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Bar Talk

Investiture of the Honorable Kesha Tanabe, U.S. Bankruptcy Judge

By Alex Beeby



The investiture of the Honorable Kesha Tanabe, the newest U.S. Bankruptcy Judge in the District of Minnesota, took place on Wednesday, October 12, 2022, at the Diana E. Murphy United States Courthouse. Judge Tanabe comes to her new position with extensive experience as a board-certified bankruptcy practitioner, Subchapter V Trustee, and law professor. She is also the first Asian American woman appointed to the federal bench in the Eighth Circuit.

Judge Tanabe earned a bachelor's degree from the University of St. Thomas, a master's degree from the London School of Economics, and a law degree from the Benjamin Cardozo School of Law. She also studied business and international trade at the Tec de Monterrey in Guadalajara, Mexico, and Central European University in Budapest, Hungary. Judge Tanabe began her legal career in the Budapest office of White & Case and then the Honors Program for the Attorney General of New York. She returned to Minnesota to enter private practice, where she was elected partner at each Maslon, Faegre, and ASK. Judge Tanabe founded her own law firm in 2015, where she practiced until joining the Bankruptcy Court.

Investiture, continued on page 3.

Magistrate Judge Foster Takes the Bench

By Pari McGarraugh

Dulce J. Foster was sworn in as a United States Magistrate Judge for the District of Minnesota on August 30, 2022, filling the vacancy created by the retirement of Magistrate Judge Hildy Bowbeer. Magistrate Judge Foster comes to the bench with deep experience in both criminal and civil matters, a razor-sharp intellect, and a deep commitment to justice.

Prior to her appointment, Magistrate Judge Foster was a shareholder and former chair of the White Collar and Regulatory Defense Group at Fredrikson & Byron, P.A. At Fredrikson, Magistrate Judge Foster litigated complex False Claims Act and civil business disputes, defended white collar criminal cases, and served on the Criminal Justice Act defense panel. Magistrate Judge Foster also managed internal and government investigations and regularly advised on compliance issues. Magistrate Judge Foster was known to her clients, colleagues, opposing counsel, and the bench as a gifted writer, skilled orator, and fierce advocate. She is dearly missed by her clients and colleagues (perhaps less so by her opponents!).



Magistrate Judge Foster, continued on page 6.

Meet the New U.S. Marshal for the District of Minnesota, Eddie Frizell

By Caroline Moos

The District of Minnesota U.S. Marshal's office has a new leader: Eddie Frizell. Originally from Iowa, Frizell made Minnesota his home 35 years ago, moving here with his wife, who is a teacher. Frizell, clearly a proud father, is eager to brag about the accomplishments of their three children.

Marshal Frizell has had a long and decorated career in public service. He served as a member of the Minnesota Army National Guard for over 30 years, including two deployments. Simultaneously, he has worked with the Minneapolis Police Department for over 26 years, including serving as Inspector and Deputy Chief. In 2019, Frizell took over as Metro Transit Police Chief.

The leader of the U.S. Marshal Service is nominated by the President and must be confirmed by the Senate. Both Senators Tina Smith and Amy Klobuchar enthusiastically supported Frizell for the position, and the Senate unanimously confirmed him. Marshal Frizell is the first African American to serve in this role in Minnesota.

The U.S. Marshal Service is the oldest federal law enforcement agency in the country, dating back to 1789. The Marshal Service is responsible for federal court security and enforcing federal court orders, including warrants. Frizell notes that the Marshal Service administers the witness protection program in Minnesota and even provides security for judicial officers—including, when necessary, personal security.

Officially taking over the role in April 2022, Marshal Frizell has not wasted any time getting acquainted with the office and embracing his new role. In his previous roles, he worked with local prosecutors and public defenders, city council members, and local public officials. Now, his role includes a number of new federal colleagues. Working closely with the

U.S. Marshal, continued on page 9.



Tiffany Sanders and the Pro Se Project: A “Win-Win-Win” for Justice

By David Goodwin and Noah Cozad



For over 12 years, Tiffany Sanders served as the *Pro Se* Project's Coordinator. Under her guidance, the program has become the nationally recognized success it is today. Last month, in November 2022, Tiffany passed the baton to her successor, Jackie Bailey. Tiffany has since returned to private practice with the firm Engelmeier & Umanah.

The *Pro Se* Project is an award-winning collaboration between the Minnesota Chapter of the Federal Bar

Association and the District of Minnesota. Started in 2009 by then-Chief Judge Michael J. Davis, the *Pro Se* Project matches local lawyers with *pro se* civil litigants in Minnesota federal court. Judge Davis recognized the need and, through his leadership, made the program a reality. He also recognized the contributions made by Tiffany. “She was just the perfect fit for our new program,” Judge Davis said, “always pressing forward and making sure these *pro se* litigants received counsel.” By pairing lawyers with unrepresented litigants, the Project assists the Court in resolving important cases and improves the judicial system by providing quality legal counsel to otherwise unrepresented litigants, thereby increasing public trust in the system and the legal profession.

