

Public Law News

A Publication of the Minnesota State Bar Association Public Law Section

Volume XIX, Issue 2, Winter 2011

Public Law Section

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James Alexander, Co-Chair, 612/664-5600

Dana Banwer, Co-Chair, 612/673-2014

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Nancy McLean, 612/348-6755

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Margaret Westin, 763/391-7000

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Terry Adkins

Greg Brooker

Nancy McLean

Mary Miller

Corrine Heine

Eileen Wells

Laura Zrust

Other PLS Committees

Awards: Jim Alexander, 612/664-5600; Hon. Diane Alshouse, 651/266-5158; Mary Miller, 651/284-5306

Community/Public Service: Nancy McLean, 612/348-6755; Hon. Tom Kalitowski, 651/297-3530

Data Practices: Margaret Westin, 763/391-7000;

Lynn Belgea, 651/201-5741

Local Government: Eileen Wells, 507/387-8603;

Carol Lansing, 612/766-7005

PLS Coordinators

CLE: Todd Schoffelman, 651/213-8650

Public Lawyer Delegate to MSBA Assembly:

Mary Miller, 651/284-5306

Hon. Diane Alshouse, 651/266-5158, Alternate

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Visit the PLS Website:

<http://www2.mnbar.org/sections/public-law/index.asp>

MSBA



www.mnbar.org

**Save the Date! A Great CLE Bargain!
Friday, May 20, 2011**

Elimination of Bias CLE and ADA Law Update

8:00 - 8:30 a.m.	Registration / Continental Breakfast
8:30 - 10:30 a.m.	“The ADA and Disability Rights” (2 Elimination of Bias Credits Applied For) Panelist: The Honorable Donovan Frank, U.S. District Court Judge Laurie Vasichek, EEOC Senior Trial Attorney Greg Brooker, Assistant U.S. Attorney
10:30 - 12:00 Noon	“The New ADA Amendments Act of 2008 and the New ADA Regulations” (1.5 Standard CLE Credits Applied For) Panelist: Laurie Vasichek, EEOC Senior Trial Attorney Bev Wolfe, Assistant Hennepin County Attorney Trina Chernos, Assistant City of Minneapolis Attorney Amy Moore, Minneapolis School District
12:15 p.m.	Public Law Section Annual Meeting and Attorney Awards Luncheon
Location	Klaus Center, Hamline University, St. Paul Directions and Campus Map
Prices	\$40.00: Section Members/\$15.00 CLE Only \$45.00: Non-Section Members, MSBA Members/\$20.00 CLE Only \$50.00: Non-MSBA Members/\$25.00 CLE Only \$20.00: Law Students \$25.00: Awards Ceremony & Luncheon Only
Registration	Registration information will be sent at a later date, or you may visit our website at www.mnbar.org in mid-March.

The MSBA Public Law Section is seeking nominations for the

2011 Public Attorney Awards

Nominations are due no later than April 1, 2011

You may send them electronically to kbasting@mnbar.org or mail to the MSBA Offices, 600 Nicollet Mall, #380, Mpls., MN 55402

The Minnesota State Bar Association-Public Law Section (PLS) invites nominations for awards honoring attorneys and judges engaged in public service and in the public practice of law. Through these awards the PLS celebrates our commitment to public service and the public practice of law. These awards are also used to recognize attorneys and judges who have distinguished themselves by their significant and outstanding contributions to public service and the public practice of law. Nominations are **due April 1, 2011**. Please contact either of the co-chairs of the Awards Committee or any executive council member of the PLS for further information about the awards. A nominee does not need to be a member of the Minnesota State Bar Association to be eligible for an award. The awards include:

Rosalie E. Wahl Judicial Award of Excellence

This award is named for former Minnesota Supreme Court Justice Rosalie Wahl whose work as a Justice encompassed the attributes of the award. Justice Wahl is highly regarded, not only for her work as a judge but also for her dedication to and tireless efforts on projects improving the justice system.

The PLS seeks to honor appellate, federal court, state district court, or administrative law judges in Minnesota who not only have high ideals, personal character and judicial competence, but also have gone beyond the ordinary call of duty, participating in projects focused on improving the quality of justice or the justice system. Nominated judges must have been on the bench for at least five years.

Julius E. Gernes Prosecutor Award of Excellence

This award is intended to recognize the work and dedication of an outstanding public attorney working in the State of Minnesota as a County/City Attorney and/or as a criminal prosecutor at the federal, state, or local level. The award is named in memory of the late Julius E. Gernes, former Winona County Attorney and Chief Prosecutor who was well known and highly

regarded by county attorneys throughout Minnesota and whose professional achievements as a public attorney encompass the attributes of this award.

William E. McGee Public Defender Award of Excellence

The William E. McGee Public Defender Award of Excellence is intended to recognize the work and dedication of an outstanding public attorney working in the State of Minnesota as a public defender at the federal, state, or local level. The award is named in memory of the late William E. McGee, former public defender, to recognize his contributions and commitment to the fair, nondiscriminatory administration of justice and representation of citizens of limited means. The award would also recognize his extraordinary leadership, initiative and innovation in the performance of his duties as Hennepin County's Chief Public Defender.

