery with Magistrate Judge Bowbeer

By Donna Reuter



Magistrate Judge Hildy Bowbeer has developed a wealth of knowledge, keen insights, and learned opinions about the proper way to engage in and conduct discovery during her time as a litigator, as in-house counsel, and as a judge. During a recent Newer Lawyers Committee Judge Luncheon, she shared those lessons with attorneys in the early years of their practice.

Judge Bowbeer unpacked several discovery sub-topics, including collecting electronic documents and other material effectively, serving meaningful objections to written discovery, sufficiently detailing the objection of “burden,” and maintaining professionalism in exchanges with opposing counsel.

First, Judge Bowbeer observed that the collection and review of documents and communications is a task that is often thrust on newer attorneys. Judge Bowbeer cautioned that discovery cannot be conducted in a strategic and effective way unless lead counsel is actively involved. When discovery is left to newer attorneys, sometimes it is not until later stages in the case, such as depositions or summary judgment, that the lead attorney “parachutes” in and the team realizes information they thought they would or should have had is missing. Newer attorneys require “integrated team thinking,” which lead lawyers can provide by guiding them in the discovery process and helping them to understand what is important to prove the case.

Next, Judge Bowbeer educated attendees regarding the correct way to object to written discovery requests. A laundry list of general objections and dense, repetitive, meaningless objections will not work to preserve a client’s objections, even if those objections are well-founded. The Federal Rules require that objections be specific. As such, general objections are ineffective because they do not communicate to the opposing side what, as the Judge put it, “your beef is with that particular request.” Relying on general objections and incorporating them in vague responses—such as “subject to and without waiving the foregoing”—fails to communicate whether an attorney disagrees with the request altogether; whether that attorney will give the other party what it is asking for; whether the attorney will give the other party part of what it is asking for; or whether the attorney actually doesn’t have what is being requested. Judge Bowbeer cautioned that “so many times, discovery disputes are emotions born out of a complete failure by the responding party to say clearly, ‘This is what we are objecting to, here’s why, this is what you are entitled to, and this is why we aren’t giving you other things.’”

Relatedly, when a party objects on the basis of “burden,” that burden needs to be detailed sufficiently. For instance, when responding to a motion to compel or moving for protective order, a party must detail in its briefing specific information (usually supported by a declaration) that quantifies the asserted burden. Attorney rhetoric or client hearsay is insufficient because the judge requires an evidentiary record to make a decision.

Further, detailing the burden should not be done for the first time during motion practice. That burden should be described to opposing counsel during meet and confers related to the dispute. The other side must have opportunity to react to that articulated burden before the motion is filed. Both sides should work together to narrow the requests to mitigate the burden on the responding party while getting the requesting party what it needs to move forward with the case.

Judge Bowbeer also answered a question about lawyer professionalism. In her eyes, a lack of professionalism becomes manifest in discovery-motion briefing when the emails and letters exchanged between counsel are submitted as exhibits

Magistrate Judge Bowbeer NLC Luncheon, continued on page 8.

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positions and seek results that are difficult, dissonant, and often unpopular. Every one of the Office's lawyers has benefitted from her quiet but effective championing when they needed it most. She hired 13 of the 21 people to have served as Assistant Federal Defenders, and she participated actively in the selection and training of most of the rest.

Throughout her tenure, Katherian's support has allowed the lawyers in her Office and on the Panel to do the difficult, day-to-day work of trying to make the Constitution's promises more than theory. Her motivation, and theirs, is always the individual client and the impact of their story—well-investigated, well-developed, well-told. As compelling as the principles that underlie these activities can be, the focus is always on the human being the Office has the privilege to represent. In the words of Justice Kennedy, this involves the consideration of the accused “as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue.” *Koon v. United States*, 518 U.S. 81, 113 (1996).

Katherian pioneered programs that elevated the level of defense practice in the District, in addition to regular CJA Panel trainings. The Office's Second Chair Program, something Katherian developed early in her first term as the Defender, is an innovation that has been adopted in many other districts. The program takes promising defense lawyers and puts them through a rigorous combination of training and practice. The program combines lessons in federal criminal defense and District practice with appointments to cases selected based on complexity, selecting defense lawyers to work in tandem with experienced practitioners from the Office or the CJA panel. The program's fourth class recently graduated.

In inspiring, training, and supporting her lawyers and staff, and in running the CJA panel, Katherian's ability to navigate bureaucracies is extraordinary—she looks five steps ahead at any given moment. Her positions of leadership extend well beyond the District's boundaries, including long service on the Defender Services Advisory Group and, most recently, the Cardone Commission. Her influence can be seen through the Commission's study of and national recommendations for the provision of representation to indigent defendants in federal cases, many of which have been or are being adopted.

