

Inside This Issue:

President's Welcome Message	1
The District Celebrates 60th Anniversary of the Criminal Justice Act	2
Clerk's Corner	4
Court Camp 2024-Opening the Doors to the Next Generation	5
FBA Kick-Off Social Event and Golf Tournament	6
Bankruptcy Clerk's Corner	7



Bar Talk

President's Welcome Message

By United States Magistrate Judge Elizabeth Cowan Wright

I'm delighted to welcome you to the 2024-2025 bar year of the Minnesota Chapter of the Federal Bar Association! It's an honor to serve as the President of the Chapter, with its strong and vibrant history, membership, and participation. I'd like to begin by thanking the Immediate Past President Katie Barrett Wiik, who led the Chapter in a successful 2023-2024 bar year, including Court Camp, the Federal Practice Seminar, our Monthly Luncheon series, the ever-popular Judges' Dinner Dance, and numerous substantive presentations by the Chapter's practice groups. I'd also like to acknowledge the leadership shown by all of our Past Presidents, as each Chapter President stands on the shoulders of those who previously served in that role.

One of the things I'm most excited about is that our Chapter will be hosting the 2025 FBA Annual Meeting and Convention from September 11-13, 2025, at The Depot in Minneapolis. I know the co-chairs of our Annual Meeting and Convention Committee, Jeanette Bazis, Kyle Kroll, and Adine Momoh, are working hard to make this event a great success. This is a wonderful opportunity to showcase the beautiful City of Minneapolis, the great State of Minnesota, and the strength and collegiality of our Chapter. As a reminder from the co-chairs, the Minnesota Chapter is hosting the 2025 Annual Meeting and Convention after many FBA leaders from across the country have been asking us to do so for many years, and this will be a great networking opportunity for Minnesota practitioners—including at the evening reception on September 12, 2025. Stay tuned for more details on how you can help, including with providing sponsorships for this very important event.



In the meantime, Chapter leadership is working hard to ensure we have another successful bar year. I'm pleased to announce the formation of the new Antitrust Practice Group, which will be co-chaired by Holley Horrell, Michelle Looby, and Stacey Slaughter. I look forward to the Antitrust Practice Group's upcoming events, along with events planned by the Intellectual Property; White Collar, Compliance, and Criminal Law; Civil Discovery; and Mass Tort, Multi-District Litigation, and Class Action Practice Groups. The substantive events put on by our Chapter's Practice Groups do much to further the education and professional development of Minnesota practitioners, consistent with the mission of the Chapter and the National FBA.

Turning to other FBA goals, I'd like to emphasize the Chapter's ongoing commitment to the values of diversity and inclusion—which was formalized in 2001 with the formation of the Diversity & Inclusion Committee. We are fortunate to have U.S. Magistrate Judge John F. Docherty, Aaron Knoll, and Natasha Townes Robinson continue as our Vice Presidents for Diversity & Inclusion this year, and I anticipate another year of important programming from that Committee. The Chapter is also a strong proponent of law school outreach, including by offering free membership to law students, and I hope we can all support the efforts of our Law School Outreach co-chairs Megan Helstrom and Zac McFarland this year.

One of my personal goals as President is to increase volunteerism for the *Pro Se* Project. The *Pro Se* Project seeks to connect volunteer lawyers with unrepresented individuals who receive a Court referral to the Project. Volunteer lawyers may agree to consult with a *pro se* litigant about their case, represent a *pro se* litigant for purposes of the litigation, or represent a *pro se* litigant in a limited capacity for settlement purposes. There are many attorneys who have consistently volunteered for the *Pro Se* Project, and their contributions are very much appreciated. But additional volunteers would be very much appreciated! There are still litigants who cannot be placed even for a consultation, and it would be wonderful to have a larger panel of volunteer attorneys. If you have questions about how you can help, please reach out to the *Pro Se* Project Coordinator Jackie Bailey at coordinator@proseproject.org, *Pro Se* Project Coordinators U.S. Magistrate Judge Dulce J. Foster and Brittany Resch, or me directly.