Public Attorney Awards of Excellence

There are two Public Attorney Awards of Excellence. These awards are the primary method of recognizing the work and dedication of outstanding public sector attorneys. Awards are given annually with the goal of including award recipients from diverse areas of public practice. Recipients are selected from the following areas:

-Civil Law: Public Law Office Counsel:

This award is given to attorneys practicing civil law in the State of Minnesota in a public law office at the federal, state or local level.;

-In-house Agency Counsel:

This award is given to public attorneys practicing in the State of Minnesota in a variety of public settings including lawyers with such titles as hearing officials, staff attorneys, legal analysts, law clerks, or holding non-legal government leadership positions such as commissioners, managers and council members.

Persons nominated for the Julius E. Gernes, the William E. McGee, or Public Attorney Awards of Excellence must have at least 5 years of experience as a public attorney. They must have engaged in activities that show dedication and commitment to public service and the public practice of law. Nominees may also distinguish themselves by making significant contributions that aid in the operation of government or the practice of law and/or by demonstrating extraordinary leadership, initiative, or innovation in the performance of their duties.

Douglas K. Amdahl
Public Attorney Career Achievement Award

This award is intended to recognize retired or retiring public attorneys who have had distinguished careers as public attorneys, have made many significant contributions to public service and are recognized as models of the dedication and commitment of public attorneys. This award may be given to more than one recipient per year.

Pro Bono Attorney Award of Excellence

This award is intended to recognize an outstanding public attorney (or public law office) who has engaged in activities that show dedication and commitment to provide volunteer services to underserved communities. With the Pro Bono Attorney Award of Excellence, we seek to honor attorneys who exemplify the principles of professional conduct Rule 6.1:

Rule 6.1 of the Minnesota Rules of Professional Conduct provides in part that:

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least 50 hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

(a) provide a substantial majority of the 50 hours of legal services without fee or expectation of fee

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

In addition, the Minnesota State Bar Association has adopted Professional Aspiration standards which encourage attorneys to provide at least fifty (50) hours of pro bono legal services per year. The American Bar Association has adopted a similar standard.

A nomination should consist of the following:

- 1) Nominee's full name, employer, address and telephone number;**
- 2) Nominator's name, employer, address and telephone number;**
- 3) Attach a short narrative statement (not to exceed two pages) explaining how you know the nominee and describing the nominee's qualifications for the award; and**
- 4) Nominee's resume, if available.**

Nominations must be submitted no **later than April 1, 2011**. Please submit nominations to Kim Basting via email, fax or mail (**email with attachments in MSWord is preferred**):

Kim Basting
 MSBA-Public Law Section
 600 Nicollet Mall, Suite 380
 Minneapolis, MN 55402-1605
 Phone: 612-278-6323
 Fax: 612-333-4927
 Email: kbasting@mnbar.org

Co-Chairs of Awards Committee (for questions)

James S. Alexander
 U.S. Attorney's Office
 600 U.S. Courthouse
 300 South Fourth Street
 Minneapolis, MN
 Phone: (612) 664-5619
 Fax: (612) 664-5788
 Email: jim.alexander@usdoj.gov

Mission & Goals of Section 2010-2011

1. **Promote Public Service and Pro Bono**
 - Promote the model pro bono policy for public law offices and offer implementation suggestions that address the barriers to pro bono work.
 - Provide information about pro bono opportunities to public lawyers.
 - Sponsor at least two public service projects in which PLS members can participate.
 - Examine ways to support legal and other services to low-income and disadvantaged persons in Minnesota.
2. **Sponsor Continuing Legal Education**
 - Sponsor at least 12 credits of CLE on topics of interest to PLS members and notify Section members of others.
 - Continue to keep the cost free or reasonable.
 - Provide Ethics and Elimination of Bias CLEs on at least a 3-year cycle.
3. **Enhance Public Law Section Communications**
 - Enhance communication among PLS members by encouraging increased use of electronic communications (particularly outstate members).
 - Publish newsletters and maintain the website with current information and resources; e.g., CLEs, pro bono and public service opportunities, etc.
 - Improve communication between the PLS Executive Council and the committees.
 - Provide publicity on law clerk employment opportunities.
4. **Work toward the goal of eliminating bias and promoting diversity in the bar**
 - Implement mentorship opportunities.
 - Provide quality Elimination of Bias CLE programs.
 - Participate in minority recruitment conferences.
5. **Provide recognition for public service**
 - Continue annual public attorney awards.
 - Use the newsletter and other means to recognize public lawyers.
6. **Work with the MSBA**
 - Work with the MSBA Membership Committee to increase the membership of the Public Law Section and increase participation in the MSBA.
 - Continue and enhance the ongoing relationship with the MSBA Student Law Section, including identifying a designated student liaison with the Public Law Section.
 - Respond to issues presented to the MSBA that impact public policy and the practice of public law, including education on Judicial Independence.

