



Bar Talk

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On Cuckoo Clocks, Raising Unicorns, and the Power of Stories: Meet U.S. Magistrate Judge Douglas L. Micko

By Jen L. Davison, Ashley Fischer, and Jolene Erickson



On April 10, 2023, Chief Judge Patrick J. Schiltz administered the oath of office to Douglas L. Micko, the District of Minnesota's newest U.S. Magistrate Judge. Judge Micko joined the bench after a diverse career in both civil and criminal practice, and there is nothing that he loves more than a good story. This is his.

With the sun streaming into his office in the St. Paul Courthouse, Judge Micko sits at his desk preparing for an upcoming settlement conference. Pushing back from his stack of meticulously organized binders, he invites us into his office and tries to adjust his blinds to keep the sun out of our eyes. He wryly remarks that he'd found himself bobbing and weaving during an earlier Zoom status conference, trying to keep the sun from blocking him entirely from the parties' view. As we sit down to talk about his winding path to the judiciary, a cuckoo clock chimes the hour in the background, its little bird proclaiming that it is 9:00 somewhere, even though it is 4:00 p.m. on this particular fall Friday afternoon. The scene goes some way to describing the man; unassuming and self-deprecating, genuine and warm, extremely hard working, with an easy good humor.

Judge Micko has called St. Paul home for most of his life. As a child, he grew up in Inver Grove Heights. "Our first house was on Robert Street," he recalls, "and my parents had this bricklayer lay a brick fence around our yard. As a surprise, the bricklayer incorporated my parents' names into the fence design. Their names are still there to this day if you drive by," he says jovially.

Judge Micko is the youngest of two children. His father was a local businessman, and his mother was primarily a homemaker with a keen love for animals. "The various pets always had extremely literal names," Judge Micko recalls with a laugh. "There was a cat named Tuffy—because he was tough—and a cat named Miss Kitty. There were also chickens with names like Golden Wings, or Crooked Toes, or Rooster Junior." Judge Micko has one brother, a year older than him, who works in real estate.

As a young adult, Judge Micko thought he was going to start his own business. He attended undergrad at the University of St. Thomas. It was during his second or third year that he realized he loved political science. He describes a particular off-campus program as transformative. The program was called HECUA, the Higher Education Consortium for Urban Affairs, and was offered by Hamline University. Judge Micko participated in HECUA's MUST—Metro Urban Studies Term. During MUST, students were invited to explore urban studies issues through classroom and out-of-classroom learning by reading scholarship on relevant topics, directly talking with community members, and interning at a local organization. Judge Micko interned at the Selby Area Community Development Center. "It opened up my whole world. Things I hadn't thought about in any depth before, like concentrated poverty or institutional racism. That term inspired some of the first steps that I took down the path of public service," he reminisces. After his term with HECUA, he switched his major to political science with a

Meet Judge Micko, continued on page 11.

Judge Susan Richard Nelson Celebrated in Portrait Unveiling Ceremony

By Joseph Janochoski, David Racine, and Thomas Wheeler

On November 9, 2023, members of the Twin Cities legal community gathered at the Devitt Ceremonial Courtroom at the Warren E. Burger Federal Building and U.S. Courthouse in St. Paul for an unveiling ceremony of Judge Susan



Richard Nelson's portrait. Appointed by President Barack Obama, Judge Nelson served as a United States District Judge from December 21, 2010, until taking senior status on December 31, 2021. She previously served the District of Minnesota as a United States Magistrate Judge from June 12, 2000, until her elevation to the District Bench. In addition to her judicial work and many awards, Judge Nelson co-founded—with Judge Donovan Frank—the District's Reentry Court in 2015 and has served as an Eighth Circuit Director of the Federal Judges Association since 2018.

The unveiling ceremony celebrated Judge Nelson's long career and commitment to public service and included remarks from Chief Judge Patrick Schiltz; the Chapter's President, Katie Barrett Wiik; First Assistant Federal Defender Manny Atwal; Judge Nelson's career law clerk, Marilyn Conklin; Judge Nancy Brasel; and Judge Nelson herself. The Devitt Ceremonial Courtroom and overflow



room were packed with friends, colleagues, current and former clerks and staff, and many other professionals who have had their lives impacted in some way by Judge Nelson over the years. Many attendees had traveled from across the country for the event. Judge Nelson herself was surrounded by family, including her husband, sons, grandchildren, and siblings.

Remarks from speakers covered many different aspects of Judge Nelson's life and career. Several speakers talked at

length about Judge Nelson's commitment to the District's Reentry Court program and discussed her energy, compassion, and commitment to helping formerly incarcerated individuals successfully transition back into the community. Speakers noted her unswerving willingness to be a role model, friend, and mentor for those in the program. Others shared stories about Judge Nelson's seemingly endless willingness to take on extremely difficult cases and help manage the Court's business; her generosity with her time (as a judge, mentor, and friend); and her professional, yet kind and compassionate, approach to presiding over her courtroom, her cases, and the people who appeared before her, regardless of their circumstances or background.

The ceremony also included a musical performance by the "Nelson Chambers Choir" comprised of Judge Nelson's current and former law clerks, Judge Frank, and other members of Judge Nelson's chambers staff. The music consisted of a mashup of songs from *The Sound of Music*, with lyrics



that had been re-written with "judicial" themes, as well as themes that highlighted Judge Nelson's favorite activities and preferences. At times, former law clerks in the audience would pop up and sing a few lines from a song,

much to the delight of the crowd.

Award-winning artist Kyle R. Keith, who painted Judge Nelson's portrait, provided remarks prior to the unveiling. Mr. Keith's work is held in several important public and private collections, including the United States Court of International Trade, the United States Federal Court for the Eastern District of New York, and the Players Club in New York City. In his remarks, Mr. Keith discussed his process and efforts to capture Judge Nelson's personality, spark, and energy on the canvas. His efforts paid off—the reveal of the portrait was accompanied by applause and admiration from Judge Nelson and the audience.

Following the unveiling, Judge Nelson provided heartfelt remarks. She shared a meaningful quote to the effect that "gratitude is the heart's memory." In that spirit, she focused her remarks on thanking many of the people who have played an important role in her life and who made the occasion a success, including her family, friends, those who spoke at the event, current and former law clerks, and the artist. Judge Nelson's signature warmth and humility shined through her words.

Per the Court, Judge Nelson's portrait will be on display in the atrium of the Devitt Ceremonial Courtroom in downtown St. Paul, and the public (and certainly the legal community) is encouraged to visit. ■

Joseph Janochoski is a trial attorney at Robins Kaplan LLP in Minneapolis, where he focuses his practice on complex business and health care litigation. He clerked for Judge Nelson from 2019 to 2020. David Racine is an attorney at Dorsey & Whitney LLP, where he practices complex commercial litigation, including torts, construction, and trade secrets. David served as a law clerk to Judge Nelson from 2020 through 2021. Thomas Wheeler is a litigation attorney at Fredrikson & Byron P.A., focusing on employment, product liability, and health care disputes. Thomas clerked for Judge Nelson from 2021 to 2022.