Here is how it works: when a *pro se* case was filed, the Magistrate Judge assigned to the case would refer a litigant to the *Pro Se* Project. Tiffany would first contact the litigant to learn about the case. After that consultation, she would compile the case information and send it to a volunteer attorney, matching *pro se* litigants with attorneys with the skills and experience to help with the case. Once a volunteer

Tiffany Sanders, continued on page 10.

Investiture, continued from page 1.

Judge Tanabe was appointed on January 8, 2022, upon the retirement of former U.S. Bankruptcy Judges Kathleen Sanberg and Robert Kressel. Judge Duane Benton, who chairs the Bankruptcy Committee of the Eighth Circuit Judicial Counsel, presided over the investiture ceremony, and Eighth Circuit Judge David Stras administered Judge Tanabe's oath.

The ceremony began with a presentation of the colors by the Minnesota Police Officers Association and a land acknowledgment from Magistrate Judge Leo I. Brisbois, a member of the White Earth Band of Ojibwe. The ceremony filled the fifteenth-floor courtroom in Minneapolis, and Judge Tanabe's heritage was featured throughout, including the presentation of lei and a traditional taiko drum performance. Speakers included the Honorable Charles L. Nail Jr. (Chief Judge of the U.S. Bankruptcy Court for the District of South Dakota and Chief Judge of the Eighth Circuit Bankruptcy Appellate Panel) and the Honorable Gail Chang Bohr (Senior Judge and the first Asian American woman to be elected to the District Court in Ramsey County).

Judge Tanabe takes to heart the trust that people put in bankruptcy courts and expressed her gratitude for the chance to do impactful work for those "looking for solutions to their most difficult challenges." In her remarks, Judge Tanabe credited her mentors and trailblazers in the legal community for their support and encouragement. She acknowledged the resilience and robust citizenship of her family, who resettled in Minnesota after their incarceration at Topaz War Relocation Center during WWII. She also thanked the Clerk of the Bankruptcy Court, Clerk's Office staff, her Courtroom Deputy, and her law clerks, saying, "When you transition from private practice to the bench, you go from having a couple dozen matters, to a couple thousand cases quite literally overnight. It's only possible because a judge is surrounded by dedicated people every day." ■

After practicing for five years as a bankruptcy and litigation attorney, Alex Beeby took a sabbatical to clerk with Judge Tanabe. He is joining Sapientia Law Group in January.

Photo by Min Enterprises Photography LLC.

Highlights from the 2022 Golf Tournament, Clinic, and Social Event

By Danielle Mair



The Chapter's 2022 golf event landed on a fantastic, sunny, late-August day. Members showed up at the Town & Country Club in St. Paul in full force, with 22 teams competing for the ultimate prize: a modest credit to the pro shop and bragging rights until next year. While some got their money's worth utilizing all areas of the course, others managed to play the afternoon winds just right and rise to the top of the leaderboard. Congratulations to the winning team—Shawn Raiter, John Bjorkman, Rhett McSweeney, and Chris Wilton—and to all the contest hole winners. New this year, running alongside the tournament, was the first ever Chapter golf clinic. Just under a dozen amateurs (certainly prodigies of some sort, but maybe not golf yet) practiced various golf skills under the guidance of two Town & Country

pros. This proved to be an excellent way for golf newbies to join in the fun. After all swings were had and all strokes were counted, the participants and other Chapter members met on the patio outside the clubhouse for food, drinks, and fun conversation—an excellent way to cap off the summer and kick-off the new FBA year.

Thank you to all participants and sponsors! It is you who make this event a success every year! And a huge thanks to Mary Rivero, a crucial member of our planning committee, who helped tremendously in the months leading up to the event. To serve on the planning committee for the 2023 event, contact Pete McElligott (PMcElligott@anthonyostlund.com). ■

Danielle Mair (2021-2022 Golf Tournament Committee Co-Chair) is an attorney who has worked for the federal courts in the District of Minnesota for sixteen years, most recently as the Career Law Clerk for Magistrate Judge Becky R. Thorson.



Chapter Selected to Host 2025 Convention in Minnesota - Volunteer Now!

By Stephen Morrison

The FBA Annual Meeting and National Convention, hosted by the South Carolina Chapter in Charleston from September 15-17, was a great meeting for our Chapter. We were well-represented both in attendance and on the award podium. To see more coverage of the event, head to page 7.

