

ERICA A. HOLZER

Partner
Co-Chair of the Appellate Practice Group

erica.holzer@maslon.com
Phone: 612.672.8387

OVERVIEW

Erica Holzer represents clients in complex commercial disputes primarily in the areas of tort and product liability, consumer fraud, business torts, insurance coverage, and breach of contract actions. Her 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. In her insurance-coverage work, Erica helps business policyholders secure the benefits, protection, and dollars their insurance policies are meant to provide.

Erica is also an experienced appellate attorney. She has argued before state and federal appellate courts and has authored, co-authored, and edited dozens of appellate briefs. She is frequently sought out to provide advice on appeals in the Eighth Circuit and the appellate courts of Minnesota. Erica is co-author of several leading treatises on Minnesota law and procedure, including:

- *Civil Rules Annotated*, 6th (Vols. 1, 1A, 2, & 2A, Minnesota Practice Series)
- *Elements of an Action*, 2022-2023 ed. (Vol. 28, 28A, & 28B, Minnesota Practice Series)
- *Appellate Rules Annotated*, 2023 ed. (Vol. 3, Minnesota Practice Series)
- *General Rules of Practice Annotated*, 2023 ed. (Vol. 3A, Minnesota Practice Series)

In addition, Erica authors a chapter in the *Eighth Circuit Appellate Practice Manual*. She also served as reporter for three Minnesota Supreme Court Advisory Committees: the Rules of Civil Procedure, the Rules of Civil Appellate Procedure, and the General Rules of Practice; she is the former chair of the Minnesota State Bar Association's Appellate Practice Section; and she serves on the board of the Minnesota Supreme Court Historical Society.

Erica has also developed specialized experience providing advice and compliance support to government contractors and companies

AREAS OF PRACTICE

Litigation
- Appeals
- Business Litigation
- Insurance Recovery
- Tort & Product Liability

Corporate & Securities
- Insurance Coverage Counseling

BAR ADMISSIONS

Minnesota

U.S. District Court
- Minnesota

U.S. Court of Appeals
- Eighth Circuit

U.S. Supreme Court

EDUCATION

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

University of Minnesota, Twin Cities
B.A.
Psychology

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.

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 have been recognized by the MSBA, which named her as Minnesota's "2018 Outstanding New Lawyer of the Year," and *Minnesota Lawyer*, which named her as one of Minnesota's "Up and Coming" Attorneys in 2018. Erica was named a "40 Under 40" honoree by the *Minneapolis/St. Paul Business Journal* in 2022; was recognized by Super Lawyers® as a "Rising Star," 2019-2023; was recognized on the Minnesota Super Lawyers® list, 2024-2026; was included on the list of "Best Lawyers" for 2027; and was included on the list of "Best Lawyers: Ones to Watch" from 2021 to 2025.

Erica is deeply committed to advancing equality and justice for marginalized and underrepresented communities, regularly devoting several hundred hours each year to pro bono work on behalf of the Innocence Project of Minnesota, individual pro bono clients, the ACLU of Minnesota, and the MSBA. As a result of her significant efforts, Erica was honored with the 2023 Outstanding Service Award by the Minnesota Justice Foundation, the 2021 "Best LGBTQ+ Lawyer Under 40" by the National LGBT Bar Association, and a 2020 "Business of Pride" Honoree by *Minneapolis/St. Paul Business Journal.*

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.

SELECTED EXPERIENCE

Commercial Litigation

- Represents a worldwide venue management company in contract disputes, litigation, audits, and investigations.
- Represents national furniture and home furnishings retailer in commercial agreements and disputes, real estate issues, insurance issues, and ADA compliance.
- Represented national dental practice management company in breach of contract and breach of fiduciary duty claims brought in multiple states.
- Served as liaison defense counsel for the leading corn seed developer in a Minnesota state court consolidated action involving over 65,000 individual U.S. corn growers and various entities that purchased, stored, transported, and exported corn grown in the U.S., along with a class of Minnesota corn growers alleging tort and consumer fraud claims.
- Represented national health insurance company as plaintiff in insurance fraud action, securing an early and favorable settlement.
- Represented a business owner and successfully won a motion to enforce a settlement agreement and an award of attorney fees.
- Represented mattress manufacturer and retailer in trademark infringement action.

Tort and Products Liability

- Represents Fortune 100 company pursuing insurance coverage for mass tort/product liability claims relating to PFAS products.
- Represents leading medical device manufacturer in nationwide lawsuits and appeals involving both implanted and external medical devices in multiple state and federal courts across the country.
- Represents national manufacturer and refiner of raw material in consolidated action involving alleged contamination of storm water ponds. Successfully won motion to dismiss and defeated motion for reconsideration.