The MSBA Public Law Section is seeking nominations for positions on the 2011-12 Council. **Please submit your statement of interest** to Kim Basting at kbasting@mnbar.org by **April 1, 2011**.

Nominating Committee

Honorable Tom Kalitowski, 651/297-3530

Nancy McLean, 612/348-6755

Kim Beuchel Mesun, 612/668-0482

SECTION PROFILE REPORT

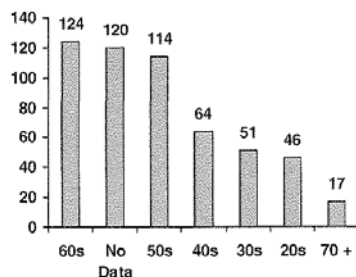
PUBLIC Section Profile



Minnesota State Bar Association
600 Nicollet Mall Suite 380
Minneapolis, MN 55402

www.mnbar.org

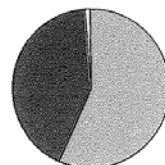
Age Breakdown Gender Breakdown



Age Range	#	% of Section
20s	46	8.6%
30s	51	9.5%
40s	64	11.9%
50s	114	21.3%
60s	124	23.1%
70 +	17	3.2%
No Data	120	22.4%

Average Age
50

Gender

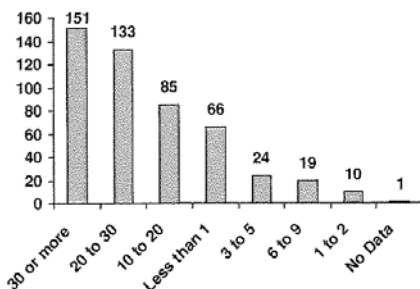


Male
Female
No Data

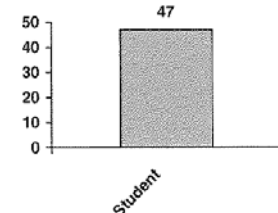
Gender	#	% of Section
Male	302	56.3%
Female	228	42.5%
No Data	6	1.1%

Ratio Male to Female
1.32:1

Attorney Members Non-Attorney Members



Attorney Years In Practice	#	% of Attys	% of Section
Less than One	66	13.5%	12.3%
1 to 2 years	10	2.0%	1.9%
3 to 5 years	24	4.9%	4.5%
6 to 9 years	19	3.9%	3.5%
10 to 20 years	85	17.4%	15.9%
20 to 30 years	133	27.3%	24.8%
More than 30	151	30.9%	28.2%
No Data	1	0.2%	0.2%

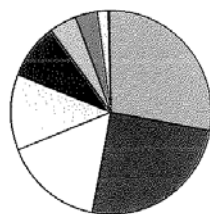


Non-attorneys in this Section
48 9.0%

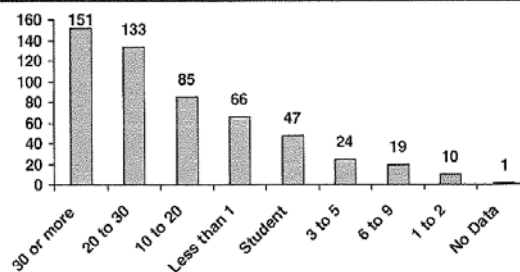
Attorneys in this Section
488 91.0%
Average Years in Practice*
21
* Based on admittance to any bar.

All Section Members

Attorneys and Non-attorneys



30 or more
20 to 30
10 to 20
Less than 1
Student
3 to 5
6 to 9
1 to 2
No Data



Ten Years of Loaves and Fishes

by Nancy McLean

The first Wednesday of every other month, members of the Public Law Section drive to a Loaves and Fishes site at Holy Rosary Church in Minneapolis and prepare a meal for some 300 persons. The Section purchases food and prepares the meal of tator tot hot dish, green beans, peanut butter and jelly sandwiches, and oranges. Following the food prep, we clean the kitchen and prepare the room for the guests.

On February 3, 2011, the crew of Nancy McLean, Judge Tom Kalitowski, Kim Bechel Mesun, and Greg Brooker volunteered. It was down to the wire with such a small group of volunteers, but the food was ready and the kitchen was cleaned by the time the guests arrived. The February 2011 meal preparation marked the 10th Anniversary of the Public Law Section sponsoring loaves and fishes events. Thanks to all of the volunteers who have participated over the course of the decade. **The next loaves and fishes volunteer opportunity is Wednesday, April 6.** Meet at Holy Rosary Church, 2424 18th Avenue S., Minneapolis at 2:30 p.m. [[directions](#)]. Join us for Juicy Lucies at Matt's afterwards!



Kim Buechel Mesun and Peanut Butter!



"Spoons: Big"



"Spoons: Small"

Loaves and Fishes Fun Facts

- Date of our first meal preparation:
February 6, 2001
- No. of people fed on Feb. 7, 2001:
352
- Meal prepared:
Tator Tot Hot Dish, Peanut Butter and Jelly Sandwiches, Green Beans, Sliced Oranges, Milk and, Coffee
- Favorite activity after preparing meal:
Going for "Juicy Lucies" at Matt's Bar on Cedar Avenue
- When we prepare the meal:
The first Wednesday of every other month
- Date of next meal prep:
April 6, 2011



Judge Tom Kalitowski and Nancy McLean making peanut butter and jelly sandwiches



Time to clean up!