Chapter Highlights from the 2023 FBA Annual Meeting & Convention

By Amy Boyle

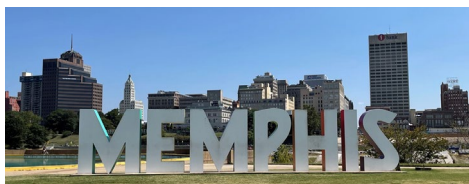
The FBA 2023 Annual Meeting & Convention was held in Memphis, Tennessee, on September 21–23, 2023. A strong contingent of Chapter members attended to participate in CLE sessions and Board Meetings, celebrate the accomplishments of the year, and enjoy the Bluff City.

On the first day of the Convention, Chapter members who served on the 2022–2023 FBA Board of Directors attended its Board Meeting. Others attended CLEs including a presentation on “Trauma-Informed Lawyering” and a program on “Secrets to Success: Learn Best Practices for and Get Advice about Excelling in the Legal Profession.” Both groups joined the Public Service Luncheon. The first day’s programming closed with a reception where attendees watched the historic Peabody Hotel Duck March and Incoming FBA National President Jonathan Hafen served as the Honorary Duckmaster. Following the reception, attendees broke off for dinners and re-joined for a mixer hosted by the Younger Lawyers Division and Law Student Division at B.B. King’s Blues Club on historic Beale Street. Chapter members were among those at the event, which closed with a mesmerizing rendition of Prince’s Purple Rain.



The second day included a mix of varied programming, from a CLE entitled “Way Too Smart? Ethical Quandaries and the Use of AI” to a keynote address featuring Richard Smith, President and CEO, Airline and International, FedEx. Attendees also joined mid-day for an Awards Luncheon and, following the programs, Chapter members visited the Memphis Rock ‘n’ Soul Museum where an Elvis impersonator taught the group how to play the harmonica.

The third day kicked off with the National Council Meeting where the Chapter’s *Bar Talk* publication received an Outstanding Newsletter Award. The meeting was followed by the Presidential Installation Luncheon where FBA National President Jonathan Hafen was sworn in and Elvis and his band performed. After the luncheon, Chapter leaders met with leaders from other FBA chapters at the Chapter Leaders Meeting. Fellows of the FBA Foundation, including several Chapter members, met for a toast to celebrate newly inducted fellows. The Closing Celebration recognized FBA Executive Director Stacy King who celebrated 25 years of working for the Federal Bar Association—congratulations Stacy!



While in Memphis, Chapter members experienced the rich local history, most notably at the National Civil Rights Museum at The Lorraine Motel. The National Civil Rights Museum is located at the former Lorraine Motel, where civil rights leader Dr. Martin Luther King Jr. was assassinated on April 4, 1968. The museum contains interactive exhibits, historic collections, and allows visitors to walk through history to learn more about the American Civil Rights Movement.

Although the 2024 Annual Meeting & Convention is taking place in Kansas City, Missouri, on September 5–7, 2024, FBA members are already making plans to attend the 2025 Annual Meeting & Convention in Minnesota! ■

Amy Boyle is a Partner at MJSB Employment Justice in Minneapolis. Within the FBA, she serves as the Immediate Past Chair of the Younger Lawyers Division, the Chair Elect of the Alternative Dispute Resolution Section, and a member of the Sections and Divisions Council.

Diversity and Inclusion Committee Kick-Off

On November 1st, the Chapter’s Diversity and Inclusion Committee held its first meeting to kick-off a productive year ahead. An enthusiastic group of 15 members gathered at Greene Espel’s Minneapolis office. Members connected over snacks and drinks, discussed the Committee’s goals, and brainstormed initiatives and action items.

Based on its list of initiatives, the Committee will be busy this year. The Committee will lead planning of annual favorites, such as the Affinity Bar Meet and Greet (planning is already underway for a winter event) and the Minority Judges Reception. The Committee also plans to develop new programs including the following initiatives: a federal courts pipeline program for diverse candidates; increase Chapter’s membership diversity; increase Chapter event inclusiveness; and host CLEs on DE&I topics of current importance. The Committee also aims to collaborate with other groups and assist in their programming, including the Leadership Summit on Gender Equity in the Law, the LSAT Scholarship Program, the Open Doors Program, and much more.

If you would like to join the Diversity and Inclusion Committee or have ideas for its initiatives this year, please reach out to its co-chairs: Judge John Docherty (docherty_chambers@mnd.uscourts.gov), Natasha Robinson (nrobinson@fredlaw.com), and Aaron Knoll (aknoll@greeneespel.com). ■

Ethics and ESI Explored by Civil Discovery Practice Group Panel

By Chuck Toomajian



Attendees gathered in the IDS Center the morning of September 27, 2023, for coffee, breakfast, and an ethics CLE presentation put on by the Chapter's Civil Discovery Practice Group. The topic of the presentation was e-discovery on non-traditional data sources and emerging technologies, with a particular focus on ethical considerations. As presenters Jane Maschka (Faegre Drinker), Niloy Ray (Littler Mendelson), Simeon Morbey (Lockridge Grindal Nauen), and Chuck Toomajian (Zimmerman Reed) discussed, ethical rules and obligations underpin all aspects of discovery and continue to inform and guide discovery principles as technology marches onward. The panel highlighted Rule 1.1 and 1.3's twin duties of competence and diligence, the confidentiality obligations of Rule 1.6, the duty of candor to the tribunal articulated by Rule 3.3, and the requirements of fairness embedded in Rule 3.4.

Against this ethical backdrop, the panel first addressed the challenges involved in obtaining and providing discovery of data contained on mobile devices such as smartphones. As with all the technologies discussed in the presentation, Rule 1.1's duty of competence is inextricably interwoven with discovery on this data source. While the ability of mobile phones to make calls and send text messages is not new, the scope and depth of users' information that these phones now track and record—including app usage, health data, location history, and personal email, photos, and videos—is a far more recent development. And, given the personal nature of this data, the confidentiality concerns of Rule 1.6 are particularly potent and can require careful consideration to ensure that irrelevant personal information not pertinent to the case at issue is being appropriately segregated and secured.

A more recent addition to modern discovery is data from collaborative communication platforms such as Slack and Microsoft Teams, which took off in popularity during the recent rise of remote work. Depending on how retention policies are managed, a company's collaborative communication platform can quickly become a mountainous repository of discoverable and highly valuable data, but its dynamic nature (such as edit and delete functions) can also give rise to concerns under Rule 3.4, which prohibits obstructing access to evidence or altering, concealing, or destroying material with evidentiary value. Without a fulsome understanding of the various platforms on which companies' communications are taking place, attorneys risk spoliating or other-

wise failing to diligently review and produce relevant data.