Appeals

- *Wirtz v. Specialized Loan Servicing, LLC*, No. 19-1084 (8th Cir. 2021). Served as appellate counsel in dispute involving Real Estate Settlement Procedures Act (RESPA) and the Minnesota Mortgage Originator and Servicer Licensing Act (MOSLA).
- *Davis v. EagleBank et al.*, No. A20-0859 (Minn. Ct. App. 2020). Successfully obtained remand for appellant on procedural grounds.
- *In re Xcel Energy's Petition for Approval of Electric Vehicle Pilot Programs and Residential EV Subscription Service Pilot Program*, Nos. A19-1785, A20-0116 (Minn. Ct. App. Sept. 21, 2020). Served as appellate counsel for Edison Electric Institute as amicus curiae in consolidated certiorari appeals involving a challenge to Minnesota Public Utility Commission's approval of electric vehicle pilot programs.
- *In re B.H.*, No. A20-0127 (Minn. 2020). Served as appellate counsel for Standpoint, Minnesota Coalition Against Sexual Assault (MNCASA), and Battered Women's Justice Project as amici curiae in appeal involving victim privacy.
- *Cambria Company LLC v. M&M Creative Laminates Inc.*, No. A18-1978 (Minn. Ct. App. 2019). Served as appellate counsel in contract dispute involving the Minnesota Franchise Act.
- *Frederick v. Wallerich*, No. A15-2052 (Minn. 2018). Served as appellate counsel for Minnesota State Bar Association as amicus curiae in appeal involving statute of limitations for legal malpractice claims.
- *UnitedHealth Group Incorporated v. Executive Risk Specialty Insurance Company*, 870 F.3d 856 (8th Cir. 2017). Served as appellate counsel in insurance coverage dispute.
- *Mogren v. Johnson,* No. A15-1568 (Minn. Ct. App. 2016). Served as appellate counsel in contract dispute involving conversion and indemnification issues.
- *In Re Medtronic, Inc. and Medtronic Sofamor Danek USA, Inc*., No. 16-30595 (5th Cir. 2016). Served as appellate counsel in petition for writ of mandamus, ultimately obtaining favorable settlement prior to ruling.

Data Practices

- Represents a worldwide venue management company regarding data practices issues.
- Represented a national professional sports league regarding data practices issues in connection with Super Bowl LII.
- Represented a state university regarding highly sensitive data practices issues.

Employment Litigation

- Represented financial services organization in unlawful termination actions, obtaining early and favorable settlements.
- Represented one of the world's largest paint and coating corporations in unlawful termination actions, obtaining early and favorable settlements.
- Represented nationally renowned art museum in discrimination action, obtaining early and favorable settlement.
- Represented senior care company in discrimination action, obtaining early and favorable settlement.

Pro Bono

- Represented Terry Olson on behalf of the Innocence Project of Minnesota, successfully obtaining his release from prison.
- Represented Terry Olson in civil action seeking monetary damages for his wrongful incarceration, including an appeal to the Eighth Circuit Court of Appeals and a Petition to the United States Supreme Court. Noted as "Petitions We're Watching" by SCOTUSblog.
- Represented the ACLU of Minnesota in its lawsuits and an appeal seeking public release of the squad and body-worn cameras in connection with the police killings of Jamar Clark and Philando Castile.
- Represented gay man from El Salvador seeking asylum in the United States on behalf of The Advocates for Human Rights.

LEADERSHIP & COMMUNITY

- Minnesota Supreme Court Advisory Committee: Rules of Civil Procedure, Reporter 2022-2025; Rules of Civil Appellate Procedure, Reporter 2022-2025, Member 2018-Present; General Rules of Practice, Reporter 2022-2025
- Minnesota State Bar Association: Appellate Practice Section, Chair 2021; Vice Chair 2020; Secretary and Treasurer 2019, Governing Council 2016-Present; Ad Hoc Judicial Elections Committee 2018
- Epilepsy Foundation of Minnesota: President 2024-Present; Vice President 2023-2024; Secretary 2021-2023; Chair of Governance Committee 2020-Present; Board of Directors 2019-Present
- Minnesota Supreme Court Historical Society: Vice Chair 2025-2026; Secretary 2024-2025; Board of Directors 2018-Present
- Maslon UPLIFT: Legal Institute for Teens: Board Member 2026-Present
- Minnesota Lavender Bar Association
- Minnesota Women Lawyers
- Eighth Circuit Bar Association
- Federal Bar Association – Minnesota Chapter
- Hennepin County Bar Association
- Women Presidents Organization