Judges in this District, the Eighth Circuit, and the Supreme Court, *see United States v. R.L.C.*, 503 U.S. 291 (1992), have witnessed Katherian's skill as a courtroom litigator and trial lawyer. Federal agents and Assistant United States Attorneys have experienced her mastery more tangibly. Her work as the Office's head and as the person responsible for the people it serves means that she stands at the podium less often, but the brilliance of her tactics and advocacy remains. *See United States v. Danny Heinrich*, 2016.

In short, the entities and individuals sometimes called criminal justice partners have been profoundly fortunate beneficiaries of Katherian's leadership for these many years. As have the lawyers who have been fortunate enough to work with her. And most especially as have the clients they represent. ■

Andrew H. Mohring is a partner at Goetz and Eckland P.A., a former First Assistant and Assistant Federal Defender for the District of Minnesota, and soon to be the second longest serving lawyer in that office.

Magistrate Judge Bowbeer NLC Luncheon, continued from page 7.

to the motion. She warned that “as aggravated as you may feel and as unreasonable as you think [opposing counsel] is being in their demands and objections, resist the urge—with all your might—to vent in your communications. Particularly, when you attribute impure motivations to the other side.”

She advised the audience to “seek first to understand, and then to be understood.” She further counseled lawyers to

be part of the solution and not the problem. Advocate for your client and focus on the merits and facts of the case. Instead of attributing bad motivation to other parties or lawyers, take others as wanting to do the same as you, to advocate for their client. In the District of Minnesota, a lawyer will go much further if they internalize a sense of civility and professionalism. ■

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

Chief Judge Tunheim Address, continued from page 2.

Finally, Chief Judge Tunheim noted with sadness the passing of Senior District Court Judge Richard Kyle, who died in June 2021 after serving the District of Minnesota bench for nearly 30 years. Chief Judge Tunheim announced that a memorial for Judge Kyle will be held this summer, with details to follow.

Chief Judge Tunheim reported that civil filings were up 5% and criminal filings were down 9% in 2021. As to the civil docket, immigration filings increased by 68% and civil-rights filings increased by 23%. On the criminal docket, fraud and theft offenses were the most commonly charged of-

fenses, making up 36% of the total—a 182% increase from 2020. Meanwhile, firearms-related offenses decreased by 40%. The District presided over 16 criminal and 5 civil trials in 2021.

The District reviewed 755 motions for compassionate release, of which 114 have been granted and 15 are pending. The team reviewing the motions was comprised of: Keala Ede, Lisa Lopez, Sarah Weinman of the Federal Defender's Office; Kate Buzicky of the U.S. Attorney's Office; and Lou Jean Gleason, Michael Vicklund, and Leah Gilgenbach of the Court Operations staff.

The U.S. Probation and Pretrial Services Office hosted its first District-wide commencement program for Reentry Court graduates at Harriet Island Regional Park in Saint Paul. The theme for this commencement program was “Breaking Down Barriers for a Better Future.” The guest speaker was Saad Soliman, Executive Director of Peace by Piece, Inc., in Wilmington, Delaware and a reentry expert. A total of 14 graduates received certificates of completion, and the program was well attended by the Court family, external stakeholders, and families of graduates. ■

Devin Driscoll is a litigator at Fredrikson & Byron and an active member of the FBA Newer Lawyers Committee. He clerked for Chief Judge Tunheim during the 2019–2020 term.

Pro Se Project 2021 Volunteer Attorneys and Participating Firms

By Tiffany Sanders

“The *Pro Se* Project is ‘a partnership between the United States District Court for the District of Minnesota and the Minnesota Chapter of the [Federal Bar Association]’ that is intended ‘to increase access to the federal court system while at the same time addressing the unique challenges of pro se litigation.’” *Henderson-Prouty v. DeJoy*, No. 19-cv-2742 (PJS/JFD), 2022 WL 670096, at *1 n.2 (D. Minn. Mar. 7, 2022) (quoting *Rickmyer v. ABM Sec. Servs., Inc.*, No. 15-cv-4221 (JRT/FLN), 2016 WL 1248677, at *5 (D. Minn. Mar. 29, 2016)).

Generous volunteer attorneys enable the *Pro Se* Project to serve the Court, assist *pro se* litigants, and enhance access to justice. The following lists the 2021 *Pro Se* Project volunteer attorneys alphabetically with the name of the law firm where the volunteer attorneys worked when they accepted the referrals.

