



This *Pro Se* Project decennial report is dedicated to the memory of the Honorable Steven E. Rau, U.S. Magistrate Judge, who was instrumental in establishing the *Pro Se* Project and a champion of improving access to justice for the underserved of our community.

HONORABLE STEVEN E. RAU

September 14, 1956 - November 8, 2019

"It is not length of life, but depth of life."

-Ralph Waldo Emerson

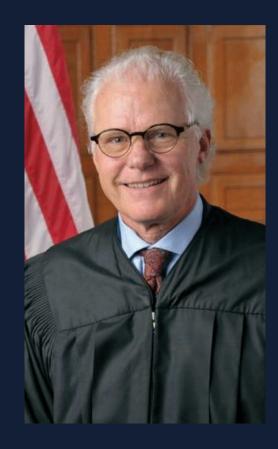


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STATEMENT BY CHIEF JUDGE JOHN R. TUNHEIM

SUPES DISTRICT GOLDEN

The *Pro Se* Project celebrated a very important milestone in 2019: 10 years of enhancing access to justice in our Court. Our tenth anniversary provides a unique opportunity to reflect on the *Pro Se* Project's accomplishments, celebrate its service to our Court and community, and envision the *Pro Se* Project's future.

Courts in the United States were created to administer justice fairly and impartially, and our ability to perform this role comes from the public's trust in our integrity. Every day our Court adjudicates civil cases that affect fundamental rights and interests, and every day civil litigants come into our Court representing themselves without an understanding of legal procedures. This creates an imbalance in the judicial process that hinders justice.

Our Court recognized that a sustained cooperative action with the bar was required to improve access to justice and to provide equilibrium in civil *pro se* matters before our Court. And for such an important goal who better to work with than the Minnesota Chapter of the Federal Bar Association (FBA)? The Minnesota Chapter of the FBA is without question, the best chapter in America and the Court has greatly benefited from our partnership with the FBA. Through our unique collaboration, the *Pro Se* Project was born. In this report, you will read about how our Court and the FBA created the *Pro Se* Project, and the key contributors who made the *Pro Se* Project possible. You will also read about the *Pro Se* Project's recognition for its contribution to the administration of justice, including receiving the American Bar Association's prestigious Harrison Tweed Award.

The *Pro Se* Project would not exist without the extraordinary work of federal practitioners who volunteer their time to help our Court's *pro se* litigants. Over the past decade, more than 500 attorneys from 160 law firms have volunteered through the *Pro Se* Project, and each of their names is listed in this report. Our coordinator, Tiffany Sanders has done a remarkable job. The volunteer lawyers' generosity has enabled the *Pro Se* Project

to assist over 1,300 litigants who have appeared *pro se* in our Court. These numbers alone are worth celebrating, but even more impressive is the difference *Pro Se* Project volunteer attorneys have made in the lives of individuals, our community, and our judicial system.

Throughout the past decade, *Pro Se* Project volunteer lawyers have boldly accepted their professional responsibility to protect the rule of law, and they have used their legal acumen to foster equal justice. But promoting access to justice and defending the rule of law sometimes require lawyers to defend unpopular positions or clients. In these pages, you will read about *Pro Se* Project lawyers' extraordinary efforts to provide justice for individuals often marginalized in our society, and the important impact their contributions made. Among them is Dan Gustafson, whom the Court recognized with the *Pro Se* Project Lifetime Achievement Award for his exemplary *pro bono* work.

This decennial report also includes quotes from Judges, volunteer attorneys, and *pro se* litigants describing the vital role the *Pro Se* Project plays in our Court's administration of justice. And sadly, the report includes a dedication to the memory of Magistrate Judge Steven E. Rau, who was instrumental in establishing the *Pro Se* Project.

It has been a remarkable decade for the *Pro Se* Project, and this Court takes great pride in the *Pro Se* Project's achievements. However, in President John F. Kennedy's words, "Change is the law of life. And those who look only to the past or the present are certain to miss the future." In addition to reflecting on

the *Pro Se* Project's accomplished decade, we must also look to its future.

Access to justice is, and always will be, an indispensable element of the rule of law. Ensuring voices are heard when legal rights are threatened will remain a necessity for the legitimacy of our Court. The *Pro Se* Project's work is ongoing, and it is well poised for a second decade of serving the Court in its administration of justice for civil *pro se* litigants.

On behalf of this Court, congratulations and a big thank you to the *Pro Se* Project for its decade of service in promoting equal justice in our Court, and here's to the *Pro Se* Project's next decade!



John R. Tunheim
Chief United States
District Judge

JOINT FBA STATEMENT

Lack of access to an attorney is a barrier to equal justice. When litigants represent themselves in court, they are on their own in a system designed by lawyers for lawyers. This has consequences for *pro se* litigants individually and our judicial system as a whole. And if people believe they do not have meaningful access to the court system, they lose confidence in the rule of law.

More than a decade ago, the Minnesota Chapter of the Federal Bar Association (FBA) recognized the value of providing *pro se* litigants in civil cases with access to an attorney. In 2008, under the leadership of FBA President Steven E. Rau, the FBA began an initiative to enhance access to the Court for *pro se* litigants. That same year, Dan Gustafson, former FBA President, secured a \$50,000 *cy pres* award to help with the initiative.

On May 1, 2009, in collaboration with the District of Minnesota, the FBA's pro se initiative – the Pro Se Project – officially began. The Pro Se Project furthers the FBA's mission to strengthen the federal legal system and the administration of justice by aiding the federal judiciary and the public it serves. A cornerstone of the Pro Se Project – then and now – is to provide pro se litigants who receive a Court referral an opportunity to consult with a volunteer attorney, thereby enhancing access to justice.

Over the course of its first decade, the *Pro Se* Project exceeded the FBA's expectations! Through the heroic efforts of more than 500 volunteer attorneys, the *Pro Se* Project served nearly 1,400 *pro se* litigants. This report features the volunteer attorneys' important work. You will also read about the *Pro Se* Project's accomplishments over the past decade including: expanding to offer the Early Settlement Conference Project; becoming an approved legal service provider to afford volunteer attorneys *pro bono* CLE credit; offering free training to volunteer attorneys on the types of cases the Court most often refers to the *Pro Se* Project; and receiving national recognition for its work with the underserved of our judicial system.

As a Chapter, we are extremely proud of the *Pro Se* Project and immensely grateful for all of the volunteer attorneys who make the *Pro Se* Project's important work happen. As FBA Presidents at the beginning and at the conclusion of the *Pro Se* Project's first decade, and on behalf of all of the FBA Presidents during the

Pro Se Project's first 10 years, it has been an honor to share in the *Pro Se* Project's success. We are saddened Magistrate Judge Rau is no longer with us to share in our commemoration. This decennial report is dedicated to Magistrate Judge Rau's memory and the important contributions he made to the *Pro Se* Project.

While we celebrate the past decade's accomplishments, the *Pro Se* Project has more work to do. As Justice Lewis Powell, Jr. so eloquently stated, "Equal justice under law is not merely a caption on the facade of the Supreme Court building, it is perhaps the most inspiring ideal of our society." As long as *pro se* litigants continue to lack access to attorneys, equal access to justice will remain more of a promise than a reality for all. The FBA's commitment to promoting the promise of equal justice continues with a second decade of support for the *Pro Se* Project, and the FBA looks forward to the *Pro Se* Project's resplendent future.



Tony N. Leung
United States
Magistrate Judge
2019 President,
Minnesota Chapter
Federal Bar Association

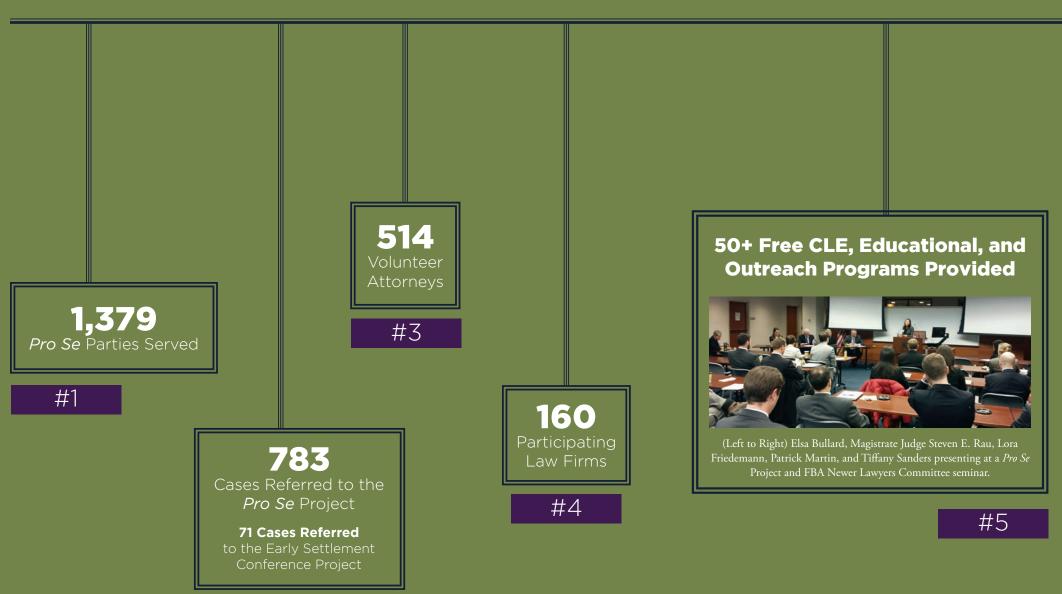


Lora M. Friedemann 2009 President, Minnesota Chapter Federal Bar Association



10 YEARS. 10 REASONS TO CELEBRATE.

#2



Received the American Bar Association's Prestigious

Harrison Tweed Award

for Improving the Availability of Legal Services in the Community



(Left to Right) Tiffany Sanders, Lora Friedemann, Patrick Martin, Magistrate Judge Steven E. Rau, Chief Judge Michael J. Davis, and ABA Representative Bob Weeks at the Harrison Tweed Award presentation in Toronto, Ontario.

#6

#7

Obtained the Minnesota Board of Continuing
Legal Education's Designation as an

"Approved Legal Service Provider"

Enabling Volunteer Attorneys to Receive *Pro Bono* CLE Credit for Time Spent on *Pro Se* Project Cases

Recognized as a

Minnesota Lawyer Diversity & Inclusion Honoree

for Improving Access to Justice for the Underserved of our Judicial System



(Left to Right) Judge Michael J. Davis, Tiffany Sanders, Dan Gustafson, Judge Donovan W. Frank, Judge Wilhelmina M. Wright, Rachel Zimmerman Scobie, and Lora Friedemann at the Diversity & Inclusion Honoree reception.

#9

Expanded to Offer the Early Settlement Conference Project

which allows Volunteer Attorneys to Enter a Limited Appearance to Assist *Pro Se* Litigants Through the Settlement Conference Process

#8

#10

Presented Daniel E. Gustafson with the Pro Se Project Lifetime Achievement Award

for his Tremendous Support of the *Pro Se* Project and his Tireless Commitment
to Improving Access to Justice for the
Underserved of Our Community



hoto of Dan Gustafson, courtesy of *Minnesota Lawyer*



THE PRO SE PROJECT

"The *Pro Se* Project is a partnership between the United States District Court for the District of Minnesota and the Minnesota Chapter of the Federal Bar Association that is intended to increase access to the federal court system while at the same time addressing the unique challenges of *pro se* litigation."

Judge Patrick J. Schiltz, *Svendsen v. G4S Secure Sols. (USA) Inc.*, No. 16-cv-0583 (PJS-FLN), 2017 WL 9885027, at *1 n.2 (D. Minn. July 14, 2017) (internal quotation marks omitted) (brackets omitted).



(Front row Left to Right) Judge Ann D. Montgomery, Judge James M. Rosenbaum, Chief Judge Michael J. Davis, Judge John R. Tunheim, and Judge Donovan W. Frank; (back row Left to Right) Judge David S. Doty, Judge Donald D. Alsop, Judge Joan N. Ericksen, Judge Patrick J. Schiltz, Judge Paul A. Magnuson, and Judge Richard H. Kyle

Background

The landmark ruling, *Gideon v. Wainwright*, 372 U.S. 335 (1963), guarantees the right to counsel in criminal cases. Yet, by applying only to criminal cases, *Gideon* left a gap in our justice system for civil litigants. The underserved of our community who are ill-equipped to appear *pro se*, Latin for "on one's own behalf," bring their most important issues into our courts seeking justice without counsel. As a result, district courts across the nation—including the District of Minnesota—are inundated with litigation involving civil *pro se* parties. These cases often demand more judicial and court resources, detract from the efficiency of the federal court system, and challenge the notion of equal justice.



Chief Judge Michael J. Davis

The Minnesota Chapter of the Federal Bar Association (FBA) has been helping the federal district court with *pro se* litigants since the proliferation of employment law cases in the mid-1990s. FBA members volunteered to be included on a list administered by an outside legal service provider to help the court with its *pro se* litigants. The Honorable John R. Tunheim, prior to becoming Chief Judge, advocated at the time for better service to *pro se* litigants and improved accountability to the Court.

On July 1, 2008, the Honorable Michael J. Davis became Chief Judge of the District of Minnesota and quickly moved on initiatives he identified for his term, including "coordinating with [the FBA] to ensure every *pro se* litigant in our district in need of representation has access to an attorney." That summer, Chief Judge Davis worked with the FBA to establish a program to aid the Court and the public with *pro bono* assistance of civil *pro se* litigants. FBA President Steven Rau (prior to his appointment to the federal bench), FBA Vice President Lora Friedemann, Dan Gustafson, and Jeff Ali eagerly jumped into action.

^{1.} Lora Friedemann, *Get Involved in the FBA Pro Se Project*, Bar Talk (Minnesota Chapter of the Federal Bar Association, Minneapolis, M.N.), Oct. 21, 2009, at 1,

https://www.fedbar.org/minnesota-chapter/wp-content/uploads/sites/54/2019/10/minn-bartalk1109-pdf.pdf.

2. Tara Norgard, *Chief Judge Michael J. Davis*, Bar Talk (Minnesota Chapter of the Federal Bar Association, Minneapolis, M.N.), Oct. 17, 2008, at 3,

 $[\]underline{https://www.fedbar.org/minnesota-chapter//wp-content/uploads/sites/54/2019/10/minn-bartalk-fall08-pdf.pdf.}$



and Chief Judge Michael J. Davis

Inception

On May 1, 2009, the Pro Se Project was born. At its inception, Chief Judge Davis hailed the *Pro Se* Project as "enthusiastically endorsed by the bench and . . . a much-needed tool for the administration of justice."3 Chief

Judge Davis praised the FBA and its members for their prompt responses to *Pro Se* Project referrals, and saluted the "miraculous" efforts of Steven Rau, Lora Friedemann, Dan Gustafson, and Jeff Ali to get the program up and running.4



Magistrate Judge Franklin L. Noel (Ret.)