SELECTED HONORS

- **Legal 250**, Appellate Attorneys, *Minnesota Lawyer*, 2026
- **Attorney of the Year**, *Minnesota Lawyer*, 2024
- **2023 Outstanding Service Award**, Minnesota Justice Foundation
- **40 Under 40 Honoree,** *Minneapolis/St. Paul Business Journal,* 2022
- **Best LGBTQ+ Lawyer Under 40**, National LGBT Bar Association, 2021
- **Wallace-Lerner Award for Excellence in Leadership**, *Mitchell Hamline Law Review,* 2021
- **Business of Pride Honoree**, *Minneapolis/St. Paul Business Journal*, 2020
- **Recognized on Minnesota Super Lawyers® list**, 2024-2026 (*Minnesota Super Lawyers® is a designation given to only 5% of Minnesota attorneys each year, based on a selection process that includes the recommendation of peers in the legal profession.*)
- **Recognized on Minnesota Rising Stars list as part of the Super Lawyers® selection process**, 2019-2023 (*Minnesota Rising Stars is a designation given to only 2.5% of Minnesota attorneys each year, based on a selection process that includes the recommendation of peers in the legal profession.*)
- **Selected for inclusion in *The Best Lawyers in America*®**, 2027
- **Up & Coming Attorney**, *Minnesota Lawyer*, 2018
- **2018 Outstanding New Lawyer of the Year**, Minnesota State Bar Association New Lawyer's Section
- **Selected for inclusion in Best Lawyers: Ones to Watch**, 2021-2025 (*These awards recognize attorneys, who are earlier in their careers, for outstanding professional excellence in private practice in the United States.*)
- **North Star Lawyer**, Minnesota State Bar Association, 2016-2025 (*North Star Lawyer is a designation that recognizes members who provide 50 hours or more of pro bono legal services in a calendar year.*)
- **Top Women Attorneys in Minnesota® list,** 2020-2025 *(The annual edition of the Top Women Attorneys in Minnesota list features attorneys selected for the previous year's Minnesota Super Lawyers® and Rising Stars lists.)*
- **Recognized as a Top Lawyer**, *Minnesota Monthly*, 2022, 2024-2026 (The research for the Top Lawyers list, created by Professional Research Services, is based on an online peer-review survey sent to all attorneys in Minnesota.)

SELECTED PRESENTATIONS

- "Chain Reaction: Dealing with Insurers When Nuclear Verdicts Loom," moderator, ACC MN Third Annual Manufacturing Summit, 2026
- "Post-Trial Proceedings," The Complete Civil Litigator, co-presenter, Minnesota CLE, 2026
- "Minnesota Civil Litigation Update: Key Developments and Insights for 2026," course chair, Minnesota CLE, 2026
- "Appellate Law," co-presenter, Mid-Minnesota Legal Aid, 2025
- ACC MN 14th Annual In-House Counsel Conference Sponsored by Maslon
- "What Your Appellate Lawyer Wants You, the Trial Attorney, to Know," co-presenter, Minnesota State Bar Association, 2025
- "Using Personal Leave to Promote Lawyer Well-Being – The How, When and Why of the New Rule 18," co-presenter, The Minnesota Civil Litigation Update: Key Developments and Insights for 2025, Minnesota CLE, 2025
- "When Life Happens During an Appeal – How Appellate Attorneys Can Take Care of Themselves and Their Mental Health," co-presenter, 2025 Appellate Practice Institute, Minnesota CLE, 2025
- "The State of Diversity in the Appellate Practice," co-presenter, 2025 Appellate Practice Institute, Minnesota CLE, 2025
- "Understanding Minnesota's New Assisted Reproduction Statute and the Lessons from *In Re the Paternity of A.J.S.*" co-presenter, 24th Annual MLBA Conference, Minnesota Lavender Bar Association, 2025
- "Appellate Practice and Procedure: 2024 Appellate Caselaw Update," moderator, Minnesota CLE, 2024
- "Tips for Oral Arguments and Writing Appellate Briefs," panelist, Appellate Practice for the Non-Specialist, Minnesota CLE, 2024
- "Appellate Practice and Procedure: Navigating Ethical Issues in Appellate Practice," co-presenter, Minnesota CLE, 2024
- "Meet the New Appellate Judiciary," moderator, Minnesota Supreme Court Historical Society, 2024
- "Appellate Practice and Procedure: Oral Argument at Minnesota's Court of Appeals and Supreme Court," panelist, Minnesota CLE, 2024
- Civil Litigator's Annual Update, course chair, Minnesota CLE, 2024
- "Do's and Don'ts of Client Relations on Appeal," Appellate Practice Roundtable, ABA Litigation Section, American Bar Association, 2024
- "Gamete Donors and Parentage in Minnesota," co-presenter, Minnesota Lavender Bar Association Conference, 2024
- "Appellate Practice and Procedure: Meet the New Court of Appeals Judge - A Conversation with Judge Ede," moderator, Minnesota CLE, 2023
- "What's Ahead for the Minnesota Court of Appeals," panelist, Minnesota Court of Appeals 40th Anniversary Symposium, 2023
- "Post-Trial Proceedings," The Complete Civil Litigator, Minnesota CLE, 2023
- "Appellate Practice and Procedure: Requests for Accommodation," panelist, Minnesota CLE, 2023
- "Writing With Respect: A Conversation on Culturally Competent Legal Writing," panelist, Minnesota Supreme Court Historical Society, 2023
- "Enhance Your Super Powers by Completing a Judicial Clerkship at the Minnesota Court of Appeals," panelist, Minnesota Judicial Branch, 2023
- Civil Litigator's Annual Update, course chair, Minnesota CLE, 2023
- "For Appellate Attorneys, the Generalist Is the Best Specialist," panelist, Appellate Practice Institute, Minnesota CLE, 2023
- "Leadership Through Words: How to Write and Talk to Gain the Trust of Clients and Others," co-presenter, New Lawyers Leadership Conference, Minnesota State Bar Association, 2022
- "Appellate Ethics," Civil Appeals A to Z Webcast Series, Minnesota CLE, 2022
- Gender-Inclusive Writing and Communications—Or Why "Dear Sir or Madam" Must Go, Minnesota Chapter of RIMS—the Risk Management Society, 2022