One of the major highlights from the Annual Meeting was the tremendous news that the National Board of Directors selected the Minnesota Chapter as the convention host for 2025. A first for our Chapter!

Traditionally, the convention happens in early to mid-September. Our Chapter looks forward to welcoming hundreds of federal practitioners from all over the country to our state during one of its finest seasons. We have a long runway, but the work begins now. And we need help! A core group of volunteers assisted in compiling the bid to host back in May. Members of that group have renewed their commitment, and the Chapter is actively soliciting volunteers to staff the ranks of the various working groups that will help us pull this thing off. We are looking for volunteers to assist in venue coordination, programming, social events, and more.

Please contact Chapter President Adam Hansen (adam@apollo-law.com) or Stephen Morrison (smorrison@jonesday.com) if you are interested in volunteering to help in this three-year planning extravaganza. ■

Stephen Morrison is a Business and Tort Litigation associate at Jones Day where he represents companies in an array of state and federal civil proceedings, focusing on antitrust, consumer law, and fraud investigation and litigation. Outside of practice, he enjoys a good meal and being outside—if at all possible, at the same time.

Monthly Luncheon with Judge Menendez

By Brian Pousson

Members of the bar could forgive the average person for scoffing at the notion that a lunch event hosted by the Minnesota Chapter of the Federal Bar Association could be fun. To change their mind, they would need to look no further than this September's monthly luncheon at the Minneapolis Club, where Magistrate Judge Elizabeth Cowan Wright interviewed the newest District Judge of the United States District Court for the District of Minnesota, Katherine M. Menendez.

The Judges' discussion began, as many conversations between good friends do, with some background about Judge Menendez that her colleague had drawn directly from Wikipedia. Topics quickly moved from broad to specific, and we learned important details about some of Judge Menendez's formative experiences: playing violin in her church's "bandestra"; meeting Vincent Price at a "spooky" dinner in Topeka; and naming her favorite round, fat coffee mugs "Lumpy" and "Gilbert." Judge Wright's skilled questioning led us to discover that Judge Menendez's secret talent lies in cooking. Andie MacDowell would play her in a movie. And if Judge Menendez were to compete in an Olympic sport, it would be curling. Her favorite words include "inscrutable," "conflagration," and "cacophony," but going forward, she plans to borrow one of Judge Wright's favorites—"consequently."

Judge Menendez also shared that in the transition from her prior role as a Magistrate Judge to a District Judge, she misses the close contact she enjoyed with her "MJ" colleagues and handling criminal duty. She does not, however, miss the day-to-day management of her most "fifty" cases. Under withering cross-examination, Judge Menendez admitted that the Senate confirmation process for her nomination to the bench was daunting. Through it, she learned never to talk about anything, ever. The lighthearted atmosphere did not diminish Judge Menendez's obvious appreciation for the task she has undertaken. She commented on the critical role she plays in both civil and criminal cases, including ruling on dispositive motions and sentencing defendants.

In closing, Judge Menendez explained to the audience that she considers her new role to be an honor: an incredible and intimidating responsibility that she hopes she will do well. Fitting for someone who, before she learned never to say anything, may have been overheard describing her judicial philosophy as "do justice, love kindness, and walk humbly." ■

Brian Pousson is a Career Law Clerk for District Judge Katherine Menendez, former Minnesota Supreme Court law clerk, graduate of William Mitchell College of Law and Carleton College, and a recovering Texan.

Celebrating Judge Susan Richard Nelson's 22 Years on the Bench

By David Racine

Members of Minnesota's legal community gathered at the Minneapolis Club on October 12, 2022 to celebrate Judge Susan Richard Nelson's years on the bench. Judge Nelson joined the bench as a magistrate judge in 2000 and served in that role until 2010, when President Obama nominated her to district judge. She assumed senior status on December 31, 2021.

At the luncheon, Judge Nelson sat on a panel with her career law clerk, Marilyn Conklin, and two former term law clerks, Alec Chiquoine and Irina Vaynerman. To begin, Judge Nelson shared that, often after a long trial or some other milestone, her team gathers in chambers to share stories and camaraderie. She wanted to treat the luncheon like one of those in-chambers gatherings and share some stories from her years of service with the broader legal community.

The first topic was Judge Nelson's confirmation hearing before the Senate. Judge Nelson described her tireless preparation, which included many late nights, including one spent discussing the Commerce Clause with her husband, Tom Nelson. Judge Nelson noted that she received bipartisan praise at the hearing, and one Republican Senator remarked that she seemed like a "very nice lady."

Judge Nelson highlighted Ms. Conklin's years of exceptional service as her career law clerk. They first worked together at Robins Kaplan, including on the tobacco litigation. Ms. Conklin has served as Judge Nelson's career law clerk almost exclusively since Judge Nelson joined the bench.

