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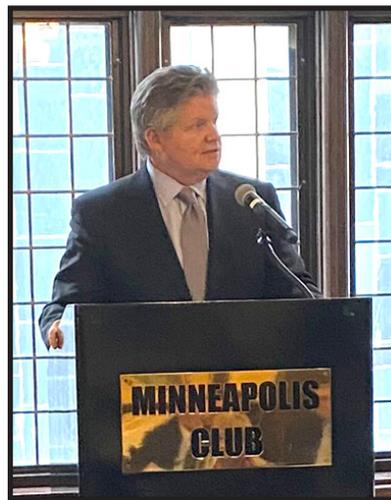
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Bar Talk

Chief United States District Judge John R. Tunheim Gives 2020 State of the District Address

By Kelly Fermoyle



Chief Judge Tunheim delivers State of the District address

At the January 8, 2020 monthly FBA luncheon, Chief United States District Judge John R. Tunheim gave his State of the District address to luncheon attendees. Chief Judge Tunheim began by noting the vacant seat on the district bench, opened when Senior United States District Judge Joan N. Ericksen took senior status on October 15, 2019. A judicial selection committee is working to make recommendations to President Trump to fill the vacancy.

Throughout 2019, the District expanded its outreach efforts, including through the Open Doors program, an Intellectual Property workshop with Girl Scouts, an Economic Espionage workshop, a workshop in Duluth on implicit bias, Court Camp for high school students, an expanded take-your-child-to-work day for court staff, and an annual Diversity Celebration, among others.

One of the highlights of 2019 was the renaming of the federal courthouse in Minneapolis in honor of Diana E. Murphy, which was celebrated on October 16, 2019. Chief Judge Tun-

State of the District, continued on page 3.

Tributes to United States Magistrate Judge Steven E. Rau from Members of his Federal Court Family

By Christopher Proczko, Brian Pousson, and Gordon Knoblach

Proczko and Pousson Tribute

In November 2019, United States Magistrate Judge Steven E. Rau died. He was taken too soon from his family, friends, and the entire federal family. Magistrate Judge Rau is survived by his wife Christine, his children Victoria, Alex, and Edward, his faithful hound Teddy, and countless friends and loved ones. From the powerful eulogies delivered at his funeral services to the quiet words shared among those who knew him, much has been said about his extraordinary life and the lessons he taught us. Here we hope to add to these recollections a fond celebration of our friend and mentor.

We asked United States Magistrate Judge Tony N. Leung to share some thoughts about his good friend, and Magistrate Judge Leung's comments need no embellishment: "Magistrate Judge Rau and I attended 'Baby Magistrate Judge School' together in Washington, DC, and San Antonio, Texas. We didn't really know each other before both being appointed to the federal bench at about the same time. His welcoming, gregarious, and mischievous personality made it impossible for us not to develop immediately a friendship so close that the other new judges have since called us the 'Minnesota Twins.' He and I worked hard parsing through dense and challenging mate-

Magistrate Judge Rau Tributes, continued on page 2.

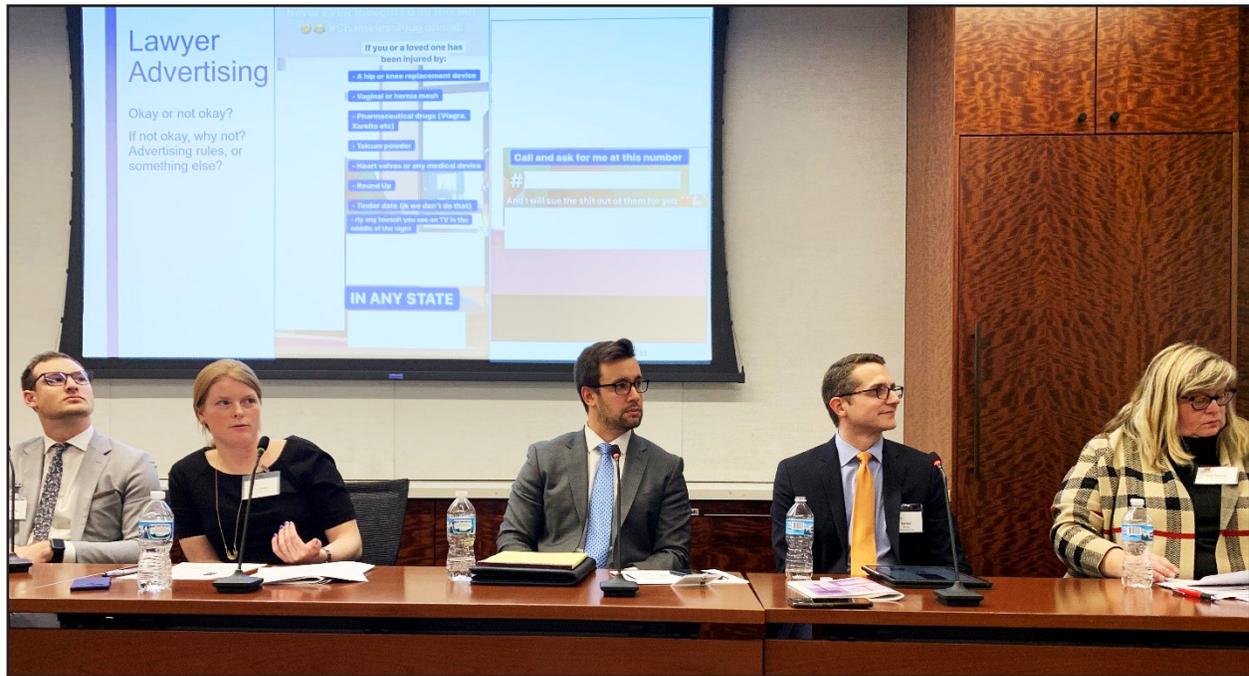
Newer Lawyers Committee and Minnesota Office of Lawyers Professional Responsibility Present on Tips to Avoid Ethical Mistakes on Social Media

