



## ERICA A. HOLZER

Associate

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### OVERVIEW

Erica Holzer represents clients in complex commercial disputes primarily in the areas of tort and product liability, consumer fraud, business torts, and breach of contract actions. Erica's product liability defense work spans many industries, with particular experience in FDA-approved medical devices, representing a major medical device manufacturer in federal and state courts throughout the country. She has also developed specialized experience providing advice and compliance support to government contractors and companies on public law issues, particularly state and federal open records laws, including the Minnesota Government Data Practices Act and the federal Freedom of Information Act. Erica is also an experienced appellate attorney. She has authored, co-authored, and edited dozens of appellate briefs, and is frequently sought out to provide advice on appeals in the Eighth Circuit and the appellate courts of Minnesota.

Maslon clients regularly comment that they view Erica not only as a sophisticated lawyer and trusted legal advisor, but also as a valuable business partner. Her strategic instincts and exceptional writing abilities have secured key wins for clients, both at the trial level and on appeal. Erica's successes as a litigator and appellate advocate were recently recognized by *Minnesota Lawyer*, which named her as one of Minnesota's "Up and Coming" Attorneys in 2018.

Along with her dedicated work for clients, Erica is committed to advancing the profession through leadership, education, mentorship, and pro bono service. She regularly devotes several hundred hours each year to pro bono work on behalf of the ACLU of Minnesota, the Innocence Project of Minnesota, individual pro bono clients, and the MSBA.

Erica was recently appointed by the Chief Justice of the Minnesota Supreme Court to serve as a member of the Supreme Court Advisory Committee on the Minnesota Rules of Civil Appellate Procedure. She also serves on the Governing Council and as Secretary and Treasurer of the Minnesota State Bar Association's Appellate Practice Section, the MSBA's Ad Hoc Judicial Elections Committee, and the Board of Directors of the Minnesota Supreme Court Historical

### AREAS OF PRACTICE

Litigation

- Appeals
- Business Litigation
- Tort & Product Liability

### BAR ADMISSIONS

Minnesota

U.S. District Court

- Minnesota, 2014

U.S. Court of Appeals

- Eighth Circuit, 2015

### EDUCATION

William Mitchell College of Law  
J.D., *summa cum laude*, 2013

University of Minnesota, Twin Cities  
B.A., 2006

Major: Psychology

Society. She frequently writes and presents on topics related to appellate law and practice, including authoring a chapter in the *Eighth Circuit Appellate Practice Manual*.

Before joining Maslon, Erica served as a law clerk to the Honorable Matthew E. Johnson, then Chief Judge of the Minnesota Court of Appeals. She earned her law degree, *summa cum laude*, from William Mitchell College of Law, where she served as the editor-in-chief of the *William Mitchell Law Review*. During law school, she was the recipient of the Minnesota Lavender Bar Association's Student Leadership Award and the William Mitchell "Student Award of Merit" at commencement. Prior to law school, Erica worked for several years as an account executive in a marketing firm.

## LEADERSHIP & COMMUNITY

- Minnesota Supreme Court Advisory Committee: Rules of Civil Appellate Procedure 2018-2020
- Minnesota State Bar Association: Appellate Practice Section, Secretary and Treasurer 2019, Governing Council 2016-2019; Ad Hoc Judicial Elections Committee 2018-present
- Epilepsy Foundation of Minnesota: Board of Directors 2019
- Minnesota Supreme Court Historical Society: Board of Directors
- Minnesota Lavender Bar Association
- Minnesota Women Lawyers
- Eighth Circuit Bar Association
- Federal Bar Association – Minnesota Chapter
- Hennepin County Bar Association

## SELECTED HONORS

- **Recognized on Minnesota Rising Stars list as part of the Super Lawyers® selection process, 2019** (*Minnesota Rising Stars is a designation given to only 2.5 percent of Minnesota attorneys each year, based on a selection process that includes the recommendation of peers in the legal profession.*)
- **Up & Coming Attorney**, *Minnesota Lawyer*, 2018
- **2018 Outstanding New Lawyer of the Year**, Minnesota State Bar Association New Lawyer's Section
- **North Star Lawyer**, Minnesota State Bar Association, 2016-2018 (*North Star Lawyer is a designation that recognizes members who provide 50 hours or more of pro bono legal services in a calendar year.*)

## SELECTED PRESENTATIONS

- "Preemption in Drug and Medical Device Cases: An Overview and Hot Topics," panel member, webinar, DRI Young Lawyers Committee, 2019
- "Practitioners' Perspectives on Effective Advocacy," moderator, Minnesota CLE Appellate Practice Institute, 2019
- "A Fireside Chat with Supreme Court Justice Margaret Chutich," moderator, Minnesota CLE Appellate Practice Institute, 2019
- "A New Look at Attorney Client Privilege and Waiver Issues," In-House Super Course, ACC Minnesota, 2019
- David Herr, Erica Holzer, and Jevon Bindman to Present at Minnesota CLE's 2019 Civil Litigator's Annual Short Course
- "Appeals: Repairing Mistakes on Appeal and Avoiding New Ones," webcast, Minnesota Lawyers Mutual, 2018
- "Attorney-Client Privilege and Work Product Protection," Legal Quick Hit, ACC Small Law Department Committee, 2018
- "The Nuts and Bolts of an Appeal," panel member, 2018 Appellate Practice Institute, Minnesota CLE, 2018
- "Determining Parentage in Assisted Reproductive Technology Cases," Minnesota Lavender Bar Association Annual Conference, 2015
- "Five Recent Minnesota Supreme Court Cases You Need to Know," William Mitchell College of Law, March 2012
- "Same-Sex Divorce in a DOMA State," Minnesota Lavender Bar Association, January 2011

**SELECTED PUBLICATIONS**

- "Inclusion in Practice: Gender-Inclusive Legal Writing and Communications (or Why 'Dear Sir or Madam' Must Go)," co-author, Raising the Bar, Defense Research Institute, April 2019
- Chapter 9 "Motions Practice and Summary Disposition of Appeal," *Eighth Circuit Appellate Practice Manual*, Minnesota CLE (8th ed. 2018)
- "Initiating a State Court Appeal," Appellate Practice Section practicelaw materials, Minnesota State Bar Association (2017 update)
- "Magistrate Judge Schultz Joins District Bench," *Bar Talk*, Federal Bar Association, Minnesota Chapter, 2017
- "Codifying the Intent Test," co-author, 41 *Wm. Mitchell L. Rev.* 130 (2015)
- Case Note, "Striking a Balance: Minnesota's Minority Stance on the Privilege to Defame—*Zutz v. Nelson*," 38 *Wm. Mitchell Law Rev.* 559 (2011)