Public Law Section Again Coordinates Adopt-A-Family Program for the Holidays

Individual government lawyers once again this year helped those who have less. They adopted several families for the holidays by purchasing specific holiday gifts on the family wish list. Others wrote out checks and had others do the shopping. This year we as a group adopted 12 families. Many thanks to Hennepin County Assistant Attorney Nancy McLean for coordinating the effort. Thanks also to the volunteers who made a difference in the lives of several families this holiday season.

2011 marks the 10th Anniversary of the MSBA Public Law Section being involved with the Adopt-A-Family program. Since 2001, we have sponsored a total of 120 families.

MSBA Public Law Section Adopt-A-Family Stats

- No of families adopted in 2001: 12
- No of families adopted in 2002: 14
- No of families adopted in 2003: 14
- No of families adopted in 2004: 20
- No of families adopted in 2005: 10
- No of families adopted in 2006: 15
- No of families adopted in 2007: 13
- No of families adopted in 2008: 10
- No of families adopted in 2009: 10
- No of families adopted in 2010: 12



Pictured is Marissa Treptau and her friends who shopped and wrapped. Marissa has been doing shopping and wrapping 10 years. Her mom, Theresa Treptau, works with the Hennepin County Attorney's Office and has worked on the project since we started.

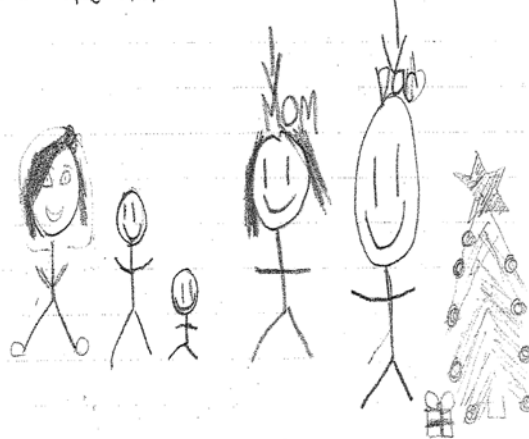
Thank You Notes

We received several thank you notes from the families we sponsored this past year. Please take a moment to read each note to see how much this program means to them.

Dear, Anonymous

I'm so happy that you got me all those playful toys that I really enjoy playing with. you are such a wonderful person for taking your time to make this christmas is such a thank-ful day.

lover 1196 - SAF-MPLS 3290



More thank you notes on page 9

Dear Sponsor,

ID # 3352

Thank you for giving us a
VERY blessed CHRISTMAS. Best
Wishes for a Happy New Year FROM
OUR family to yours

sponsor a family



Love,
from All of us

Dear Sponsor,

ID # 320A

Thank you for having provided us
the Christmas gifts. May God
watch and protect you and
your family Merry Christmas!

sponsor a family



ABA Government Lawyer Division Update

by Greg Brooker, U.S. Attorney's Office

The Government and Public Sector Lawyers Division met on February 11-12, 2011, at the ABA Mid-Year Meeting in Atlanta. On February 11, the Division sponsored two CLEs: "Ethical Considerations in the Public Sector" and "E-Discovery, Public Records, and Metadata." At the business meeting on February 12, several ABA resolutions were voted upon, including ones dealing with the promotion and support of law school clinics and paralegal education programs; the creation of teen courts; the prevention of school bullying; and several uniform law proposals.

The Division is planning to sponsor several public lawyer panel programs at law schools in 2011, including ones at the University of St. Thomas and the University of Minnesota. Local government lawyers talk about their jobs to law students and discuss why public service law is important.

Check out the new look of the Division's magazine, *The Public Lawyer*. The Division also publishes a newsletter, *Pass It On*.

ABA Govt & Public Sector Lawyers Division Officers

Chair: *Gary Anderson*, Assistant U.S. Attorney, El Paso, TX

Chair Elect: *Susan Lowe*, former city attorney, Des Moines, IA

Vice Chair: *Ed Felter*, ALJ, Denver, Co

Treasurer: *Greg Brooker*, Assistant U.S. Attorney, Minneapolis, MN

ABA House Delegate Representative:
Judge John Tunheim, U.S. District Court, Minneapolis, MN

2011 City Attorneys Educational Conference

by Terry L. Adkins, Rochester City Attorney

Once a year, Minnesota city attorneys gather to learn, share ideas, exchange war stories and generally commiserate with one another. This year was no exception.

The 2011 City Attorneys Educational Conference occurred February 11th and 12th at the Hotel Sofitel in Bloomington. Past attendance records were left in the dust as more than 200 attendees packed the Sofitel's large ballroom to get the latest updates on various municipal law topics. Those topics included employee discipline, risk management in city contracts, ADA enforcement activities and interest arbitration. A big topic this year was variances and the current legislative efforts to respond to a Minnesota Supreme Court decision that essentially put the kibosh on variance requests. Another "biggie" involved a case working its way through the Minnesota Court of Appeals involving due process concerns with the manner in which a "quasi-judicial" hearing occurred before a city council.