Even less well understood are enterprise resource planning (ERP) and customer relationship management (CRM) systems. These technologies bookend opposite sides of business data, with ERPs managing back-office processes such as accounting, HR, and supply chain management, while CRMs manage front-office functions like customer relationship and sales interactions. While these data sources can be intimidatingly complex, attorneys cannot sidestep discovery on CRMs or ERPs by claiming unfamiliarity. In addition to the duties of competence and diligence under Rules 1.1 and 1.3, Rule 3.3's duty of candor proscribes attorneys from certifying the accuracy of discovery responses if they cannot truthfully testify that they have made a reasonable inquiry into the available information.

Finally, the panel discussed Artificial Intelligence, or AI. News of generative AI applications such as ChatGPT—and the infamous misuse of the technology to cite fictitious caselaw—has garnered much attention. Less appreciated, however, is the extent to which different types of AI have already penetrated into numerous workplace functions, including employee hiring and assessment, content design, safety monitoring, customer support automation, diagnostics, and sales forecasting. Candid assessment and dialogue on both sides of discovery are especially critical to determine which types of AI might be relevant to a given case and the scope of discovery that is feasibly available into those functions. Impossibly broad discovery requests by uneducated counsel may violate Rule 3.4's proscription against frivolous requests, while a lack of understanding of the client's use of AI by the responding party's counsel may lead to a violation of the same rule's prohibition against obstructing access to relevant evidence.

Overall, the panel emphasized ethical lawyers cannot simply plead ignorance of emerging technologies and hope for the best. On the contrary, as Comment 8 to Rule 1.1 makes clear, they must stay abreast of the benefits and risks associated with technologies relevant to their practices, including those that may affect how relevant evidence was or is being generated and maintained and how that evidence may best be preserved, collected, reviewed, and produced. Furthermore, because of the complexity of these data sources, attorneys should seek guidance from experts where needed. Finally, they must have an open and in-depth dialogue with their clients on these matters such that neither attorney nor client abdicates its responsibility to the other. Only then can lawyers meet their ethical obligations to their clients, the opposing parties, and the court when it comes to discovery of non-traditional data sources and emerging technologies. ■

Chuck Toomajian is a member of the Chapter's Civil Discovery Practice Group and is an associate at Zimmerman Reed, where his practice focuses on public client, qui tam, and consumer protection cases.

Clerk's Corner

By Andrew Pieper

Important Courthouse Security Changes

Beginning January 1, 2024, the District of Minnesota will implement enhanced security measures for certain hearings and trials by restricting the use of personal electronic devices. The goal is to eliminate the unauthorized recording of witnesses, jurors, and other participants. On days deemed necessary by the judge presiding over the proceeding, visitors will be required to place their personal electronic devices into a locking pouch system for the duration of their visit. There are exemptions allowing some people, including attorneys, to keep their electronic devices on their person without placing them in a locking pouch. Upon verification, all attorneys appearing in the courthouse will be exempted from this policy. The most simple and expedient way to verify you are exempt from the new policy is to carry a current attorney registration card (or keep a photo of the card on your phone). If an attorney does not have the card or a photo, court security will look it up using the attorney's photo ID; however, this process will delay passage through security screening. Decisions about implementing enhanced security will be made in consultation with the U.S. Marshals Service and can change quickly based on emergent information. Since advance notice will sometimes be difficult to provide, it is best to be prepared and assume that the policy will be enforced when visiting the courthouse. This is a new process for our courthouses and the patience and cooperation of those visiting is appreciated as we improve our courthouse security. Any questions may be sent to Andrew.Pieper@mnd.uscourts.gov

Judge Susan R. Nelson Portrait Unveiling

The District held an unveiling ceremony for Judge Susan R. Nelson's portrait on Thursday, November 9th. The ceremony included remarks from Chief Judge Patrick J. Schiltz, Chapter President Katie Barrett Wiik, First Assistant Federal Defender Manny Atwal, career law clerk Marilyn Conklin, Judge Nancy E. Brasel, and portrait artist Kyle R. Keith. The ceremony also included a lively performance by Judge Nelson's current and former law clerks; an unveiling of the portrait by Judge Nelson's family; and conclusory remarks from the Judge herself.

Judge Nelson's portrait will be on display in the atrium of the Devitt Ceremonial Courtroom inside the Warren E. Burger Federal Building and U.S. Courthouse in downtown St. Paul. The public is encouraged to visit. Read more on page 2.

Judge Donovan W. Frank Receives the 2023 Access Press Charlie Smith Award

Judge Donovan W. Frank was the winner of the 2023 Access Press Charlie Smith Award. The award was presented at a celebration on November 3rd at McNamara Alumni Center at the University of Minnesota's East Bank campus. The award is given to Minnesotans who provide outstanding service

to people with disabilities. Community members put forth nominations. Board members agreed that despite a strong field of nominees, Judge Frank was uniquely qualified. He has presided over some of Minnesota's most important cases involving disability rights.

"Judge Frank's work has been crucial in matters that affect the daily lives of Minnesotans," his nomination stated. "He has been fair and thoughtful, and has been able to advance critical needs through his work. He sees the needs of the community and his rulings back that up. Recognition is long overdue for rulings that protect people with disabilities."

Judge Frank has been involved in several high-profile cases involving people with disabilities. One such case involved Minnesota Extended Treatment Options, a state-run facility in Cambridge. Staff there were accused of harshly punishing clients with disabilities, going so far as to break one person's arm. The use of seclusion and restraint was at the heart of the challenge brought by the families. The case's 2011 settlement jump-started Minnesota's Olmstead Plan. Olmstead refers to a 1999 U.S. Supreme Court ruling, *Olmstead v. L.C.*, which made it unlawful to keep people with disabilities in institutions when they could live in the community.

In public remarks Judge Frank has spoken of life experiences that shaped his views on disability. One was from childhood.

From the time I was a little boy and really old enough to understand, at least so I thought, my Dad insisted on taking one of his older cousins, Dutch, who was developmentally disabled, to church with us on Sundays. He also insisted that Dutch should help us around my Dad's little TV and appliance store in southeastern Minnesota. Dutch lived on a farm outside of my hometown. It was my parents, as I look back on it, who taught me not to perpetuate so many stereotypes of individuals with special needs or disabilities However, at the same time, it was important that we give them opportunities, and that's as my parents taught me, to realize their full potential and to live productive lives. I grew up watching my mother and father truly caring for people like Dutch in our community, with many acts of kindness and opportunities.

Judge Frank has also spoken of the rights of people with disabilities, the need for equal protection under the law, and how people with disabilities should be treated.

I have observed firsthand that even a temporary loss of employment creates severe hardships, because many individuals with developmental disabilities not only completely rely on the income from these jobs, but more importantly to me, the dignity that is associated with being productive and needed members of society brings a quality of life to each of them, just like it does to each of us Who can argue with me when I say that we are a better and stronger workforce that truly represents

Clerk's Corner, continued on page 10.

November Luncheon Highlights Potential Impact of Generative Artificial Intelligence on Law

By Farah Famouri

On November 11, 2023, during the November monthly luncheon, the Chapter received breaking research news related to artificial intelligence (“AI”). University of Minnesota Law School Professor Daniel Schwarcz presented findings from an article he published that day, with assistance from moderator Kyle Kroll of Winthrop & Weinstine.