The Honorable Franklin L. Noel, U.S. Magistrate Judge (Ret.), served as the Court's liaison for the Pro Se Project from its inception until his retirement in 2018, and was encouraged by the initial results the Court saw. "Often pro se litigants need resources to help them get their foot in the courthouse door, which is what our Court's website and other resources can help them do," Magistrate

Judge Noel said in 2010.5 Then, after the *pro se* litigant's civil case has started, "judges who feel that the pro se litigant would benefit from meeting with an attorney can encourage the pro se litigant to contact the FBA Pro Se Project." According to Magistrate Judge Noel, the Pro Se Project "assist[s] pro se litigants in gaining access to the legal system, regardless of their financial situation."7

For the first year, Gustafson Gluek PLLC donated staff time to manage the referral process. "Our justice system is adversarial, and it doesn't work well when one side is represented and the other is not," Dan Gustafson said. "It's a mismatch."8 Lora Friedemann succeeded Steven Rau as FBA President in 2009, and she appointed Steven Rau and Jeff Ali as FBA co-chairs of the Pro Se Project. Steven Rau served in this capacity until he was appointed to the federal bench in 2011, and Jeff Ali assumed the role of chair. Kirstin Kanski later replaced Jeff Ali as FBA Pro Se Project chair, followed by David Goodwin who continues to serve as chair. In June 2010, the FBA hired Tiffany Sanders as the Pro Se Project's first coordinator, and she continues to serve in this role.











Expansion and National Recognition

Shortly after Tiffany Sanders began as coordinator, the Pro Se Project's growth began. In September 2010, the Minnesota Board of Continuing Legal Education (CLE) designated the Pro Se Project as an "Approved Legal Services Provider." As a result, volunteer attorneys who accept *Pro Se* Project referrals are eligible to receive free CLE credit for their time spent on Pro Se Project cases. In January 2011, the Pro Se Project formed a partnership with the Minnesota Justice Foundation to enable volunteer attorneys to receive the assistance of volunteer law students on Pro Se Project cases.

In recognition of the Pro Se Project's work in creating access to justice for the underserved of our judicial system, the American Bar Association (ABA) awarded the FBA with its prestigious Harrison Tweed Award in 2011 – the ABA's highest award in the legal services category. The Honorable Donovan W. Frank, U.S. District Judge, who was the FBA President at the time, remarked: "On behalf of the FBA and the Court, I would like to thank the ABA for this special award for providing equal access to justice for so many citizens in need by giving them access to a lawyer. A very special thanks must be given to Chief Judge Davis for making the FBA Pro Se Project a top priority, members of the FBA for doing the same, the many lawyers who made this happen, and perhaps most importantly, Tiffany Sanders for carrying out the mission of the Court and the FBA and making this happen."9 According to Magistrate Judge Franklin L. Noel, "The people responsible for this award are: Chief Judge Davis, who had the vision to see the need for the program; and the leaders of our local FBA chapter, together with Tiffany Sanders, who have all vigorously implemented it. The program has provided incredible assistance to the court."10

In March 2013, the Court implemented the Early Settlement Conference Project (ESCP) – an expansion of the Pro Se Project - that permits a volunteer lawyer to enter a limited appearance for the sole purpose of assisting a pro se litigant through the settlement conference process. Also, in 2013, the Pro Se Project began offering free seminars to educate lawyers in the types of cases the Court most often refers to the Pro Se Project, and hosting receptions to thank volunteer attorneys.

^{3.} Molly Borg, The Pro Se Project's Invaluable Assistance to the Court, Bar Talk (Minnesota Chapter of the Federal Bar Association, Minneapolis, M.N.), Oct. 21, 2009, at 5,

https://www.fedbar.org/minnesota-chapter//wp-content/uploads/sites/54/2019/10/minn-bartalk1109-pdf.pdf.

^{5.} Tricia Pepin, More Help for Pro Se Litigants, Bar Talk (Minnesota Chapter of the Federal Bar Association, Minneapolis, M.N.), March 17, 2010, at 8, https://www.fedbar.org/minnesota-chapter//wp-content/uploads/sites/54/2019/10/March-2010-Bar-Talk-pdf.pdf. 6. Id.

^{7.} Id.

^{8.} Michael Goodwin, Sanders Serves as First Pro Se Project Coordinator, Bar Talk (Minnesota Chapter of the Federal Bar Association, Minneapolis, M.N.), Sept. 22, 2010, at 4,

 $[\]underline{https://www.fedbar.org/minnesota-chapter/wp-content/uploads/sites/54/2019/10/MNSept2010BarTalk-pdf.pdf.}$

^{9.} Tiffany Sanders, ABA Honors Chapter's Pro Se Project with Prestigious Harrison Tweed Award, Bar Talk (Minnesota Chapter of the Federal Bar Association, Minneapolis, M.N.), May 18, 2011, at 1, https://www.fedbar.org/minnesota-chapter/wp-content/uploads/sites/54/2019/10/Bar-Talk-May-2011-pdf.pdf.



(Left to Right) Chief Judge Michael J. Davis, Dan Hedlund, Magistrate Judge Franklin L. Noel, Judge Patrick J. Schiltz, Judge Donovan W. Frank, and Tiffany Sanders at the March 14, 2013 Pro Se Project reception to honor volunteer

Evolution



Chief Judge John R. Tunheim



Judge Wilhelmina M. Wright

Judge Michael J. Davis' recognition of the need to provide individuals who are disadvantaged with access to a skilled and qualified lawyer endured throughout his tenure as Chief Judge, and the Pro Se Project remained a top priority of the Court. When Judge John R. Tunheim became Chief U.S. District Judge in 2015, he renewed his longstanding belief that access to justice is an indispensable element of the rule of law with his support of the Pro Se Project.

Shortly after the Honorable Wilhelmina M. Wright was appointed a U.S. District Judge in 2016, Chief Judge Tunheim selected Judge Wright to serve as chair of the Court's Pro Se Project Liaison

Committee, recognizing her strong belief that "courts have

to be accessible."11 Judge Wilhelmina M. Wright continues to serve in this capacity, and under her leadership, the Court's Pro Se Project Liaison Committee members have included the Honorable Eric C. Tostrud, U.S. District Judge; the Honorable Steven E. Rau, U.S. Magistrate Judge; the Honorable Tony N. Leung, U.S. Magistrate Judge; the Honorable Hildy Bowbeer, U.S. Magistrate Judge; the Honorable Kate M. Menendez, U.S. Magistrate Judge; and the Honorable David T. Schultz, U.S. Magistrate Judge.



Tostrud



Chief Judge Michael J. Davis

presenting the "Chief Judge's bow

tie" to the new Chief Judge John

Judge James M. Rosenbaum (Ret.)

R. Tunheim with former Chief

in the middle.

Judge Steven





Judge Tony N.

Bowbeer





Judge David T. Schultz

Judge Kate M. Menendez



Iudge Wilhelmina M. Wright being sworn in as the 35th U.S. District Judge for the U.S. District Court for the District of Minnesota by Chief Judge John R. Tunheim.

FBA Leadership

Throughout the Pro Se Project's first decade, each President of the Minnesota Chapter of the FBA has been instrumental in the Pro Se Project's ability to foster federal court accessibility. Judge

Donovan W. Frank was FBA President in 2010 and commented at the time that pro se litigation had increased since he was appointed to the federal bench 12 years prior. 12 In discussing the Pro Se Project, Judge Frank observed that consultation with a lawyer can help the litigants focus their claims or defenses, guide the case to settlement, and perhaps avoid litigation.¹³ Even if the party declines representation or refuses to follow the lawyer's advice, people who have had access to counsel perceive the justice system to be fair, Judge Frank added. 14 "You can be as fair as you can be as a judge, but if the person wanted to talk to a lawyer and didn't get to, there is an access to justice issue. That damages the system every time no matter what the result."15

The Honorable Joan N. Ericksen, U.S. District Judge, served as FBA President in 2013, and during her tenure observed, "Our court is like every other in that we are seeing ever more unrepresented defendants and plaintiffs. Like other courts, we struggle to treat unrepresented parties fairly, without putting undue stress on the axle of the wheels of justice. Unlike any other court, though, we have the FBA Pro Se Project! It has been a flat-out marvelous addition to [the] FBA bench-bar fellowship."16

The Honorable Susan Richard Nelson, U.S. District Judge, who was the FBA's President in 2017, shared her pride in the Pro Se Project. "I am so proud to announce that our Chapter will be prominently recognized on many fronts at the upcoming National FBA Convention. We are all particularly proud that our Pro Se Project will be featured as a model for effectively managing pro se litigation."¹⁷ Magistrate Judge Leung was FBA President in 2019, and recognized the challenges pro se litigants experience, and the continued need for the Pro Se Project's service to the Court going forward. "Lack of legal representation is a barrier to justice. The FBA-MN Chapter's commitment to reducing this barrier

^{11.} Adine S. Momoh, "The Law Affects Everyday People in Their Most Important Affairs": Judge Wilhelmina M. Wright, Bar Talk (Minnesota Chapter of the Federal Bar Association, Minneapolis, M.N.), Sept. 14, 2016, at 4, https://www.fedbar.org/minnesota-chapter//wp-content/uploads/sites/54/2019/10/Bar-Talk-September-2016-pdf.pdf.

^{12.} Michael Goodwin, Sanders Serves as First Pro Se Project Coordinator, Bar Talk (Minnesota Chapter of the Federal Bar Association, Minneapolis, M.N.), Sept. 22, 2010, at 4,

https://www.fedbar.org/minnesota-chapter/wp-content/uploads/sites/54/2019/10/MNSept2010BarTalk-pdf.pdf.

^{13.} Id.

^{16.} Hon. Joan N. Ericksen, President's Welcome, Bar Talk (Minnesota Chapter of the Federal Bar Association, Minneapolis, M.N.), Sept. 18, 2013, at 9, https://www.fedbar.org/minnesota-chapter//wp-content/uploads/sites/54/2019/10/sept-2013-pdf.pdf.

^{17.} Hon. Susan Richard Nelson, President's Message, Bar Talk (Minnesota Chapter of the Federal Bar Association, Minneapolis, M.N.), Sept. 11, 2017, at 4, https://www.fedbar.org/minnesota-chapter//wp-content/uploads/sites/54/2019/10/Bar-Talk-September-2017-pdf.pdf.

Presidents of the Minnesota Chapter of the FBA (2009 - 2019)







Judge Donovan W. Frank Patrick Martin (2011) Rachna B. Sullivan







Judge Joan N. Ericksen



Rachel Zimmerman Scobie (2014)



William J. Otteson (2015)



Tara C. Norgard



Judge Susan Richard Nelson (2017)



(2018)



Magistrate Judge Tony N. Leung (2019)

continues with a second decade of support for our nationally recognized Pro Se Project, which connects pro se individuals with volunteer attorneys."18

Workings and Achievements

When a pro se litigant appears in federal court, the district judge or magistrate judge presiding over the case exercises discretion in referring the litigant to the Pro Se Project. If a judge decides to refer a litigant to the Pro Se Project, the judge issues a referral letter. Once the Pro Se Project referral letter is docketed, Tiffany Sanders receives a notice of electronic filing and contacts the pro se litigant.

When talking with the pro se litigant, Ms. Sanders explains how the Pro Se Project works, determines whether the individual wishes to participate, and if so, gains an understanding of the case and what the litigant seeks to accomplish. Ms. Sanders then summarizes the case, downloads case filings, and contacts a volunteer attorney on the pro se litigant's behalf. Ms. Sanders provides the lawyer with the case summary and filings, requests the lawyer conduct a conflict check, and if clear, asks the lawyer to consult with the pro se litigant. Ms. Sanders contacts one

attorney at a time on each referral, and during the placement process, keeps the Court and the pro se litigants apprised of the placement efforts. When a volunteer attorney accepts a Pro Se Project referral, Ms. Sanders informs the Court and the pro se litigant. After the placement, Ms. Sanders acts as a liaison between the Court, the volunteer attorneys, and the pro se litigants as needed.

Through the time, talent, and generosity of 514 volunteer attorneys, the Pro Se Project has helped fill the gap in our judicial system for 1,379 civil pro se litigants in the District of Minnesota during its first decade. Acknowledging the Pro Se Project's contributions to the legal community, Minnesota Lawyer selected the Pro Se Project as a Diversity & Inclusion Honoree in 2018 for the Project's work in helping individuals who are disadvantaged gain access to justice, as well as the impressive work of Pro Se Project volunteer attorneys in improving the administration of justice. In remarking on the Diversity and Inclusion Honor, Tiffany Sanders said at the time, "There's no constitutional right to an attorney in civil matters. There's no civil equivalent of Gideon v. Wainright. This is about as close as we can get to helping with that."19



(Front row Left to Right) Judge Eric C. Tostrud, Judge Susan Richard Nelson, Judge Joan N. Ericksen, Chief Judge John R. Tunheim, Judge Patrick J. Schiltz, Judge Wilhelmina M. Wright, and Judge Nancy E. Brasel; (back row Left to Right) Judge Ann D. Montgomery, Judge Richard H. Kyle, Judge Paul A. Magnuson, Judge Donald D. Alsop, Judge David S. Doty, Judge Michael J. Davis, and Judge Donovan W. Frank

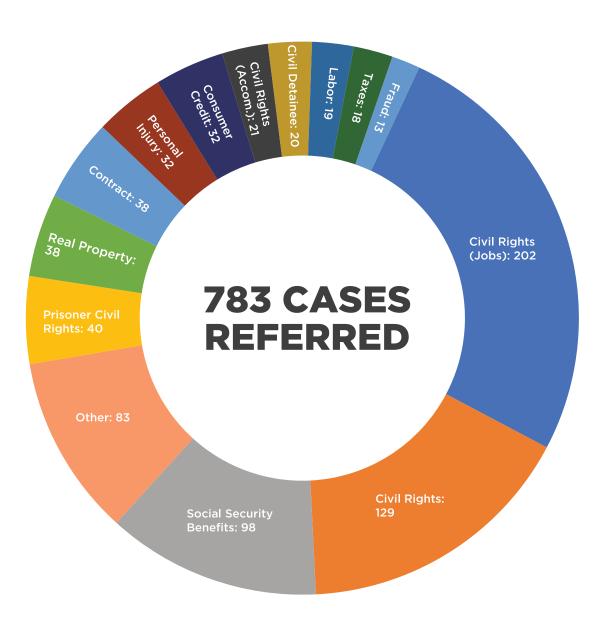
^{18.} Hon. Tony N. Leung, President's Welcome Statement, Bar Talk (Minnesota Chapter of the Federal Bar Association, Minneapolis, M.N.), Sept. 11, 2019, at 3, https://www.fedbar.org/minnesota-chapter/wp-content/uploads/sites/54/2019/10/NW0005119v7 Bar Talk September-3-FINAL-SENT-TO-XACT-ON-9-4-pdf.pdf 19. Dan Hellman, Pro Se Project, Minnesota Lawyer Diversity and Inclusion 2018, Oct. 3, 2018, at 42, https://www.pageturnpro.com/FCI/86825-Minnesota-Lawver-Diversity-Inclusion-2018/sdefault.html#page/43.



