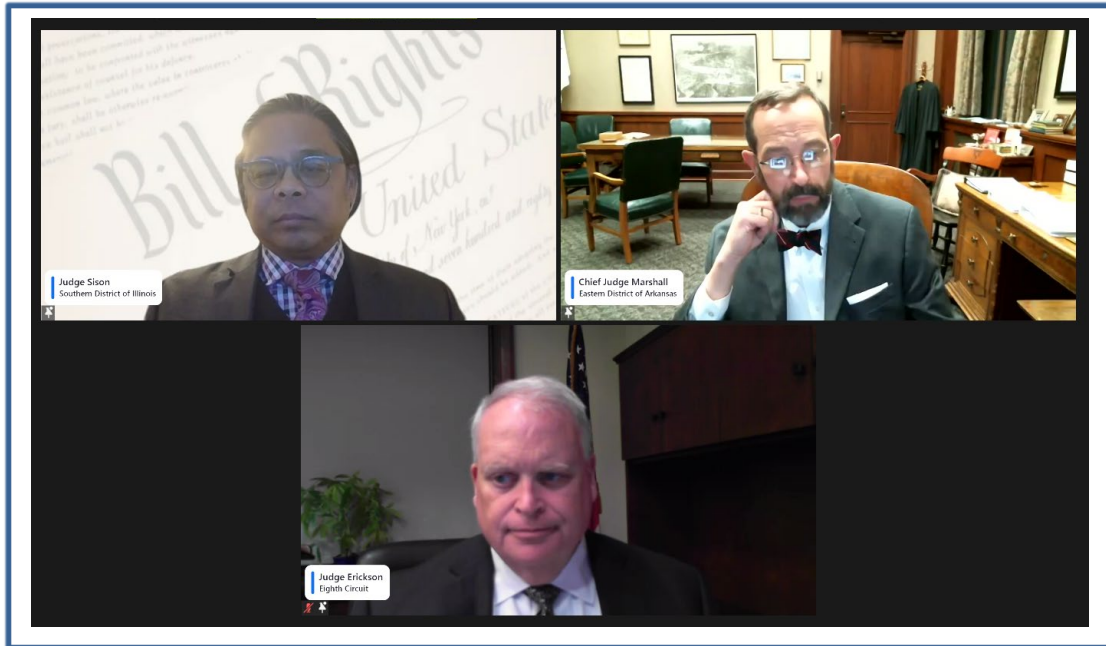


NEWSLETTER

Winter 2023



Federal courts throughout the country celebrated Bill of Rights Day on December 15, 2022, the day the Constitution’s first ten amendments were ratified in 1791. For the third straight year, the Seventh and Eighth Circuits recognized the day with a contest for students in grades 5-12 to submit art, videos, and essays about the importance of the Bill of Rights. The grand prize winners were announced on December 7 during an educational webinar featuring three federal judges. The webinar panel featured Eighth Circuit Judge Ralph Erickson, Chief Judge D.P. Marshall, Jr. from the Eastern District of Arkansas, and Magistrate Judge Gilbert Sison from the Southern District of Illinois.

See the winning entries, pages 5-6.

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Welcome!

The Eighth Circuit Bar Association welcomed five new board members in January.



Zack Bluestone

Zack Bluestone currently serves as the Appellate Chief for the U.S. Attorney’s Office in the Eastern District of Missouri, where he oversees all appellate and postconviction matters in addition to maintaining a caseload. In his previous role as a Deputy Solicitor General in the Missouri Attorney General’s Office, Zack helped manage the State’s appellate caseload. Between these two positions, Zack has first-chaired dozens of appeals in both state and federal court, and he also has served as lead counsel in high-stakes civil litigation and numerous criminal cases. After graduating from Harvard Law School, Zack clerked for Judge Raymond Gruender on the Eighth Circuit in his hometown of St. Louis. Prior to law school, Zack earned an MBA from the University of Oxford and a B.S. in Foreign Service from Georgetown University.

Jamie Giani started her career with the federal judiciary as a law clerk, spending 6 years as a career clerk before joining a capital habeas unit as an assistant federal public defender, litigating last-chance, death-penalty appeals in federal court. Jamie rejoined the courts as Chief Deputy for the Western District of Arkansas and then served as Clerk of Court until August 2022. Jamie served nationally on the District Clerk’s Advisory Group and the Pro Se Working Group for the Administrative Office of the Courts. She now works remotely as an attorney advisor for the Middle District of Florida and engages in some private legal practice and consulting. Jamie and her husband, Patricio, have 3 children: Nora, Millie, and Gio. Millie died suddenly in October 2019 at age 5. Jamie has since been transparent about her struggles with grief and has been an outspoken advocate of mental health awareness and support in the workplace, particularly in the legal profession.



Jamie Giani



Risie Howard

Risie Howard is a solo practitioner in Pine Bluff, Arkansas at the George Howard, Jr. Legal Center named for her late father United States District Judge George Howard, Jr., who was a graduate of the University of Arkansas at Fayetteville School of Law.