Professor Schwarcz’s presentation explored how generative AI can impact the law, particularly the practice and billing of legal services. He described four waves of research conducted on AI tools studying their potential impact on the law. The first wave related to whether a tool such as ChatGPT or GPT-4 could pass a law school exam. The research showed that ChatGPT was able to easily pass law school exams. When applying that research to the bar exam, GPT-4 not only passed the Uniform Bar Exam, it scored in the 90th percentile.

These results spurred the second wave of research—how humans interact with the AI tool. Professor Schwarcz described an experiment involving law students who take an exam, afterwards are trained on how to use an AI tool, and then re-take that exam with the use of the AI tool. In general, students improved on certain types of exams like multiple choice, while answers to more complex questions saw little improvement. However, Professor Schwarcz noted a very interesting result: the students who scored the lowest on the first exam did significantly better with the use of AI, while the highest scorers did not improve with use of the tool. This suggests that AI has a different impact for different skill levels.

The third wave of research involved using human techniques to teach the AI tool, and thus, provide better results from

AI. Research showed that by using human techniques such as having the tool explain how it got its results, providing sample exam answers for the tool, and giving the tool underlying case material, an AI tool could outperform the average law student on an exam.

Finally, the fourth wave of research involved having the AI tool focus on legal tasks rather than taking exams. Professor Schwarcz described brand-new research in which researchers asked the AI tool to draft four types of legal writing; a legal memo, a contract, a complaint, and an employee handbook. Although there was not, in the aggregate, a statistically significant improvement in the quality of product produced by the tool, there was a significant improvement in the amount of time spent working on those tasks. Researchers found that high-performing individuals obtained a large reduction in time working on drafting, and low-performing individuals improved in both time and quality of writing. Professor Schwarcz emphasized that these results understate the possibilities of AI and the law because the technology is already far more advanced than what was used for this study—“In my mind, the question is how quickly we adapt and how we adapt to it.”

Professor Schwarcz noted that while there are still concerns about the use of AI technology, the possibilities are immense. He noted that legal services may become more accessible due to the decreased costs of drafting formulaic documents such as divorce petitions and wills. Similarly, AI technology could have wonderful impacts for non-native English speakers, as it takes seconds to ask the AI tool to draft a sample document as a native English speaker. As noted by Professor Schwarcz, AI is constantly evolving—current tools are just the beginning. ■

Farah Famouri is an attorney at the Minneapolis litigation boutique Greene Espel. She represents business and public clients in a wide range of complex disputes.

Chapter’s Newer Lawyers Committee Hosts Judge Tunheim at Judge’s Luncheon

By Steven Vogel

On November 30, 2023, Judge John R. Tunheim spoke to approximately 40 lawyers who attended the monthly Judge’s Luncheon hosted by the Chapter’s Newer Lawyers Committee. A mainstay of the Judge’s Luncheon program over the years, Judge Tunheim once again graciously shared his wealth of experience in the backdrop of his courtroom.

Judge Tunheim’s upcoming shift to senior status was top of mind; his successor, Judge Jeffrey M. Bryan of the Minnesota Court of Appeals, had just been confirmed by the Senate two days earlier. (Judge Bryan was sworn in as a United States District Judge by Chief Judge Schiltz on December 1.) Judge Tunheim reflected on his impact on the District, including the following achievements: making the legal system accessible to all visitors by supporting the creation of the Justice & Democracy Center so that children (and adults) can learn about the judicial system and civic matters more broadly; implementing reporting systems for employee misconduct; and navigating the District through the COVID-19 pandemic. On a lighter note, he teased about keeping his courtroom nice and cold to keep people awake. One of his proudest achievements was overseeing the trial remand and settlement of the infamous class-action sexual-harassment case involving female miners in the *Iron Range, Jensen v. Eveleth Taconite Co.*, which inspired the movie *North Country*.

NLC Luncheon, continued on next page.

NLC Luncheon, continued from previous page.

Judge Tunheim expressed a special affinity for jurors, noting that jury duty was often their only close interaction with the legal system. He enjoyed seeing most, if not all, jurors go from irritated and distracted to enthusiastic and grateful to be part of the process. He expressed appreciation for the opportunity to expose jurors to the wonders of the courtroom—the place he has always wanted to be since he first became a lawyer.

The luncheon was catered by Roots for the Soul, a women-of-color-owned business creating fresh, sustainable meals using seasonal ingredients. ■

Steven Vogel is a first-year litigation associate at Winthrop & Weinstine, P.A. and is excited to be involved in the Newer Lawyers Committee and the Federal Bar Association.

Bankruptcy Clerk's Corner

By Tricia Pepin

Effective December 1, 2023, the following Federal Rules of Bankruptcy Procedure and Forms were amended: Rules 3011, 8003, and 9006; Official Forms 410A and 417A; and Director's Form 1340. In addition, new Rule 9038 took effect.

Several bankruptcy filing fees and miscellaneous fees also increased on December 1, 2023. Fee changes included the following: increasing the fee to docket a case on appeal or review; increasing records search fees; and increasing fees to certify any document. To see the Bankruptcy Court Miscellaneous Fee Schedule, visit: [Bankruptcy Court Miscellaneous Fee Schedule | United States Courts \(uscourts.gov\)](https://www.uscourts.gov/bankruptcy-court-miscellaneous-fee-schedule).

The Court expects in the near future to post several proposed amendments to the local rules for public comment; please review the proposed amendments and provide your feedback. All proposed amendments will be posted on the Court's website at www.mnb.uscourts.gov. As always, CM/ECF filing questions may be directed to the [Help Desk](#) at 612-664-5275.

If you have suggestions on how we can better serve the members of our bar and the public, please contact me. ■

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

October Luncheon Features an Election Law Update with Minnesota Secretary of State Steve Simon

By Nate Converse

On October 11, 2023, the Chapter gathered to hear remarks from Minnesota Secretary of State Steve Simon on the significant changes in voting and election law passed during the 2023 legislative session. A former litigator with Robins Kaplan, Secretary Simon, now in his third term, first took office in January 2015. He is the first lawyer to be elected as Secretary of State since 1891. Unlike county and city election offices—which count votes and hire, train, and pay poll workers—the Minnesota Secretary of State is the chief election official tasked with administering elections, providing legal guidance, and setting election policy for the State of Minnesota. Secretary Simon described the goal of his office's policy prerogatives as pursuing the “mythical balance” between election access and security.

At the luncheon, Secretary Simon detailed the significant changes in voting and election law passed during the 2023 legislative session. He described the legislative session as the most impactful session in the last 50 years.

Felon voter restoration. The legislature restored the right to vote for individuals released from incarceration though still under court supervision. Although a majority of other states prohibit individuals from voting until they are “off paper completely,” Minnesota has joined twenty-two other states that permit voting upon release from prison, even if the individual is still serving a term of probation or supervised release. Secretary Simon estimated this legislation restored the right to vote to 55,000 Minnesotans.