PRO SE PROJECT REFERRALS AT A GLANCE

PRO SE PROJECT REFERRALS BY NATURE OF SUIT

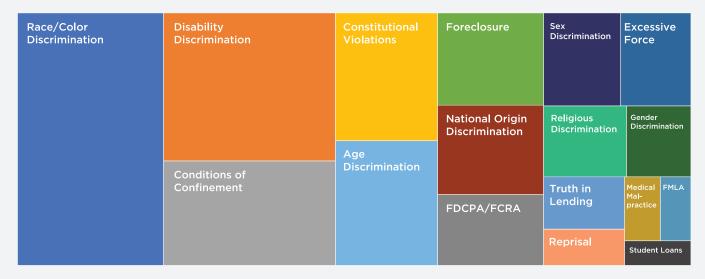
From 2009 through 2019, the Court referred 783 cases to the *Pro Se* Project involving various civil matters categorized by nature of suit. This chart breaks down *Pro Se* Project referrals by nature of suit and provides the number of referrals in each category.



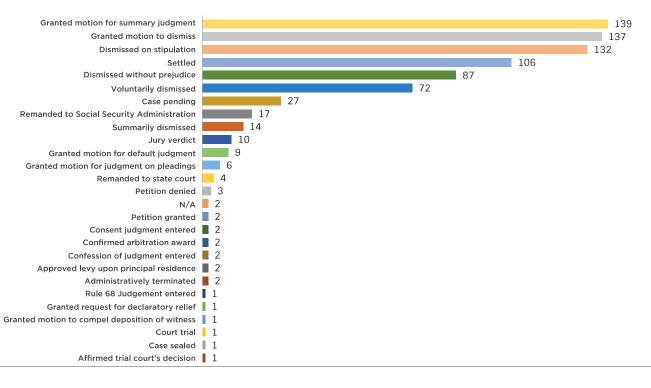
Within each nature of suit category exists an underlying case type. For example, a case categorized as "Civil Rights (Jobs)" may involve race discrimination as the underlying type of case. This chart illustrates the most frequent case types the Court referred to the *Pro Se* Project from 2009 through 2019.

The *Pro Se* Project tracks the status and outcomes of cases the Court refers. This chart provides information on the status and outcomes of the 783 cases the Court referred to the *Pro Se* Project from 2009 through 2019.²⁰

PRO SE PROJECT CASE TYPES



CASE STATUS OF PRO SE PROJECT REFERRALS



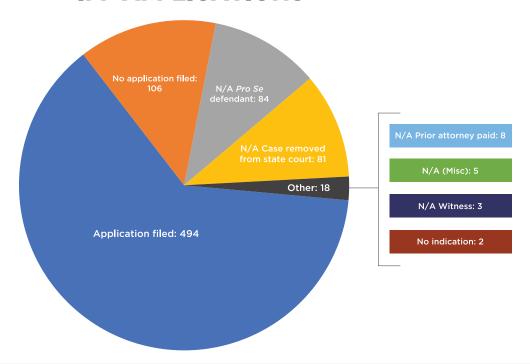
In Forma Pauperis

With judges exercising control over cases the Court refers to the *Pro Se* Project, the *Pro Se* Project does not implement economic screening as a requirement for *pro se* litigant participation. Nevertheless, the *Pro Se* Project tracks *in forma pauperis* (IFP), Latin for "in the form of a pauper," information on cases the Court refers to the *Pro Se* Project.

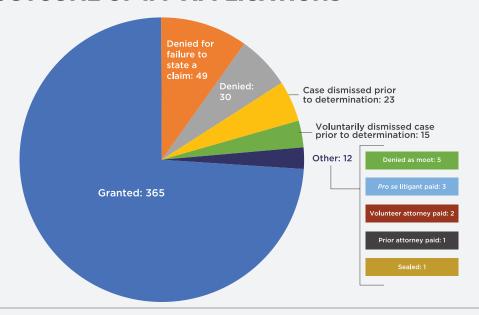
The party initiating a case in federal court is required to pay a filing fee. If the initiating party is unable to pay the filing fee, the party may apply for IFP status. This chart provides information on IFP applications in the 783 cases the Court referred to the *Pro Se* Project from 2009 through 2019.

This chart provides information on the outcomes of the IFP applications in the 494 cases the Court referred to the *Pro Se* Project where an IFP application was filed.²¹

IFP APPLICATIONS

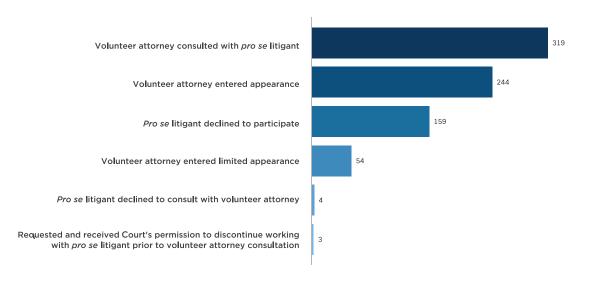


OUTCOME OF IFP APPLICATIONS



For pro se litigants who receive a referral to the Pro Se Project, participation is voluntary. While most pro se litigants who receive a referral choose to participate in the Pro Se Project, some do not. Likewise, volunteer attorneys who participate in the Pro Se Project are not obligated to represent pro se litigants with whom they agree to consult; however, some volunteer attorneys choose to enter an appearance. This chart provides information for the 783 cases the Court referred to the Pro Se Project from 2009 through 2019 regarding volunteer attorneys and pro se litigants' participation.

VOLUNTEER ATTORNEY AND PRO SE LITIGANT PARTICIPATION





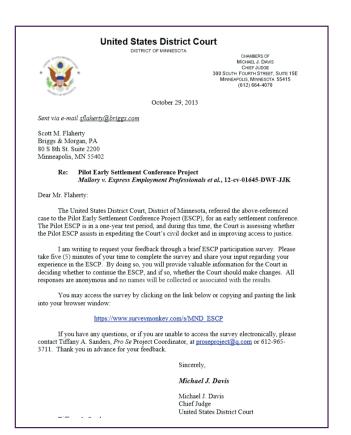
THE EARLY SETTLEMENT CONFERENCE PROJECT

An Expansion of the *Pro Se* Project

THE EARLY SETTLEMENT CONFERENCE PROJECT

To better assist the Court with its *pro se* docket and to further enhance access to justice for *pro se* litigants, the Court expanded the *Pro Se* Project to provide the Early Settlement Conference Project (ESCP). The Pilot ESCP began on March 25, 2013, and operated similarly to the *Pro Se* Project. In select cases the Court determined may benefit from a volunteer attorney's involvement in an early settlement conference, a judge assigned to the case issued an Order referring the case to the Pilot ESCP. The *Pro Se* Project coordinator then worked to find volunteer counsel to agree to act as Special Settlement Conference Counsel for the *pro se* litigant, and the Court permitted the lawyer to enter a limited appearance for the sole purpose of assisting the *pro se* litigant through the settlement conference process. If the *pro se* litigant's case did not settle, the Court issued an Order relieving Special Settlement Conference Counsel of any further obligation in the case.





For a period of one year, the Court tested the Pilot ESCP to determine whether it was effective. One method the Court devised to evaluate the Pilot ESCP was an online survey that Chief Judge Michael J. Davis requested all ESCP pro se litigants, volunteer counsel, opposing counsel, and magistrate judges complete at the conclusion of each settlement conference through the Pilot ESCP.



September 15, 2014 | BAR TALK 9

The Pro Se Project's Pilot Early Settlement Conference **Project Becomes Permanent**

Over the course of that year, an overwhelming majority of Pilot ESCP survey participants – 90 percent – responded that the Pilot ESCP was a worthwhile program. And 97 percent of the survey participants responded that the Pilot ESCP effectively reduced litigants' costs and the duration of litigation. On July 17, 2014, the Court made the ESCP permanent.

Pro Se Project Plaintiff comment in Pilot Early Settlement Conference survey, October 29, 2013

"I have no doubt in my mind that if my case wasn't referred to the Pro Se Project, I would have lost just based on the fact that I have no knowledge of the law. Given access to the professional knowledge of Mr. Peter Barry was invaluable. Without him and his advice, I sincerely doubt there would have been a settlement conference at all. This not only saved me time and money, but probably ended up saving the defendant time and money as well. Not only that, but if the case went to trial, without assistance from a lawyer, the presiding Judge would have been frustrated to no end having to deal with a person not educated in the law. I cannot express how important this Project is!"

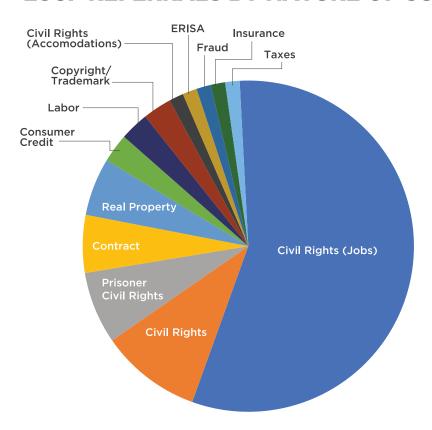
Pro Se Project Volunteer Attorney comment in Pilot Early Settlement Conference survey, October 29, 2013

"It's a privilege and an honor to serve the Court in this capacity. My pro bono clients make me feel that being a lawyer makes a difference in people's lives - without being driven by money. Being a lawyer is a privilege, not a right. Thanks for letting me earn that privilege through the Pro Se Project."

The Pro Se Project - 10 Years of Enhancing Access To Justice - 20

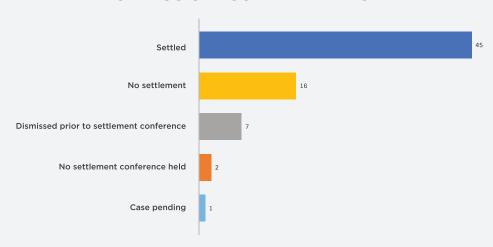
From March 25, 2013 through 2019, the Court referred 71 cases to the Early Settlement Conference Project. This chart illustrates the ESCP cases by nature of suit.

ESCP REFERRALS BY NATURE OF SUIT



This chart demonstrates the status of the 71 cases the Court referred to the ESCP through $2019.^{22}$

STATUS OF ESCP REFERRALS



A DECADE OF THE PRO SE PROJECT YEAR BY YEAR

2009

LUME III, ISSUE I

OCTOBER 21, 2009

MINNESOTA CHAPTER OF THE FEDERAL BAR ASSOCIATION

Bar Talk



GET INVOLVED IN THE FBA PRO SE PROJECT

OCTOBER 20, 2009

PAGE 4

BAR TALK

THE PRO SE PROJECT'S INVALUABLE ASSISTANCE TO THE COURT

District courts across the nation-including the District of Minnesota—are inundated with litigation involving civil pro se parties. These cases often demand more judicial and court resources and thus detract from the efficiency of the federal court system In the summer of 2008, Chief Judge Michael J. Davis ap-proached the FBA about establishing a program to aid both the Court and the public through the pro bono representation of civil pro se litigants. The FBA, through Lora Friedemann, Steve Rau, Dan Gustafson, and Jeffer Ali, eagerly jumped into action. The Pro Se Project was born.

THE PRO SE

PROJECT BY YEAR

The Pro Se Project aspires to provide all non-prisoner pro se civil litigants an opportunity to consult with and be represented by counsel. The Court, on its own initiative, can refer pro se litigants to the Project. Once the Court refers a litigant, the Pro Se Project, currently at the directive of Dan Gustafson, forwards the case to an FBA member. Although the FBA member is not required to take a particular case, any assistance-whether accepting representation or merely providing counsel—assists the Court and the pro se litigant. The FBA member determines the scope of the representation, if any. The Project ultimately provides a unique opportunity for FBA members to provide pro bono service that benefits not only litigants but also the federal court system

OCTOBER 20, 2009

The Court is also implementing an internal program to assist those pm for the administration of justice," # litigants who want to represent commented Chief Judge Davis. themselves. Information and tutorials about court rules and elec- members for their prompt retronic filing will be available online. Each courthouse in the district will also have a publicly forts of Friedemann, Rau, Gustafaccessible computer terminal avail- son, and Ali to get the program up able to enable litigants to file docu- and running. He noted that the ments and access other court re- Minnesota FBA has some of the

Thank you to the following individuals who have participated in the Pro Se Project:

Collette L. Adkins Giese Faegre & Benson L.L.P.

effer Ali Carlson, Caspers, Vandenburgh &

David Allgever Lindquist & Vennum P.L.L.P.

ames W. Anderson
Gustafson Gluck P.L.L.C.

Patricia Beety League of Minnesota Cities Ann Bildtsen

Oppenheimer Wolff & Donnelly Nicholas Boebel

Myers, Boebel & MacLeod L.L.P. Phillip A. Cole

Lommen, Abdo, Cole, King & Stageberg, P.A. Joseph T. Dixon, Jr.

Henson & Efron, P.A. Douglas Elsass

Fruth, Jamison & Elsass P.L.L.C. Nate Endrud

Leonard Street & Deinard Michael Ford Quinlivan & Huohes P.A.

Lora Friedemann Fredrikson & Byron, P.A.

Marlene Garvis Jardine, Logan & O'Brien, P.L.L.P. Todd Werner David A. Goodwin Gustafson Gluck P.I.I.C

PAGE 5

best lawyers in the country. "I do

Wesley Graham Henson & Efron. P.A. Annie Huang

Robins, Kaplan, Miller & Ciresi L.L.P

Scott Knudson Briggs & Morgan P.A.

Jeannine Lee Flynn, Gaskins & Bennet, L.L.P.

Jim Long Briggs & Morgan P.A. Nathaniel Longley

Kinney & Lange, P.A. Vincent Louwagie Anthony Ostlund Baer & Louwagie,

William Moran Murnane Brandt P.A.

Brian O'Neill Faegre & Benson L.L.P. Timothy O'Shea

Fredrikson & Byron, P.A. Steve E. Rau

Flynn, Gaskins & Bennet, L.L.P. Blake Shepard, Jr. I sonard Street o'r Deinard

Cathy K. Smith Gustafson Gluek P.L.L.C.

Richard Snyder Fredrikson & Byron, P.A.