Let me flag another opportunity for lawyers—particularly newer lawyers—writing an article for our award-winning *Bar Talk* quarterly newsletter. *Bar Talk* is co-chaired this year by Devin Driscoll, Mary Nikolai, Alyssa Schaefer, and Gina Tonn. Co-chairing *Bar Talk* is an extremely demanding role. Volunteering to write an article for one of the issues can be a great way to contribute to our Chapter and get a little publicity. If you're serving on a Chapter Committee or Practice Group, I encourage you to write an article about one of your events. And for those planning events, please remember to identify a member to write an article about that event and be sure to let the *Bar Talk* co-chairs know about the event and who is authoring the article.

This year we anticipate another strong monthly luncheon series. Many thanks to last year's Monthly Meeting Vice Presidents U.S. District Judge Kate Menendez, Hennepin County Judge Kristen Marttila, and Kyle Kroll for a fascinating set of speakers. I'm confident that this year's Monthly Meeting Vice Presidents U.S. Magistrate Judge Doug Micko, Kelly Fermoye, and Bibi Metsch-Garcia will give us an equally strong series, beginning in September with David Douglass, who is monitoring the Minneapolis Police Department under both state and federal consent decrees. I'm also looking forward to the Judges' Dinner Dance, Court Camp, the Golf Tournament, and the Newer Lawyers' Committee events. You may see some changes to some of these events as the Chapter evaluates the interests and wishes of our membership and the economics (for our Chapter and sponsors) going forward. You may also see a survey or two to assess our members' opinions, and if you do, please respond, or simply reach out with opinions and ideas—after all, this is your Chapter.

Finally, if you're looking for a way to get more involved with the FBA this year, please check out our Chapter's initiatives, Committees, and Practice Groups on the Chapter website at <https://www.mnfedbar.org/initiatives>. You never know where it can lead.

The Honorable Elizabeth Cowan Wright is a United States Magistrate Judge for the District of Minnesota.

The District Celebrates the 60th Anniversary of the Criminal Justice Act

By Matthew Deates

On July 18, 2024, the District Court for the District of Minnesota, the Federal Defender's Office, and the Minnesota Chapter of the Federal Bar Association hosted an event celebrating the 60th anniversary of the Criminal Justice Act.

The celebration's theme, "Making Equal Justice a Reality," highlighted the Criminal Justice Act's role in guaranteeing that all individuals charged in federal court, regardless of income, have access to quality, professional defense services. The event honored the District of Minnesota's Criminal Justice Act Panel ("CJA Panel"), an esteemed group of court-approved private attorneys who represent indigent individuals charged in federal court. The CJA Panel takes on cases where the Federal Defender's Office is unable, either due to conflicts or case numbers, and ensures that the Sixth Amendment right to counsel is realized by all.

Before 1964, no system existed for funding federal defense attorneys to represent individuals who could not afford to hire counsel. Instead, judges would call on often young and inexperienced lawyers to represent the indigent accused in federal court. These lawyers were not compensated for their time or services, nor were they provided funding to hire defense investigators, interpreters, expert witnesses, or even to order court transcripts. If a court-appointed lawyer sought to utilize any of these resources in defending their client, the financial responsibility and burden was theirs alone.

This bare-bones approach to federal criminal defense meant that, on average, a court-appointed lawyer spent less than two hours working on each case. In most cases, this resulted in little, if any, real effort to mount a vigorous defense. Realistically, if a person lacked the funds to pay for a defense, it was unlikely that they would receive one.

That began to change 60 years ago.

In 1962, the Supreme Court declared that the Sixth Amendment right to counsel is “fundamental and essential” to the United States system of justice in *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963). Shortly thereafter, Congress passed the Criminal Justice Act in 1964. The Act provided lawyers for indigent federal defendants. For the first time, districts across the country began creating and funding panels of private criminal defense attorneys to represent federal defendants who could not afford to hire an attorney.