Automatic voter registration. Something of misnomer, recent legislation streamlined Minnesota's voter registration policy. Minnesota law previously permitted an individual to opt in to registering to vote upon obtaining a new driver's license. The new law presumes an applicant will register to vote unless they opt out. Secretary Simon emphasized that this revised process will improve efficiency, accuracy, and security in voting. Individuals will continue to be thoroughly vetted and screened for eligibility.

Election Law Update, continued on page 13.

An Update from the FBA Student Chapter at the University of Minnesota

By Margarit Margaritov



Greetings from your local FBA Student Chapter at the University of Minnesota. The Minnesota Student Chapter just

wrapped up a semester of great events with strong student turnout.

The Minnesota Student Chapter opened the season with a discussion on Careers in Federal Criminal Practice. Special guests Assistant United States Attorney Andrew Dunne and Assistant Federal Defender James Becker shared stories about the twists and turns of their careers, the day-to-day of their current roles, and why they continue to do what they do. They also sprinkled in important life and career advice, including: 1) make sure you are doing something you enjoy; 2) if you are the type that does not get excited about third-party contracts, find a different practice area; 3) good opposing counsel keeps you accountable and doing your best work; 4) civil litigation is not so civil, and courtesy can take you far; and finally, 5) know your goals and priorities because working for the government is fulfilling, but it won't make you rich.

The Minnesota Student Chapter's next distinguished guest was Judge Donovan W. Frank, who joined the group for a conversation about those mythical people—Article III judges. Students sat at the edge of their seats listening intently to Judge Frank talk about his experiences as a law student, prosecutor, and judge. He described his confirmation process and the time he has spent teaching and mentoring other judges. Judge Frank also shared his observations about the slow disappearance of jury trials and oral arguments over the last two decades. The easygoing conversation took on a solemn tone when Judge Frank mentioned Reentry Court. After explaining the program to students, Judge Frank shared some of his most impactful experiences with participants in the program and ended with a positive message. Students learned that the federal judiciary can nurture good outcomes.

Margarit Margaritov is an extern for Judge Donovan W. Frank and moonlights as a 2L at the University of Minnesota Law School.

District of Minnesota Goes All-In on Civics Education with Brand-New Center

By Rebecca Parks

As highlighted in Bar Talk's September 2023 issue, the U.S. District Court for the District of Minnesota opened the doors of its brand-new [Justice & Democracy Center of Minnesota](#) this summer. Before the paint was dry, or the grand opening had been planned, civics education and community outreach events were taking place.

The Justice & Democracy Center of Minnesota, which exists to promote public understanding of the rule of law and the role of an independent judiciary in our democracy through free, accessible, and equitable educational programming, is the result of a years-long effort that began in 2018 by then-Chief Judge John Tunheim to better utilize court space for community outreach. As part of a larger remodel, the court was able to repurpose storage rooms and underutilized office

The Minnesota Student Chapter ended the semester with a primer on multi-district litigation, delivered by Joseph M. Price and John W. Ursu. Mr. Ursu shared his accidental foray into plaintiff's side work, highlighting how juries have the power to hold corporations accountable and right wrongs. Mr. Price shared a taste of his many years dealing with MDLs, touching upon the mechanics of consolidation, as well as the importance of having great judges handle these complex cases. Perhaps the most compelling takeaway from the primer was that the law is a demanding profession that wears people down, so students should hold on to their guiding principles and try to ignore the noise. As Mr. Ursu put it, "The first in your class and the last have an equal chance to change the world." Both Mr. Price and Mr. Ursu



currently teach a class focusing on depositions at the University of Minnesota Law School. The event ended with a surprise cross-examination of Mr. Price conducted by The Minnesota Student Chapter's Treasurer, Erin Brady.

The Minnesota Student Chapter endeavors to provide an opportunity for students to learn from experienced attorneys about the realities of practicing law and to explore topics that get little to no attention in most law school classes, especially during the first year. The Minnesota Student Chapter wants to extend its heartfelt gratitude to all its guests who took time out of their busy schedules to help prepare the next generation of lawyers. It also wants to thank its current and former Law School Outreach Committee Liaisons for their unwavering support: Hannah Leiendecker, associate at Faegre Drinker; Lisa Beane, Senior Associate General Counsel for the University of Minnesota; and Emily McAdam, associate at Greene Espel. From visiting for recruiting events, to helping the Minnesota Student Chapter bring its ideas to life by connecting us with the right people, they have gone above and beyond. ■

Justice & Democracy Center, continued on next page.

Justice & Democracy Center, continued from previous page.



space to create the 1,700-square-foot Center in the heart of the Warren E. Burger Federal Building and U.S. Courthouse in downtown St. Paul. With support from the Minnesota Chapter, the FBA Foundation, and dozens of Twin Cities corporations and law firms, the Center was outfitted with museum-quality interactive exhibits and serves as an educational hub for visits to the courthouse.

Since its completion, the Center has welcomed nearly 500 students and adult learners through its doors by hosting, among other things, a Girl Scouts Democracy Badge workshop, a summer teacher institute, a public art reception for an

installation from students of the Metro Deaf School, students from the weeklong Court Camp—a joint offering of the District and the Chapter, various fieldtrips, and two Open Doors - Our Day at the Courthouse events.

Summer Teacher Institute – August 14, 2023

A dozen educators from across Minnesota attended the District's first-ever summer teacher's institute. The programming focused on the 60th anniversary of the landmark case *Gideon v. Wainwright*. Educators attended a judge and attorney panel on the importance of the right to counsel; enjoyed a lunch and learn with Chief Judge Patrick J. Schiltz; observed real criminal duty court with a magistrate judge; toured the chambers and courtroom of Judge Jerry Blackwell, where they heard about the process of becoming a federal judge; visited the Eighth Circuit Court of Appeals; and toured the Justice & Democracy Center.



Girl Scouts Workshop – September 23, 2023

Over 50 cadettes from Girl Scouts River Valleys troops visited the Warren E. Burger Federal Building and U.S. Courthouse in St. Paul for a three-hour Saturday workshop. The event included visits to the Justice & Democracy Center; chambers and courtroom tours; a meet and greet with Pickles the Bomb Dog; a question-and-answer session with Judge Kate Menendez and Magistrate Judge Elizabeth Cowan Wright; and a mock trial session. The workshop, a first-of-its-kind partnership for the District and Girl Scouts River Valleys, was a huge success and will be held again in the spring of 2024. Attending cadettes are in grades six to nine, and a day is also offered for senior and ambassador girls in grades nine to twelve.

Open Doors - Our Day at the Courthouse – October 12 and 17, 2023



Over 50 students from Jordan High School and Higher Ground Academy in St. Paul, and nearly 30 young adults with varying disabilities, visited the Warren E. Burger Federal Building and U.S. Courthouse in St. Paul over the course of two days. Students were welcomed by a dynamic committee that worked to coordinate the event, including Judge Jerry Blackwell, Judge Donovan Frank, U.S. Bankruptcy Judge William Fisher, and many other staff. These day-long events featured tours of the Justice & Democracy Center; a law-enforcement panel; courtroom, chambers, and holding-cell tours; an attorney panel; and a mock trial session. Minnesota Governor Tim Walz and Minnesota Senate President Bobby Joe Champion joined the students on October 12th to stress

the importance of civic engagement, participatory democracy, and an independent judiciary.

