

Public Law News

A Publication of the Minnesota State Bar Association Public Law Section

Volume XVIII, Issue 4, Winter 2009

Public Law Section

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Visit the PLS Website:

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

The MSBA Public Law Section is seeking nominations for the

2009 Public Attorney Awards

New Award Announced for Pro Bono Activities

Nominations are due no later than **March 1, 2010**

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 MARCH 1, 2010**. 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 March 1, 2010**. 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@mnbarg.org

Co-Chairs of Awards Committee (for questions)

James S. Alexander
U.S. Attorney's Office
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David Ornstein Retires as Bloomington City Attorney; Sandra Johnson Named as Replacement

by Gregory Brooker

On November 30, 2009, Dave Ornstein retired as the Bloomington City Attorney. After graduating from the University of Minnesota Law School in 1970, Ornstein began his career with the city attorney's office in Mankato. In 1973, Ornstein was hired as an assistant city attorney in Bloomington. He was eventually named Bloomington City Attorney and he worked on such major projects as the development of the Mall of America, the IKEA development and numerous land use developments. He was often on the cutting edge of the law, writing and defending ordinances mandating the relocation of persons dislocated as a result of mobile home park closings and ordinances banning smoking in bars and restaurants. In 2001, Ornstein was given the Distinguished Public Service Award from the International Municipal Lawyers Association (IMLA). Over the years he has been named a Super Lawyer by Minnesota Law and Politics. In 2002 Ornstein received the Public Attorney Award of Excellence from the MSBA Public Law Section for his work as a civil attorney in a public law office.

Replacing Ornstein as Bloomington City Attorney is Sandra Johnson, who has been a Bloomington Associate City Attorney since 1991. Johnson is a graduate of the University of Minnesota and the University of Minnesota Law School. Prior to joining the Bloomington City Attorney's Office, Johnson was an assistant county attorney in Anoka County. Chief Justice Eric Magnuson named Johnson to the Minnesota Criminal Justice Task Force and she is currently the vice president of the Minnesota Association of City Attorneys.

Mary Ellison Receives Journey of Hope Award

by the Honorable Diane Alshouse

Congratulations to former PLS council member, Mary Ellison, who was awarded the Journey of Hope 2010 Award from Battered Women's Legal

Advocacy Project. For the past 3 years, BWLAP has chosen 3 professionals working in the field of domestic violence to receive this award. Ms. Ellison, a staff attorney for The Advocates for Human Rights, was chosen this year for her outstanding and dedicated legal advocacy on behalf of victims of domestic violence and sex trafficking.

Ms. Ellison's achievements during this past year include researching the reality of sex trafficking in Minnesota, collaborating in the publishing of The Advocates for Human Rights Report – "Sex Trafficking Needs Assessment for the State of Minnesota", and getting legislation passed in Minnesota trafficking law that substantially increases offenders' penalties while protecting the victims.

Mary continues to work tirelessly promoting women's rights by research, improving legislation and educating advocates, attorneys and judges on the difficult issue of sex trafficking. Congratulations to an outstanding attorney, Mary Ellison!

The IMLA Honors City Attorney John Choi for Distinguished Public Service

by Erica Schumaker

The International Municipal Lawyers Association (IMLA) honored Saint Paul City Attorney John Choi with the 2009 Joseph I. Mulligan, Jr. Distinguished Public Service Award at its convention in October. Given annually, the prestigious award recognizes a local government attorney for significant and surpassing achievements in the field of local government law in the previous year.

"This award affirms what we already know – Saint Paul is truly fortunate to have a leader like John Choi heading the City Attorney's office," said Mayor Chris Coleman. "John is at the forefront with innovative ideas for the challenges we face. From his efforts to help prevent foreclosures, to his work to combat gangs, to developing an innovative driver diversion program, John looks at the big picture when it comes to public safety and criminal justice. He is always pushing to find solutions that will bring the greatest benefit to the community

while decreasing the likelihood that offenders will re-offend. Congratulations to John on this well-deserved honor.”

The award recognizes Choi’s many accomplishments that benefit his international colleagues, including:

- developing local and national foreclosure strategies, including a ‘Multi-City Working Group on Foreclosures,’ a coalition of 20 cities nationwide to leverage municipal interest and explore joint legal strategies to hold lenders accountable;
- leading a community process to develop an implementation plan to improve opportunities for small and women- and minority-owned contractors; and
- working at the legislature to develop and implement public safety tools including:
 - civil gang injunctions to combat criminal gang activity, and
 - a driver diversion program to decrease the revolving door issue and provide drivers a responsible path to pay their fees and get their licenses reinstated.

In addition to these pioneering efforts, Choi initiated a data-driven approach to manage resources and evaluate results in his office.

“I am honored to be recognized for our efforts to find new ways to prevent foreclosures, gang violence and irresponsible property owners from wreaking havoc in our community,” said Choi. “While we must hold criminals accountable for the crimes they commit, as criminal justice professionals, we also have to constantly push for new ways to break the cycle of violence and reduce the likelihood that offenders will reoffend. The public’s safety and the future of our community depend on it.”