By Kyle R. Kroll

On December 3, 2019, the Newer Lawyers Committee and Minnesota Office of Lawyers Professional Responsibility (“OLPR”) presented a CLE titled “You can tweet all night, but you only license once: tips to avoid ethical mistakes on social media.” Five speakers presented: Susan Humiston (Director of OLPR), Chuck Toomajian (Zimmerman Reed), Joey Balthazor (Taft), Liz Scheibel (Faegre), and Kyle Kroll (Winthrop & Weinstine). The speakers provided examples and discussion on four topics: (1) tech competence and professionalism, (2) confidentiality, (3) communications regarding parties and courts, and (4) advertising. Winthrop & Weinstine generously provided space and refreshments.

Key tips and takeaways from the presentation include: lawyers have a duty to provide technologically-competent representation to a client; “anonymous” almost never stays anonymous; it could be an ethical violation to visit a juror’s LinkedIn page because the juror might be notified of the visit; deleting social media content can constitute spoliation; social media posts are often considered public and have led to ethical violations, and even mistrials; confidential information includes information related to representation and cannot be disclosed except in limited circumstances, such as when the information becomes generally known, which does not include mere discussion in open court or inclusion in public court records; venting about a case risks an ethical violation through disclosure of confidential information or reckless statements that question the qualifications or integrity of the judiciary; social media contacts can be communications and therefore should be carefully monitored; it is best to keep review of juror, parties, and court social media profiles to passive sites so as to reduce or eliminate risks of inadvertent contacts and communications; it could be an ethical violation to send friend requests to jurors, parties, and court officials; social media can be considered advertising, so it must not include false or misleading communications about the lawyer or the lawyer’s services; tweeting about a criminal trial

Ethical Mistakes and Social Media, continued on page 13.



(L to R) Joey Balthazor, Liz Scheibel, Chuck Toomajian, Kyle Kroll, Susan Humiston

District of Minnesota Bankruptcy Court Judge William J. Fisher Discusses Core Bankruptcy Concepts

By Mary Riverso

On January 29, 2020, newer and experienced lawyers alike gathered for a luncheon hosted by District of Minnesota Bankruptcy Judge William J. Fisher and presented by the Newer Lawyers Committee. Bankruptcy Judge Fisher regaled the group with stories from practice and from his time on the bench in both Hennepin County and the Bankruptcy Court. He also discussed several core bankruptcy concepts.

Among other core bankruptcy concepts, Bankruptcy Judge Fisher explained the history behind debt forgiveness and its presence in foundational legal documents throughout humankind. He discussed the limited powers of bankruptcy judges and the constitutionality of the Bankruptcy Court. Bankruptcy Judge Fisher also differentiated among Chapters 7, 11, 12, and 13 of Title 11, providing an overview of the qualifications for and purposes of declaring

bankruptcy under each Chapter. He then discussed the automatic stay, describing its contours and warning attendees of common misconceptions about how far it extends. Finally, Bankruptcy Judge Fisher explained bankruptcy discharge, with a friendly reminder to newer lawyers that student loans are generally not among the categories of debts discharged through bankruptcy.

Bankruptcy Judge Fisher encouraged all attendees to become familiar with core bankruptcy topics, which often arise tangentially in different substantive areas of the law. Bankruptcy Judge Fisher concluded the luncheon with a word of encouragement for newer lawyers to seek out pro bono opportunities, particularly assisting those in bankruptcy. The Newer Lawyers Committee thanks Bankruptcy Judge Fisher for sharing his stories and knowledge. ■

Mary Riverso graduated from the University of Minnesota Law School in 2018, served as a judicial law clerk for United States District Judge Eric C. Tostrud from 2018-2019, and currently practices at Winthrop & Weinstine, P.A. in the commercial litigation and creditors' remedies groups.

Ethical Mistakes and Social Media, continued from page 12.

may violate rules regarding trial publicity; and lawyers should treat their social media like advertising, subject to all the rules that apply to it.

Following the presentation and questions and answers from the audience, attendees and the presenters joined for refreshments. The Newer Lawyers Committee thanks Susan Humiston, OLPR, all attendees, and Winthrop & Weinstine for making this event a success. ■

Social Media CLE Code: 281435 - one standard credit.

Kyle Kroll is an attorney with Winthrop & Weinstine and focuses on business litigation, especially matters involving fraud, breach of fiduciary duties, antitrust and unfair competition, intellectual property, and utilities projects. He is co-chair of the Newer Lawyers Committee.

The Chapter welcomes the following new members:

Alia Abdi	David Hackworthy	Christopher Nguyen
Eric Boettcher	Jacob Harris	Oluwatoni Ojoyeyi
Chelsea Bunge-Bollman	Jennifer Hartjes	Daniel Ongaro
Amanda Cefalu	Christopher Haugen	Christopher Pham
Tim Christensen	Katherine Herman	James Robbins
Emily Donaher	Andrew James	Robert Schug
Erin Edgerton	Mary Knoblauch	Sheri Stewart
Andrew Escher	Elle Lannon	Carly Thelen
Brendan Flaherty	Bruce Little	Veena Tripathi
W. Anders Folk	Sarita Matheson	Ryan Vetleson
James Forman	Bartley Messick	Kathryn Wendt
Timothy Garvey	Katherine Moerke	Todd Werner
Michelle Gilboe	Molly Nephew	Kyle Wislocky