The District encourages fieldtrips to the Justice & Democracy Center by providing bussing and substitute-teacher grants for schools with a demonstrated need. It also encourages educators to take advantage of online [lesson plans](#). The District looks forward to a ribbon-cutting ceremony in early 2024 and the creation of a complimentary center in the Diana E. Murphy U.S. Courthouse in Minneapolis in the coming years.

Educators interested in finding out more about the Center's creation and design are encouraged to contact Judge John Tunheim or Public Information Officer for the District, Rebecca Parks. ■

Rebecca Parks is the U.S. District Court Public Information Officer.

Clerk's Corner, continued from page 5.

the community within which we live and work? And so when I am out and about, to put it one way, whether in my personal life or professional life, and I observe that individuals with developmental disabilities and other people with severe disabilities of all kinds are employed, be it part-time, full-time, I do my very best to seek out a manager, a department head and thank them for employing these individuals, and I promise them that I will not only be back to do business with them because I believe it a measure of being a good employer, a good neighbor, and a good business when they have a diverse workforce. I also tell them I'll spread the word, that this is a good employer.

The November 3rd event was emceed by KARE-11 journalist Boyd Huppert.

U.S. Marine Corps Birthday Party



Judge David S. Doty hosted the 248th U.S. Marine Corps Birthday Party Celebration on Thursday, November 10th in the Diana E. Murphy U.S. Courthouse in Minneapolis. A birthday cake was cut with a sword and the oldest Marine gave the first slice to the youngest Marine, as is the tradition. The [Marine Corps Commandant's Message](#) for all Marines was read and a hearty 'Oohra' was expressed by all Marines in attendance.

The Court Welcomes New Citizens at the State Fair

Over 60 immigrants from more than 21 countries became United States citizens at the Minnesota State Fair. Judge Kate M. Menendez gave the oath during the Great Minnesota Get Together on the stage of the International Bazaar. It was a great celebration for our new citizens!

Reentry Court Graduation

The District of Minnesota's Reentry Court Program is a collaboration between the U.S. District Court, U.S. Probation



Office, U.S. Attorney's Office, and Federal Defender's Office, along with external community resource agencies. The program was established in 2015 to focus on offenders with a high probability of recidivism. Participants are enrolled in the program for a period of 12 to 18 months (or longer, if necessary). The 2023 Reentry Court Commencement and Training Program on September 29th, celebrated the final phase of the program, which signified "Graduation." Featured at the ceremony were six of twelve graduates who successfully completed the program in 2022–2023. Congratulations to our graduates and special thanks to all the justice partners that support this important program!

U.S. Probation and Pretrial Services Trip to the Kyrgyz Republic

At the request of the United Nations Office of Drugs and Crime, Senior Probation Officer Brian James traveled to the Kyrgyz Republic in Central Asia. Along with former Chief Probation Officer Kevin Lowry, Officer James attended a workshop on "Post-Release Monitoring and Probation of Returning Foreign Terrorist Fighters and Violent Extremist Offenders." During the workshop, Officer



James made multiple presentations regarding the work being done in the District of Minnesota with individuals involved in extremism or terrorist activity. Subsequent meetings were held with the Probation Department in the Kyrgyz Republic; those meetings offered the opportunity for both parties to learn from one another. This opportunity helped the young probation department in the Kyrgyz Republic create a plan to address their unique challenges, showcased the District of Minnesota's efforts, and encouraged continued innovation and leadership. ■

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

Meet Judge Micko, continued from page 1.

minor in criminal justice.

With an undergraduate degree under his belt in 1995, Judge Micko had a singular goal: he wanted to be a public defender. He and a good friend made a pact to take the LSAT together, but at the last minute, his friend backed out. Judge Micko went forward, taking the LSAT and landing a spot at the University of Minnesota Law School. “I loved law school,” he says emphatically. “I met people in law school I’d never have met any other way by happenstance and came away from those years with a broadened group of relationships and many of my best friends for life.” Judge Micko graduated magna cum laude from law school in 1999.

As his law school years came to a close, he didn’t have a job yet. He knew he wanted to be a public defender with a backup plan to work for a legal aid organization, but he hadn’t grown up in a family with lawyers to help him navigate the labyrinth of securing post-school work. As luck would have it, Judge Gerald W. Heaney was looking for a clerk.

Judge Heaney was serving as a Circuit Judge on the United States Court of Appeals for the Eighth Circuit out of Duluth, having been appointed by President Lyndon B. Johnson in November 1966. With a long and celebrated judicial tenure, Judge Heaney was known for, among other things, his rulings on the desegregation of schools in Arkansas and Missouri, and on protecting the rights of suspects and defendants in criminal cases. “I remember he sat down with me and said, ‘well, I looked at your resume. How come you weren’t on law review?’” Judge Micko recalls. “I answered with naïve honesty that I didn’t know why I would pursue law review when I wanted to practice law and be in court, so I had done moot court instead.” During the course of the interview, the two discovered that they shared similar values and had even lived on the same exact street—Dayton Avenue—in the Selby/Dale area of Saint Paul. “Listening to Judge Heaney talk, I realized this was not only an incredible legal mind, but also the kind of person you just wanted to spend time with,” Judge Micko remarks. At the close of the interview, Judge Heaney said, “I’m 82 right now, and at this point in my life I don’t even buy green bananas, but if you want to come work with me, the clerkship is yours.”

“Working for Judge Heaney was wonderful,” Judge Micko remembers. He describes how much time Judge Heaney poured into mentoring his clerks. “He would want to have us in to talk together about tough issues in cases and to work through them—even though he was brilliant and didn’t need to. But he was also always smart about knowing that listening to what others think can be a useful check,” Judge Micko says. The clerkship shaped his perspective on how to be a good judge. “Judge Heaney was always plainspoken and humble,” Judge Micko recalls. “I remember when he was on the panel for the Leonard Peltier appeal. After the opinion was issued, there were protesters outside of the Duluth Courthouse and they were ripping up Judge

Heaney’s opinion. I was indignant and asked, ‘What do you want me to do?’ He just laughed and said, ‘That opinion probably isn’t worth much anyway. Time will tell.’ That kind of humility and ability to not take myself too seriously has really stuck with me. I hope to be like that too.” All told, Judge Micko spent several years working for Judge Heaney, first as a term clerk in 1999-2000, and then as Judge Heaney’s first career clerk from 2002-2006, when Judge Heaney retired.

Between these term and career clerkships, Judge Micko took a job on the west coast working a year at The Defenders Association in Seattle as a trial lawyer on juvenile defense. While he enjoyed the work, he missed the Twin Cities. It helped to know that he was coming back to clerk for Judge Heaney. He also started to wonder if perhaps private practice might have some of the appeals of public defense in areas like workplace discrimination and consumer fraud. “It seemed to me there were obvious parallels, that they were different versions of trying to see people through dark times in their lives,” he recalls.