The Saturday morning session brought back Trent Barstad (a presenter at the 2010 event). Dr. Barstad gave all Conference attendees a better understanding of the types of mental disorders afflicting so many people in our society. Finally, the 2011 Conference concluded with a series of short subjects (such as bankrupt utility customers, erroneous ballots, and changes to a competitively bid agreement) addressed by various speakers in a segment known as "Short Shots."

Next year's Educational Conference will again be held at the Hotel Sofitel during the second weekend in February.

9th Annual Race for Justice 5K

Sunday, April 17, 2011

Nicollet Island, Minneapolis

For more information and to register, please visit the website at www.raceforjustice.org.

This Section is added through an agreement between the Public Law Section and the Administrative Law Section.

Should I “Friend” the Agency’s Proposed Rule? Social Media, Rulemaking, and Self-Government

By Eric L. Lipman

As the delegates to the Constitutional Convention in 1787 emerged onto the streets at the end of their deliberations, Benjamin Franklin was approached by a prominent member of Philadelphia society, Mrs. Powel. Inquiring as to the results of the Convention, she asked: “Well, Doctor, what have we got? A republic or a monarchy?...” Without hesitation, Franklin responded, “A republic, if you can keep it.”

Franklin was pointing to an important truth: Although the rights from our Creator are inalienable, having liberty is conditional. It is only a republic if we can keep it.

A team of Cornell researchers has turned to this same problem today. They ask: Can the near-ubiquitous technologies of the Internet be leveraged so as to engage our diverse, dispersed and busy citizenry in self-government? Can Twitter, Facebook and the blogosphere help to maintain consent of the governed?

Cornell’s Legal Information Institute hosts what it calls “the Regulation Room,” (<http://regulationroom.org>) a website that seeks to engage citizens on certain rulemakings. During a preliminary “beta test” of the Regulation Room website, the Cornell team focused on two rulemaking dockets before the U.S. Department of Transportation: a rule that would bar commercial motor vehicle operators from texting while driving, and a proposed extension of airline passenger rights in areas such as bumping, tarmac delay and fee advertising.

The Regulation Room’s mission is to reduce three key barriers to public participation in rulemaking: (1) ignorance about the rulemaking process; (2) a lack of awareness about current rulemaking proceedings; and (3) information overload because of the length and complexity of rulemaking materials. To reduce these barriers, the team summarized the proposed rules in everyday language, reached out to potential stakeholders and facilitated online discussions about the proposed rules. The early successes and setbacks that the team encountered are detailed in a draft article that is now available on the Social Science Research Network, *Rulemaking in 140 Characters or Less: Social Networking and Public Participation in*

Rulemaking (http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1702501).

The article is worth downloading and reading. It tells a lot about us, and the future of self-government, in the modern age.

One early lesson for the team is that there are small spaces for this kind of information on the Internet – at least on the main thoroughfares of the Information Superhighway. Of their efforts to reach out to potential stakeholders about the proposed rules, the team recounts:

We identified Facebook Groups and Pages affiliated with the various constituent groups.... When the rule opened, we asked the owners of the group to post the message about the rulemaking and Regulation Room. Where permitted by the group’s privacy setting, we also posted directly on their wall. Unfortunately, *this was considered spamming by Facebook* and the posting persona we had used was shut down.

Spamming? Well, Dr. Franklin might disagree. Likewise revealing, visitors to the Regulation Room website spent, on average, a little more than 3 minutes on the site during each visit – a number that parallels the average length of visits to popular news media websites. The team concedes that most of its website visitors scanned the Regulation Room site as they would other news and information websites, concluding that “[t]hese basic habits of Web use do not prepare people for the attentional investment required by a rulemaking participation site.”

Bravely, the Cornell team has stepped onto a difficult, but critically important landscape. Their reporting shows that notwithstanding the power and potential of Internet to connect citizens with their government, we are still just a few short paces from where Dr. Franklin and Mrs. Powel stood outside of Independence Hall. Even with our near-magical Blackberries in hand, we face big challenges on citizen engagement and the plodding work governing ourselves without kings or commissars.

Judge Eric L. Lipman is an Administrative Law Judge and a past Chairman of the MSBA Administrative Law Section.

Public Attorneys on the Move

Dana Banwer will be leaving the Minneapolis City Attorney's Office at the end of January for a position with the city's Department of Regulatory Services, where she will be the Director of Operations, Licensing and Environmental Services. In this position, Banwer will oversee the city's business licensing, environmental management and animal care and control divisions. She will begin her new position on January 31, 2011.

Katie Engler is now a senior legal analyst at the Minnesota Bureau of Criminal Apprehension working on data sharing and integration issues. Previously, she was the Assistant Director of the Information Policy Analysis Division in the Minnesota Department of Administration.