Then, the conversation turned to some memorable visits to the Eighth Circuit. Mr. Chiquoine discussed a time when—after Judge Nelson sat on an Eighth Circuit panel in St. Louis, Missouri—some bad weather dashed their hopes of catching a flight home to Minnesota, leaving them stranded in St. Louis. Luckily, while socializing at their hotel, Mr.



Chiquoine met a couple of college professors who, as fate would have it, were planning to drive to Minnesota soon. The professors invited Mr. Chiquoine and Judge Nelson to join their road trip, and they did.

Ms. Vaynerman spoke about Judge Nelson's judicial philosophy of empathy, genuine kindness, and patience. To illustrate that philosophy, she discussed a moment during a difficult case involving a child. Specifically, after a hearing Judge Nelson asked the child to walk up to the bench and let him check out the bench and hold the gavel.

Judge Nelson then turned the conversation to the District of Minnesota's Reentry Court, an innovative program designed to reduce recidivism for certain high-risk offenders

Judge Nelson, continued on page 9.

November Monthly Luncheon Examines Midterm Election

By Gina Tonn

The day after the 2022 midterm election—a mere 16 hours after the polls closed in Minnesota—the Chapter's November monthly luncheon offered the opportunity to examine the results in the context of the elections' historical and current-day significance. Dr. Chris Chapp, Associate Professor of Political Science and Director of the Institute for Freedom and Community at St. Olaf College, presented data from his research on this year's election, including an exit poll of 600 voters in Minnesota's Second Congressional District (where St. Olaf College is located). Minnesota's Second Congressional District was home to a hotly contested election between Democratic incumbent Angie Craig, seeking a third term in Congress, and repeat Republican challenger Tyler Kistner. Craig won reelection. Professor Chapp worked with his students to survey voters on a range of issues and analyze the results between Craig voters and Kistner voters.

Before turning to an exploration of the exit poll data, Professor Chapp provided historical context on midterm elections and set the stage for the conditions at play in this one, including the prevailing consumer sentiment index, candidate quality, redistricting, and issue-driven sentiments. Professor Chapp's assessment, based on history and the conditions present

Midterm Election, continued on page 8.

Magistrate Judge Foster, continued from page 1.

Magistrate Judge Foster has a long history of commitment to public service. She served as the President of the Fredrikson charitable foundation, an Advisory Board Member of the Children of Incarcerated Caregivers, Treasurer of the U.S. District Court's History Committee, and a member of the Law Firm Antiracism Alliance. She is a former Executive Board member of the FBA's Minnesota Chapter and former Co-Chair of its Diversity, Education, and Prisoner Transportation Project Committees. Magistrate Judge Foster previously served on the Minnesota Law Review Alumni Board, the Loan Repayment Assistance Program Board, the Federal Practice Committee of the U.S. District Court, and the Minnesota State Bar Association's Criminal Law Accreditation Committee.

Magistrate Judge Foster has devoted thousands of pro bono hours to representing indigent criminal defendants, representing plaintiffs in civil rights and domestic abuse cases, and assisting victims of torture with obtaining political asylum in the United States. She volunteered with the Advocates for Human Rights for many years, including work in Nepal to support a school for low-income children and work in Liberia with the Liberian Truth & Reconciliation Commission. In her last year at Fredrikson, Magistrate Judge Foster contributed more pro bono hours than any other attorney at the firm, in addition to maintaining her active, full-time practice.

Magistrate Judge Foster is a devoted mentor and teacher. She has a gift for recognizing talent and cultivating the development of younger attorneys, particularly women attorneys and attorneys of color. Magistrate Judge Foster demands the highest level of performance and integrity and supports those around her, allowing them to rise to meet her expectations. As Co-Chair of Fredrikson's Business Litigation Department Nicole Moen noted, "Magistrate Judge Foster brought a unique set of talents, skills, and experiences to private practice. We could not have asked for a better partner, colleague, or friend. Magistrate Judge Foster is an excellent addition to the District of Minnesota."

Magistrate Judge Foster graduated from Macalester College in St. Paul, Minnesota, and the University of Minnesota Law School. Before joining Fredrikson, Magistrate Judge Foster served as a law clerk to U.S. District Court Judge John R. Tunheim. ■

Pari McGarraugh had the honor of working closely with, and learning from, Magistrate Judge Foster at Fredrikson. Pari is a shareholder in Fredrikson's Health Law group, where she represents health care providers in federal, state, and administrative courts.