Becky Thorson Robins, Kaplan, Miller & Ciresi L.L.P

Carlson, Caspers, Vandenburgh &

Lindquist Amanda M. Williams Gustafson Gluek P.L.L.C.

BAR TALK

thusiastically endorsed by the cally embraces the project because bench and is a much needed tool justice should not be just for the sponses to Pro Se Project referrals and saluted the "miraculous" ef-

The Pro Se Project "has been en- hope the federal bar enthusiasti-

Molly Borg is an associate at Briggs and Morgan, P.A. and a member of the FBA joining Briggs, Molly clerked for United States District Judge Paul A. Magnuson.



(Left to Right) Peter Carter, Anh Le Kremer, Lora Friedemann, and Steven Rau accepting the 2009 Ilene and Michael Shaw Public Service Award at the national FBA convention for the Minnesota Chapter's work in creating the Pro Se Project.

Minnesota Chapter of the Federal Bar Association



Bar Talk

December 15, 2010

Volume IV, Issue II

www.fedbar.org/Chapters/Minnesota-Chapter.aspx

Chief Judge Davis Recognizes Volunteers, Firms and Court Personnel for Contributions to *Pro* Se Project

During his State of the District address, Chief Judge Michael J. Davis highlighted the *Pro Se* Project's importance to the Court, and recognized individuals, law firms, and court personnel for their outstanding service, commitment, and contribution to the *Pro Se* Project.



(Left to Right) James Long, Chief Judge Michael J. Davis, Catherine Smith, David Allgeyer, Melanie Morgan, Dan Gustafson, Steven Rau, Michael Wilhelm, Charles Zimmerman, Alan Maclin, and Brian O'Neill after receiving recognition at the 2010 State of the District address.



(Left to Right) Karl Cambronne, Tom Nelson, and David Hashmall at the 2010 State of the District address.



(Left to Right) Lora Friedemann, Tara Norgard, and Becky Thorson at the 2010 State of the District address.



(Left to Right) Patrick Martin and Leah Janus at the 2010 State of the District address.

"Justice for All: A Discussion About Innovations and Challenges in Providing Access to the Courts for Underserved and *Pro Se* Litigants," February 16, 2011



(Left to Right) Judge Donovan W. Frank, the Honorable Jay Quam, Hennepin County District Court Judge, Jerry Lane, and Tiffany Sanders on February 16, 2011, after presenting at the FBA monthly luncheon panel, "Justice for All: A Discussion About Innovations and Challenges in Providing Access to the Courts for Underserved and *Pro Se* Litigants."

Pro Bono/Pro Se Bar Summit, March 17, 2011



(Left to Right) Chief Judge Michael J. Davis, Jerry Lane, and Judge Donovan W. Frank at the *Pro Bono/Pro Se* Bar Summit on March 17, 2011, that explored legal programs and services for underserved individuals.

Minnesota Chapter of the Federal Bar Association

Volume IV, Issue IV



Bar Talk

May 18, 2011

www.fedbar.org/Chapters/Minnesota-Chapter.aspx

ABA Honors Chapter's Pro Se Project with Prestigious Harrison Tweed Award

The American Bar Association (ABA) created the Harrison Tweed Award in 1956 to recognize extraordinary achievements of bar associations in creating access to justice for the poor. The Harrison Tweed award is the ABA's highest award in the legal services category. The ABA selected the Minnesota Chapter of the FBA as its 2011 Harrison Tweed award recipient for the *Pro Se* Project's work enhancing access to justice for the underserved of our judicial system.



(Left to Right) Lora Friedemann, Tiffany Sanders, Magistrate Judge Steven E. Rau, Chief Judge Michael J. Davis, and Patrick Martin on August 5, 2011 after receiving the *Pro Se* Project's Harrison Tweed Award in Toronto, Ontario.



(Left to Right) Tiffany Sanders, Magistrate Judge Steven E. Rau, Lora Friedemann, Chief Judge Michael J. Davis, and Patrick Martin on August 5, 2011, celebrating the *Pro Se* Project's Harrison Tweed Award in Toronto, Ontario.

HANIFI MARLOW JIHAD

Pro Se Project Plaintiff in Jihad v. Fabian, No. 09-cv-1604 (SRN-LIB)



Hanifi Marlow Jihad

While serving a life sentence for first-degree murder at the Minnesota Correctional Facility in Stillwater (MCF-Stillwater), Hanifi Marlow Jihad, who identifies as a practicing Muslim, did not receive halal-certified meals. Mr. Jihad filed a *pro se* lawsuit,

Jihad v. Fabian, No. 09-cv-1604 (SRN-LIB), alleging, among other claims, that prison officials unlawfully infringed upon his right to freely practice his religion by denying his requests for halal-certified meals.

On February 17, 2011, the Honorable Leo I. Brisbois, U.S. Magistrate Judge, issued a Report and Recommendation that Mr. Jihad's claims, except for his halal-certified meal claim against certain defendants, be dismissed. The Honorable Susan Richard Nelson, U.S. District Judge, adopted Magistrate Judge Brisbois' Report and Recommendation and on May 3, 2011, referred Mr. Jihad to the *Pro Se* Project. Sara Payne of Gustafson Gluek PLLC accepted the referral and entered a notice of appearance on behalf of Mr. Jihad. Through Ms. Payne's

representation, Mr. Jihad settled his religious-discrimination claim resulting in a change to MCF-Stillwater's policies requiring halal-certified food during regularly scheduled meals.



Sara Payne

MEMORANDUM

TO: TIFFANY SANDERS
FROM: SARA PAYNE

SUBJECT: PRO SE PROJECT VICTORY

DATE: 9/30/11

GUSTAFSON GLUEK PLLC

***THE INFORMATION CONTAINED IN THIS MEMORANDUM IS ATTORNEY-CLIENT PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED

The FBA Pro Se Project secured a victory today for Minnesota's Muslim inmate population. Gustafson Gluek represented the plaintiff in the matter Jihad v. Fabian, et al., Civil File No. 09-cv-1604. As a result of this involvement, the parties were able to reach a settlement, in which the Department of Corrections will now make halal-certified food available at the Minnesota Correctional Facility in Stillwater (MCF-STW) during all regularly scheduled meals.

The free exercise of religion is protected both by the United States Constitution and the Religious Land Use and Institutionalized Persons Act. Mr. Jihad sued the Department of Corrections, alleging that the lack of halal meals caused him to consume food in violation of his sincerely held religious beliefs, and placed a substantial burden on his sincerely held religious beliefs.

The DOC is now in the process of contracting with a reputable national organization to certify facility menu items as halal. The organization will conduct annual inspections or audits of DOC's meals, as well as the food-preparation process. Halal-certified items will be clearly designated in writing, and made available to all inmates. The settlement of this case will now allow Minnesota's Muslim inmates to more freely exercise their religious beliefs.

Linda E. Prince, *Pro Se* Project Plaintiff, August 24, 2011

"[I]n the case of *Linda Elizabeth Prince v. Caribou Coffee Company*, Civil No. 10-cv-04429 (MJD-JJK), I will be represented by the law firm of Clayton Halunen and Associates. . . . This is simply extraordinary and, frankly, almost unbelievable. Yes, there is a long and arduous road ahead leading to justice, but I will not be traveling it alone. It is difficult for me to adequately express my gratitude to you and to the Court for the efforts made on my behalf. But I want to thank you, so much. And please extend my gratitude to the Court for the program that made this representation – and the justice I believe it will secure – possible. I am deeply, truly, thankful."

Gabriel G. Boimah, *Pro Se* Project Plaintiff, September 9, 2011

"I express my thanks and appreciation to you for working tirelessly to find me an attorney. I hope the FBA *Pro Se* Project succeeds so that disadvantaged people can have an avenue to . . . seek justice."

Pro Bono/Pro Se Summit, April 23, 2012



(Front row Left to Right) Brian Huffman, Cathy Haukedahl, James Long, and David March; (back row Left to Right) Stephen Meili and Tiffany Sanders at the *Pro Se* Project's April 23, 2012 *Pro Bonol Pro Se* Summit, where they explored ways the legal community can meet the increased *pro bono* demand with fewer resources and led a roundtable discussion.

FBA's 38th Annual Federal Court Practice Seminar, June 28, 2012



(Left to Right) Betsy Parrell, Tiffany Sanders, Drew Schaffer, Judge Ann D. Montgomery, and Cathy Haukedahl at the June 28, 2012 "FBA 38th Annual Federal Court Practice Seminar" after presenting on a panel discussion titled "Bridging the Gap through *Pro Bono* Service."

"Enormously successful"



Photo of Judge Susan Richard Nelson and Magistrate Judge Steven E. Rau, courtesy of *Minnesota Lawyer*.

At a March 8, 2012 CLE, Judge Susan Richard Nelson and Magistrate Judge Steven E. Rau praised lawyers who take on *pro bono* cases. "'It is such an opportunity for young lawyers. You get the red carpet put out for you' because the judges are so glad to see you, Nelson said. 'Just because these cases are uphill battles doesn't mean you are failing. We are terribly grateful,' . . . The judges both praised the Federal Bar Association's [P]ro [S]e [P]roject, which Nelson called 'enormously successful.'"²³

HELEN AND JOHN CHUN

Pro Se Project Plaintiffs in Chun v. OneWest Bank, FSB, No. 11-cv-3615 (RHK-FLN)

In 2006, Helen and John Chun refinanced their home. In addition to Social Security benefits, Mr. and Ms. Chun's income derived from the Chun Mee restaurant they owned on Highway 12 in Delano, MN. During 2008 through 2010, Highway 12 was closed for road construction and the closure negatively impacted Mr. and Ms. Chun's restaurant business.

The decline in their restaurant income, combined with an increase in their property taxes, caused Mr. and Ms. Chun to fall behind in their mortgage payments. After denying Mr. and Ms. Chun's applications for loan modifications, the mortgage lender eventually sold their home in foreclosure. Mr. and Ms. Chun hired an attorney who brought an action in state court seeking to enjoin the foreclosure process.

Defendants removed the case to federal court and, shortly thereafter, Mr. and Ms. Chun's lawyer filed a motion to withdraw. Magistrate Judge Franklin L. Noel (Ret.) granted the motion and on March 6, 2012, referred Mr. and Ms. Chun to the *Pro Se* Project. Todd M. Murray accepted the referral and entered a notice of appearance. Mr. Murray described the situation Mr. and Ms. Chun experienced as common during the height of the foreclosure crisis. "In a 'dual-track foreclosure,' bank officials proceed with a foreclosure at the same time they are processing an application for a loan modification."²⁴



Todd Murray

Defendants brought a motion for summary judgment, which the Court granted. In the Court's order, the Honorable Richard H. Kyle, U.S. District Judge, recognized Mr. Murray's valuable work through the *Pro Se* Project: "Mr. Murray agreed to represent the Chuns through the Court's *Pro Se* Project. The Court notes its appreciation for his handling the matter."²⁵



Helen and John Chun photo from Minnesota Public Radio News. © 2012 Minnesota Public Radio*. Used with permission. All rights reserved.

^{24.} Jessica Mador, Foreclosures down, yet struggles for loan modifications continue, Minnesota Public Radio, Nov. 29, 2012, https://www.mprnews.org/story/2012/11/28/foreclosures-down-vet-struggles-for-loan-modifications-continue.

^{25.} Chun v. OneWest Bank, FSB, No. 11-cv-3615 (RHK-FLN), 2012 WL 12895355, at *1, n.1 (D. Minn. Dec. 26, 2012).

Karen Triplet, Pro Se Project Plaintiff, January 30, 2012

"Good News! Gustafson Gluek has agreed to represent me in [my] case and it would not have happened in all earnest, without you and your tireless efforts to find counsel for me. I want to thank you from the bottom of my heart for all you have done for me and I will never forget you."

Kallys Albert Sr., Pro Se Project Plaintiff, February 16, 2012

"I finally met Mr. Barry yesterday . . . and we spent more than four hours [in] examination of my case. I can't imagine before now that there are people really out there to listen and attempt to provide solutions to others' problems. Over ten years, I have had so much agony attempting to resolve my student loan without success . . . I learned more than enough within those momentous four and a half hours with Mr. Barry, and I am so immensely grateful to you for matching me with him, and more importantly, I now appreciate and value the *Pro Se* initiative."

R. Mark Frey, Pro Se Project Volunteer Attorney, March 16, 2012

"You may recall that Mr. Karimi had initiated a federal court action *pro se* and I had been approached about helping him. The case was dismissed. I told Mr. Karimi I would help him, *pro bono*, directly resolve the matter with the Immigration Service. I am happy to report that I learned this afternoon that the Service approved his naturalization application, and he should receive an announcement regarding the date and time of his naturalization ceremony within the next 30 days."

Magistrate Judge Jeffrey J. Keyes (Ret.), April 5, 2012

"Jeff Ali and his team did a great service representing plaintiff in [Omar v. Hennepin County Human Services, et al., No. 11-cv-0899 (JRT-JJK)] that settled today. He should go on the list of those who have provided outstanding service to the project."

Rayni Omar, Pro Se Project Plaintiff, May 5, 2012

"I would like to thank you and the Federal Bar Association *Pro Se* Project as a whole for your support on my federal lawsuit. Without a program like this, people like me would not be able to file and successfully win federal disability cases. I sincerely appreciate all the hard work of the Attorneys Jeff Ali, Nadeem Schwen and Alex Olson. . . . They were a very supportive team and were there for me every step of the way. . . . [T]hank you for your diligence and connection to this program and these extraordinary lawyers."

Fay Fishman regarding *Pro Se* Project Volunteer Attorney, Ann M. Bildtsen, June 1, 2012

"Thought you might like to know that the *Pro Se* Project attorney on [*Stoddard v. Astrue*, No. 09-cv-1655 (PJS-FLN)] asked me to handle the Social Security remand hearing, and it went great. . . . Deborah Stoddard was partially blinded by an assault from her ex-husband, who is still stalking her. She is one of the most deserving claimants I have represented in my 29 or so years of handling Social Security cases. The attorney you found to help her on her federal district court case did a great job, and based on her work, Deborah was able to get the benefits she so deserved. Thought you might want to know the outcome of the great work you do."

Kirstin Kanski, Pro Se Project Volunteer Attorney, June 11, 2012

"I just wanted to update you on our firm's representation of Elsie Myard, through the *Pro Se* Project, in the 1983 case. The parties tried the excessive force and battery claims to a jury last week. . . . Our client was overwhelmingly appreciative of the counsel she received from our firm through the *Pro Se* Project. That she believed she truly and meaningfully was able to have a voice, and to be heard before a jury meant so much to Ms. Myard, and it happened as a result of the *Pro Se* Project. Although the verdict was for the defense, there was a victory in favor of providing a voice to those who would not otherwise have a way to be meaningfully heard. I felt so fortunate to be able to be a part of Ms. Myard's representation, and the trial truly brought home to me, in a heartfelt way, the value that the *Pro Se* Project brings to the Court and towards leveling the playing field of justice."

