GREENE ESPEL PLLP

John M. Baker Attorney

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OVERVIEW

Other attorneys often request him to seek reversals for their clients on appeal or to protect the results obtained in the trial court. John has presented oral argument on appeal more than 30 times. While John has significant experience in private and public-sector matters, he is best known as an advocate, author, and speaker on constitutional law, land-use litigation, appellate practice, First Amendment law, and defamation. He routinely receives and accepts invitations to speak at annual state and national programs on topics related to one of these areas of focus.

John frequently assists attorneys to prepare for high-stakes appellate arguments. As part of that work he has served as a justice in moot courts for attorneys from Washington D.C., Georgia, Wisconsin, and Texas in matters before the United States Supreme Court, and has worked with more than one dozen attorneys in preparing for arguments to the Minnesota Supreme Court.

EDUCATION

- J.D., University of Michigan Law School, *cum laude*
- B.A., University of Iowa, *with High Distinction*
- Hancher-Finkbine Medallion Recipient

EXPERIENCE

- Popham, Haik, Schnobrich & Kaufman, Ltd., Minneapolis, Minnesota, Associate, Litigation Department
- Law Clerk, United States District Court, Northern and Southern Districts of Iowa, The Honorable Donald E. O'Brien, Chief Judge

ADMISSIONS

- U.S. Supreme Court
- U.S. Courts of Appeals for the First, Sixth, Seventh, Eighth, Ninth and Eleventh Circuits
- U.S. District Court for the District of Minnesota
- U.S. District Court for the Eastern District of Wisconsin
- U.S. Court of Federal Claims
- State Bar of Minnesota

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AFFILIATIONS

- Eighth Circuit Bar Association, President (2018)
- Minnesota State Bar Association, Appellate Practice Section
- American Bar Association
- Hennepin County Bar Association

RECOGNITION

- 2021 ICON honoree, *Minnesota Lawyer* and *Finance & Commerce*
- 2021 President's Award: Outstanding Associate Member Award, International Municipal Lawyers Association
- Recognized as Minnesota State Bar Association North Star Lawyer for pro bono service (2020-2021)
- Listed in *The Best Lawyers in America* (2015-2024)
    - *Lawyer of the Year* (2020, 2023)
- Selected to Super Lawyers list, *Minnesota Super Lawyers* (2003-2023)
    - Selected to Top 100 Super Lawyers list, *Minnesota Super Lawyers* (2022-2023)
- *Amicus Service Award,* International Municipal Lawyers Association (2012, 2016-17, 2019)
- Selected to list of "Top 25 Appellate Law Super Lawyers," *Minnesota Journal of Law and Politics* (2005)

COMMUNITY

- American Planning Association
    - Chair, Amicus Committee
- Sensible Land Use Coalition
- University of Iowa Political Science Department, Advisory Board

John also served as the prosecutorial misconduct team leader of the pro bono partnership that overturned the conviction and death sentence of Florida inmate Donald Gunsby. See *State v. Gunsby*, 670 So. 2d 920 (Fla. 1996).

NEWS & UPDATES

- **August 17, 2023** *Best Lawyers Recognizes 16 Greene Espel Attorneys on the 2024 Best Lawyers and Best Lawyers: Ones to Watch Lists*
- **July 18, 2023** *16 Greene Espel Attorneys Recognized on the Minnesota Super Lawyers and Rising Stars Lists*
- **August 18, 2022** Best Lawyers Recognizes 14 Greene Espel Attorneys on the 2023 Best Lawyers and Best Lawyers: Ones to Watch Lists
- **July 18, 2022** 16 Greene Espel Attorneys Recognized on the Minnesota Super Lawyers and Rising Stars Lists
- **April 13, 2022** John Baker and Kate Swenson Receive Amicus Service Award from International Municipal Lawyers Association
- **October 18, 2021** *Minnesota Lawyer* and *Finance & Commerce* Name Attorneys John Baker and Larry Shapiro as 2021 ICON Honorees
- **October 11, 2021** Greene Espel Attorneys Recognized in 2022 "Best Lawyers in the Midwest" Publication
- **October 4, 2021** John Baker Receives IMLA's 2021 President's Award for Outstanding Associate Member
- **August 19, 2021** Best Lawyers Recognizes 14 Greene Espel Attorneys on the 2022 Best Lawyers and Best Lawyers: Ones to Watch Lists
- **July 21, 2021** Award: Super Lawyers Recognizes 13 Greene Espel Attorneys on the 2021 Minnesota Super Lawyers and Rising Stars Lists
- **August 20, 2020** Award: The Best Lawyers in America 2021 Recognizes 17 Greene Espel Lawyers
- **July 20, 2020** Award: Super Lawyers Recognizes 20 Greene Espel Attorneys