IMLA’s criteria for the award comprised a lengthy list of qualifications, including significant and surpassing achievements in the field of local government law that have occurred or culminated during the previous year and benefited all local government attorneys, both locally and nationally, as well as:

- brought new and inspiring ideas to IMLA’s national and international programs and activities;
- enhanced the image of the local government attorney both locally and nationally especially in the courts at all levels; and,
- “demonstrated the personal characteristics of integrity, honesty, leadership, selflessness, dedication, tact, diplomacy, political acuity, and astuteness in dealing with the news media and the public.

As City Attorney, Choi leads a public law agency and prosecution office of 70 employees with an \$8 million budget. Prior to his tenure with the City, Choi was a partner at Kennedy & Graven, a legal firm specializing in local government law, where he focused on government relations, administrative law, municipal law and civil litigation. Designated a “Super Lawyer” by Minnesota Law and Politics, he currently serves on the board of the Ramsey County Bar Association and the Public Law Section of the Minnesota State Bar Association. In addition, Choi volunteers in the community as a board member of several Saint Paul non-profits including: Sounds of Hope, St. Paul Youth Services and V.K. Arrigoni.

The International Municipal Lawyers Association is a non-profit professional organization dedicated to advancing the interests and education of local government lawyers. Since 1935, IMLA has been an advocate and resource for local government attorneys. IMLA champions the development of fair and realistic legal solutions, and assists members on the vast and cutting-edge legal issues facing local government lawyers today. Owned solely by over 2500 members across the United States and Canada, IMLA serves as an international clearinghouse of legal information and cooperation on municipal legal matters. IMLA collects from and disseminates information to its members and helps governmental officials prepare for litigation and develop new local laws.

For more information on the International Municipal Lawyers Association, visit: <http://www.imla.org>.

For more information on the City Attorney’s Office, visit: <http://www.stpaul.gov/index.aspx?nid=67>.

Allen Giles Receives ABA Award

by Gregory Brooker

Allen Giles, former Co-Chair of the MSBA Public Law Section and former Chair of the American Bar Association's Government and Public Sector Lawyers Division, received the 2009 Nelson Award at a reception at the ABA Annual Meeting in Chicago on July 31. The 2009 Nelson Award recognizes superior contributions to the ABA by a public lawyer. Giles currently serves as the General Counsel for Twin Cities Public Television. He is the former General Counsel of the Minneapolis School District and has served as an administrative law judge and an assistant Minnesota attorney general.

Elected chair of the ABA Government Lawyer's Division in 2004, Giles made outreach to law students one of his top priorities. Under Giles' leadership the Division created an innovative, user-

friendly kit to facilitate Division member presentations of Public Lawyer Career Panel programs. Division members across the country present programs at law schools in their communities providing students an opportunity to conveniently learn about public service using an interactive format. In addition, the Division's law student webpage was overhauled to include comprehensive information on loan repayment assistance programs; career and job hunting resources; membership benefit information; and access the Division's online collaborative publication: the Federal Legal Employment Opportunities Guide. Today, Division law student membership stands at 8,576, compared to about 1,080 in 2004.

Photos of the Award Presentation to Allen Giles at the ABA Annual Meeting in Chicago in August 2009



Pro Bono Service to be Recognized at 30th Annual HCBA Bar Benefit

The 30th annual Hennepin County Bar Foundation Bar Benefit on March 9 will offer great fellowship, a silent auction, and good food as it raises funds for the Foundation. That money, in turn, funds grants to legal service programs, and projects that serve the public with education or improve the administration of justice. The event also offers the opportunity for the legal community to recognize individuals who have personally contributed much to the advancement of justice by their volunteer efforts. The HCBA recognizes three individuals with its pro bono publico awards.



Mark Carter will receive the **Distinguished Service Award**, which is given to a person who demonstrates overall commitment to pro bono work throughout his or

her career. Mark has been volunteering at Volunteer Lawyers Network (VLN) for 27 years, and is still one of their strongest family law volunteers. He has provided full representation services in all areas of family law and also bankruptcy filings. Mark served as the VLN Board of Directors Chair in 1992 and has continued on the board on a rotating basis ever since. He has chaired the VLN Family Law Committee many times. When VLN has a difficult client or case that would be difficult to place, they turn to Carter. Since 1997 he has worked on over 645 cases for VLN.



The **Pro Bono Publico Award** for an attorney in the private sector recognizes **Nicole Moen**. Since she joined Fredikson & Byron as a first year associate in 2004, Nicole has been a passionate advocate for

individuals who face barriers to justice. She has volunteered nearly 1600 hours since joining the firm and has averaged more than 100 hours of pro bono each year she has practiced law. Nicole volunteers at clinics, giving advice and brief service in the areas of consumer credit, housing, and family law. She has represented a number of individuals in court, recently securing custody for foster parents in a

highly-emotional and strongly-contested adoption. Nicole's work has also included assisting nonprofit organizations on issues as diverse as securing the right of churches to ban guns on their premises to upholding a voter referendum on instant runoff voting. Nicole has also worked tirelessly on behalf of an Algerian man detained at Guantanamo Bay.