Magistrate Judge Tony N. Leung, June 26, 2012

"I am pleased to report that *Koutsoukos v. Best Buy Co.*, No 11-cv-1575 (DWF-TNL) has just settled. I want to bring to your attention the commendable work of the attorneys on both sides. Pat Martin represented Best Buy and, as usual, performed admirably. Adam Gillette represented Plaintiff via the MN Federal Bar Assoc's *Pro Se* Project. Plaintiff has significant mental health issues and both lawyers were vital in guiding us to settlement. In my view, the case could not have settled without the volunteer work of Mr. Gillette. . . . The *Pro Se* Project seems to bring out the best in our profession."

John Skjerping, Pro Se Project Defendant, October 11, 2012

"I would like to thank the Court for offering the FBA *Pro Se* Attorney program to me. This is an outstanding program for those in need. I would like to recognize the help of Ms. Tiffany Sanders, the FBA *Pro Se* Coordinator, and the great Attorney Mr. Brent Snyder with Snyder & Brandt, P.A., who took my case on with integrity. I originally thought I could easily represent myself in the name of truth and justice, but after the first scheduled review meeting with Honorable Magistrate Judge, Franklin L. Noel, I quickly learned I was out of my element with the 'foreign' language being spoken by all of the Attorneys in the room."

Reception to honor Pro Se Project volunteer attorneys and supporters, March 14, 2013



(Left to Right) Magistrate Judge Franklin L. Noel (Ret.), Tiffany Sanders, and Chief Judge Michael J. Davis on March 14, 2013 at the Pro Se Project reception.



(Left to Right) Scott Moriarity and Chief Judge Michael J. Davis on March 14, 2013 at the Pro Se Project reception.



(Seated Left to Right) Magistrate Judge Steven E. Rau, Rachel Zimmerman Scobie, Judge Donovan W. Frank, and Paul Peterson; (standing Left to Right) Magistrate Judge Leo I. Brisbois, Susan Ellingstad, Steven Andrew Smith, and Lori Johnson on March 14, 2013 at the Pro Se Project reception.



(Left to Right) Karin Ciano, Carl Christiansen, (Left to Right) Adine Momoh and Magistrate Tammy Schemmel, and Magistrate Judge Leo I. Judge Jeffrey J. Keyes (Ret.) on March 14, Brisbois on March 14, 2013 at the *Pro Se* Project 2013 at the *Pro Se* Project reception.





(Left to Right) Chief Judge Michael J. Davis, Amanda Williams, Raina Borelli, Joe Bourne, and Rick Linsk on March 14, 2013 at the Pro Se Project reception.



(Left to Right) Dan Hedlund, Judge Donovan W. Frank, and J.D. Feriancek on March 14, 2013 at the Pro Se Project reception.



(Left to Right) Carl Christiansen and Daniel Cragg on March 14, 2013 at the Pro Se Project reception.



(Left to Right) Judge John R. Tunheim and Tiffany Sanders on March 14, 2013 at the Pro Se Project reception.



(Left to Right) Amanda Williams and Lori Johnson on March 14, 2013 at the Pro Se Project reception.

Pro Se Project Employment and Civil Rights Seminar, April 18, 2013



(Left to Right) Dan Hedlund, David Shulman, and Ryan Vettleson presenting at the *Pro Se* Project's April 18, 2013 Employment and Civil Rights Seminar.



(Left to Right) Magistrate Judge Steven E. Rau and Magistrate Judge Arthur J. Boylan (Ret.) presenting at the *Pro Se* Project's April 18, 2013 Employment and Civil Rights Seminar.



Kelly Jeanetta presenting at the *Pro Se* Project's April 18, 2013 Employment and Civil Rights Seminar.



Steven Andrew Smith presenting at the *Pro Se* Project's April 18, 2013 Employment and Civil Rights Seminar.

UNITED STATES DISTRICT COURT

August 8, 2013

Nicholas G. B. May Fabian May & Anderson, PLLP 825 Nicollet Mall, Suite 1625 Minneapolis, MN 55402

Re:

Bryan R. Mudrich v. WalMart Stores Civil No. 11cv01229 JRT/JJK

Dear Mr. May:

On behalf of the United States District Court I want to thank you for your outstanding work in volunteering to represent Mr. Mudrich at the settlement conference in this case. Your substantial assistance went a long way in getting this case settled. This case is a good example of the success we are having in our Pro Se Project when we have outstanding lawyers, such as yourself, enter a case for the limited purpose of assisting a pro se party in mediation. Over the course of this case I held two prior settlement conferences in which Mr. Mudrich was not represented by counsel. It was very difficult for me, in my role as both judge and mediator, to conduct a successful settlement conference in that type of environment. Your participation, and wise counsel to Mr. Mudrich, was a great assistance in getting this matter resolved. The Court appreciates the efforts of you and your firm on behalf of the Pro Se Project.

JEFFREY J. KEYES
United States Magistrate Judge

JJK/jep cc: Chief Judge Michael J. Davis Judge John R. Tunheim Tiffany Sanders



United States District Court

District of Minnesota

Jubge John R. Cunbeim

September 3, 2013

Nicholas G. B. May Fabian May & Anderson, PLLP 825 Nicollet Mall – Suite 1625 Minneapolis, MN 55402

Re: Mudrich v WalMart Stores 11cv1229 (JRT/JJK)

Dear Mr. May

I wanted to send you a brief note to thank you for your exceptional assistance to Bryan Mudrich in helping resolve his case against Walhart. Magistrate Judge Keyes told me how helpful you were. Not that we don't like to try cases in federal court, but trials can be challenging with pro se plaintiffs. This is a great example of how the Pro Se Project should work, and I thank you for demonstrating the effectiveness of the program.

Form 4. Trusher

John R. Tunheim United States District Judge

ce: Chief Judge Michael J. Davis Magistrate Judge Jeffrey J. Keyes —Tiffany Sanders

"Litigation Techniques for the Efficient Volunteer Lawyer," December 11, 2013

On December 11, 2013, the *Pro Se* Project and the FBA Newer Lawyers Committee hosted "Litigation Techniques for the Efficient Volunteer Lawyer." The seminar provided techniques and tools for newer lawyers to efficiently and effectively manage cases through the *Pro Se* Project. The event was made possible through the FBA National's 2013 Ilene and Michael Shaw Younger Lawyer Public Service Grant.



(Left to Right) Joe Weiner, Magistrate Judge Jeffrey J. Keyes (Ret.), Nick May, and Tiffany Sanders presenting at the *Pro Se* Project and FBA Newer Lawyers Committee seminar on December 11, 2013.



(Left to Right) Scott Flaherty, Adam Gillette, Magistrate Judge Franklin L. Noel (Ret.), and Magistrate Judge Jeanne J. Graham (Ret.) presenting at the *Pro Se* Project and FBA Newer Lawyers Committee seminar on December 11, 2013.

Gebregziabher Seretse, Pro Se Project Plaintiff, January 15, 2013

"I have my deep thanks for everything you did for me. Ms. Sanders, I thank you from my bottom of my heart. Ms. [Kelly] Jeanetta . . . helped me in all aspects of my [case] and advised me in her office."

Nicola Giusti, *Pro Se* Project participant, regarding *Pro Se* Project volunteer attorneys, David P. Graham, David C. Klink, and David A. Rephan, March 14, 2013

"The collaboration between the Court and the *Pro Se* Project is quite remarkable . . . by an astounding resource such as the *Pro Se* Project and the volunteers who make it possible for individuals (and in this case, a family) . . . to pursue what is just, knowing and having lived through an injustice. [S]ocial justice initiatives, like the *Pro Se* Project and its supporters, create something unique . . . in that words are incomparable, yet the effects are lasting and memorable hopeful to the future and beyond. Suffice to express, just truly thank you."

Magistrate Judge Jeffrey J. Keyes (Ret.), March 28, 2013

"This pro se employment discrimination case [Mallory v. Express Services, No. 12-cv-1645 (DWF-JJK)] settled at the early settlement conference today. This case is a very good example of how our pro se early settlement conference system is working. Tiffany contacted Jim Long . . . to get a volunteer to handle the settlement conference for the Plaintiff who is a homeless man whose application for work through a temp agency was rejected by the agency. Scott Flaherty . . . took it on and did a wonderful job preparing the Plaintiff for the conference and then working with him throughout the day. A big part of Scott's job was educating the client and helping him understand the limits of what he could achieve in litigation. The Defendant ended up agreeing to a confidential settlement. This was a very good result for everyone."

Ronald Scheiber, *Pro Se* Project Plaintiff, to Magistrate Judge Steven E. Rau, September 16, 2013

"I wanted to send a personal note of thanks to you regarding my case against Met Life. I thank you for your professionalism and your patience, without either I feel the case may not have been settled. I also want the court to know that I owe Mr. Peter Barry my thanks. As you are aware, my case was referred to Mr. Barry through the *Pro Se* Project. I have been advised by Mr. Barry due to this wonderful program. Without his help, I have no doubt in my mind that this issue would not have been resolved as fast as it was. I encourage the court to continue this program."

Reception to Honor Pro Se Project Volunteer Attorneys, April 10, 2014



(Seated Left to Right) Judge Donovan W. Frank and Magistrate Judge Steven E. Rau among volunteer attorneys at the April 14, 2014 *Pro Se* Project reception.



Volunteer attorneys at the April 14, 2014 *Pro Se* Project reception.



(Left to Right) Joe Bourne, Raina Borelli, Sara Payne, and Lucy Massopust at the April 14, 2014 *Pro Se* Project reception.

University of Minnesota Law School



Magistrate Judge Steven E. Rau and Tiffany Sanders presenting on the *Pro Se* Project at the University of Minnesota Law School on April 11, 2014.

Summer Associate Luncheons

During Chief Judge Davis's annual FBA summer associate luncheons in 2014, public service was a main theme of his presentation, and he discussed the *Pro Se* Project with the law students in attendance. Chief Judge Davis invited Tiffany Sanders to present on the *Pro Se* Project and to encourage law students to volunteer.²⁶



Chief Judge Michael J. Davis talking with law students at the June 19, 2014 Summer Associate Luncheon.



(Left to Right) Kristine Wegner, Tiffany Sanders, Katie Dunn, Angi Porter, and Clare Priest presenting to students at the June 19, 2014 Summer Associate Luncheon.

FBA National Presidential Excellence Award



(Left to Right) Dan Hedlund, Jeanette Bazis, Rachel Zimmerman Scobie, Anh Le Kremer, Magistrate Judge Becky R. Thorson, and Adine Momoh in Providence, Rhode Island accepting the 2014 FBA National Presidential Excellence Award for the Minnesota Chapter, which included recognition of the *Pro Se* Project.

Dianne and Robert Birk, Pro Se Project Defendants, June 18, 2014

"We just wanted to express our appreciation for all the work you did in finding [Karl] Cambronne to help us. . . . Mr. Cambronne has been our light at the end of the tunnel. He has put in many hours, tried to reach a reasonable settlement, and . . . not only represented us, he drove us to court. No matter the outcome we cannot say enough good things about the system Judge Rau referred us to. Please know you have all helped a family not only in financial need, but emotional need."

Theresa Anderson, Judicial Assistant to Magistrate Judge Franklin L. Noel (Ret.), July 15, 2014

"Another good job by the *Pro Se* Project. A stipulation of dismissal was filed yesterday in the [*Hafner v. Sailer*, No. 14-cv-1150 (JRT-FLN)] case. [T]his one actually got resolved, and Mr. Hafner got the relief he sought. THANK YOU and THANKS to Mr. Gustafson and Mr. Goodwin. NICE WORK!!"

Keith Bell, Pro Se Project Plaintiff, December 2, 2014

"I just wanted to thank you and the *Pro Se* Project for your help. As you know, you referred me to Tara Norgard. Tara and her associate, John Zweir, were terrific. They were friendly, knowledgeable, efficient, responsive, and great to work with. Their help was significant in getting my case to settle."

Reception celebrating the *Pro Se* Project's 5th anniversary and honoring volunteer attorneys, June 2, 2015



(Left to Right) Magistrate Judge Steven E. Rau, Rachel Zimmerman Scobie, Jennell Bilek, Tiffany Sanders, Magistrate Judge Franklin L. Noel (Ret.), and Chief Judge Michael J. Davis at the June 2, 2015 *Pro Se* Project reception.



Jennell Bilek presenting at the June 2, 2015 *Pro Se* Project reception.



(Left to Right) Rachel Zimmerman Scobie, Magistrate Judge Tony N. Leung, Judge David S. Doty, Judge Donovan W. Frank, Magistrate Judge Franklin L. Noel (Ret.), Tiffany Sanders, Chief Judge Michael J. Davis, Magistrate Judge Jeffrey J. Keyes (Ret.), Magistrate Judge Hildy Bowbeer, and Magistrate Judge Steven E. Rau at the June 2, 2015 *Pro Se* Project reception.

Leanne Dedrick, Pro Se Project Defendant, May 19, 2015

"I spoke with J.D. [Feriancek]. He assured me he wants to handle this matter and already has plans for what to do next. . . . He was absolutely great and I couldn't be more pleased. . . . I know I have thanked you — but please know that with all of my heart I am hugging you because at this point, words are just so inadequate to convey my appreciation."

Theresa Anderson, Judicial Assistant to Magistrate Judge Franklin L. Noel (Ret.), August 26, 2015

"We are so thankful to Marisa Katz and Phillip Kitzer for their work on getting the Sherman Barber case settled. This really would have been a difficult case for Mr. Barber to navigate by himself as he has to utilize his daughter to read and write."

Theresa Anderson, Judicial Assistant to Magistrate Judge Franklin L. Noel (Ret.), August 26, 2015

"We are grateful for the hard work Kelly Jeanetta put in on the Reed Otterblad case. She identified a crucial issue (that English is actually a second language for Mr. Otterblad – ASL being the first) and reached out to chambers so that it made a huge difference regarding the court's involvement in the case. . . . Once Judge Noel was informed of the issue, he was able to decide how to proceed."

Amy Hamilton-Warwick, Pro Se Project Plaintiff, September 2, 2015

"Thank you for referring [me to] Mr. Todd Murray for discussion of my current claim. I found the consultation very direct and helpful. I would like to thank you and Mr. Murray for your time."

Magistrate Judge Jeffrey J. Keyes (Ret.), October 14, 2015

"This prisoner § 1983 case [Hanks v. St. Louis County Jail et al., No. 14-cv-1349 (MJD-JJK)] settled in an early settlement conference today. It arose out of an incident at the St. Louis County Jail in which the plaintiff was tased. Special thanks on this one goes to Zorislav Leyderman who volunteered, through the Pro Se Project, to take on Mr. Hanks' representation for purposes of the settlement conference only. This unique feature of our program works very well. Zorislav did an excellent job working with the client, who is currently housed in Moose Lake, [and] getting the case resolved. By a copy of this to Tiffany, I am thanking her for her wise choice of getting Zorislav involved."