After his career clerkship and Judge Heaney’s retirement, Judge Micko clerked for a year during 2006–2007 for one of Judge Heaney’s colleagues—Judge Donald P. Lay—who had himself enjoyed an extraordinary life and remarkable judicial career. “Working for Judge Lay for that year before he retired was an incredible opportunity to get to know someone who had left such an imprint on the judiciary. I had known Judge Lay due to his friendship with Judge Heaney, but there’s no real substitute for working in chambers,” notes Judge Micko. The clerkship also brought him from Duluth back home to Saint Paul, albeit not in the style anticipated. “I had this image of being in the Saint Paul Courthouse, but it was the year it was being remodeled and we had satellite offices as the ‘North Oaks/Shoreview Division of the Eighth Circuit’ in a strip mall shared with a dentist. Not as romantic as I had pictured,” he observes with a laugh.

His post-Lay clerkship plan seemed unclear. But then at a conference, a path unfolded. Judge Micko met a respected attorney in the Twin Cities community who wanted to start up his own firm in the civil practice areas that Judge Micko had been considering— workplace discrimination and consumer fraud. Judge Micko jumped at the chance, joining the Schaefer Law Firm, LLC. After several years of mentorship and professional growth, Judge Micko decided to co-found the law firm of Teske, Micko, Katz, Kitzer & Rochel, PLLP, focusing on employment law, civil rights, and consumer-fraud litigation, as well as accepting matters on special appointment from the Office of the Federal Defender and the Eighth Circuit Court of Appeals. Being a founding member and partner was a formative experience for Judge Micko. “It taught me that there’s a difference between being a good lawyer and being a good manager,” he remarks. “If you’re going to run a business or be a supervisor, you have to intentionally educate yourself to learn how to manage.

Meet Judge Micko, continued on next page.

Meet Judge Micko, continued from previous page.

You can be a great lawyer, but that certainly doesn't mean you're a great manager."

The years of private practice were richly fulfilling. "It was everything we'd dreamed of," he reminisces. "We were all true partners, not just in business but also in how we viewed our roles in a truly egalitarian team. It would have been a great place to work for the rest of my life." But there was a growing question in his mind: what about his original goal of public defense? Deciding his career might feel incomplete without the chance to try the long-sought role in earnest, he applied to the Federal Defender's Office. Twice. When the third opening came up, he thought to himself, "I'll apply again, and if this doesn't work out, I'll let this idea go." But this time, the door opened.



Judge Micko recalls feeling the uphill climb of learning the work of public defense when he joined the team in 2017 as an Assistant Federal Defender. "Starting at the Defender's Office, I had to recalibrate my idea of success," he explains. "After so many years of plaintiff's side litigation—the great majority of which was fee shifting or contingency fee litigation—I was conditioned to think that losing too many cases was a threat to a firm's survival. I went from that to doing exclusively federal criminal defense work in an era where the overwhelming majority of the individuals charged with a crime in federal court end up with a federal conviction," he observes. He describes starting to think differently by learning to listen more carefully to his clients' ideas of success. Often they sought to make the best out of a bad situation. Some wanted to feel heard—to have their stories told—even if they lost their case. Others faced desperate loneliness during the criminal process and just wanted a consistent person beside them during a difficult season.

Judge Micko's esteem for his time and colleagues at the Federal Defender's Office is palpable. "Above all, in the Federal Defender's Office, I had a front row seat to watching some of the best lawyers in the state. They taught me to be a better lawyer and a better person than I was when I came in," Judge Micko recalls. "I remember so many days where I thought, I'm so terrible at everything I do, when will I be good at this?" But mentorship, time, and practice all built

up, and he found his footing. He was finally doing what he'd always wanted to do—representing clients in criminal defense and post-conviction matters in the district court and on appeal.

"Doing public defense work, I learned that I may not be the best writer or strategist, but I can tell a person's story better than anyone else," he says with characteristic humility. The cost of this was that Judge Micko felt strong investment in his clients, and he found himself taking their stories home and dwelling on them. "Often their stories were painful, full of neglect and unfulfilled hopes. To do their stories justice, you end up feeling invested in where those stories are leading—which is almost always to a federal prison cell." Despite this weight, he felt fulfilled and thought he'd spend the rest of his career in the Defender's Office. And then the opportunity to apply for a federal magistrate judge role came around.

"When I decided that becoming a magistrate judge might be for me and shared my idea with [Federal Defender] Katherian Roe, she was immediately my biggest supporter and advocate, encouraging me to apply," Judge Micko remembers. After the rigorous interview process and background checks were completed, Judge Micko was appointed to fill the vacancy created by the elevation of then-Magistrate Judge Kate M. Menendez to a District Judge in late 2021. His first day in office was April 10, 2023, and his formal investiture followed on August 3, 2023.

As a magistrate judge, Judge Micko is tasked with managing the pretrial matters of his caseload of approximately 300–350 cases, and also works to help parties settle their disputes rather than take them to trial. In addition, he regularly serves as the criminal duty judge, overseeing initial appearances, detention hearings, warrant signings, and other initial criminal matters. His experience in both civil and criminal practice and his dedication to direct service have served him well in this transition to the magistrate judge role. However, he is the first to say that he's had much to learn and expects to continue doing so. "The support and collegiality of this bench and bar has exceeded my expectations, and watching the staff who support the work of this District day in and day out, with their expertise in the Clerk's Office to Probation and more, has been especially humbling. The work judges do is only possible because we have this host of good partners."

Support at home is equally critical to his success. Judge Micko's wife, Caitlin Micko—also a brilliant lawyer—works in the consumer protection division of the Minnesota Attorney General's Office. They have three daughters, aged 13, 11 and 4. When asked what his kids will be when they grow up, he explains with pride that he is raising a social media content creator who will teach people about proper skincare, a scientist with a heart to help people, and a unicorn.

Meet Judge Micko, continued on next page.

Meet Judge Micko, continued from previous page.

From his new vantage point on the bench, Judge Micko hopes to champion the importance of giving more junior attorneys as many opportunities as possible to argue before him. “It’s easy to be the experienced attorney who can see the path to make the best arguments, but all of us need to learn the art of effective lawyering. It takes practice, and getting that practice takes good mentors who know when to lead—and when to stand alongside while others learn to lead,” he observes.

As a judge, direct service is still at the core of Judge Micko’s work. While much of the court’s daily functions involve partnering with attorneys to organize case schedules, resolve discovery disputes, and settle claims, Judge Micko never loses sight of the actual parties. “People’s stories—where they are at in life, why they are here in the case before me, what matters to them and why—that’s still what is most important to me. That and raising the kind of unicorn who will meaningfully contribute to society.” ■

Jen L. Davison is Magistrate Judge Douglas L. Micko’s career law clerk and former law clerk for District Judge Susan Richard Nelson and Magistrate Judge John F. Docherty. She graduated from the University of Minnesota Law School in 2021. Ashley Fischer is Judge Micko’s current term law clerk through 2025. Before joining Judge Micko’s chambers, she graduated from the University of St. Thomas School of Law in 2022, then worked as a Hennepin County public defender. Jolene Erickson is Judge Micko’s courtroom deputy. Before joining Judge Micko’s chambers, she worked in the clerk’s office for the Minnesota Judicial Branch in Ramsey and Washington Counties.