Nancy McLean of the Office of the Hennepin County Attorney is the recipient of this year's **Pro Bono Publico Award** for a public sector attorney. For over 15 years she has organized public lawyers and staff to

purchase, cook, and serve a meal every other month at Holy Rosary Church in Minneapolis and this past year she established a legal advice clinic there. McLean has co-chaired the MSBA Public Law Section's Task Force on Pro Bono Services and helped draft a public lawyers' pro bono policy, which has already been adopted by two large public law offices. She helps provide legal services to seniors through her presentations on identity theft and has recently partnered with her Vietnamese speaking law clerk to provide this information in Vietnamese. She has also participated in mock trials with the Girl Scouts, organized an Adopt-a-Family program during the holidays, assisted Habitat for Humanity projects, and worked on many other projects.

The legal community is invited to this evening of fellowship and socializing, and to recognize the service of these individuals in the interest of justice for all. For tickets, sponsorship opportunities, or for other information about the Bar Benefit, contact Joy Hamilton: joy@hcba.org.



Happy Anniversary to the Section's Legal Advice Clinic

Thanks to all of you PLS members who have volunteered during the last year!

It has been one year since the MSBA Public Law Section began organizing a legal advice clinic at the Loaves and Fishes meal. Once every other month, public lawyers make the Loaves and Fishes meal for some 300 residents of the Phillips Neighborhood of Minneapolis. During the meal, several public lawyers answer legal questions the residents have. It is a walk-up legal advice clinic that is gaining in popularity. Thanks to the regular volunteers.



Loaves & Fishes October 2009



Meet Your Public Law Council and Committee Chairs

Officers:

Co-Chair: *Mary Miller*, Compensation Attorney Principal, Minnesota Department of Labor & Industry, St. Paul

Co-Chair: *James Alexander*, Assistant U.S. Attorney, U.S. Attorney's Office, Minneapolis

Secretary: *Hon. Todd Schoffelman*, Tenth Judicial District, Chisago County District Court, Center City

Treasurer: *Kim Buechel Mesun*, Assistant District General Counsel, Minneapolis School District General Counsel's Office, Minneapolis.

Council Members:

Hon. Diane Alshouse, Second Judicial District, Ramsey County District Court, St. Paul

Dana Banwer, Deputy City Attorney, Minneapolis City Attorney's Office, Minneapolis

Greg Brooker, Chief, Civil Division, U.S. Attorney's Office, Minneapolis

John Choi, City Attorney, St. Paul City Attorney's Office, St. Paul

Barry Greller – Assistant Attorney General, Minnesota Attorney General's Office, St. Paul

Hon. Thomas Kalitowski, Minnesota Court of Appeals, St. Paul

Nancy McLean, Assistant County Attorney, Hennepin County Attorney's Office, Minneapolis

Inta Sellars, Assistant Chief Human Services Judge, Minnesota Department of Human Services, St. Paul

Committee Chairs:

Data Practices: *Margaret Westin*, General Counsel, ISD #279 Osseo Area Schools

Local Government: *Eileen Wells*, City Attorney, Mankato, Minnesota;

Awards: *James Alexander and John Choi*

Community/Public Service: *Nancy McLean*

Newsletter: *Kim Buechel Mesun*



Members of the Public Law Council at their meeting in November in Minneapolis.



Nominations are being accepted for the Public Law Section Council and Officers. Please contact [Nancy McLean](#) or [Greg Brooker](#), PLC Nominating Committee.

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

Doing Good with Our Dues

By the Honorable Eric L. Lipman



The President came to talk with us and he didn't mince his words.

About a year ago, then-President of the Minnesota State Bar Association, Michael Ford, paid a visit to the monthly meeting of the Administrative Law Section Council.

And it was not just formalities that prompted his visit: He brought with him a compliment; a complaint; and an important challenge.

President Ford began with the compliment: "The Administrative Law Section is very well thought of among the Sections of the Bar," he explained. "What you folks do, you do very well." "But," Ford continued, leaning in and dropping his voice slightly, "you really just keep to your own knitting. We need you to take a larger role in addressing some of the needs in our community...."

To a person, the members of our Section Council agreed that Ford was right. The Administrative Law Section provided very good service to its membership, addressing their needs; but had not spent many resources on the needs of the broader community. And we did have resources. Through careful stewardship of our accounts over the years, and a series of continuing education presentations that invariably made money for the Section, we had built up a tidy nest egg. Maybe we could do more with that money than earn interest – maybe we could do much more.

Then, as now, the members of our Section Council were great admirers of the Volunteer Lawyers Network. Among its good works, VLN screens administrative law matters involving indigent Minnesotans and makes referrals to its roster of volunteer attorneys. While there are always many more deserving clients than there are available resources, VLN provides a lot of legal service on a shoestring.

As part of this work, VLN is able to take specially-designated dollars and – through the miracle of the Federal Work-Study matching program – convert each of those dollars into four. When the Administrative

Law Section donated \$2,000 to underwrite a program of legal service activities by student attorneys, VLN and the federal Work-Study program transformed that seed money into an \$8,000 program. When the MSBA Health Law Section generously matched our Section's \$2,000 contribution, the two Sections suddenly had a program of \$16,000 in student stipends.