In the District of Minnesota, the first CJA Panel formed in the early 1970s to meet the Criminal Justice Act’s mandate. This was before the “tough-on-crime” era of federal criminalization in the ’80s and ’90s, and there were far fewer criminal cases prosecuted in federal court. Consequently, a small panel of attorneys launched the Community Defender organization. Peter J. Thompson served as the first Community Defender in Minnesota for two years. In 1975, Thomas M. Kelly succeeded Mr. Thompson serving as court-appointed counsel. Indigent clients now were represented by experienced attorneys who were actually paid for their work, and who, in turn, could pay for investigators, experts, and other services necessary to present a zealous defense. However, this practice of having part-time attorneys managing the Community Defender organization was unique. Thus, in 1978, the District Court ceased operations of the Community Defender organization and instead implemented a full-time Federal Defender organization.

The Federal Defender’s Office was established in the District of Minnesota on August 14, 1978. Assistant United States Attorney Dan Scott was selected to be the first Federal Defender. Mr. Scott wasted little time in strengthening the CJA Panel: he recruited many of the best defense attorneys in the state to join. And once he had established the CJA Panel, he set his sights on building a strong Federal Defender’s Office.



What began with one employee has now grown to a staff of 21. Today the District of Minnesota’s CJA Panel is regarded as one of the strongest in the country, and the Federal Defender’s Office is considered one of the best. This is largely due to Mr. Scott’s foundational principals having been furthered under the leadership of Katherian D. Roe, the District’s current Federal Defender. Ms. Roe considers all indigent defendants in the District as clients of her office and is committed to their defense, be they represented by an Assistant Federal Defender or a CJA Panel lawyer. This

hybrid system of public defense, consisting of federal defenders and private attorneys, is respected as the gold standard.

The Federal Defender’s office trains CJA Panel lawyers through twice-yearly seminars and consulting on individual cases. It also provides the Second Chair Program, a two-year training program aimed at recruiting and developing less-experienced federal lawyers and molding them into CJA Panel lawyers themselves. The Second Chair Program was one of the first of its kind in the country and is now a model for many districts interested in building a robust hybrid system of federal public defense.

Beyond the strong support both the CJA Panel and the Federal Defender’s Office provide to their clients, the longevity of service among Panel lawyers makes it stand out as one of the nation’s greatest. In fact, some of the original Panel lawyers from the 1970s remained on the job as of 2024 including Earl Gray, Tom Kelly, Bill Mauzy, and the late Joe Friedberg. At the July 18, 2024, celebration, 64 lawyers received recognition for having served on the District’s CJA Panel for 20 years or more.

Chief Judge Patrick J. Schiltz and Magistrate Judge Elizabeth Cowan Wright spoke at the 60th anniversary event, lauding the CJA Panel members for representing their clients zealously with regard to the high stakes that their cases present, while also maintaining the high standards for professionalism and civility the Court expects. The dedication and professionalism of the CJA Panel lawyers strengthen the Sixth Amendment right to counsel and maintain the integrity of our federal criminal justice system.

Matthew Deates is an Assistant Federal Defender at the District’s Office of the Federal Defender.

Clerk's Corner

By Andrew Pieper

Announcements

Exciting news on September 12, as the Senate confirmed The Honorable Laura M. Provinzino as the Court's newest Article III judge, filling the seat vacated by Judge Wilhelmina M. Wright. An informal swearing-in took place in September. The Honorable Shannon E. Elkins was sworn in on September 16 as the Court's newest Magistrate Judge. Both judges will be located in St. Paul. More information about both new judges will be coming soon.

Chief Justice John G. Roberts appointed Judge Jerry W. Blackwell to a three-year term on the Judicial Conference Committee on Judicial Security, and Judge Joan N. Ericksen to a three-year term on the Judicial Conference Committee on the Rules of Practice and Procedure.



In other personnel news, Chief Judge Patrick J. Schiltz administered the oath of office to Maribel Andrade-Vera as the District's new Chief U.S. Probation Officer on July 19. Chief Andrade-Vera has been with the Probation Office for ten years, and has served in all three units: Pretrial, Presentence, and Post-Conviction. Chief Andrade-Vera replaces former Chief Probation Officer Kito Bess, who retired this past February.

On June 10 the Court posted amendments to Local Rules 5.6 and 79.1. Please click [here](#) to view all Local Rules including the amended rules.