Class Action, Mass Tort, and MDL Practice Group Plans for Coming Year at Kickoff Event

By Kate Baxter-Kauf

The Class Action, Mass Tort, and MDL Practice Group held its kickoff event for the year on November 16, 2022, at Finnegans Brew Co. in downtown Minneapolis. Co-Chairs Kate Baxter-Kauf, Scott Moriarty, and Stacey Slaughter organized the event, which drew a broad spectrum of complex litigation practitioners who represent individuals and corporate clients. Magistrate Judge Becky R. Thorson, who was just about to retire from the bench, was in attendance, and the group thanked Judge Thorson for her service. The group also discussed plans to host at least one CLE this year and the kickoff of efforts to host the National FBA convention in Minneapolis in 2025. Special thanks to everyone who attended the social, as well as the Chapter and the District of Minnesota for co-hosting the event. If you'd like to be more involved in the Class Action, Mass Tort, and MDL Practice Group this year, reach out to any of the co-chairs—we look forward to hearing from you and will be planning both CLE and social events this year. ■

Kate Baxter-Kauf is a partner at Lockridge Grindal Nauen PLLP, where her practice concentrates on complex class action litigation in the areas of cybersecurity and privacy, antitrust, and consumer protection.

Clerk's Corner

By Andrew Pieper



The Court's Administrative [COVID General Order No. 38](#) and [COVID General Order No. 39](#) expired at midnight on December 12 and were not extended. The authority to host remote hearings reverted to pre-COVID practices.

Magistrate Judge Dulce Foster relocated chambers from St. Paul to Minneapolis on December 13; she now uses courtroom 8E in the Minneapolis Courthouse. Chamber emails remain the same and other updated contact information is available on the Court's [website](#). Magistrate Judge Foster's formal investiture will be held in January.

The Bench and Clerk's Office said a fond farewell to Magistrate Judge Becky Thorson, who retired on November 23. Magistrate Judge Thorson served on various court committees over the last eight years, making positive contributions and building meaningful relationships. She held her position to the highest of judicial standards and will be greatly missed by all.

On November 2, the District of Minnesota Judges hosted the current and retired members of the Minnesota Supreme Court, as well as Minnesota's two Eighth Circuit judges, for dinner, furthering the commitment to building relationships with our judicial partners and improving the administration of justice for the public we serve.

Also in November, Judge John Tunheim and the U.S. Probation and Pretrial Services Office, in partnership with the United Nations, hosted a delegation from the Kyrgyz Republic. The delegation met with many representatives of the Court and partnering agencies to discuss ways to enhance their judicial system to better serve their people.

Federal Rule of Civil Procedure 7.1 Disclosure Statements is amended, as of December 1, 2022, to require a party or intervenor to file a disclosure statement in actions which jurisdiction is based on diversity. This must be done when the action is filed in or removed to federal court or when the intervenor files in the case. Please call the Clerk's Office Help Desk at 612-664-5155 with any questions. ■



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

Minnesota Chapter Highlights from the 2022 FBA Annual Meeting & Convention

The FBA 2022 Annual Meeting & Convention was held September 15 through September 17 in Charleston, SC. Dan Hedlund provided the following highlights to *Bar Talk*:

- Our Chapter received the Presidential Excellence Award in recognition of its superior chapter activities in the areas of Administration, Membership Outreach, and Programming.
- *Bar Talk* received an Outstanding Newsletter award.



Annual Meeting, continued on page 10.

Bankruptcy Clerk's Corner

By Tricia Pepin

On September 8, 2022, the Bankruptcy Court issued a Second Amended En Banc Order on Post-Petition Attorney's Fee Arrangements in Chapter 7 Cases. This order states that an application to review an attorney's fee arrangement is not required to be filed if a third party is the source of payment. The order also instructs the applicant to schedule a hearing when any party in interest objects to the application. Please review the [order](#) for further guidance.

On December 1, 2022, several amendments to the Federal Rules of Bankruptcy Procedure took effect. Many of the amendments relate to the Small Business Reorganization Act of 2019 (SBRA), which created a new sub-chapter V of chapter 11 for the reorganization of small business debtors, an alternative procedure that small business debtors can elect to use. The SBRA-related amendments affect Federal Rules of Bankruptcy Procedure 1007, 1020, 2009, 2012, 2015, 3010, 3011, 3014, 3016, 3017, 3018, 3019, and new rule 3017.2. In addition, Federal Rules of Bankruptcy Procedure 3002, 5005, 7004, and 8023 will also be amended. The following bankruptcy forms were also amended effective December 1, 2022: 101, 309E1, and 309E2. You can visit the United States Courts [website](#) for more information about these amendments and the rule-making process.

Please visit the District of Minnesota Bankruptcy Court's [website](#) for more information. All CM/ECF filing questions may be directed to the [Help Desk](#) at 612-664-5275. And please let me know if there are ways that we can better serve the members of our bar and public. ■

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

Midterm Election, continued from page 5.

present this year, was that Democrats overperformed compared to expectations. Professor Chapp attributed this to the following factors: (1) abortion, (2) former President Trump, and (3) voter turnout.