The accumulation was so good and decent, that we named the program for our equally good and decent colleague, retired Administrative Law Judge George A. Beck

By all reports, the effects of these donations had an immediate and important impact. Danielle Sollars, the first of the Beck Scholars, spent this summer representing clients who were threatened with loss of their unemployment compensation benefits. Her help assistance made all of the difference in the world for families that had very little at the start of the hearing process and still less that they could afford to lose. Danielle confides to us that "without the Beck Scholarship I would not have had the opportunity to work for the Volunteer Lawyers Network," and helping "clients navigate a confusing and complex legal system was incredibly rewarding"

For everyone involved.

Inspired by Danielle's accomplishments and example, the Administrative Law Section hopes to make an even larger contribution to the Beck Scholarship program this year. And we don't want to be the only ones. We are asking the public lawyers in every Section of the MSBA to urge their Section leaders to join us. We suspect that the Administrative Law Section is not the only one with a little bit of a cushion in its bank accounts. And if we're right about that, have we got a program for you.

The Administrative Law and Health Law Sections did a lot of good with just a small amount of dues. Let's do it again – only more.

Eric L. Lipman is an Administrative Law Judge with the Minnesota Office of Administrative Hearings and is the Chairman of the MSBA Administrative Law Section.



B. Todd Jones Returns to U.S. Attorney for Minnesota

*by Gregory Brooker,
U.S. Attorney's Office*

On September 18, 2009, B. Todd Jones took the oath of office as the new United States Attorney for the District of Minnesota. Prior to his appointment as U.S. Attorney, Jones was a partner at the Minneapolis law firm of Robins, Kaplan, Miller & Ciresi. Jones returns to a job he once held in the 1990s. President Clinton appointed Jones to the post in 1998 and he served as U.S. Attorney until January 2001.

Jones is a graduate of Macalester College in St. Paul and the University of Minnesota Law School. Upon graduation from law school Jones served on active duty in the United States Marine Corps until 1989. He then joined the law firm of Oppenheimer, Wolff & Donnelly in St. Paul. In 1992, he joined the U.S. Attorney's Office as an assistant U.S. Attorney. He left the U.S. Attorney's Office to join the law firm of Greene Espel in Minneapolis. He returned to the U.S. Attorney's Office as the First Assistant U.S. Attorney under U.S. Attorney David Lillehaug and was appointed U.S. Attorney in 1998 when Lillehaug resigned the post to run for Minnesota Attorney General.

Jones has stated that the priorities of the office will be financial fraud, civil and criminal health care fraud, civil rights enforcement, major crime prosecutions, and prosecutions in Indian country.

Data Practice CLE A Success

by the Honorable Todd Schoffelman

On October 9, 2009 the Public Law Section co-sponsored "Kids and Data Practices" with the Minnesota County Attorney Association. This 5.50 standard credit course (three hours co-sponsored by the Public Law Section) was attended by approximately 45 people. The day covered the topics of criminal justice data, social services data, education data and special education data.

This course represented the continuation of the cooperation of the Public Law Section with the

Minnesota County Attorney Association. This relationship is mutually beneficial and the Public Law Section looks forward to continuing to co-sponsor courses with the Minnesota County Attorney Association.

ABA Government and Public Sector Lawyers Division Update

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

The American Bar Association's (ABA) Government and Public Sector Lawyers Division (GPSLD) Council met on October 16-17, 2009, in Little Rock, Arkansas.

Webinars

The GPSLD continues to sponsor Webinar Presentations, live CLE's through the Internet. The first was held in the July 2009 on ethical considerations in the public sector and featured, among others, U.S. District Court Judge Jack Tunheim. The Division also sponsored several teleconferences on police liability, gun control, and ethics.

ABA Resolutions

At the ABA Annual Meeting in Chicago in August, the GPSLD cosponsored several ABA resolutions regarding the excessive workloads of public defender offices and pro bono services for low income disaster victims. We also supported several others including one calling for a national study of the criminal justice system, immigration matters, and juvenile justice issues.

Law School Outreach

The Division sponsored several law school outreach programs to promote public law in 2009. At these events government lawyers discuss their jobs with students over a lunch of pizza provided by GPSLD. The programs have been held at the University of Minnesota Law School as well as St. Thomas. Last year the Division sponsored over ten such programs at law schools across the country.

Model State APA

The Division has a representative involved in the drafting of a new model state administrative procedures act. The objective of the new act is to provide some uniformity to the ALJ process in the states.

The Public Lawyer

The next issue of the Division's magazine, *The Public Lawyer*, will focus on limitations of hiring

and firing based on political affiliation, the movement toward establishing veterans courts in state court systems, and tips on appellate procedure.

Membership Increase

The GPSLD membership has continued to grow even as the overall ABA membership has been flat. We have seen a 15.5% increase in our membership since 2008, with a total of 16,580 members, all government lawyers and judges who pay their own membership dues.

Questions about the GPSLD?