In December of 2023, the Court announced a new General Order Administrative Policy to improve courthouse security and protect the safety of judges, jurors, witnesses, victims, and other individuals involved in high-profile or sensitive proceedings. The General Order can be found on the Court's [website](#). On designated enhanced security days, visitors to the courthouse will need to place their personal electronic devices in a secured pouch. Attorneys, among key other exemptions, are not required to place their device in a pouch. The quickest way to identify yourself as an exempt individual is to present either your BAR card or a picture of your BAR card at security screening. If you do not have either, your name will be checked against a list located at screening which may create delays. The Court has experienced several of these enhanced security days already this year and foresees it reoccurring on a regular basis. The Court will attempt to notify attorneys with appearances on enhanced security days in advance but please be aware that it is not always possible due to emergent issues. To avoid delays getting through screening, it is best practice to always carry your BAR card or a picture of your BAR card with you. There is also the option of the clerk's office or individual chambers unlocking devices for legitimate purposes for parties attending court with you.

District Events

On May 29, Judge Paul A. Magnuson swore in Judge Jeffrey M. Bryan at his formal investiture at the Landmark Center. It was a joyous and energetic event with a full house, wonderful music by the St. Paul Central High School Jazz Band, and great speakers.

On June 20, the Court co-hosted the 10th Annual Minority Judges Reception at the Minneapolis Renaissance Hotel – The Depot. Over 250 practitioners, affinity bar leaders and members, and judges and clerks from all of Minnesota's courts attended



this amazing event that celebrates the diversity of the federal, state, and tribal judiciaries in Minnesota. The Minority Judges Reception is sponsored by the United States District Court for the District of Minnesota, the Minnesota Chapter of the Federal Bar Association, Minnesota Association of Black Lawyers, Minnesota Asian Pacific American Bar Association, Minnesota American Indian Bar Association, Minnesota Hispanic Bar Association, Minnesota Hmong Bar Association, Minnesota Somali Bar Association, Minnesota Lavender Bar Association, Minnesota Women Lawyers, and Twin Cities Diversity in Practice.

On July 18, the Court hosted a celebration of the 60th Anniversary of the Criminal Justice Act and recognized the many wonderful attorneys who work every day to make equal justice a reality.

During the week of July 8, the Court hosted over 20 students from a dozen Twin Cities metro high schools, one greater Minnesota student, and one student from Texas at the annual, week-long court camp for high school students. The students were able to attend civil and criminal panels, a law enforcement panel, court hearings, reentry court, and a naturalization ceremony. Each afternoon, the students were coached by attorneys to prepare for a mock trial held on the last day of the camp. The students also had a chance to meet and hear from Minnesota Attorney General Keith Ellison.

On July 24, Judge Nancy E. Brasel presided over a naturalization ceremony before the Twins game at Target Field. Twenty applicants from seventeen different countries—Burma, Cameroon, the Dominican Republic, Ecuador, Ethiopia, India, Kenya, Liberia, Morocco, Nepal, North Macedonia, Peru, Philippines, Russia, Somalia, Sweden, and Vietnam—took the Oath of Allegiance.

On August 13, the Court held its second Summer Teacher Institute at the St. Paul Courthouse. Twenty middle-school and high-school social studies educators from across Minnesota attended the day-long workshop, which focused on landmark cases involving the First Amendment and the impact of those cases on students and teachers.

On August 26 and August 28, more than 60 immigrants from 22 countries became United States citizens at the Minnesota State Fair. Chief Judge Patrick J. Schiltz and Judge John R. Tunheim gave the oath at the International Bazaar stage.

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

Court Camp 2024—Opening the Doors to the Next Generation

By Margarit Margaritov and Nisat Chowdhury

Over the week of July 15, 2024, the Chapter hosted Court Camp 2024—the annual, free, week-long day camp for high school students. About two dozen students from the Twin Cities and Greater Minnesota (and one student who flew in all the way from Texas) spent mornings learning about the courts system from local practitioners. Each afternoon, a dozen volunteer attorneys helped them prepare for a mock trial.