Election Law Update, continued from page 7.

Pre-registration for ages 16 and 17. New legislation also made it easier for newly eligible youth to register to vote. Prior law permitted young adults who would turn eighteen by the next election to pre-register to vote, and on their eighteenth birthday their registration would automatically vest. The new legislation extends this convenience to 16-year-olds as well, increasing young voter access and participation in Minnesota.

Permanent absentee voter list. Minnesota has also codified permanent absentee voting like that employed during the heights of the COVID-19 pandemic. Under the new law, any person may register to vote absentee to take advantage of the accessibility and convenience that method of voting offers. With this change, election day should not be considered the day to vote, but the last day to vote.

Voting time off (“VTO”). One of the most significant changes enacted is the requirement that employers offer time off to every employee for voting. Each individual is afforded a “reasonable” amount of time off within one month of election day to cast their ballot.

Reservation access to voting. One of Secretary Simon’s key priorities has been to increase voter access on Native American reservations. Recognizing the past injustices imposed by state and federal governments towards Tribal nations, and the friction that accompanies government facilities on Tribal lands, the new legislation attempts to strike a balance by requiring every county with a federally recognized reservation to offer at least one in-person voting day on the reservation.

Enhanced penalties for election violence or intimidation. Increased threats to election workers have caused significant attrition of local election officials and poll workers. Secretary Simon described the hyper-politicization of election administration itself as a threat to safe and secure elections. Although he emphasized that voter intimidation and election violence has been far less common in Minnesota than elsewhere in the United States, the greatest priority of the Minnesota Secretary of State’s office is to keep it that way. (Note: Minnesota relies on nearly 30,000 volunteers to help administer elections across the state. Secretary Simon encourages all to sign up to help.) The legislature created increased penalties for individuals engaging in election violence or intimidation.

Minnesota’s new voting legislation makes significant gains toward ensuring accessible, efficient, and secure elections. However, Secretary Simon stressed that there is always more to be done to preserve the electoral process that lies at the heart of democratic self-government. Drawing on the inspiring quote from President John F. Kennedy, Secretary Simon closed his remarks with a call to action: “Democracy is never a final achievement. It is a call to an untiring effort.” In sounding off, Secretary Simon called on all members of the Minnesota bar to join that effort. ■

Nate Converse is a senior associate with Fredrikson & Bryon. He focuses his practice on the litigation of complex civil and white collar criminal and regulatory matters.

Federal Bar Association Expresses Gratitude to Anh Le Kremer in Letter to Judge Nelson

Judge Susan Richard Nelson received the following letter of commendation about Minnesota Chapter member and former National FBA President Anh Le Kremer. *Bar Talk* is pleased to reprint that glowing letter here:



Federal Bar Association

September 29, 2023

The Honorable Susan Richard Nelson
United States District Judge
United States District Court for the District of Minnesota
316 N. Robert Street
St. Paul, Minnesota 55101

Dear Judge Nelson:

I am the current National President of the Federal Bar Association. As my term as President draws to a close, I wanted to take a moment to express my gratitude for the exceptional work and contributions of a particular member of the Minnesota Chapter, Immediate Past National President, Anh Le Kremer.

Anh's tenure as the 94th National President of the Federal Bar Association marked a period of remarkable accomplishments for our organization and advocacy that have left a lasting impact on the federal judiciary.

One of the most significant achievements during Anh's presidency was her dedicated and tireless effort in lobbying members of Congress for the passage of the Daniel Anderl Judicial Security and Privacy Act, which was successfully enacted into law in December 2022. Anh's leadership and advocacy in this endeavor to protect the safety and security of our judiciary and their families were nothing short of extraordinary, and her unwavering commitment to this cause truly exemplifies the spirit of public service.

Anh also organized the first FBA round table during her tenure, bringing together the leadership of the Administrative Office of the U.S. Courts, the Federal Judges Association, the Federal Magistrate Judges Association, the National Conference of Bankruptcy Judges and the Federal Bar Association together to discuss issues of importance to the federal judiciary.

Anh's presidency also marked a historic milestone for the FBA as she became the first Asian American to serve as the National President in the FBA's 100+year history and the first to hail from the Minnesota Chapter.

Anh's dedication to the FBA and her deep commitment to the federal judiciary are evident to all who have had the privilege of working alongside her. Her tireless efforts, strategic vision, and unwavering advocacy have significantly contributed to the betterment of our legal community and the protection of our federal judicial system.

Sincerely,

/s/ Matthew C. Moschella

Matthew C. Moschella
National President
Federal Bar Association



**Federal Bar
Association**
Minnesota Chapter

**Application/Recommendation Form
for Officer and Committee Leadership Positions**

The Minnesota Chapter of the Federal Bar Association seeks outstanding, service-minded individuals who reflect the breadth and diversity of the Chapter's membership to fill Executive Committee (officer and committee co-chair) positions for the 2024–2025 year (Sept. 1, 2024–Aug. 31, 2025). The current leadership roster is available [online](#). Details on initiatives for which each leader is responsible are also on the Chapter's [website](#).

All applications and recommendations will be considered by the Chapter's Nominations Committee. Committee chair positions will be appointed by the Chapter President, and officer positions will be nominated by the Nominations Committee for election by the membership. Prior experience serving on a Chapter committee or otherwise providing leadership within the Chapter is preferred for those seeking appointment or nomination to the Executive Committee. Completed forms should be emailed to President-Elect the Honorable Elizabeth Cowan Wright at ecwright@mnd.uscourts.gov and President Katherine Barrett Wiik at katie.barrettwiik@saul.com. The deadline for the submission is **February 23, 2024**.

Name of applicant or recommended candidate:

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

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

Name and contact information of person submitting a recommendation:

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

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

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

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

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

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

Yes No, but I will join the FBA by April 1, 2024



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Upcoming Events:

Wednesday,
January 10, 2024
Monthly Luncheon

Thursday,
February 1, 2024
Winter Social Hosted by the
White Collar, Compliance,
and Criminal Law Section

Wednesday,
February 14, 2024
Monthly Luncheon

Wednesday,
March 13, 2024
Monthly Luncheon

Saturday,
May 11, 2024
Annual Federal Judges
Dinner Dance

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Editors-in-Chief

Donna Reuter

Devin T. Driscoll

Alyssa Schaefer

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 **Donna Reuter** (dreuter@crowell.com), **Devin Driscoll** (DDriscoll@fredlaw.com), or **Alyssa Schaefer** (schaefer.alyssa@dorsey.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 - 1 standard credit (492732)

October Monthly Luncheon - 1 standard credit (493844)

November Monthly Luncheon - 1 standard credit (495295)



**Federal Bar
Association**
Minnesota Chapter