Three Minnesotans serve on the GPSLD's Council, so please contact them with any ABA-related questions: U.S. District Court Judge Jack Tunheim currently serves as a delegate to the ABA House of Delegates and Assistant U.S. Attorney Greg Brooker and Hennepin County District Court Judge Susan Nolting Burke serve on the Council.

Public Attorneys Attend the 2009 IMLA Annual Conference in Miami

by Terry L. Adkins, Rochester City Attorney

Once again, city attorneys from the United States and Canada gathered to discuss municipal legal issues, establish or renew friendships with fellow municipal lawyers and receive the latest legal information on hot public law topics. These gatherings occur under the umbrella of the IMLA: International Municipal Lawyers Association. In October of 2009, our Conference occurred in Miami, Florida.

The Conference began on Sunday, October 18th with various meetings on relevant topics, a day-long "crash course" on a variety of municipal topics for new municipal attorneys and a wonderful land use tour that highlighted several land use issues occurring in Miami. The traditional mobile land use tour gave attendees an overview of the various redevelopment efforts in the Coconut Grove, Little Havana and the Design District areas of Miami. That evening, the Conference's social event featured food, drink and entertainment at the Vizcaya Museum and Gardens.

On Monday, October 19th, the Conference presented a full day of educational and useful seminars. The best-received session by far focused on recent developments in the law of signs and billboards – a subject near and dear to the hearts of municipal attorneys. Minneapolis attorney Robin Wolpert joined well-known sign legal expert Randal

Morrison to brief us on the latest and greatest developments in this contentious area of the law. Other Monday sessions addressed form-based codes, design build construction in the public sector and a very interesting presentation of 60 technology tips, gadgets and web resources for municipal attorneys.

On Tuesday, October 20th, the Conference continued with another full day of seminars. Topics included legal issues involving public libraries, transferable development rights and music licensing. And, IMLA honored our own St. Paul City Attorney John Choi with the Joseph I. Mulligan Distinguished Public Service Award acknowledging John's innovative approaches in solving current municipal problems.

But, without a doubt, Tuesday's highlight (if not the Conference's highlight) was Kirkwood City Attorney John Hessel's emotional and riveting account of the 2008 tragic murder of six people at the Kirkwood, Missouri city council meeting. Those who packed the room were absolutely stunned as they listened to Hessel describe how he watched the killing of the mayor, council members and public works director only to come face-to-face with the shooter. Hessel told us how the shooter chased him in the council chambers with a gun in each hand and how Hessel used a chair to fend off the shooter and buy enough time to get away before police officers shot and killed the shooter. None of us who attended this session will ever forget the emotion in the room, or the standing ovation of support and solidarity given to Hessel at the conclusion of his presentation.

Wednesday, October 21st saw the Conference's adjournment. A very interesting topic on Wednesday's program was the view of three persons who held, at various times in their careers, city administrative/mayoral positions and the position of city attorney. The speakers brought an interesting and unique perspective in the city manager/city attorney relationship inasmuch as they have occupied both positions. The speakers addressed what city administration wanted from the legal department, what the city attorney wanted from city administration and common "gripes" expressed by one group with the other. (It would appear that private sector clients are not alone in their complaints about the lack of prompt communications or responses from their attorneys.) I found the presentation to be humorous, insightful and thought-provoking.

IMLA's next Annual Conference will occur October 10-13, 2010, in San Francisco, California.

Public Lawyers Participate in 15th Annual Career Options Night

On November 5, 2009, several public lawyers participated at the 15th Annual Career Options Night at the University of Minnesota Law School. Lawyers at governmental offices were able to discuss with law students what it is like to be a practicing attorneys for the government. Among those interacting with the law students were Paula Bruer, Celeste DeMars, and Liz Cutter of the Hennepin County Attorney's Office; Greg Brooker

of the U.S. Attorney's Office; Michael Browne of the Minnesota Department of Human Rights; Valarie Pruitt, Guardian Ad Litem, Ramsey County; Darcy Sherman, a judicial law clerk with the Honorable Jane Ranum, Hennepin County District Court; Deb Dyson of the Minnesota House of Representatives House Research Department; Constance Tuck of the Minnesota Department of Human services; John Stuart, Pat Killridge, and Daniel Sadowski of the Minnesota State Public Defender's Office; Mark Ostrem and Mike Nelson of the Olmsted County Attorney's Office; Mark Ponselle of the Ramsey County Attorney's Office; and Luis Bartolomei, Kathryn DeCourcy, and Mark Karon of the University of Minnesota Student Legal Services Office.

Sweet Potato Fries

by Eileen Wells, Mankato City Attorney

Serves 4

An excellent side dish to accompany the sandwiches from the leftover holiday turkey or ham is Sweet Potato Fries. Bags of frozen "ready-made" fries are available in most grocery stores but making them from "scratch" is very quick and easy.

2 to 3 unpeeled sweet potatoes; cut into 1/2" strips
3 to 4 Tbsp olive oil
2 tsp coarse sea salt
1 tsp cayenne pepper
Fresh ground black pepper to taste
1 Tbsp balsamic vinegar, optional

Preheat oven to 400°. Put the potatoes in a bowl and toss with the oil, thoroughly coating the potatoes strips. Toss with salt and peppers.