Governor Dayton has appointed the following attorneys to public positions:

Ken Peterson to head the Department of Labor and Industry. Peterson brings a wealth of public service experience to the position, including serving the last DFL Governor, Rudy Perpich, in the same position. Ken Peterson has served the people of Minnesota in multiple capacities over several decades. He was the executive director of the Minnesota Public Interest Research Group (MPIRG), Deputy Commissioner of the Minnesota Public Service Department and Department of Labor and Industry, Commissioner of the Department of Labor and Industry, Deputy Mayor and Mayor's Chief of Staff of the City of Saint Paul, and Director of the St. Paul Department of Planning and Economic Development. His most recent public service was in the Minnesota Attorney General's office, where he was Deputy Attorney General for Government Operations.

Myron Frans to be Commissioner of Revenue. Frans will not begin his new position full-time immediately, and in the interim former Commissioner and now Deputy Commissioner Dan Salamone will manage the department. Frans has been a tax attorney in private practice

for 27 years, most recently as a senior tax partner at the law firm of Faegre & Benson LLP in Minneapolis. Prior to joining Faegre & Benson, he was a tax partner at Gray Plant Mooty Mooty & Bennett, PA, also in Minneapolis. Frans began his tax practice in 1983 with the firm of Miller & Chevalier, in Washington, DC. Frans has been active in the American Bar Association, the Minnesota Bar Association, where he served on the governing Tax Council for a number of years, and the Hennepin Bar Association, where he served on the ethics committee. In addition to his tax expertise, Frans has management experience as President of Leeds Precision Instruments in Golden Valley, Minnesota. He has managed this local manufacturing and distributing company since the fall of 2009. Under Frans' leadership Leeds Forensic Systems, a subsidiary of Leeds Precision, earned the Governor's International Trade Award for success in building global markets in October 2010.

Mike Rothman to be Commissioner of Commerce. Rothman was most recently an attorney with the firm of Winthrop & Weinstine, P.A., in Minneapolis, MN, where he was co-chair of the Insurance & Financial Services practice group. He brings a unique blend of government and litigation expertise. Rothman's litigation experience began when he worked on the insurance insolvencies of Mission Insurance Companies and Executive Life, two of the largest in U.S. history. He has represented clients at the trial and appellate levels in both federal and state courts, as well as in mediations and arbitrations. Rothman has also taught as an adjunct professor at the University of Minnesota Law School in Insurance Law and Regulation. He is a founding board member of the Minnesota Urban Debate League, and sits on several other community advisory boards and organizations. He lives in Minnetonka with his wife and their three children.

Lucinda Jesson, currently Founding Director of the Health Law Institute at Hamline University, as Commissioner of the Minnesota Department of Human Services. She has practiced law in the areas of healthcare, human services and employment. Jesson most recently served as part

of Governor Dayton's Transition team, leading its Outreach and Appointments efforts. Jesson is currently a professor at Hamline University School of Law, where she also serves as Director of Hamline's nationally recognized Health Law Institute. Ms. Jesson has proven public sector management experience, policy expertise in regulation and government programs, and connections with the human services and business communities. She has served government at both the local and state levels, including as Deputy Attorney General and as an Assistant Attorney General for Health and Licensing in the Minnesota Attorney General's Office, and as Chief Deputy Hennepin County Attorney, where she led day-to-day operations of the office. Jesson was previously a Partner and of Counsel to Oppenheimer Wolff and Donnelly, as well as the founder of her own law firm in St. Paul. In her current tenured position at Hamline, Ms. Jesson's scholarship and teaching focus on health care finance and regulation, as well as health reform. She currently serves as Vice President of the Minnesota Bar Association's Health Law Governing Council.

Ted Mondale to lead the Metropolitan Sports Facilities Commission (MSFC). The MSFC manages the Hubert H. Humphrey Metrodome, which serves not only as the current home of the Minnesota Vikings but also as the host of many collegiate and youth sporting events and family activities. The MSFC was established by legislative charter in 1977 and was responsible for the construction of the Metrodome. Its mission is to bring urban and suburban and state-wide, business, labor and the general public together to find common ground and work on issues related to stadium infrastructure in Minnesota. The MSFC consists of seven members: six appointed by the Minneapolis City Council, and a Chair appointed by the Governor. The Chair must reside outside of Minneapolis. Mondale, of St. Louis Park, served as Chair of the Metropolitan Council from 1999 through 2002, where he led the successful Hiawatha LRT line through the State and Federal regulatory and funding hurdles. From 1990 to 1996 he served as State Senator, representing St. Louis Park and

Hopkins, where he successfully passed major legislation including the Land Recycling Act, the Livable Communities Act and the International Airport Location Bill. In 2003, Mondale founded Nazca Solutions, a software company that automates Property Searches for the Mortgage Industry where until recently he served as CEO. Mondale successfully negotiated the sale of Nazca to First American Financial Corp in November of 2010. He received his B.A. at the University of Minnesota and his J.D. from William Mitchell College of Law.