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- **July 9, 2020** Client Win: United States Supreme Court Upholds Federal Ban on Most Robocalls, as Urged in Greene Espel Pro Bono Amicus Brief
- **November 28, 2019** Press Mention: John Baker Comments on Case That Could Eliminate the Quo Warranto Writ from Minnesota Law
- **October 1, 2019** Event (10/1/2019): John Baker to Speak on the Supreme Court's Knick Decision
- **August 15, 2019** Eleven Greene Espel Lawyers Listed in "The Best Lawyers in America 2020"
- **August 6, 2019** Case Analysis: Minnesota Supreme Court upholds the exercise of specific personal jurisdiction over Ford arising out of an auto accident in Minnesota.
- **July 8, 2019** 2019 Super Lawyers and Rising Stars Lists Include 18 Greene Espel Attorneys
- **March 29, 2019** John Baker Receives Award from International Municipal Lawyers Association
- **August 15, 2018** Nine Greene Espel Lawyers Listed in "The Best Lawyers in America 2019"
- **July 5, 2018** Greene Espel Lawyers Receive Recognition in 2018 Super Lawyers and Rising Stars Lists
- **June 20, 2018** The Minnesota Supreme Court Issues Opinion in Favor of Client, City of Rochester
- **December 1, 2017** Greene Espel Successfully Urges U.S. Supreme Court to Review Public Power Case
- **October 28, 2017** Greene Espel Wins Trial for Client City of Rochester, Minnesota
- **September 26, 2017** Greene Espel Attorneys Secure Court of Appeals Victory
- **August 15, 2017** Nine Greene Espel Attorneys Listed in The Best Lawyers in America
- **July 5, 2017** Super Lawyers Recognizes Thirteen Greene Espel Lawyers in 2017
- **October 26, 2016** Teacher Tenure Act Case Dismissed
- **October 19, 2016** Greene Espel Attorneys Present at Supreme Court Preview
- **September 26, 2016** John Baker Comments In Star Tribune Article “Signs Can Go Wild During Election Season"
- **September 26, 2016** John Baker to speak at International Municipal Lawyers Association Conference
- **August 16, 2016** Seven Greene Espel Attorneys Listed in The Best Lawyers in America 2017
- **July 5, 2016** Super Lawyers 2016 Recognizes Sixteen Greene Espel Attorneys
- **October 26, 2015** Chris L. Schmitter joins firm
- **October 14, 2015** Baker co-authors leading treatise on sign law
- **August 18, 2015** Best Lawyers in America 2016 honors seven Greene Espel attorneys
- **July 17, 2015** Baker discusses impact of Supreme Court's Gilbert decision for American Planning Association and International Municipal Lawyers Association
- **July 8, 2015** Baker outlines impact of Reed v. Gilbert decision on sign regulation for ABA webinar
- **July 7, 2015** Super Lawyers 2015 recognizes fifteen Greene Espel attorneys for honors
- **June 26, 2015** Baker discusses Reed v. Gilbert for APA's 2015 Planning Law Review
- **January 22, 2015** Baker, Greene, and Swenson speak at the 2015 Midwest Conference on Land Use and Eminent Domain
- **August 18, 2014** Best Lawyers in America 2015 lists seven Greene Espel attorneys
- **July 7, 2014** Super Lawyers 2014 recognizes twelve Greene Espel attorneys for honors
- **December 18, 2013** Greene Espel client wins summary judgment in excessive force suit
- **November 14, 2013** Baker and Swenson teach American Planning Association webinar
- **July 12, 2013** Baker speaks about Supreme Court Koontz decision at American Planning Association events
- **July 8, 2013** Super Lawyers 2013 recognizes eleven Greene Espel attorneys for honors
- **June 14, 2013** Greene Espel client City of Red Wing wins at Minnesota Supreme Court
- **June 14, 2013** Greene Espel client City of Rochester wins summary judgment in public-transit dispute
- **May 23, 2013** Baker and Swenson co-author article in leading zoning law journal
- **January 23, 2013** Baker contributes to Fourth Circuit sign ordinance win
- **September 24, 2012** Karl Procaccini joins firm
- **July 12, 2012** Super Lawyers 2012 recognizes ten Greene Espel attorneys for honors
- **January 27, 2012** Greene Espel client wins at Eighth Circuit
- **July 13, 2011** Super Lawyers recognizes ten Greene Espel attorneys for honors
- **February 11, 2011** Baker, Mills present at Minnesota City Attorneys Educational Conference
- **October 1, 2010** Court of Appeals affirms dismissal in favor of Greene Espel client City of Red Wing