Arrange the potatoes in a single layer on baking sheets, making sure they don't touch. Bake until the edges are crisp and the potatoes are cooked through, about 15 to 25 minutes, turning occasionally so they don't stick. Remove from the oven and sprinkle with balsamic vinegar if desired. Serve immediately.

I encourage you to try these with the balsamic vinegar. It's a unique flavor that you'll want to have again and again.

A serving of sweet potatoes provides twice the recommended daily allowance of Vitamin A; more than 1/3 the recommended daily allowance of Vitamin C and have virtually no sodium or fat. They are an important source of beta carotene, vitamin B6, iron, potassium and fiber.

ORDER TEMPORARILY INCREASING LAWYER REGISTRATION FEES FILED

STATE OF MINNESOTA
IN SUPREME COURT
OFFICE OF
C1-81-1206 APPELLATE COURTS
NOV 4 2009

ORDER TEMPORARILY INCREASING LAWYER REGISTRATION FEES FILED

The Board of Public Defense and the Legal Services Planning Committee have filed petitions with this court seeking an increase in the annual lawyer registration fee. The Board of Public Defense requests the court to increase the annual lawyer registration fee by \$75.00 per year and allocate this money to the Board to provide additional funding for legal representation of its clients. The Legal Services Planning Committee requests the court to increase the amount of the annual lawyer registration fee allocated to the Legal Services Advisory Committee by \$25.00 per year, the additional funds to be distributed by the Legal Services Advisory Committee for civil legal services for low-income and disadvantaged Minnesotans. In an order filed on June 11, 2009, the court invited written comments on the proposed amendments. The comment period has now expired.

The court has reviewed the petitions and the comments received and is advised in the premises. Pursuant to the inherent authority of the court,

IT IS HEREBY ORDERED THAT:

1. The petitions are granted effective for annual registration fees due and payable by October 1, 2009 and expiring with annual registration fees due and payable by July 1, 2011. Effective commencing with fees due and payable by October 1, 2009 and expiring with fees due and payable by July 1, 2011, the annual lawyer registration fee shall be \$317 or such lesser sum as is set forth below:

- Active Status – Income Less than \$25,000: \$280.50
- Active Status – Lawyers on Full-Time Military Duty: \$172.00

- Active Status – Lawyers on Full-Time Military Duty – Income Less than \$25,000: \$136.00
- Active Status – Lawyers Admitted Fewer Than Three Years: \$140.00
- Active Status – Lawyers Admitted Fewer Than Three Years – Income Less Than \$25,000: \$122.00
- Inactive Status – Out-of-State: \$260.00
- Inactive Status – Out-of-State – Income Less Than \$25,000: \$223.50
- Inactive Status – Minnesota: \$260.00
- Inactive Status – Minnesota – Income Less Than \$25,000: \$223.50
- Inactive Status – Retired: Exempt
- Inactive Status – Permanent Disability: Exempt

While this order is in effect, these annual registration fees are in lieu of the fees set forth in Rule 2 of the Rules of the Supreme Court on Lawyer Registration. The fee increase is temporary only, and upon the expiration of this fee increase, the annual registration fee shall revert to the amounts set forth in Rule 2.

2. For registration fees due and payable by October 1, 2009, payment of the temporary fee increase imposed by this order is deferred and the increase shall be payable along with the registration fees due and payable by October 1, 2010.

3. Seventy-five percent of the additional funds generated by this temporary fee increase shall be allocated to the Board of Public Defense; the remaining twenty-five percent of the additional funds generated by this temporary fee increase shall be allocated to the Legal Services Advisory Committee.

Dated: November 4, 2009

BY THE COURT:

STATE OF MINNESOTA
IN SUPREME COURT
C1-81-1206

Public Attorneys on the Move

Margaret Westin has become the General Counsel for Intermediate School District #279 (Osseo). She will be the District's first General Counsel. Westin had been the General Counsel for the Minneapolis School District since February 2008 and prior to that, Assistant General Counsel since May 2000. Prior to coming to the Minneapolis School District she worked for both the Dakota and Washington County Attorney's Offices, Gelco Corporation and was a law clerk for Federal Magistrate Earl Cudd.

News from the Bench

Governor Pawlenty appointed **Erik J. Askegaard** to a Ninth Judicial District trial court bench vacancy in the City of Brainerd in Crow Wing County. The vacancy occurred with the retirement of the Honorable John R. Leitner on May 31, 2009.

Askegaard was an attorney and president of the Askegaard and Robinson law firm in Brainerd, a position he held since 1991. He was an associate attorney with the Jeffries, Olson and Flom law firm in Moorhead from 1987 to 1991, and a law clerk to North Dakota Supreme Court Justice Herbert L. Meschke in Bismarck from 1986 to 1987. Askegaard earned his juris doctorate degree from the University of North Dakota in Grand Forks in 1986, and his bachelor of science business administration degree *cum laude* from the University of North Dakota in 1982.