Peter Wattson as his General Counsel. Wattson previously served as Senate Counsel to the committees on Rules and Administration, Finance, and Capital Investment. Since January 2009, he has also served as Secretary of the Senate (Legislative). He began as counsel to the committees on Agriculture and Natural Resources & Environment in 1971, and began working for the Rules Committee in 1973. He has worked for the Senate Finance Committee since 1975, drafting appropriation bills and state general obligation bonding bills. In 1991-92, Mr. Wattson served as counsel to the Redistricting Committee. From 1993 to 2008, he served as counsel to the committee or subcommittee responsible for election law. In addition to appropriations, redistricting, and legislative immunity, he has lectured on legislative procedure, elections, campaign finance, and gifts to public officials.

News from the Bench

On December 22, 2010, **Susan Richard Nelson** became the 34th person to serve on Minnesota's federal bench. Nelson was a Magistrate Judge for the District of Minnesota. Her oath of office was administered by Chief U.S. District Judge Michael J. Davis in a private ceremony, with public investiture ceremony held at a later date. Nelson was appointed as a United States Magistrate Judge for the District of Minnesota on June 1, 2000. Prior to that, she practiced civil trial law for 22 years, primarily in complex

product liability and mass tort matters, including her service on the team representing the State of Minnesota and Blue Cross in the landmark 1998 Minnesota Tobacco Trial. Nelson will fill the vacancy created when Judge James M. Rosenbaum took senior status. Nelson is chambered in the St. Paul Courthouse at 316 North Robert Street.

Leo I. Brisbois has been appointed to the position of United States Magistrate Judge for the District of Minnesota. Brisbois took the oath of office in the U.S. Courthouse in Minneapolis on August 30, and a formal ceremony was later held in the Gerald W. Heaney Federal Building and United States Courthouse and Customhouse in Duluth. Brisbois, 48, was born in Aurora, Minnesota, and raised in Hibbing, Minnesota. He graduated from Hibbing High School, and received his undergraduate and law school degrees from Hamline University in St. Paul, Minnesota. Since 1991, he had been with the Minneapolis law firm of Stich, Angell, Kreidler, Dodge & Unke, PA, where he was a partner, and prior to that, he served in the Judge Advocate General's Corps of the United States Army for three years. He is a member of the American Bar Association, the Minnesota State Bar Association, the Minnesota American Indian Bar Association, the 1st, 4th and Iron Range District Bar Associations, and he is a member of the Minnesota Defense Lawyers Association.

Effective August 30, 2010, **U.S. Magistrate Judge Arthur J. Boylan** was elevated to Chief U.S. Magistrate Judge for the District of Minnesota. He succeeds Chief Magistrate Judge Raymond L. Erickson who retired from the federal bench on August 30, 2010. Magistrate Judge Boylan is chambered in Saint Paul, Minnesota. He is a Chicago native. He graduated from The Illinois Institute of Technology - Chicago Kent College of Law. Following graduation, he was admitted to both the Illinois and Minnesota Bar. After more than ten years of private practice, he was appointed to the Minnesota State District Court. In 1996, he was appointed a Federal Magistrate Judge. While serving on the state bench, Judge Boylan belonged to the Minnesota

Conference of Chief Judges and was a member of the Minnesota Supreme Court Committee on Judicial Evaluation. At the time of his federal appointment, Judge Boylan was the President-elect of the Minnesota District Judges Association. In 2000, Magistrate Judge Boylan received the President's Award from the Minnesota State Bar Association. Judge Boylan is a Past President of the Minnesota chapter of the Federal Bar Association. Judge Boylan currently serves on the U.S. District Court Federal Practice Committee and was appointed as one of the court's Alternative Dispute Resolution (ADR) neutrals - Magistrate Judges act as Mediators when conducting settlement conferences in the many complex civil and class action cases that comprise Minnesota's Federal District Court docket. He is also a member of the Judicial Conference Committee on Judicial Security.

U.S. Magistrate Judge Mary Kay Klein has been reappointed to her part-time U.S. Magistrate judicial position in Bemidji. Klein was originally appointed by the federal court in 2003. Her third four-year term began on January 3, 2011.

Steven E. Rau has been appointed a U.S. Magistrate Judge for the District of Minnesota. Rau took the oath of office in the U.S. Courthouse in Minneapolis on January 14. A formal ceremony will be held at a later date. Rau, 54, was born and raised in Massachusetts. He received his undergraduate degree from Carleton College and his law degree from William Mitchell College of Law. Since 2000, he has been a Partner with the Minneapolis law firm of Flynn, Gaskins, Bennett, LLP. Prior to that, he was with the Minneapolis law firm of Lindquist & Vennum and a law clerk with Chief Justice Douglas K. Amdahl. He is admitted to practice in a number of Districts and has been very active in the Minnesota Chapter of the Federal Bar Association. Rau will be chambered in the St. Paul courthouse.