With respect to the first factor, the exit poll showed a uniquely high level of agreement on abortion views among Craig voters. Kistner voters, however, had more varied views. Since 2008, Professor Chapp has analyzed candidates' website content. Professor Chapp found that this year, there was a significant spike in the percentage of Democratic candidates whose websites included terminology related to abortion; nearly all Democratic candidates included abortion as an issue in their communications. No other issue showed a similar upward trajectory in his website analyses.

Second, Professor Chapp analyzed voters' views on President Biden and former President Trump. Among the surveyed voters, approval or disapproval of former President Trump was strongly correlated with whether the voter cast their ballot for Craig or Kistner. No matter the factors he controlled for, Professor Chapp said, the correlation remained. He posited that it is unusual for a former president to be so influential in predicting how votes are cast after they are out of office.

The third factor, turnout, was still being calculated at the time of the luncheon. Based on what he knew so far, Professor Chapp shared that turnout was high for this midterm election, though not quite as high as the last midterm election in 2018.

Apart from the three factors driving the Democrats' unexpected strength in this midterm, Professor Chapp also shared the results of an exit poll question about voters' views on the most important issue. The survey gave voters nine prepopulated options and a fill-in-the-blank. Of the options, neither COVID-19 nor foreign policy ranked highly as the most important issues. Among Kistner voters, inflation was the most common choice. To Professor Chapp's surprise, based on election ads and communications, a relatively small percentage of voters chose crime as their most important issue, including among Kistner voters. Also surprising was the significant portion of Craig voters who chose the state of elections and democracy as their most important issue.

To close, Professor Chapp summarized his initial impressions of the 2022 midterm elections. First, he discussed negative partisanship, which describes the phenomenon where, even if a voter is not enthusiastic about their own party, they still vote for that candidate, because they strongly dislike the other party. In other words, a voter knows which party they are *not* in, even if they do not feel completely at home in the other. By way of illustration, Professor Chapp said that the exit poll showed that only 20 percent of Craig voters strongly approved of President Biden, but 90 percent strongly disapproved

Midterm Election, continued on next page.

Midterm Election, continued from previous page.

of former President Trump. Second, Professor Chapp reiterated that it was unusual for Democrats to avoid substantial losses, given all the political and economic factors at play leading up to the election. Third, Professor Chapp predicted that, regardless of the final national results or the explanations for them, there will be governance challenges ahead.

Many thanks to Professor Chapp for sharing his research and his quick and insightful analysis! ■

Gina Tonn recently joined Greene Espel PLLP as a litigation attorney. Though this was only her second Chapter luncheon, she can't imagine a timelier topic. Plus, as a St. Olaf College alum, she relished the opportunity to learn about the midterm election results from a St. Olaf professor!

U.S. Marshal, continued from page 2.

U.S. Attorney for the District of Minnesota, Marshal Frizell and others discuss matters at a federal strategic level. The U.S. Marshals are focused on federal crimes with some nexus to Minnesota, but the Service may have reason to reach anywhere in the world.

With such a big territory—and corresponding responsibility—Frizell prioritized learning all he could right away. He has spent significant time in his first six months personally qualifying at various on-the-job tasks. Frizell explained that he would never ask anyone else to do anything he was not willing to do himself, so it is important to him to lead by example with his new colleagues. Frizell has also overseen the U.S. Marshal Service's implementation of the Department of Justice's pilot program in Minnesota for body-worn cameras on federal officers.

In such a high-profile role at a time when the dynamics of policing are difficult, Frizell's role is no doubt challenging. But he credits his decades of experience as giving him the tools to be successful under pressure. Frizell recounts working as a beat cop during dangerous periods of Minneapolis's history and being in the field for the Super Bowl, active shooter situations, and even the 35W bridge collapse. In addition, Frizell's tours overseas have helped prepare him to handle the pressure. But at the end of the day, Frizell focuses more on the connections he has built. He explains that he would rather give a community partner his business card and have a conversation first, rather than introduce himself for the first time in a crisis situation.

Reflecting on such an accomplished career, Marshal Frizell offered two pieces of advice to others looking to succeed in leadership positions. First, he stressed the importance of maintaining professionalism and ethics. If someone is beyond reproach, people are more willing to forgive their mistakes. Second, he said, "Never give up." ■

Caroline Moos is an associate at Robins Kaplan in the mass tort and appellate practice groups.

Judge Nelson, continued from page 5.

and help them transition from prison back into the community. Judge Nelson played a leading role in creating this program and described it as a radical idea at the time of its inception that has proven successful.