Judge Joan N. Ericksen regarding *Pro Se* Project volunteer attorneys Joel P. Schroeder and Kyle Fogt, November 4, 2015

"The Court pauses here to recognize the diligent work of the *pro se* coordinator and the public spiritedness of the Faegre attorneys."²⁷

Happy Hour to thank *Pro Se* Project volunteer attorneys, April 16, 2016



(Left to Right) Tiffany Sanders, Chief Judge John R. Tunheim, Magistrate Judge Steven E. Rau, Vildan Teske, Jeanette Bazis, and Doug Micko at the April 16, 2016 *Pro Se* Project happy hour.



(Left to Right) David Goodwin and Adam Hansen at the April 16, 2016 *Pro Se* Project happy hour.



(Left to Right) Dianne Heins, Patrick Arenz, and Jonathan Bye at the April 16, 2016 *Pro Se* Project happy hour.



(Left to Right) Karin Ciano and Tiffany Sanders at the April 16, 2016 *Pro Se* Project happy hour.

FBA National Presidential Excellence Award



(Left to Right) Jeanette Bazis, Dan Hedlund, Tara Norgard, Adine Momoh, David Goodwin, and Vildan Teske in Cleveland, Ohio accepting the 2016 FBA National Presidential Excellence Award for the Minnesota Chapter, which included recognition of the *Pro Se* Project.

Katherine Carrick, Pro Se Project Plaintiff, April 18, 2016

"Thank you for being there. When people tell me there is no support out there for me, the system wants me to fail and I should give up on this case, I will forever mention your name."

Steve Svendsen, Pro Se Project Plaintiff, June 3, 2016

"I am indeed pleased and in your debt. Whatever the eventual outcome of the case . . . the work you do, the work of the contributors, the decisions taken by the partners in the participating firms, and the authorities that demonstrate flexibility in relating to the program, encourage one's outlook on humanity and warm the heart."

Daniel Fast, Pro Se Project Plaintiff, October 22, 2016

"I cannot thank you enough for all the help as I would not have been able to know where to start with any of this!"

Pro Se Project panel at the Federal Bar Association 2017 Annual Meeting and Convention in Atlanta, September 14, 2017

Judge Wilhelmina M. Wright, Magistrate Judge Franklin L. Noel (Ret.), David Goodwin, and Tiffany Sanders participated in a panel discussion about the *Pro Se* Project at the Federal Bar Association's 2017 Annual Meeting and Convention in Atlanta. The panel described how the *Pro Se* Project has expedited the Court's busy civil docket, made significant strides toward ensuring equal justice under the law, and provided lawyers with opportunities to gain valuable experience while performing rewarding *pro bono* work.



(Left to Right) Judge Wilhelmina M. Wright, Magistrate Judge Franklin L. Noel (Ret.), Tiffany Sanders, and David Goodwin on September 14, 2017 at the *Pro Se* Project panel discussion at the FBA Annual Meeting and Convention in Atlanta.

Judge Patrick J. Schiltz, July 14, 2017

"Svendsen's original complaint was filed *pro se* in state court. . . . After G4S removed the case to this Court, Wyatt S. Partridge and Lisa M. Lamm Bachman of the law firm of Foley & Mansfield, PLLP, agreed to represent Svendsen after being contacted by the *Pro Se* Project. . . . The Court expresses its appreciation to Partridge and Lamm for volunteering to assist Svendsen in this matter." ²⁸

Tami Cumber-Posten, Pro Se Project Plaintiff, December 14, 2017

"I am so grateful to the *Pro Se* Project, Judge Schultz, and Adam Gillette. Adam is an amazing man! Without his help I am certain that my lawsuit would have been dismissed. He was there every step of the way and provided the advice and guidance that I desperately needed. . . . I am so appreciative to Judge Schultz for referring me to the *Pro Se* Project, and that it exists to assist people like myself. The legal process is very complex and can be difficult to understand without legal expertise. I am very fortunate and thankful to have benefitted from the excellent legal services from Adam Gillette and Baillon Thome Jozwiak & Wanta LLP. Tiffany, please accept my most sincere thanks for all of your help and for referring me to Adam."

Minnesota Lawyer Diversity & Inclusion Honoree for 2018



(Left to Right) Judge Michael J. Davis, Tiffany Sanders, Dan Gustafson, Judge Donovan W. Frank, Judge Wilhelmina M. Wright, Rachel Zimmerman Scobie, Lora Friedemann, and Bill Gaier at the Diversity & Inclusion Honoree reception on October 3, 2018.



(Left to Right) Tara Norgard, Tiffany Sanders, Dan Gustafson, Jeanette Bazis, Judge Michael J. Davis, and Lora Friedemann at the Diversity & Inclusion Honoree reception on October 3, 2018.



UNITED STATES DISTRICT COURT

March 12, 2018

CHAMBERS OF MICHAEL J. DAVIS SENIOR JUDGE 300 SOUTH FOURTH STREET, SUITE 1: MINNEAPOLIS, MINNESOTA 55415 (612) 664-5070

Jonathan L.R. Drewes Caitlin Guilford Drewes Law, PLLC 509 First Ave. NE, Suite 2 Minneapolis, MN 55413

Dear Mr. Drewes and Ms. Guilford,

I am writing to express my gratitude for your assistance in the matter of Horton v. Wells Fargo Bank, N.A., Civil File No. 16-2267 (MJD/TNL). Your willingness to assist Mr. Horton pro bono with the lawsuit was invaluable to Mr. Horton, Defendants, and the Court.

As you know, the Minnesota FBA's Pro Se Project is a nationally groundbreaking program to provide pro bono legal services to unrepresented federal court litigants. Your efforts are important, and they make a significant difference to the people who are in need of legal assistance but cannot afford to pay for it. As Justice Sandra Day O'Connor once wrote: "Public service marks the difference between a business and a profession. While a business can afford to focus solely on profits, a profession cannot. It must devote itself first to the community it is responsible to serve. I can imagine no greater duty than fulfilling this obligation. And I can imagine no greater pleasure."

Your actions help the Court in its quest to seek justice and serve as an example to the rest of the bar. Thank you.

Sincerely,

Michael J. Davis United States District Court

cc: Tiffany Sanders, Pro Se Project Coordinator

Magistrate Judge Hildy Bowbeer, March 26, 2018

"I am very happy to report that we were able to get this employment discrimination case [Birts v. Volt Workforce Sols., No. 17-cv-4705 (MJD-HB)] settled . . . Mr. Birts is a pro se litigant who was not able to find counsel to take his case, but was ably and thoughtfully represented (pro bono) by Bryce Miller through the Early Settlement Conference Project. . . . Once again, a volunteer lawyer working with the Pro Se Project has rendered valuable service to the Court and to the pro se party."

David Reed, *Pro Se* **Project Plaintiff**, May 31, 2018

"Thanks for recommending Michael Laird. Your efforts are deeply appreciated. I spoke to him today and he was very helpful."

Judge Patrick J. Schiltz, Sept. 13, 2018

"The Court again expresses its appreciation to Lamm Bachman and Partridge for volunteering to assist Svendsen in this matter." ²⁹

Luis Batista, Pro Se Project Plaintiff, September 13, 2018

"Today I had a very productive and uplifting conversation with [Ryan] Vettleson, wherein he agreed to represent and assist me through the settlement conference. . . . I'm not only writing to keep you updated, but also to express my utmost gratitude to you, Mr. Vettleson and the *Pro Se* Project for the assistance rendered. I am very grateful for the time and resources dedicated to my case."

Magistrate Judge Hildy Bowbeer, September 18, 2018

"I am happy to report that we were able to hold a settlement conference in [Kjos v. Riley, No. 17-cv-3567 (WMW-HB)] and we got it resolved. . . I'm copying Tiffany on this email because the defendant, who could not afford counsel of his own, had exceptional assistance from Scott Flaherty, who made a limited appearance on his behalf through the Early Settlement Conference Project."

Catherine Dahlberg, *Pro Se* Project Plaintiff, to *Pro Se* Project Volunteer Attorney Daniel Warner, September 19, 2018

"I appreciate so, so much your valuable time spent on meeting me today. . . . I just want to say that words are not enough to express my appreciation of your service today. . . . Thank you!"

Magistrate Judge Kate M. Menendez regarding *Pro Se* Project volunteer attorneys Chuck Webber and CB Baga, September 27, 2018

"The Court thanks the volunteer attorneys who have appeared on Carl C.'s behalf and the Federal Bar Association's *Pro Se* Project for its work in facilitating the Court's referral in this case."³⁰

Judge Eric C. Tostrud, Nov. 1, 2018

"McCourt filed his Complaint *pro se*, but following a referral to the FBA *Pro Se* Project . . . Peter K. Doely of Maslon LLP noticed his appearance on behalf of McCourt. . . . The Court acknowledges and appreciates Mr. Doely's service with the *Pro Se* Project." ³¹

^{29.} Svendsen v. G4S Secure Sols. (USA) Inc., No. 16-cv-0583 (PJS-FLN), 2018 WL 4374008, at *1 n.1 (D. Minn. Sept. 13, 2018).

^{30.} Carl C. v. Berryhill, No. 17-cv-03682 (KMM), 2018 WL 4654749, at *1 n.2 (D. Minn. Sept. 27, 2018).

^{31.} McCourt v. City of Chaska, No. 18-cv-1559 (ECT-ECW), 2018 WL 5669317, at *1 n.1 (D. Minn. Nov. 1, 2018).

The Pro Se Project and a Pint

On January 10, 2019, the *Pro Se* Project and the FBA Newer Lawyers Committee hosted "*Pro Se* Project and a Pint," a lively, informal event to discuss the importance of *pro bono* work in federal court over drinks and bar snacks. "Attendees heard from the *Pro Se* Project's coordinator, Tiffany A. Sanders, United States District Court Judges, United States Magistrate Judges, and volunteers about this unique and important initiative of the United States District Court for the District of Minnesota and the Minnesota Chapter of the Federal Bar Association. . . . The *Pro Se* Project benefits more than just the *pro se* litigants. United States Magistrate Judge Kate M. Menendez shared that participating attorneys make court appearances and argue motions— experiences often hard to come by for younger attorneys."³²

Judge Eric C. Tostrud encouraged lawyers to volunteer in the *Pro Se* Project and stressed "the value of having your own client and learning the art of client management" through *Pro Se* Project cases. ³³ Judge Tostrud suggested that *Pro Se* Project volunteer work provides "an opportunity to add a new, challenging, and exciting dimension to one's practice." ³⁴

Pro Se Project volunteer attorneys Kaitlyn Dennis, Zorislav Leyderman, and Peter Doely commented about "their unique experiences representing pro se litigants through the Pro Se Project on matters outside their usual practice area, including religious protection and land use cases." Magistrate Judge Steven E. Rau recognized Mr. Leyderman for his particularly high-level of commitment to the Pro Se Project, "noting that Leyderman's cases through the Project have exceeded the double digits." Pro Se Project and a Pint attendees also heard from Chief Judge John R. Tunheim, Judge Wilhelmina M. Wright, and Magistrate Judge Hildy Bowbeer, "all of whom stressed the value of the program to the courts, attorneys, and pro se litigants."



Magistrate Judge Steven E. Rau (center) on January 10, 2019 surrounded by *Pro Se* Project and a Pint attendees.



(Left to Right) Zorislav Leyderman, Tiffany Sanders, Peter Doely, and Judge Eric C. Tostrud January 10, 2019 at the *Pro Se* Project and a Pint event.

Rachel Kitze Collins, March 13, 2019

"Judge Tostrud cites the *Pro Se* Project as an excellent opportunity for young lawyers not just to argue in federal court, but also to manage their own case and their own client." ³⁸

Luis Batista, *Pro Se* Project Plaintiff, April 14, 2019

"[Ryan] Vettleson carried himself with the class, respect and dignity that would make anyone proud to be associated with him. His attention to detail and level of professionalism are commendable. Moreover, his genuine care and compassion for me as an incarcerated, *pro se* litigant are also praiseworthy. In my humble opinion, Mr. Vettleson epitomizes what an attorney and officer of the court ought to be and I am grateful for his assistance in this matter. I can honestly say that Mr. Vettleson far exceeded every expectation. I... extend my deepest and most sincere gratitude to him, the Minnesota *Pro Se* Project, and the Honorable Judge David T. Schultz."

^{32.} Cassandra Jacobsen, Pro Se Project: The Civil Equivalent of Gideon v. Wainwright, Bar Talk (Minnesota Chapter of the Federal Bar Association, Minneapolis, M.N.), March 13, 2019, at 3,

https://www.fedbar.org/minnesota-chapter/wp-content/uploads/sites/54/2019/10/NW0005119v8_Bar_Talk_March-3-final-as-of-3-14-19-@11-am-pdf.pdf. 33, Id. at 6.

^{34.} Id.

^{35.} Id.

^{36.} Id.

^{38.} Rachel Kitze Collins, United States District Judge Eric C. Tostrud Welcomed to the Bench, Bar Talk (Minnesota Chapter of the Federal Bar Association, Minneapolis, M.N.), March 13, 2019, at 4,

Donald Tarbell, Pro Se Project Plaintiff, June 26, 2019

"I would like to extend my appreciation and thanks to . . . the FBA *Pro Se* Project for your help with finding me legal aid in regards to my federal civil case. I was contacted by Ms. Marnie Fearon of Gray Plant Mooty who has consulted with me and has agreed to provide legal counsel and assist me with the difficult task of winning a Habeas Corpus suit. I cannot say enough how great it was to receive a call here in prison from both you and Ms. Fearon. I have been feeling quite overwhelmed, nervous and anxious during this whole process. I have been feeling so relieved after your calls and letter and much better about my chances in court. I am truly grateful. Thank you so much."

Magistrate Judge David T. Schultz regarding *Pro Se* Project volunteer attorneys Dan Gustafson, Eric Taubel, and Ling Wang, July 22, 2019

"The Gustafson Gluek firm took on the case [*Dale v. Roy,* No. 18-cv-0886 (NEB-DTS)] through the *Pro Se* Project and did a marvelous job managing client expectations and driving the case to resolution."

Magistrate Judge Hildy Bowbeer, September 1, 2019

"This case [Erlandson v. CDW Technologies, LLC, No. 18-cv-3476 (MJD-HB)] is yet another case in which we had excellent help from volunteer counsel from the Early Settlement Conference Project. Plaintiff was pro se, but Tiffany Sanders was able to enlist the assistance of Elizabeth Binczik from the Fabian, May & Anderson firm to make a limited appearance for the purpose of helping Mr. Erlandson navigate the settlement conference process. She wrote a thoughtful, excellent letter on Mr. Erlandson's behalf in advance of the settlement conference and did a nice job helping him understand his options and ultimately make an informed decision about settlement. We couldn't have gotten the case resolved without her."