Announcements

The U.S. District Court, District of Minnesota and the Minnesota Chapter of the Federal Bar Association (FBA) collaborated to form the Pro Se Project, an initiative that works to connect civil pro se litigants with volunteer attorneys. The Minnesota Board of Continuing Legal Education (CLE) recently designated the Pro Se Project as an approved Legal Services Provider. Federal practitioners who volunteer time on Pro Se Project cases are now eligible to receive pro bono CLE credits. To learn more about obtaining CLE credits for Pro Se Project visit: <http://www.mbcle.state.mn.us/MBCLE/pages/probono.asp>.

A new civil motions glossary has been created to assist attorneys in filing civil motions electronically in the Minnesota federal district court. The glossary defines every civil motion available in the District of Minnesota's ECF filing event dictionary. Use this glossary as a guide for determining which civil motion to use for your particular situation. Please see the courts website to review the new civil motions glossary: http://www.mnd.uscourts.gov/cmecf/procedure_guides.shtml.

New Amendments to the Local Federal Rule Enacted

The United States District Court for the District Court of Minnesota has approved amendments to the Court's Local Rules of practice, effective January 31, 2011. The following Local Rules are amended: 1.1, 5.1, 5.2, 5.4, 7.2, 24.1, 67.1, 67.2, 67.3, 83.5, 83.7. The Motion of the Admission Pro Hac Vice of U.S. Government Attorneys form has been revised to reflect amended LR 83.5(e) and a new form, Withdrawal of Payee Information, has been created to accord with LR 67.2. In addition, the civil and criminal ECF Procedures Guide have been updated to reflect these Local Rule amendments. To see the public notice and the amendments described above, visit the Court's website at <http://www.mnd.uscourts.gov/>.

Recipes

SCRAMBLE

submitted by Eileen Wells, Mankato City Attorney

- 2 lbs mixed salted nuts
- 1 12 oz pkg bite size shredded wheat squares
- 1 10 1/2 oz pkg (cheerios)
- 1 6.5 oz pkg crispy rice square
- 1 6.5 oz can pretzel bits
- 1 5.5 oz can pretzel sticks
- 2 cups salad oil
- 2 T Worcestershire sauce
- 1 T garlic salt
- 1 T Seasoned Salt (Lawry's)

Layer all dry mix in a large roaster. Mix oil, sauce and seasonings. Pour over dry mix and stir well, taking care not to crush cereal.

Bake very slow oven 250F, for 2 hrs, stirring and turning mixture with wood spoon every 15 minutes.

Makes about 8 qt.

PARTY MIX

submitted by Eileen Wells, Mankato City Attorney

- 6 cups Rice Chex
- 1 cup pretzel sticks
- 2 cups pecan halves
- 1 cup butter or margarine
- 1 cup brown sugar

Bring butter and brown sugar to a boil. Cook 2 minutes, pour over mix, stir to coat. Pour onto greased cookie sheet, bake at 325 for 8 minutes. Stir mixture and bake 8 more minutes, stir again.

Pour mixture on wax paper to cool. Store in a sealed container.

Minnesota Department of Administration Data Practices Opinions Index

by Mary Miller, Compensation Attorney Principal, Minnesota Department of Labor and Industry

Copies of these opinions can be requested by calling the Department of Administration at 612/296-6733 or 800/657-3721.

The full text of the Data Practices Opinions are now available on line at www.ipad.state.mn.us/opinions/index.html.

No. of Opinion	Date of Opinion	Gov't Entity Involved	Topic	Opinion Requester
10-015	5/17/10	Independent School District #152 and teachers' union	Tentative agreement between district and union; mediation sessions, Minn. Stat § 13.7908.	Fargo Forum Von Pinnon
10-016	6/1/10	Saint Paul	Computer-Aided Dispatch System; Incident-related data, including address.	St. Paul Pioneer Press, Hannah
10-017	7/1/10	Independent School District #47	Outside consulting activities of school board superintendent Minn. Stat §§ 15.17 and 13.03; Official records.	Kern
10-018	9/14/10	Fergus Falls	Individuals and corporations that have made contributions or pledges toward the Community Arena, and the amounts. Records "necessary To a full...knowledge of [the entity's] official activities."	Fargo Forum, Von Pinnon
10-019	9/20/10	Independent School District #547	Tape of closed School Board meeting to evaluate superintendent.	Parkers Prarie Independent, Wehking & Marquardt
10-020	9/23/10	Montrose	Notice of Meetings - Purpose.	Siljander
10-021	9/27/10	Independent School District #742	Proposed BMS Mediated Contract; financial spreadsheet of cost and other agreements made.	ISD 742/ Rupp & Mace
10-022	10/15/10	Minnesota Management and Budget	Investigation report of complaint about Deputy Commissioner; copy to Legislative Auditor.	Minnesota Management and Budget, Hanson
10-023	10/27/10	North Saint Paul	Communication between Mayor and President of Gateway Trail Association.	Fax
10-024	11/16/10	Wayzata	School Safety Study, by consultant; charge for compilation and copying - procedures.	McCarthy
10-025	11/23/10	Department of Public Safety (DPS)	Names of individuals whose driving privileges were affected by information received by DPS. Full and accurate knowledge of official actions.	KSTP-TV / Anfinson