Askegaard is a certified civil trial specialist by both the Minnesota State Bar Association as well as the National Board of Trial Advocacy, and is listed on the Minnesota Statewide Alternative Dispute Resolution Roster as a qualified neutral. He is a member of the Minnesota Association for Justice, Minnesota State Bar Association, where he is treasurer of the Outstate Practice Section, and has been a lecturer at numerous continuing legal education seminars. His community activities have included serving as a volunteer coach for Brainerd High School Mock Trial Competitions, a basketball coach with the Brainerd Youth Athletic Association and the YMCA, a foreign exchange student host, and a member of the Sunrise Sertoma Club.

Askegaard, 49, lives in Brainerd with his wife and their three sons.

Governor Pawlenty appointed **Bethany A. Fountain Lindberg, Daniel A. O'Fallon** and **Dyanna L. Street** to three trial court bench vacancies in the Tenth Judicial District in the City of Anoka in Anoka County. The vacancies are as a result of the retirements of the Honorable Kenneth L. Jorgensen on January 6, 2009; the Honorable David E. Doyscher on January 31, 2009; and the Honorable Stephen J. Askew on July 31, 2009.

Bethany Lindberg was the Family Law Division Chief Attorney in the Anoka County Attorney's Office, a position she held since 2005. Previously, she was the Child Support Enforcement Unit Chief Attorney in the Anoka County Attorney's Office from 2002 to 2005, an Assistant Anoka County Attorney from 1999 to 2001, and an attorney with the Swanson Law Firm in Grand Marais from 1997 to 1999. Lindberg earned her juris doctorate degree *cum laude* from the University of Minnesota in 1997, her bachelor of science degree from Mankato State University in 1989, and her associate of arts degree from Rochester Community College in 1985.

Lindberg is a member of the American, Minnesota State, and Anoka County Bar Associations, the Minnesota State Bar Foundation Board, Minnesota County Attorneys Association, Anoka County Early Neutral Evaluation Steering Committee, and chairs the Office of Lawyers Professional Responsibility's 21st District Ethics Committee. She is also a member of the Northern Symphony Orchestra Board, and volunteers at Project Homeless Connect as well as for the Alexandra House on its Order for Protection Project Advisory Committee, HOPE Gala Committee, and as an educator for its dissolution legal clinic.

Lindberg, 45, lives in Anoka with her husband and three children.

Daniel O'Fallon was an attorney and partner with the Robins, Kaplan, Miller and Ciresi, LLP law firm in Minneapolis. He had been a partner with the firm since 1993, and an associate attorney from 1988 to 1993. Previously, he was an attorney with the Morrison and Foerster law firm in Washington, D.C. from 1986 to 1988. O'Fallon earned his juris

doctorate degree *cum laude* from the University of Michigan School of Law in 1985, and his bachelor of arts degree from the University of Montana in Missoula in 1982.

O'Fallon is a member of the American, Minnesota State, and Ramsey County Bar Associations, where he was co-chair of the Families First event. He is also a member of the Minnesota Association for Justice, where he serves on the Board of Governors as well as the Executive Board; is a state delegate to the American Association for Justice; is a member of the Douglas Amdahl Inn of Court; and the Southern Minnesota Regional Legal Services Campaign for Legal Aid Urban Leadership Committee. O'Fallon is also active in his community, where he was a founding member and served on the board of directors of the Centennial Area Education Foundation, was an assistant girls basketball coach with the Centennial Basketball Association, has been a parent volunteer with his Girl Scout Troop, a lector at St. Genevieve's Catholic Church, and a participant in his neighborhood's National Night Out celebration.

O'Fallon, 49, lives in Lino Lakes with his wife and their three daughters.

Dyanna Street was an attorney and shareholder with the law firm of Fabyanske, Westra, Hart and Thomson in Minneapolis. She had been a shareholder with the firm since 2005, and an associate attorney from 2001 to 2005. Previously, she was an associate attorney with the law firm of Arthur, Chapman, Kettering, Smetak and Pikala in Minneapolis from 1996 to 2000, and a law clerk to Tenth Judicial District Judge Ellen Maas in Anoka County from 1995 to 1996. Street earned her juris doctorate degree *magna cum laude* from William Mitchell College of Law in St. Paul in 1994, and her bachelor of arts degree *cum laude* from St. Cloud State University in 1990.

Street is a member of the American Bar Association and its Forum on the Construction Industry; Minnesota State Bar Association, where she is a member of the Governing Council and a past chair of its Construction Law Section; Hennepin County Bar Association, and Association of Women Contractors. She is also active in her children's

activities at Ramsey Elementary School and is currently president of the Anoka Youth Wrestling Club.

Street, 41, lives in Ramsey with her husband and their two sons.

Governor Pawlenty appointed **Todd R. Schoffelman** to a Tenth Judicial District trial court bench vacancy in Center City in Chisago County. The vacancy occurred with the death of the Honorable Douglas G. Swenson on February 1, 2009.