Before entering private practice, Howard completed an eight-month assignment on the Arkansas Appeal Tribunal and conducted over 1,000 hearings, writing all her own decisions.

She worked as a summer intern with the United States Navy Judge Advocate General's Corps, at the Regio Legal Service Office in Gulfport, Mississippi where she assisted civil and criminal defense attorneys with research, pre-trial preparation, hearings and trials. She prepared wills, powers of attorney and other documents for deploying service members in the Navy, Air Force and Marines and other assignments in the civil division of Fleet and Family Services where she

designed a Child-Care Agreement for use on Naval bases throughout the Southeast Region of the United States, and was trained as the office expert on the Post-9/11 GI Bill. Two of her articles were published nationwide in U.S. Navy Journals: "Understanding the Post 9/11 GI Bill" and "Did You Assign Your Life Insurance Policy Before Your Military Service Began?"

Howard, a 2010 graduate of the University of Arkansas at Little Rock-Bowen School of Law, received the Class Public Service and the Dean's Distinguished Public Service Awards. She earned "Top Paper", in Prudent Investing of Trusts, and was chosen Chief Justice for Mock Trial by her Legal Reading, Writing, and Analysis classmates. She served as Vice President of the Student Bar Association Part-time Division, and joined the Delta Theta Phi International Legal Fraternity.

She was a recipient of the UALR Office of Campus Life 13th Annual Harambee Award for graduate minority students in any field, campus-wide, that attains a GPA of 3.90 or above in any semester, and was selected to participate in the UALR 2009-2010 Provost's Campus-Community Book Discussion initiative.

She holds licenses to practice in the State of Arkansas, United States District Court and the Eighth Circuit Court of Appeals.

Prior to law school, Howard taught secondary physics, chemistry, and biology. She was named Teacher of the Year by her colleagues and administrators (2001-2002), and Who's Who Among America's Teachers (a student-nominated award) each of her three years of tenure with the Little Rock School District. Howard has also worked as a statistician with the Department of Agriculture, as a Bilingual Claims Representative with the Social Security Administration, and as an officer with the Federal K-9 Security Agency.

Haley Hermanson is an attorney at Nyemaster Goode, P.C., in Des Moines. Preparation and strategy are key to Haley Hermanson’s litigation practice. “Some of my favorite aspects of practicing law involve strategy and the long game,” Haley says. “I think through a case well in advance of making an argument.”

With a primary focus on employment litigation, Haley defends clients against discrimination claims brought pursuant to the Iowa Civil Rights Act and related federal acts, equal pay claims, defamation, and other employment law disputes. She also has an active appellate practice, representing clients before Iowa’s appellate courts and the Eighth Circuit Court of Appeals in a wide variety of cases including contract disputes, premises liability and tort claims, and employment matters. Haley enjoys that each case offers a new set of facts with unique challenges.

In-depth preparation is essential to Haley’s litigation practice. It is particularly vital in appellate work. “You have to know the record inside and out, everything that’s been submitted as evidence,” she says. “You need to know what’s in the record, where to find it, be able to explain what impact a particular fact has on the case overall, and present your legal analysis as applied to those facts.”



Haley Hermanson



Cathy Trent-Vilim

Cathy S. Trent-Vilim is a partner at Lamson, Dugan and Murray in Omaha, where she specializes in appellate practice, commercial litigation, and professional negligence. She received her Bachelor of Arts degree in Political Science from Loyola Marymount University, her Master of Arts degree in Political Science from California State University - Long Beach, and her Juris Doctor degree from the University of Nebraska College of Law. While at Nebraska, she was an Executive Editor for the Nebraska Law Review and was elected to the Order of the Coif. Ms. Trent-Vilim is the current Nebraska chair for the ABA Council of Appellate Lawyers and is a former co-chair of the Appellate Practice Section of the Nebraska State Bar Association.

Bill of Rights Day Award Winners

**By Da'Mya Dickson,
Marshfield (Mo.) Central High School**

Our Bill of Rights acknowledges our basic rights as citizens and is extremely important in our society. These freedoms are valuable and are protected by the courts through equality and fairness (Age UK). However, as seen in the case of *Hazelwood School District v. Kuhlmeier* in 1988, did not extend those protections to the rights of students.

In the *Hazelwood School District v. Kuhlmeier* case, the principal of Hazelwood disagreed with the publication of two articles in the school's newspaper, *Spectrum*, which the Journalism II students wrote. In one article regarding experiences with teen pregnancy, the principal felt the topic was too sensitive for young audiences. The second article dealt with the impact of divorce. The principal noted that he was concerned that the parents had not been notified prior. Therefore, he removed the articles from publication. The students felt that their First Amendment rights were violated. The case was decided by the U.S. Supreme Court in 1988, with a 5-3 decision in favor of the school. The overall conclusion was that school officials have the power to censorship the students' speeches. (US Courts)

This case challenges my understanding because I was taught that as a student, I have the right to speak and express my opinions with any given information, as long as it is not disruptive to the educational process as expressed in the case of *Tinker*. But with the decision of the *Hazelwood* case, it's obvious that what I say is being restricted and limiting my rights as a student. The principal has more power over my own words and written expression. According to *Casetext*, "*Spectrum* was not just a class exercise