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- **July 27, 2010** Super Lawyers recognizes Baker, Bazis, Espel, Greene, and Luger
- **August 21, 2009** Greene Espel represents National Football League Players Association (NFLPA) in Eighth Circuit appeal
- **June 18, 2009** Minnesota cities may issue bonds to finance high-speed Internet/telephone/cable system
- **March 7, 2007** John Baker comments on digital billboard cases
- **January 23, 2006** Cliff Greene is recognized as a Top 10 Super Lawyer

EVENTS & PRESENTATIONS

- **August 1, 2022** *Civil Appeals A to Z: Appellate Motion Practice*, Minnesota CLE
- **July 30, 2019** Event (7/30/2019): What the Supreme Court's Knick Decision Did and Did Not Change
- **February 1, 2019** *Panhandling – Constitutional Considerations*, Minnesota Association of City Attorneys Conference
- **February 1, 2019** *The Aftermath of the Janus Decision*, Minnesota Association of City Attorneys Conference
- **May 1, 2018** *Successful Brief Writing Strategies and Skills, Minnesota Attorney General's Office: Mastering Appellate Practice*, Panelist
- **February 1, 2018** *Planning and Law Caselaw Update*, APA Planning & Law Division, Webinar
- **October 1, 2017** *Using the Takings Clause to Seek Compensation for Flooding*, National Takings Conference, Presenter (October 2017)
- **October 1, 2017** *The Supreme Court Term in Preview*, Eighth Circuit Bar Association, Panelist (2017)
- **September 1, 2017** *Planning Law Review*, American Planning Association, 2017 Policy and Advocacy Conference Webinar, Presenter
- **September 1, 2017** *Use of Rule 68 Offers of Judgment as an Effective Litigation Strategy*, League of Minnesota Cities, Co-presenter
- **August 1, 2017** *Signs and Speech: Two Years after Reed*, National League of Cities Webinar, Presenter (August 2017)
- **May 1, 2017** *Alternatives to Eminent Domain*, American Planning Association National Planning Conference, Panelist
- **May 1, 2017** *Sign Regulation after Reed v. Gilbert*, American Planning Association National Planning Conference, Panelist
- **February 1, 2017** *Protests and Assemblies*, Minnesota City Attorneys Educational Conference, Panelist
- **February 1, 2017** *Panhandling, Peddling*, and Other Free Speech, Minnesota City Attorneys Educational Conference
- **October 1, 2016** *The Supreme Court Term in Preview*, Eighth Circuit Bar Association, Panelist
- **September 1, 2016** *Recent Developments in First Amendment Law: Panhandling and Solicitation Regulations*, International Municipal Lawyers Association National Convention, Panelist
- **July 1, 2015** *Planning Law Review*, American Planning Association webinar, Panelist
- **July 1, 2015** *Signs: A Different Kind of Land Use (especially after the Reed decision)*, International Municipal Lawyers Association webinar, Panelist
- **July 1, 2015** *The New World of Sign Regulation: Understanding the Supreme Court's Reed v. Town of Gilbert Decision*, American Bar Association webinar, Panelist
- **July 1, 2015** *A Sign Regulation Apocalypse? Understanding the U.S. Supreme Court's Decision in Reed v. Town of Gilbert*, American Planning Association webinar, Panelist
- **April 1, 2015** *Content-Neutral Sign Regulation After Reed v. Gilbert*, American Planning Association National Conference, Panelist
- **April 1, 2015** *Street Graphics and the Law*, 4th Edition, American Planning Association National Conference, Panelist
- **February 1, 2015** *Damages in Inverse Condemnation and Land Use Exaction Cases After U.S. Supreme Court Case of Koontz v. St. Johns River Water Management District*, The 2015 Minnesota Conference on Land Use and Eminent Domain, Minnesota Continuing Legal Education, Panelist
- **May 31, 2014** Adjunct Professor of Land-Use Law, William Mitchell College of Law, St. Paul, Minnesota, (January 2006 - May 2014)
- **April 1, 2014** *Reading the Signs, American Planning Association National Conference*, Panelist