Schoffelman was an Assistant Sherburne County Attorney, a position he had held since 2002. He was an Assistant Bloomington City Attorney from 2000 to 2002, a reference attorney with West Publishing in Eagan in 2000, an Assistant Pine County Attorney from 1997 to 2000, and a Second Judicial District law clerk in Ramsey County from 1993 to 1997. Schoffelman earned his juris doctorate degree from William Mitchell College of Law in St. Paul in 1994, and his bachelor of arts degree from the University of Wisconsin – Madison in 1991.

Schoffelman is a member of the Minnesota State Bar Association, where he is secretary of the Public Law Section Executive Committee, co-chair of the Data Practices Subcommittee, and has served on the Professionalism Committee. He is also a member of the 18th District Bar Association, Minnesota Department of Administration Genetic Information Workgroup, and Minnesota County Attorneys Association, where he has participated as a faculty at a number of continuing legal education seminars. He is also a University of St. Thomas Law School mentor, has served as a mock trial judge at Hamline University Law School, was a member of the Andover Community Center Advisory Commission, was a member of the Elk River YMCA Board, and has been active in his church as a Sunday school teacher and a confirmation instructor.

Schoffelman, 41, lives in Andover with his wife and their two children.

Governor Pawlenty appointed **Joseph R. Klein** to a Fourth Judicial District trial court bench vacancy in Hennepin County. The vacancy occurred with the death of the Honorable Steven A. Pihlaja on

September 17, 2008.

Klein was an attorney with the Law Office of Andrew P. Sherwood in Roseville, where he served as house counsel for Progressive Group of Insurance Companies. He had been an attorney with the firm since 2006. Previously, he was a contract attorney

with Universal Underwriters Group in Edina from 2005 to 2006, an attorney with Zurich North American Insurance from 2004 to 2005, a quality assurance supervisor with Medical Evaluations, Inc. in Minneapolis from 2000 to 2003, and an attorney and shareholder with the Moss and Barnett law firm in Minneapolis from 1987 to 2000. Klein earned his juris doctorate degree from the University of Minnesota Law School in 1986, his bachelor of arts degree from the University of Minnesota in 1982, and his associate of arts degree from Rochester Community College in 1979.

Klein is a member of the Minnesota State Bar Association (MSBA), its Civil Litigation Section, and has been a Certified Civil Trial Specialist. He is also a member of the Hennepin County Bar Association, Minnesota Defense Lawyers Association, and has been a member of the Minnesota Trial Lawyers Association. His community activities have included serving as a volunteer judge for the University of Minnesota Law School Moot Court, a volunteer attorney coach for Edina Middle School's mock trial program, a volunteer for Loaves and Fishes, Girl Scout food drive to benefit Rushford flood victims in 2008, Urban Homeworks, Minnetonka Neighborhood Watch Disaster Preparedness program, as well as a volunteer coach for Hopkins youth football, basketball, baseball and girls' softball. He is also an active member at Faith Presbyterian Church.

Klein, 49, lives in Minnetonka with his wife and their two children.

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 651/296-6733 or 800/657-3721. The full text of the Data Practices Opinions are now available online at www.ipad.state.mn.us.

No. of Opinion	Date of Opinion	Gov't Entity Involved	Topic	Opinion Requestor
09-013	6/23/09	ISD 659	Students' names and test scores.	"X"
09-014	6/30/09	MN Municipal Utilities Association (non-profit trade association)	Applicability of Chapter 13; Data on meetings at which Excelsior Energy presented.	Kurth, Hibbing Tribune
09-015	7/7/09	Oakdale	Settlement agreements of workers' compensation between municipal employer and employee.	Oakdale/ VanderWiel
09-016	7/16/09	City of Big Lake Police Department	Report of investigation by Midwest Government Advisors.	Law Enforcement Labor Services Inc./Kaufman
09-017	8/5/09	ISD 861	E-mails between school board and superintendent	Ehrlick, Winona Daily News
09-018	8/10/09	White Bear Lake	Copy charges; printing of electronic data.	Nixon
09-019	8/28/09	Hennepin County	Data about X; public v. investigative data under § 13.39.	X
09-020	9/8/09	Metro Gang Strike Force Advisory Board	Open meeting law and e-mail exchanges.	Star Tribune Borger
09-021	9/14/09	University of Minnesota	Student applications to University's Student Service Fee Committee.	Niemic/Berglund
09-022	9/22/09	St. Paul	Policies and procedures governing the St. Paul Domestic Abuse Intervention Project.	Second Judicial District Public Defender, Tsai

Upcoming CLE Seminars

<i>DATE</i>	<i>SEMINAR</i>	<i>TIME</i>	<i>PLACE</i>	<i>SPONSOR AND CONTACT</i>
1/29/10	Legislative Preview	12:30 p.m. to 3:00 p.m.	First National Bank Conference Center St. Paul	Ramsey County Bar Assn Sharon Elmore (651) 222-0846 ext. 27
2/26/10	Consumer Protection— Financial Matters	12:30 p.m. to 3:00 p.m.	First National Bank Conference Center St. Paul	Ramsey County Bar Assn Sharon Elmore (651) 222-0846 ext. 27
<i>To include a notice of an upcoming CLE in the next issue, contact Mary Miller (651) 284-5306.</i>				