Jerri C. Adams, Baillon Thome Jozwiak &

Wanta

About B. Amara, Jr., Gustafson Gluek

Stephanie M. Balmer, Falsani, Balmer,

Peterson & Balmer (Duluth)

Beth Bertelson, Bertelson Law Offices

Elizabeth M. Binczik, Fabian May & Anderson

Amy E. Boyle, Halunen Law

Karl L. Cambronne, Chestnut Cambronne

Erica E. Davis, Davis & Egberg**

Lauren D’Cruz, Schaefer Halleen

J.D. Feriancek, Trial Group North (Duluth)

Paul W. Fling, Fox Rothschild

Lora Friedemann, Fredrikson & Byron

Heather M. Gilbert, Gilbert Law

Phillip W. Goter, Fish & Richardson

Margaret M. Grathwol, Chestnut Cambronne

Kirstin E. Helmers, Mason & Helmers**

Erin L. Hoffman, Faegre Drinker Biddle &

Reath

Kelly A. Jeanetta, Kelly A. Jeanetta Law Firm

Phillip M. Kitzer, Kitzer Rochel**

Michelle Kornblit, Nichols Kaster

Kyle R. Kroll, Winthrop & Weinstine

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Ellen Levish, Robins Kaplan
Zorislav R. Leyderman, The Law Office of
Zorislav R. Leyderman
Sharon R. Markowitz, Stinson
Leaf Dilts McGregor, Norton Rose Fulbright**
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For more information on the *Pro Se Project*, or to sign up to volunteer, contact Tiffany Sanders, *Pro Se Project* Coordinator, at 612-965-3711 or proseproject@q.com. ■

High-Publicity Trials, continued from page 6.

Eldridge and Schleicher provided insight on jury selection in their cases, and Larson described his team's strategy on the order of proof. Eldridge said her goal is to have a fair and impartial jury by using cause challenges on those who cannot set aside their preconceived notions. Schleicher's goals are usually to strike prospective jurors who are unpersuadable, to have a group that is reflective of the community, and for the process to be fair so that the jury's decision and the outcome of the trial will be accepted by the public at large. Larson then described how their team created modules of evidence that could be separately developed and prepared and then strategically sequenced to maximize impact. In particular, the team decided to open their case against Chauvin with a module of unforgettable evidence from civilian witnesses.

The panel repeatedly highlighted the importance of teamwork in high-publicity litigation. Schleicher described the cold call that he received from Attorney General Keith Ellison, which began as an ostensibly casual conversation

about the Chauvin case and eventually landed him an offer to work on the prosecution. Schleicher credited the Attorney General with putting together a diverse and experienced trial team. For example, Jerry Blackwell had vast experience with complex medical cases and recognized the need to address the cause of death in a way that would fully educate the jury so that when they watched the video evidence, they could "believe their eyes." Meanwhile, Schleicher and Larson have vast experience working with police officers and prosecuting homicides. Schleicher feels that a trial team with a diversity of gender, race, and experience creates better work product. He emphasized that high-profile trials are a team sport, and that means (1) listening to your teammates—especially a group of such dynamic and intelligent people—to avoid getting stale; (2) putting in the work alongside your teammates, witness by witness and minute by minute; and (3) supporting your teammates during public scrutiny, including the type that Eldridge endured. Ultimately, this allows the trial team to do its best work. ■

Mary Rivero is an associate at Winthrop & Weinstine, P.A., practicing in the areas of commercial litigation and creditors' remedies, and is a member of the Chapter's Newer Lawyers Committee.



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Upcoming Events:

**Wednesday,
May 18, 2022**
*Minneapolis Courthouse
Library: NLC Judge
Luncheon with Judge
Stras*
Noon to 1:00 p.m.

**Wednesday,
May 18, 2022**
*Fergus Falls Court-
house: Fergus Fall
Courthouse Re-opening
and Unveiling of Judge
Devitt Bust*
3:00 p.m.

**Tuesday,
June 14, 2022**
*Nicollet Island Pavilion:
FBA Federal Practice
Seminar*

**Thursday,
June 16, 2022**
*Plaza at Minneapolis
Courthouse: Minority
Judges Reception*
5:00 p.m.

**Wednesday,
June 29, 2022**
*Minneapolis Courthouse
15th Floor: White Collar,
Compliance, and Crimi-
nal Law Committee
Happy Hour*

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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).

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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.



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