This essay was the winning entry in the high school division of the dual-circuit Bill of Rights day contest. Five hundred students from the 10-state region covered by the Seventh and Eighth Circuits submitted essays, art, or multimedia presentations. The winning entry in the middle school division was the "Bill of Rights Rap" submitted by Evan Berry and Hunter Rogers at Bergman Middle School in the Western District of Arkansas. The song is available at this link:

https://www.youtube.com/watch?v=It2SUL0oJ_4

A list of the winners is on the next page.

in which students learned to prepare papers and hone writing skills, it was a public forum established to give students an opportunity to express their views while gaining an appreciation of their rights and responsibilities under the First Amendment to the United States" (Heaney & Wollman). It is clear that the courts did not protect students' rights through equality and fairness.

I disagree with the court's decision on the grounds that students should generally be able to clearly express their feelings or viewpoints without worrying about being censored. It is an issue when in a democracy, students are afraid to express their true thoughts on a topic. Teaching high school students to speak about real situations, like teen pregnancy, helps students grow and become comfortable with speaking on real-world issues. Issues that many students my age are dealing with in their current lives. Our understanding of real-world situations and the way it is presented through education begins the process of thinking and dealing with issues as an

Continued on next page

adult.

Students today are inundated with different news outlets and social media that share those real-world stories with the public. Our schools should guide students through these issues and explore ways to be knowledgeable and comfortable with speaking and dealing with these situations that happen all around us in our everyday lives.

Education should be providing opportunities for students to learn about real-world issues, as well as providing opportunities to understand their role in a society that values the freedoms given in the Bill of Rights. The decision of the *Hazelwood v. Kuhlmeier* court case removes that learning experience and shows that the courts do not protect students' rights. The impact of this case affects students by expanding the schools' right to rule over student speech.

HEANEY, C.J. and [46] WOLLMAN, C.J. (1986) *Kuhlmeier v. Hazelwood School Dist*, Legal research tools from Casetext. Available at: <https://casetext.com/case/kuhlmeier-v-hazelwood-school-dist-4#:~:text=Spectrum%20was%20not%20just%20a,Amendment%20to%20the%20United%20States> (Accessed: October 29, 2022).

Human rights (no date) *Age UK*. Available at: <https://www.ageuk.org.uk/information-advice/work-learning/discrimination-rights/human-rights/> (Accessed: October 29, 2022).

Facts and case summary - Hazelwood v. Kuhlmeier (no date) *United States Courts*. Available at: <https://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-hazelwood-v-kuhlmeier#:~:text=Facts%20and%20case%20summary%20for,articles%20in%20the%20school%20newspaper.> (Accessed: October 29, 2022).

High School:

1. Da'Mya Dickson (essay), Western District of Missouri, Marshfield Central High School
2. Addison Beaton (video), Southern District of Indiana, Homeschooled
3. Reagan Fiandt (essay), Northern District of Indiana, Homeschooled
4. Honorable Mention: Madison Olszewski (artwork), Eastern District of Wisconsin, Menasha High School

Middle School:

1. Evan Berry and Hunter Rogers (song), Western District of Arkansas, Bergman Middle School
2. Deirbhile Hennessy (essay), Southern District of Iowa, Ames Middle School
3. Xuanying Li (artwork), Eastern District of Arkansas, Batesville Jr. High Charter
4. Honorable Mention: Anna Frantzen (poem), Eastern District of Missouri, Good Shepherd Catholic School

Chief Judge Smith appointed chair of Judicial Conference executive committee.

The first Black jurist to serve as the chief judge of Eighth Circuit Court of Appeals, the Hon. Lavenski Smith, has been appointed by U.S. Supreme Court Chief Justice John Roberts to serve as the newest chair of the Judicial Conference's executive committee.

In 2002, Chief Judge Smith became the first Black person from Arkansas to ever serve on the Eighth Circuit. He became its chief judge in 2017.

The Judicial Conference is responsible for considering policy changes for the third branch and making recommendations to Congress for legislation that relates to the judiciary. Membership of the conference includes the chief judge of each circuit, the chief judge of the Court of International Trade, and a district judge from each regional circuit. By statute, Chief Justice Roberts serves as the presiding officer.

The Judicial Conference's recent areas of focus have



Chief Judge Smith

included modernizing the electronic court records system known as PACER, bolstering judicial security and addressing concerns by employees about workplace misconduct.

Past chairs include Attorney General Merrick Garland, who led the committee from 2017-2020 when he was a judge on the D.C. Circuit.

Article *from*
<https://www.fd.org/news/pioneering-black-judge-lead-us-judicial-conferences-executive-arm>



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Views expressed in this newsletter are those of the authors, not necessarily those of the Eighth Circuit Bar Association.

Save the date!

Eighth Circuit Judicial Conference

July 12-14, 2023, Minneapolis, MN

Full agenda and on-line registration coming soon.

For more information, please contact:

Circuit Executive Office

JudConf@ca8.uscourts.gov, (314) 244-2600