And were those mornings busy! The week opened with a sentencing hearing with Chief Judge Patrick J. Schiltz, followed by a panel of prosecutors and defense attorneys, a presentation by lawyers from the Minnesota Attorney General's Office, and a short address by Minnesota Attorney General Keith Ellison himself. On Tuesday, the students heard from members of the Probation and Pre-Trial Services team, attended a panel session with civil litigators, and learned about artificial intelligence, music, and sports law. Wednesday kicked off with Reentry Court, hosted by District Judge Katherine M. Menendez, followed by a demonstration with all-time favorite K9 U.S. Marshal Jack, the bomb-sniffing dog. To close out Wednesday morning, the students watched court reporters create a transcript in real time and explored homemade

hidden cameras with a private investigator. On Thursday, the students attended a Naturalization Ceremony in Saint Paul with Magistrate Judge J. Dulce Foster presiding and explored the Justice and Democracy Center. Friday morning began with a crash course on how to finance a college education led by Magistrate Judge Fisher's externs, followed by a talk given by Magistrate Judge Elizabeth Cowan Wright explaining what a magistrate judge does. A panel with



Court Camp 2024, continued on next page.

Court Camp 2024, continued from previous page.

representatives from various law enforcement agencies and a panel about voir dire with Department of Justice and U.S. Court officials wrapped up the learning portion of the program.

At lunches during the week, about 20 attorneys volunteered to chat with students in an informal setting. Special guests also made appearances. On Tuesday, Chief Judge Schiltz welcomed the students and answered questions related to the sentencing hearing. On Wednesday, Senior District Judge John R. Tunheim shared stories about his career and his work on the JFK files. On Thursday, Magistrate Judge Douglas L. Micko shared personal stories and encouraged the students to dream big. On Friday, Magistrate Judge Foster and Magistrate Judge David T. Schultz joined students to share wisdom and answer student questions.

Each afternoon spent strategizing and practicing direct and cross examinations for the mock trial paid off. On Friday, the students cautiously entered the two courtrooms where the mock trials were to be held. Judge Menendez and Magistrate Judge Wright welcomed them with open arms and presided over the proceedings, while proud parents cheered (more or less silently) from the benches. All four mock trial teams finished the afternoon in high spirits, celebrating with certificates signed by Chief Judge Schiltz and many photos with the judges. After everyone shared a heartfelt farewell, the curtain fell on yet another successful Court Camp run.

Thank you to the over 70 volunteers (judges, attorneys, students, and other professionals), who donated their time to make Court Camp 2024 a success. A special thank you to the FBA Community Outreach Committee: Manny Atwal, from the Federal Defender's Office, for organizing all the morning speaker panels; Samuel Walling and Trevor Parkes, from Jones Day, for preparing the mock trial problem and leading the team of coaches they recruited; and Judge Fisher, his law clerks, Rachel Glissmann and Margarit Margaritov, and his externs, Nisat Chowdhury, Sydney Schuster, Ronni Farid, and Yanan Tang, for managing all the logistics. Last, but not least, thank you to the generous sponsors of the meals and snacks for students and volunteers: Fredrikson & Byron, P.A., Carlson Caspers, Ciresi Conlin LLP, Faegre Drinker Biddle & Reath LLP, and Lathrop GPM LLP.

Margarit Margaritov was the summer 2024 Acting Term Law Clerk for Judge Fisher and is a 3L at the University of Minnesota Law School. Nisat Chowdhury was a summer 2024 extern for Judge Fisher and is a 2L at the U.

FBA Kick-Off Social Event and Golf Tournament is a Hole in One

By Peter J. McElligott

Not even the excessive heat or pending power outages could keep the members of the FBA from enjoying this year's Golf Tournament and Social Event at Midland Hills Country Club. While this year's new contest allowed participants to embrace the history of the game using persimmon drivers off the first tee box, participants were all reminded that golf is a hobby, not a profession for this group. For some, the sun shined a little brighter as the winning team from the Consumer Justice Center and Verita separated themselves from the field. Congratulations to the champions and to all contest winners, including the Honorable Eric C. Tostrud for his Tiger Woods impression on the Longest Drive contest!