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- **February 1, 2014** *Koontz Decision and its Impact on Municipal Land Use Decisions; Development Agreements*, Minnesota Association of City Attorneys Educational Conference, Panelist
- **December 31, 2013** *Koontz: What Does it Mean in Minnesota?*, Minnesota Chapter of the American Planning Association and Hennepin County Bar Association Environmental Law Section, Panelist
- **November 1, 2013** *Holiday Decorations, Public Property, and the Law*, American Planning Association Webinar, Panelist
- **July 1, 2013** *Lessons from Koontz v. St. Johns River Water Management District: Game Changer or Just a Little Rule Refinement?*, American Planning Association Webinar, Panelist
- **March 1, 2013** *Preparing Your Appeal: How to Moot Your Case Effectively*, Appellate Practice Institute, Panelist
- **January 1, 2013** *Managing Billboards in the Digital Age*, 2013 APA National Conference (Chicago), Panelist
- **February 1, 2011** *Open Minds, Closed Records & Meaningful Hearings: How 'judicial' must a quasi-judicial action be?*, Minnesota City Attorneys Educational Conference
- **December 31, 2008** *Protecting Your Sign Code Against Attack*, APA National Conferences, 2007 and 2008
- **December 31, 2008** *Bettman Symposia Panelist*, APA National Conferences, 2007 and 2008
- **June 1, 2006** *Appellate Issues from a District Court Perspective*, Panelist and Moderator, Annual Seminar, Minnesota Chapter of the Federal Bar Association
- **March 1, 2006** *New Developments in Comprehensive Planning*, Real Estate Law Society of William Mitchell College of Law
- **September 1, 2005** Debates before the University of Minnesota's Federalist Society Chapter regarding *Kelo v. City of New London*, against Dana Berliner of the Institute for Justice (February 2005) and Roger Pilon of the Cato Institute
- **May 1, 2005** Panel discussion regarding *Kelo v. City of New London* before the William Mitchell College of Law chapter of the American Constitutional Society
- **April 1, 2004** *Dormant Commerce Clause Attacks on Local Zoning*, International Municipal Lawyers Association Mid-Year Seminar
- **January 1, 2002** *Four Recurring Ethical Issues in Public Sector Litigation*, Minnesota Government Training Service – City Attorney Update
- **January 1, 2002** *Ex Parte Contacts with Public-Sector Clients During Litigation*, Minnesota State Bar Association Continuing Legal Education, Developing Land: Getting Local Governmental Approval
- **January 1, 1999** *Defamation by Implication: Finding Falsity from Truth*, Minnesota Institute of Legal Education Defamation Law Seminar
- **January 1, 1998** *Development Fees*, Minnesota Government Training Service – City Attorney Update

ARTICLES & PUBLICATIONS

- **December 31, 2023** Co-Author of an Eighth Circuit blog on Law.com (2019-present)
- **October 21, 2020** No Clearly Established Due Process Right to Informational Privacy, Says Eighth Circuit
- **June 17, 2020** Decision To Remove Children From Father's Custody Not Unlawful Given Compelling Interest in Protecting Minors
- **May 18, 2020** Eighth Circuit Decision Demonstrates Conflicting Views on Use of Deadly Force
- **March 11, 2020** Eighth Circuit Affirms Preliminary Injunction Against Enforcement of Arkansas 'Blackout' Periods for Campaign Contributions
- **December 18, 2019** Eighth Circuit Joins Those Invalidating Traditional Panhandling Laws, While Some Newer Approaches Are Upheld
- **November 18, 2019** Eighth Circuit Flips Invalidation of Engagement-letter Arbitration Clause
- **January 1, 2015** Co-Author of *Street Graphics and the Law*, Fourth Revised Edition
- **May 1, 2013** Co-Author of *Koontz v. St. Johns River Water Management District: Trudging Through a Florida Wetland with Nine U.S. Supreme Court Justices*, 36 Zoning and Planning Law Report 5 at 1
- **October 1, 2007** *Dr. Strangebill (or How the Last Congress Learned to Stop Worrying and Love Substantive Due Process)*, 54 Fed. Lawyer 40
- **August 14, 2006** *Bulldozing Their Principles*, 29 Legal Times No. 33 at 46

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- **January 1, 2006** Co-Author of *Drawn From Local Knowledge . . . and Conformed to Local Wants': Zoning and Incremental Reform of Dormant Commerce Clause Doctrine*, 38 Loy. U. Chi. L.J. 1
- **January 1, 2006** *The Modern Tower of Babel: Defending the New Wave of First Amendment Challenges to Municipal Billboard and Sign Regulations*, 58 Planning and Environmental Law No. 10 at 3 (with Robin M. Wolpert)
- **January 1, 2005** *Debunking the Urban (Planning) Legends About Kelo*, 57 Planning and Environmental Law No. 9 at 11
- **January 1, 1994** *The Minnesota Constitution as a Sword: The Evolving Private Cause of Action*, 20 Wm. Mitchell L. Rev. 313
- **January 1, 1990** *The Shrinking Role of the Jury in Constitutional Litigation*, 16 Wm. Mitchell L. Rev. 697

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