Dennis C. Lackey, Pro Se Project Plaintiff, October 7, 2019

"Thank you for your efforts to bring justice to the people. Tiffany Blofield and Tucker Chambers of Greenberg Traurig, LLP will be representing me in my 42 U.S.C. §1983 federal case."

Omar Yaseen, Pro Se Project Plaintiff, November 13, 2019

"I have received [the *Pro Se* Project] letter in which you inform me about Attorney Richard E. Student. Thank you for your support, time and help and most of all your hard work. I truly appreciate all your help you have ever given me."



PRO SE PROJECT IMPACT STORIES

IMPACT STORY

MICHAEL UNDLIN

Pro Se Project Plaintiff in Undlin v. City of Minneapolis, No. 08-cv-1855 (JNE-FLN)

After 47 years of living a normal life, 25 years of marriage, putting his children through undergraduate and graduate school, and a successful sales and marketing career, Michael Undlin fell into a severe and persistent state of mental illness and was hospitalized. During his discharge from hospitalization, Mr. Undlin decompensated into a completely silent fetal position state. Instead of delaying discharge, calling family, or following patient rights grievance procedures, the hospital security lifted Mr. Undlin into a wheelchair and wheeled him to the street. After being left on the curb, a hospital staff member eventually called 9-1-1.

Police arrived and arrested Mr. Undlin for trespassing, handcuffed him, lifted him from the wheelchair, and dragged him into a squad car. Police transported Mr. Undlin to the Hennepin County Adult Detention Center (HC-ADC), placed him in restraints that caused him excruciating pain, and left him confined in a cell for hours. HC-ADC's staff responded to Mr. Undlin's requests for relief from his unbearable pain with indifference, mockery, and repeated false assurances that a nurse was coming. The hours of agony from the restraints drove Mr. Undlin to delirium and hallucination. After four hours, HC-ADC staff removed the restraints, only to threaten to place Mr. Undlin back in the restraint chair if he complained about being tortured, asked for pictures to be taken, or asked how to call an attorney for help. Mr. Undlin was released the following day and spent 10 days recovering in a hospital.

Pro Se Lawsuit

Over the next two years, Mr. Undlin attempted to get assault charges brought against HC-ADC. With no success, Mr. Undlin filed a *pro se* complaint in federal court on June 9, 2008. Defendants responded with a motion to dismiss, and Magistrate Judge Franklin L. Noel (Ret.) issued a

Report and Recommendation to dismiss the case in its entirety. Mr. Undlin, as best he could, objected; however, Judge Joan N. Ericksen adopted Magistrate Judge Noel's Report and Recommendation and, on March 16, 2009, issued an Order dismissing Mr. Undlin's case with prejudice. Mr. Undlin filed a motion for reconsideration, and he later put his struggle doing so into words:

In response, I didn't know how to say what needed to be said, under which circumstances to say it, or when to not say it. In spite of everyone being polite working through clarifications on Court Rules about when to file what, the bottom line is that I didn't know the law; I had far too many questions; I filed far too many things; and I filed the wrong things at the wrong time. What I lacked in knowledge I made up for in volume. Misguided, but honorable in intent, I refused to quit. I had vowed that I would do everything in my power to keep what was done to me from happening to at least one other person.

Referral to the Pro Se Project

Judge Ericksen converted Mr. Undlin's motion for reconsideration into a Rule 59(e) motion to alter or amend the judgment and contacted Dan Gustafson, whose firm, Gustafson Gluek PLLC, oversaw the *Pro Se* Project at the time. Judge Ericksen requested Mr. Gustafson represent Mr. Undlin. Mr. Undlin was skeptical as he severely distrusted the Court and, consequently, distrusted any lawyer the Court asked to represent him.



Photo of Dan Gustafson, courtesy of Minnesota Lawyer.

In his first meeting, Mr. Gustafson helped Mr. Undlin overcome the distrust he had of lawyers being involved at the request of the Court. According to Mr. Undlin, Mr. Gustafson "treated me as professionally as if I had been an executive with a major company." On June 5, 2009, Mr. Gustafson filed a notice of appearance, followed by a brief in support of Mr. Undlin's Rule 59(e) motion, and began discussions with defense counsel. During this time, Mr. Undlin was still in a fragile state, but he was improving, and Mr. Undlin remembers the lawyers noting how much better he looked each time they met. Mr. Undlin recalled, "[w]ith them carrying the weight, I was feeling human again."

Gustafson Gluek Representation

In the Court's Order on the Rule 59(e) motion, Judge Ericksen concluded the Court made a manifest error of law by misapplying the governing legal standards to Mr. Undlin's claims. In the Court's order, Judge Ericksen wrote:

These errors illustrate the difficulty of fairly evaluating a case where one side is represented by counsel and the other is not. . . . This is especially the case where an unrepresented party engages in unorthodox behavior and hyperbolic and elliptical submissions. Consequently, the Court is grateful to the Federal Pro Se Project and to Mr. Gustafson and his colleague . . . for their capable representation of Undlin. Without expressing any opinion as to the probability that Undlin will succeed on his claims, the Court is confident that Gustafson Gluek's representation will help ensure that a just result under the law is reached.³⁹

Judge Ericksen granted Mr. Undlin's Rule 59(e) motion and vacated the Court's prior order dismissing Mr. Undlin's case. As described by Mr. Undlin, "[i]t took extra time, effort, and patience, but fortunately the Court saw through my mistakes and mistakes it made because of me."

On May 5, 2010, Magistrate Judge Noel (Ret.) held a settlement conference. Through Mr. Gustafson and Catherine Sung-Yun K. Smith's negotiations, Mr. Undlin reached a favorable settlement accomplishing what he set out to do. Hennepin County agreed to change its policies on detaining adults with mental health issues and agreed to implement audio and video recordings of all future Catherine Sung-Yun K. Smith restraint chair use.



In describing his experience with the Pro Se Project, Mr. Undlin wrote, "On a practical level, inefficient and ineffective pro se plaintiffs and defendants who simply don't know what they need are a great burden to a system that relies on all of its parts to work better. To get a sense of this, multiply [my] case by a hundred or two. The Pro Se Project prevent[s] such messes before they start . . . [and] makes a huge difference in individual lives and in the lives of their families. As a well-known ad puts it - priceless."



(Left to Right) Michael Undlin and Tiffany Sanders at the FBA 38th Annual Federal Court Practice Seminar on June 28, 2012.

Important Role of the Pro Se Project

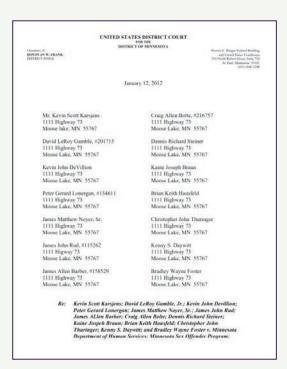
On June 28, 2012, at the FBA's 38th Annual Federal Court Practice Seminar, Michael Undlin shared the important role the Pro Se Project played in helping him turn his life around. Mr. Undlin described how "[t]he impact of solid legal support extends far beyond mere legalities." Through Judge Ericksen's referral of his case to the Pro Se Project, Mr. Gustafson and Ms. Smith's representation, Judge Ericksen's willingness to reconsider the Court's prior decision, and Magistrate Judge Noel's efforts in the settlement negotiations, Mr. Undlin gradually regained his life, his health, his family, his stability, and trust - trust in himself, trust in others, trust in the legal profession, and trust in the judicial system. In Mr. Undlin's words about the Pro Se Project: "The expertise and kindnesses of many attorneys with already full plates have rippled through countless lives in unimaginable ways."

IMPACT STORY

700+ CLIENTS AT THE MINNESOTA SEX OFFENDER PROGRAM

Pro Se Project Plaintiffs in Karsjens et al. v. Minnesota
Department of Human Services, No. 11-cv-03659 (DWF-TNL)