The golf clinic continued to be a popular option for lawyers and law students alike for learning the game and honing their skills. In the end, FBA members gathered for a memorable social event in the Midland Hills clubhouse to socialize, grab a bite to eat, and cool down.

A huge thanks to all the fantastic sponsors who helped make this event possible. If you are interested in serving on the planning committee for the 2025 event, please contact Pete McElligott (pmcelligott@anthonyostlund.com) or Tracey Holmes Donesky (tracey.donesky@stinson.com)

Pete McElligott is a shareholder at Anthony Ostlund Louwagie Dressen and Boylan P.A., where he regularly represents individuals and businesses in cases involving fiduciary duty issues and shareholder disputes.

Bankruptcy Clerk's Corner

By Tracia Pepin

Hello from the U.S. Bankruptcy Court! We hope that you had a wonderful summer.

The U.S. Bankruptcy Court implemented several Local Rule amendments to the 5000, 6000, and 7000 series, effective September 4, 2024. To see the amendments, visit the Local Rules page under the Code, Rules, Forms and En Banc Orders tab on the Court's website at www.mnb.uscourts.gov. The purpose of the amendments is to conform the Local Rules and Local Forms with the Federal Rules of Bankruptcy Procedure and current practice. These amendments are the second set of a larger project to substantively review all Local Rules.

In conjunction with the Local Rule changes, the Clerk's Office also implemented many changes in ECF and associated case processing procedures. Please review the [Attorney Procedures](#) page for the most current case filing guidance. To assist the bar with the changes in ECF, the Clerk's Office has updated its CM/ECF Cheat Sheet to help identify the appropriate request for relief or ECF event, authority for such request, and ECF location for the event. The chart is also available on the [Attorney Procedures](#) page.

Please also note that from October through December 2024, the Minneapolis intake counter will be co-located with District Court on the second floor while the Bankruptcy Clerk's Office has new flooring installed.

Tracia Pepin is the Clerk of the District of Minnesota U.S. Bankruptcy Court.

RENEW NOW



**Federal Bar
Association**
Minnesota Chapter

RENEW NOW

- FBA memberships expire on September 30 each year
- Renew to stay on the MN Chapter email list
- (Really, do it now. Renewal processing can be slow.)
- <https://www.fedbar.org/>

The screenshot shows the Federal Bar Association website. The top navigation bar includes links for Membership, Events, Government Relations, About, The Federal Lawyer, Foundation, and Member Tools. The Member Tools dropdown menu is highlighted with a red circle, showing options: Update My Profile, Renew My Membership, Member Directory, Event Registration, and Leadership Portal. The main content area is titled 'Benefits of Membership' and includes the tagline 'Serving the federal practitioner and the federal judiciary since 1920.'

Upcoming Events:

Wednesday, October 2, 2024

FBA Antitrust Practice Group
Kickoff Social Event

Wednesday, October 9, 2024

October Luncheon

Wednesday, October 9, 2024

An Unfinished Journey - Public
Reception, Duluth

Wednesday, November 6, 2024

November Luncheon

Wednesday, January 8, 2025

January Luncheon

Wednesday, February 12, 2025

February Luncheon

Wednesday, March 12, 2025

March Luncheon

Wednesday, April 9, 2025

April Luncheon

Wednesday, May 14, 2025

May Luncheon

8

Editors-in-Chief

Devin Driscoll

Mary Nikolai

Alyssa Schaefer

Gina Tonn

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 **Devin Driscoll** (DDriscoll@fredlaw.com), **Mary Nikolai** (mnikolai@gustafsongluek.com), **Alyssa Schaefer** (schaefer.alyssa@dorsey.com), and **Gina Tonn** (GTonn@greeneespe.com). A special thank you to **Allegra Print & Imaging** for formatting this issue.

*Want to get involved in the Minnesota
Chapter of the Federal Bar Association?
Visit www.mnfedbar.org/initiatives 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.

CLE Credit for Monthly Luncheons:

Attending the Monthly Luncheons also earns you CLE credits! If you attended these luncheons, here are the CLE codes and the credits approved:

September Monthly Luncheon (David Douglass) - TBD



**Federal Bar
Association**
Minnesota Chapter