Toward the end of the luncheon, Judge Nelson displayed a photograph of her grandkids and remarked that she planned to spend more time with them in the years to come. Nevertheless, she reassured Chief Judge Patrick Schiltz, who was in attendance, that she would continue to serve on the bench. Thanks to Judge Nelson, Ms. Conklin, Mr. Chiquoine, and Ms. Vaynerman for the memorable stories and fun discussion. ■

David Racine is an associate at Dorsey & Whitney LLP, where he practices complex commercial litigation. David served as a law clerk to Judge Nelson from August 2020 through August 2021.

Annual Meeting, continued from page 7.

- Minnesota's own Anh Kremer, as national president, led an excellent National Council meeting and helped oversee an awesome convention.
- Tara Norgard was honored with the Earl W. Kintner Award for Distinguished Service, a lifetime contribution award.
- Minnesota's bid to host the Annual Meeting & Convention in 2025 was successful! See page 4 for a call for volunteers for the planning committee.

Many Minnesota Chapter members attended in Charleston, some of whom are pictured here (photos provided by Vildan Teske) enjoying evening events and celebrating our Chapter's two awards. ■



Tiffany Sanders, continued from page 2.

attorney agreed to take the case, Tiffany would act as an important conduit between three distinct—and sometimes challenging—stakeholders: the client, the Court, and the volunteer attorney. As Judge Donovan W. Frank has noted, Tiffany ensured that the program was carried out “with zealous advocacy as well as care and compassion.” Her work often served a fourth and fifth stakeholder, too: opposing counsel and their client, who both benefited from working with a represented party.

Tiffany began as the Coordinator with the *Pro Se* Project in June 2010, and it quickly became clear that Tiffany's time at the *Pro Se* Project was going to be successful. Over the years, she has worked with the Minnesota federal court and others to broaden the scope of the program. In September 2010, under Tiffany's leadership, the Minnesota Board of Continuing Legal Education agreed to provide volunteer attorneys CLE credit for their service to the Project. Shortly thereafter, in January 2011, the *Pro Se* Project partnered with the Minnesota Justice Foundation to allow law students to assist with cases.

Also in 2011, under Tiffany's leadership, the *Pro Se* Project received the American Bar Association's prestigious

Harrison Tweed Award, which is the ABA's highest legal services award. It recognizes the achievements of a state or local bar association in expanding access to justice for those living in poverty. Tiffany's work with the *Pro Se* Project was essential. While accepting the award, Judge Frank praised Tiffany and the program, saying:

On behalf of the FBA and the Court, I would like to thank the ABA for this special award for providing equal access to justice for so many citizens in need by giving them access to a lawyer. A very special thanks must be given to Chief Judge Davis for making the FBA *Pro Se* Project a top priority, members of the FBA for doing the same, the many lawyers who made this happen, and perhaps most importantly, Tiffany Sanders for carrying out the mission of the Court and the FBA and making this happen.

In March 2013, the Court implemented the Early Settlement Conference Project (ESCP), which became a key component of the *Pro Se* Project. The ESCP allows attorneys to enter limited appearances to help *pro se* clients through the settlement process. In 2013, the *Pro Se* Project also began offering educational seminars to attorneys on its work.

Tiffany Sanders, continued on next page.

Tiffany Sanders, continued from previous page.

The *Pro Se* Project continues to impact the delivery of justice in Minnesota, helping over 1,400 *pro se* litigants since its creation. Tiffany has recruited over 500 attorneys from over 200 law firms to represent *pro se* litigants. Much of this success has been achieved because of Tiffany's years of work as Coordinator.

One of the many examples of the success of the *Pro Se* Project was *Undlin v. City of Minneapolis*, where Mr. Undlin claimed he was treated unconstitutionally in the Hennepin County Adult Detention Center. With the help of attorneys through the *Pro Se* Project, Mr. Undlin reached a favorable settlement. As part of that settlement, the City agreed to change its detainment policies for adults with mental health issues.

The *Pro Se* Project also successfully helped Aida Shyef Al-Kadi. After missing a court date due to a family health emergency, Ms. Al-Kadi turned herself in to the Ramsey County Adult Detention Center. There, Ms. Al-Kadi, a devout Muslim, was forced to remove her hijab and abaya in front of male officers and take a booking photo without the coverings. *Pro Se* Project attorneys helped Ms. Al-Kadi reach a favorable settlement, which included a change in policies allowing detainees to wear head coverings in booking photos.

These cases and many more have greatly impacted our community. With the support of the Court and Tiffany's leadership, the *Pro Se* Project has helped hundreds of litigants from diverse backgrounds navigate the justice system, assert their rights, and protect themselves from powerful interests.