Since 1994, the Minnesota Department of Human Services (DHS) has housed civilly committed individuals deemed to be sexually dangerous, to have a sexual psychopathic personality, or both, at the Minnesota Sex Offender Program (MSOP). According to DHS, as of January 1, 2012, 635 individuals were civilly committed to MSOP and no one had ever been released.⁴⁰



```
Lucinda Jesson; Kevin Moser; Dennis Benson; Michael Tessner; Tom
                  Lundquist; Jim Berg; Ann Zimmerman; Laurie Severson; Greg Carlson;
Dr. Elisabeth Barbo; Mehrdad Sabestari; Terry Kneisel; Scott Benoit;
                  Susan Johnson: Jean Seykora: John Doe, whose true name is unknown;
                 and Jane Doe, whose true name is unknown
Civil No. 11-3659 (DWF/JSM)
         Unlike criminal cases where there is a legal right to counsel, a person filing a civil
case such as yours has no legal right to have the Court appoint a lawyer to assist him or her.
However, the Minnesota Chapter of the Federal Bar Association (FBA) operates a program
of volunteer lawyers who donate their time to assist unrepresented individuals. The program is called the FBA Pro Se Project. Your case is being referred to the FBA Pro Se Project and
you may be able to obtain a lawyer at no cost to you through this program.
         If you choose to participate in the Pro Se Project, the Coordinator, Tiffany Sanders,
 will attempt to put you in contact with a lawyer who will provide you with a general opinion
on the merits of your claims and offer you advice on how to proceed. The volunteer lawyer
 may agree to represent you, but there is no requirement that he or she do so or that any
 lawyer be appointed to assist you. If you would like a volunteer lawyer to review your case.
you must inform Ms. Sanders of your desire to participate in the Pro Se Project
If you choose not to participate in the program, or if a lawyer does not agree to represent you, your case will proceed and you will continue to appear pro se; that is, on your
own behalf. Regardless of whether a lawyer represents you, every case in Federal Court is
governed by the Federal Rules of Civil Procedure and the Local Rules of the United States
District Court for the District of Minnesota. Just as a lawyer would, you will need to comply
with these rules if you continue to appear pro se.
          The contact information for the FBA Pro Sc Coordinator appears below. If you do
not hear from Ms. Sanders within seven days of this letter and you are interested in participating in the FBA Pro Se Project attorney referral program, please contact Ms. Sanders
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Pro Se Lawsuit

On December 21, 2011, Kevin Scott Karsjens and 13 other MSOP "clients" filed a federal *pro se* lawsuit against DHS and others alleging constitutional violations from their indefinite confinement. Mr. Karsjens and his co-Plaintiffs sought class certification on behalf of all MSOP clients. On January 12, 2012, Judge Donovan W. Frank referred the 14 Plaintiffs in *Karsjens v. Minnesota Department of Human Services*, No. 11-cv-3659 (DWF-TNL) to the *Pro Se* Project. Tiffany Sanders contacted Dan Gustafson of Gustafson Gluek PLLC and requested his assistance.

Gustafson Gluek Representation

On January 20, 2012, Mr. Gustafson and his colleagues, Karla Gluek, Raina Borrelli, and David Goodwin entered a notice of appearance on behalf of the *Karsjens* Plaintiffs, followed by Lucia

Massopust and Eric Taubel. On July 24, 2012, Judge Frank issued an order certifying the class consisting of all clients civilly committed to the MSOP and designated Gustafson Gluek to serve as Class Counsel.

"From the start, Gustafson argued the state-run program violates constitutional rights of offenders because it offers the promise of treatment while giving offenders few opportunities to ever get out. Gustafson and his team . . . traveled across the country to look at how other states run their programs. Nineteen other states civilly commit some sex offenders to treatment programs after their prison sentence, but Minnesota commits the highest rate of sex offenders per capita."

During the lawsuit, the Gustafson Gluek lawyers became aware of two MSOP clients unlike the others: Eric Terhaar and Rhonda Bailey. Eric Terhaar was civilly committed to the MSOP in 2009 solely for offenses he committed as a child, with some offenses



Photo of (Left to Right) Karla Gluek, David Goodwin, Dan Gustafson, and Raina Borelli, courtesy of *Minnesota Lawyer*.

^{41.} Briana Bierschbach, 'Somebody needed to do it': why attorney Dan Gustafson took on the Minnesota Sex Offender Program, MinnPost, Oct. 20, 2015,

occurring when he was only 10 years old. Rhonda Bailey was the only female client in the MSOP, and she had been housed with high-risk male sexual offenders since she was civilly committed in 2008. The Gustafson Gluek lawyers filed separate actions on behalf of Mr. Terhaar and Ms. Bailey to address their unique circumstances.

"When you look at some of their files, you read that they have done terrible things," Mr. Gustafson said about the MSOP clients at the time. 42 "But it's really important that our system of justice doesn't decide things on whether we think the people are hateful or awful. Defending the due-process rights of the people society loves to hate is the most important thing a lawyer can do."43

Six Week Trial

On February 9, 2015, the trial challenging the constitutionality of the MSOP's indefinite civil commitment of sex offenders began. At the time of trial, the number of clients at the MSOP had grown to 709.⁴⁴ Over the course of the six-week bench trial before Judge Frank, Plaintiffs called 28 witnesses, and Defendants called 17 witnesses. On June 17, 2015, the Court issued its Order, concluding:

Minnesota's civil commitment statutes and sex offender program do not pass constitutional scrutiny. The overwhelming evidence at trial established that Minnesota's civil commitment scheme is a punitive system that segregates and indefinitely detains a class of potentially dangerous individuals without the safeguards of the criminal justice system.

The stark reality is that there is something very wrong with this state's method of dealing with sex offenders in a program that has never fully discharged anyone committed to its detention facilities in Moose Lake and St. Peter since its inception in 1994. . . . In light of the structure of the MSOP and the history of its operation, no one has any realistic hope of ever getting out of this "civil" detention. 45

When interviewed after Judge Frank's ruling, Dan Gustafson "compare[d] the MSOP case to death penalty cases and civil rights cases in the 1960s and 1970s. Nobody wanted to take them on, but people need lawyers, he said. Even sex offenders. 'Somebody needed to do it and I think it's important to do those kinds of cases,' Gustafson said. 'It doesn't work when one side doesn't have a lawyer. The system is set up as an adversarial system. If you have a lawyer on one side and a non-legal person on the other side it's not a fair fight.'"⁴⁶



Attorney Dan Gustafson, photo from Minnesota Public Radio News. © 2015 Minnesota Public Radio*. Used with permission. All rights reserved.



Photo captioned, "Attorneys from Gustafson Gluek PLLC, from left: Raina Borrelli, Amanda Williams and David Goodwin watch and record attorney Dan Gustafson speak at a press conference Wednesday, after a federal judge ruled that Minnesota's sex offender treatment program is unconstitutional. The law firm represents sex offenders incarcerated. (Pioneer Press: Jean Pieri)" courtesy of Pioneer Press.⁴⁷

^{42.} Rubén Rosario, *Does 'justice for all' include sex offenders?*, Pioneer Press, Feb. 4, 2015, https://www.twincities.com/2015/02/04/ruben-rosario-does-justice-for-all-include-sex-offenders/.

^{43.} Id.

^{44.} Minnesota Department of Human Services, Minnesota Sex Offender Program Annual Performance Report 20 (2015), https://edocs.dhs.state.mn.us/lfserver/Public/DHS-6677B-ENG.

^{45.} Karsjens v. Jesson, 109 F. Supp. 3d 1139, 1144 (D. Minn. 2015).

^{46.} Briana Bierschbach, 'Somebody needed to do it': why attorney Dan Gustafson took on the Minnesota Sex Offender Program, MinnPost, Oct. 20, 2015,

https://www.minnpost.com/politics-policy/2015/10/somebody-needed-do-it-why-attorney-dan-gustafson-took-minnesota-sex-offender/. 47. Elizabeth Mohr, *Minnesota sex offender program unconstitutional, judge rules*, Pioneer Press, June 16, 2015, https://www.twincities.com/2015/06/16/minnesota-sex-offender-program-unconstitutional-judge-rules/.

Appeal

DHS appealed the Order and on January 3, 2017, the Eighth Circuit issued its decision finding the district court applied incorrect legal standards to the *Karsjens* class members' claims. The Eighth Circuit reversed the district court's finding of a constitutional violation and remanded the case to the district court for further proceedings.⁴⁸

The Gustafson Gluek lawyers filed a petition for writ of certiorari on behalf of the *Karsjens* class with the Supreme Court of the United States. On October 2, 2017, the Supreme Court denied the *Karsjens* class members' petition for writ of certiorari and, soon thereafter, DHS brought a motion for summary judgment.

Conscience-shocking

On August 23, 2018, after six years of protracted litigation, the *Karsjens* class action came to an end with the Court's order granting DHS's summary judgment motion and dismissing the remaining claims with prejudice. Judge Frank concluded the Court's Order by writing:

Finally, the Court expresses its view that some of the facts revealed during the lengthy Phase One trial in this matter are indeed shocking to this Court's conscience. In particular, the Court finds the circumstances surrounding the confinement of Rhonda Bailey, the MSOP's sole civilly committed female, to be truly conscience-shocking. Furthermore, the Court views the continued confinement of elderly individuals with a low likelihood of re-offense as an egregious affront to liberty, particularly in light of the pervasive sense of hopelessness at the MSOP. Similarly, the confinement of individuals with cognitive disabilities or juvenile-only offenders who could safely reside in a less restrictive alternative facility or in the community remains of great concern to the Court.

Notwithstanding these observations and concerns, however, the Eighth Circuit's reversal of this Court's liability findings in large part compels the conclusions the Court reaches today. The Court hopes that the public and all stakeholders will carefully consider the complex issues raised by this litigation, moving forward in a manner that balances the interests of public safety, fundamental justice, and basic human dignity. Justice requires no less.⁴⁹

"But it's really important that our system of justice doesn't decide things on whether we think the people are hateful or awful. Defending the due-process rights of the people society loves to hate is the most important thing a lawyer can do."

-Dan Gustafson

The Gustafson Gluek lawyers promptly filed an appeal with the Eighth Circuit, and the Eighth Circuit designated the case for no argument. As of the time of this report, the Eighth Circuit has not issued an Opinion, and Rhonda Bailey remains confined at the MSOP.

A Voice Finally Heard

For Dan Gustafson and his colleagues, the case was never about opening the MSOP doors indiscriminately to let the MSOP clients out *en masse*. They "want[ed] to see changes made to the program to help move people who are less dangerous through the treatment process and give them less restrictive living alternatives. Some people in the program are victims of a 'vicious cycle,' Gustafson said. They were abused as kids and went on to commit abuse themselves, many before they even turned 18. 'I was surprised how many of them were victims as children of sexual or physical abuse,' he said."

Despite the unfavorable legal rulings and numerous obstacles the more than 700 *Karsjens* class members faced over years of litigation, the Gustafson Gluek lawyers provided them with a voice that was heard. On August 24, 2016, the Supreme Court Appeal Panel (SCAP) found Mr. Terhaar – one of the MSOP clients who was civilly committed solely for offenses he committed as a child – was no longer dangerous to the public or in need of treatment or supervision. The SCAP granted Mr. Terhaar's petition for discharge – the first ever full and unconditional discharge from the MSOP. And by June 30, 2020, DHS had granted full discharge to 12 MSOP clients, and provisional discharge to 30 MSOP clients (compared to no one being released from MSOP prior to Gustafson Gluek's involvement), and housed 87 clients in Community Preparation Services – a less restrictive residential setting that focuses on reintegration into the community. Services – a less restrictive residential setting that focuses on reintegration into the community.

^{48.} See Karsjens. v. Piper, 845 F.3d 394, 411 (8th Cir. 2017).

^{49.} Karsjens v. Piper, 336 F. Supp. 3d 974, 998 (D. Minn. 2018).

^{50.} Briana Bierschbach, 'Somebody needed to do it': why attorney Dan Gustafson took on the Minnesota Sex Offender Program, MinnPost, Oct. 20, 2015.

^{51.} In the Matter of the Civil Commitment of: Eric Terhaar, AP15-9084.

^{52.} Minnesota Department of Human Services, Minnesota Sex Offender Program Statistics (June 30, 2020).

IMPACT STORY

AIDA SHYEF AL-KADI

Pro Se Project Plaintiff in Al-Kadi v. Ramsey County, No. 16-cv-2642 (JRT-TNL)

On August 6, 2013, Aida Shyef Al-Kadi failed to appear in Ramsey County District Court on a charge of driving after revocation because she had to take her sick daughter to the hospital unexpectedly. The Ramsey County District Court Judge assigned to the case issued a bench warrant. On August 12, 2013, Ms. Al-Kadi turned herself in, and she was wearing a hijab and abaya when booked at the Ramsey County Adult Detention Center (RC-ADC). Upon her arrival into the sally port, a RC-ADC officer demanded Ms. Al-Kadi remove her hijab and abaya despite the presence of male officers. Ms. Al-Kadi refused on religious grounds.

Sincere Religious Belief

Ms. Al-Kadi is a Muslim who holds a strong and sincere religious belief in Islam. As part of her religious beliefs, Ms. Al-Kadi practices hijab. She wears a hijab – a head scarf that covers her hair, neck, and shoulders, and she also wears an abaya – a loose-fitting garment worn to avoid showing the body's figure. Ms. Al-Kadi's faith requires her to wear a hijab and abaya in the presence of non-related males, when she is in public, and during prayer.

A RC-ADC officer escorted Ms. Al-Kadi to a holding cell for her refusal to follow directions. While in the holding cell, Ms. Al-Kadi was forced to remove her hijab in front of a male officer. Ms. Al-Kadi was later required to remove her hijab for her booking photo; however, a RC-ADC officer assured her the booking photo would never be released or shown to men. Despite the assurances, Ms. Al-Kadi's photograph without a hijab was placed on her wristband that she was required to wear at the RC-ADC. After the booking photo was taken, the RC-ADC gave Ms. Al-Kadi a bedsheet to replace her hijab. Ms. Al-Kadi was then required to remove her abaya and her clothes underneath and change into a tight-fitting prison uniform in front of female RC-ADC officers who refused to allow Ms. Al-Kadi to use a changing room. Ms. Al-Kadi was then placed in a cell for a 23-hour lock-in as punishment for not following procedures.

Gustafson Gluek Representation



Brittany Resch

On August 4, 2016, Ms. Al-Kadi filed a *pro se* lawsuit against Ramsey County and others for religious discrimination, and on October 31, 2016, the Honorable Janie S. Mayeron, U.S. Magistrate Judge (Ret.), referred Ms. Al-Kadi to the *Pro Se* Project. Tiffany Sanders contacted Brittany Resch of Gustafson Gluek and, on November 29, 2016, Brittany Resch

and Dan Gustafson entered notices of appearance on Ms. Al-Kadi's behalf.

After completing fact and expert discovery and reaching out to the Council on American-Islamic Relations (CAIR) for collaboration on the case, Gustafson Gluek began representing numerous counties and cities in claims against opioid manufacturers – Ramsey County being one. Ramsey County declined to waive the conflict with Gustafson Gluek's lawyers representing Ms. Al-Kadi and, as a result, Brittany Resch reluctantly requested the *Pro Se* Project find Ms. Al-Kadi substitute counsel.

Greene Espel Substitution

Tiffany Sanders reached out to Virginia McCalmont and Caitlinrose Fisher of Greene Espel, who agreed to take over the representation of Ms. Al-Kadi, and on January 30, 2018, entered a notice of substitution of counsel. The Greene Espel attorneys filed a memorandum in opposition to Ramsey County's summary judgment motion and brought a motion to exclude an expert witness Ramsey County intended to call at trial as an Islamic scholar.

Key Question

On June 12, 2019, the Court issued an order denying Ramsey County's motion in part and granting Ms. Al-Kadi's motion to exclude the Islamic scholar. In the order, Chief Judge John R. Tunheim wrote:

Viewing the facts in the light most favorable to Al-Kadi, a reasonable jury could find that she was treated differentially based on her religion and requests for religious accommodations. Al-Kadi testified that she was singled out, yelled at by officers, separated from the rest of the detainees, left alone in a holding cell

for two hours, escorted through the booking area, forced to walk naked across the room in front of officers in contravention of ADC policy, and placed in a 23-hour lock in. . . . Essentially, the key question in this case is whether Al-Kadi's "noncompliance" consisted of anything more than a request for a religious accommodation. ⁵³

End to the Humiliation

On August 29, 2019, Magistrate Judge Tony N. Leung held a settlement conference and, through Ms. McCalmont and Ms. Fisher's representation, Ms. Al-Kadi settled her case. Ramsey County agreed to change its religious head-coverings policy to allow detained individuals to wear head coverings in booking photos and to provide training on the new policy for RC-ADC officers.

According to Ms. McCalmont, "Ms. Al-Kadi is absolutely thrilled that her case is having a lasting and positive impact on the community. From the very beginning, she has been clear that the most important thing to her is to ensure that no one else has to endure the humiliation and trauma that she suffered. This settlement is a huge step in that direction." At a December 17, 2019 press conference at CAIR-Minnesota, Ms. Al-Kadi described the situation as "one of the most humiliating and harmful experiences of my life. I knew that I did not want any other Muslim woman to experience what I did."

In recounting their representation of Ms. Al-Kadi through the *Pro Se* Project, Ms. McCalmont and Ms. Fisher wrote, "Please accept our deepest and most heartfelt thanks for entrusting this case to us. It's hard to put into words how much it's meant to us to get to represent Ms. Al-Kadi. Her desire to fight for her rights so as to make the Twin Cities a little bit safer for those who come after her has been absolutely inspiring, and we've loved every minute we've worked with and for her. We are so grateful for the work you do to connect litigants like Ms. Al-Kadi with lawyers like us. Thank you, thank you, thank you."



Photo of (Left to Right) Virginia McCalmont, Caitlinrose Fisher, and Aida Shyef Al-Kadi, courtesy of WCCO Radio/Entercom.

"I knew that I did not want any other Muslim woman to experience what I did."

-Aida Shyef Al-Kadi

"We are so grateful for the work you do to connect litigants like Ms. Al-Kadi with lawyers like us."

-Virginia McCalmont and Caitlinrose Fisher



THE PRO SE PROJECT LIFETIME ACHIEVEMENT AWARD



"It doesn't work when one side doesn't have a lawyer. The system is set up as an adversarial system. If you have a lawyer on one side and a non-legal person on the other side it's not a fair fight."

-Dan Gustafson

DANIEL E. GUSTAFSON

In celebration of its 10th anniversary, the *Pro Se* Project invited volunteer attorneys to attend the FBA's 45th Annual Federal Practice Seminar on June 20, 2019. The United States District Court for the District of Minnesota generously provided funding for *Pro Se* Project volunteers' complimentary registration in gratitude for the ten years of service volunteer attorneys have provided to the Court and the community.

At the 16th Annual Mason Memorial Luncheon held at the Federal Practice Seminar, Judge Wilhelmina M. Wright presented Dan Gustafson with the *Pro Se* Project Lifetime Achievement Award for his exemplary *pro bono* work and extraordinary *Pro Se* Project support. Over the course of the past decade, Dan Gustafson and the Gustafson Gluek firm accepted more *Pro Se* Project cases than any other law firm in Minnesota, and highlights of those cases include:

- Securing a change in Hennepin County Adult Detention Center's policies for detaining individuals with mental health issues;
- Procuring halal-certified food for inmates at the Minnesota Correctional Facility in Stillwater and allowing Minnesota's Muslim inmates to more freely exercise their religious beliefs;
- Representing more than 700 sex offenders who challenged the constitutionality of their indefinite civil commitments at the Minnesota Sex Offender Program (MSOP), and obtaining the first release of anyone during MSOP's 20 plus years for an individual who was indefinitely confined for offenses he committed as a child; and
- Representation resulting in a change in Ramsey County Adult Detention Center's religious head-coverings policy to allow detained individuals to wear head coverings in booking photos.

The United States District Court for the District of Minnesota, the Minnesota Chapter of the Federal Bar Association, and the *Pro Se* Project are extremely appreciative of Dan Gustafson's service, and grateful for his valuable contributions to enhance access to our justice system, his work to significantly improve the lives of individuals, and his tireless efforts to provide a voice to those who otherwise would not be heard.



THANK YOU TO THE PRO SE PROJECT VOLUNTEER ATTORNEYS

THANK YOU

Pro bono is short for *pro bono publico*, a Latin phrase meaning, "for the public good." *Pro bono publico* implies a sense of providing public service to those who are unable to obtain the services of skilled professionals, and it is a necessary calling for attorneys.

Over the past decade, 514 talented attorneys have demonstrated their professionalism and contribution to the greater good by volunteering through the *Pro Se* Project. Through their generous *pro bono* work, these attorneys provide meaning to the promise of equal justice, demonstrate by example that everyone's rights – regardless of income, education, background, or circumstances – matter, and fulfill the *pro bono publico* calling. The volunteer attorneys' extraordinary work has enabled the *Pro Se* Project to help fill the justice gap for civil litigants and improve access to justice in our federal court for the past decade.*

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^{*}This list represents attorneys who volunteered through the *Pro Se* Project between May 1, 2009, and December 31, 2019. If there is an omission in the list, please accept the *Pro Se* Project's apologies, and please contact the *Pro Se* Project at project@q.com.

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THE PRO SE PROJECT

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