Tiffany has enjoyed her time at the *Pro Se* Project and reflected on the experience, calling it a “win-win-win”:

In describing the *Pro Se* Project, I often called it a “win-win-win.” The *Pro Se* Project helps the Court, helps *pro se* litigants, and helps volunteer attorneys fulfill pro bono aspirations. My role with the *Pro Se* Project has been a win-win-win for me personally. Serving as *Pro Se* Project coordinator allowed me to help individuals in need, work and collaborate with phenomenal lawyers, and assist the Court in promoting access to justice—all while allowing me flexibility to raise my twin daughters during their school-age years. Through my work as *Pro Se* Project Coordinator, I learned a tremendous amount from the extraordinary Judges and Magistrate Judges on our federal bench who led the way for me to effectively serve the Court, from the incredibly talented volunteer lawyers who generously gave of themselves and made the *Pro Se* Project's service to the Court possible, and from the *pro se* litigants who trusted me to help during their most difficult times. I will be forever grateful to the Court and the FBA for allowing me the privilege of serving as the first *Pro Se* Project Coordinator.

The Court and the Chapter are very grateful for Tiffany and thank her for her service and for making the *Pro Se* Project a success. We wish Tiffany the best of luck as she returns to private practice. ■

David Goodwin is a partner with Gustafson Gluek PLLC, where his practice focuses on complex class action litigation. He currently serves as the Pro Se Project Liaison for the Chapter. Noah Cozad is a recent graduate of the University of Minnesota Law School and an associate at Gustafson Gluek PLLC, where he works primarily on consumer protection and antitrust class action litigation.



Application/Recommendation Form for Officer and Committee Leadership Positions



Federal Bar Association Minnesota Chapter

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 2023–2024 year (Sept. 1, 2023–Aug. 31, 2024). 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 Katherine Barrett Wiik at katie.barrettwiik@saull.com and President Adam Hansen at adam@apollo-law.com. The deadline for the submission is **February 17, 2023**.

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, 2023

Introducing the FBA Law Clerk Directory

The FBA Judiciary Division's Federal Judicial Law Clerk Committee has initiated the launch of "The Law Clerk Directory." It is a searchable, national database of current and former federal law clerks who are FBA members or who otherwise opt-in to the directory. All FBA members will be able to search the directory by name, judge, jurisdiction, and year of clerkship. The Law Clerk Directory will be a robust resource to maintain contact between judges and former clerks, create bridges for law students to learn more about federal clerkships and the application process, and connect practitioners with current and former clerks for networking opportunities. The FBA encourages former and current clerks to participate, as judges and lawyers across the country are looking forward to the launch of the directory.

The FBA has created a page for members to easily input their clerkship information. If you are a current or former federal law clerk and wish to be included in the directory, log into www.fedbar.org and follow these instructions:

- » **Select "Member Tools" at the top right**
- » **Select "Update My Profile"**
- » **Select "My Clerkship" from the right-hand navigation ("My Account Links")**
- » **Select "+ Add"**
- » **Complete the form contents and select "Save"**
- » **Note: Leave the End Year blank if you are currently in a clerkship or if the end year is undetermined**

To enter additional clerkships, simply repeat the process. You can also edit entries if needed. The details you enter will be visible in the Law Clerk Directory once the directory is launched.

If you ever decide to opt out of the directory, simply select "Edit Demographics" from your "My Profile" page, check the box at the bottom labeled "Law Clerk Directory opt-out," and then select "Save."

You can also access [these instructions](#) with screen shots to make the process easier. If you have questions, email: sections@fedbar.org.



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Upcoming Events:

Wednesday,
January 11, 2023
Monthly Luncheon

Thursday,
January 12, 2023
*Newer Lawyers
Committee CLE*

Thursday,
January 12, 2023
*Judge Foster Investiture
Nicollet Island Pavilion*

Wednesday,
February 8, 2023
Monthly Luncheon

Thursday,
February 9, 2023
*White Collar
Section Social Event
Minneapolis Courthouse*

Thursday,
February 16, 2023
*Newer Lawyers
Committee Judge
Luncheon*

Thursday,
February 21, 2023
*Criminal Justice
Symposium
St. Thomas Law School*

Wednesday,
March 8, 2023
Monthly Luncheon

Saturday,
May 13, 2023
*Federal Judges'
Dinner Dance
Minikahda Club,
Minneapolis*

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Editors-in-Chief

Megan L. Odom

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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 **Elizabeth Scheibel** (emcavert@gmail.com), **Megan Odom** (MLO@ciresiconlin.com), or **Donna Reuter** (reuter.donna@dorsey.com).

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

Online Registration:

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

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 (Judge Menendez) - 1 standard credit (473540)

October Monthly Luncheon (Judge Nelson) - .5 standard credit (475227)

November Monthly Luncheon (Midterm Election) - .5 standard credit (476030).



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Minnesota Chapter