- Erica Holzer Moderates Panel for the Minnesota Supreme Court Historical Society Introducing Minnesota's New Appellate Judges
- "Enhance Your Super Powers by Clerking at the Minnesota Court of Appeals," panel member, Minnesota Judicial Branch, 2022
- "Appellate Ethics for Lawyers and Judges," co-presenter, Minnesota CLE, 2022
- "Appellate Practice: Honoring David Herr - A Retrospective on His Career and Lasting Legacy," co-presenter, Minnesota CLE, 2022
- "Precedent, Power, and the Minnesota Appellate Courts," co-moderator, 2022 Appellate Practice Institute, Minnesota CLE
- Erica Holzer Chairs Civil Litigator's Update Course for Minnesota CLE; Jevon Bindman Presents on New State and Federal Rules
- 2022 Civil Litigator's Update Course, chair, Minnesota CLE
- "Who the Folk?!" podcast guest, TC Jewfolk, 2021
- "Enhance Your Superpowers by Clerking at the Minnesota Court of Appeals," panel member, Minnesota Judicial Branch, 2021
- Gender-Inclusive Legal Writing and Communications (or Why "Dear Sir or Madam" Has to Go)," Minnesota Association of Law Libraries, 2021
- 2021 Appellate Practice Institute, Course Chair, Minnesota CLE
- "Effective Use of Authority in Appeals," moderator, 2021 Appellate Practice Institute, Minnesota CLE
- Erica Holzer, Jevon Bindman, and David Herr to Present at Minnesota CLE's 2021 Civil Litigators Update
- 2021 Civil Litigators Update, co-chair, Minnesota CLE
- "Eighth Circuit Appellate Practice: Perfecting the Appeal," panelist, Eighth Circuit Appellate Practice Manual Webcast Series, Minnesota CLE, 2020
- "Meet the New Appellate Judiciary," moderator, Minnesota Supreme Court Historical Society, 2020
- "Appellate Practice: A Discussion with Two New Appellate Judges," moderator, Minnesota CLE, 2020
- "Wait wait . . . *please* tell me! — A Legal Ethics CLE Quiz Program," 2020
- "Leadership Through Words: How to Write and Talk to Gain the Trust of Clients and Others," Third Judicial District, Minnesota State Bar Association, 2020
- Co-Chair, 2020 Civil Litigator Update, Minnesota CLE, 2020
- "Leadership Through Words: How to Write and Talk to Gain the Trust of Clients and Others," New Lawyers Leadership Conference, Minnesota State Bar Association, 2019
- "Adhering to, or Overturning, Precedent—Diving into the Justices' Decision-Making During the U.S. Supreme Court's Current Term," moderator, U.S. Supreme Court Update, Minnesota CLE, 2019
- "How NOT to Waive Attorney-Client Privilege," Women Presidents' Organization, 2019
- "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
- Co-Chair and Presenter, Civil Litigator's Annual Short Course, Minnesota CLE, 2019
- "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

- *Civil Rules Annotated*, Vol. 1, 2A, Minnesota Practice Series, co-author, Thomson West, 2026
- Featured in "Court says landlord's post-fire lockout was unlawful," *Minnesota Lawyer*, 2025
- *Elements of an Action,* Vol. 28, 28A, & 28B, Minnesota Practice Series, co-author, Thomson West, 2025
- Featured in "Pro Bono Spotlight: Erica Holzer," American Bar Association, 2024
- Featured in "Precedential & Pro Bono: Maslon's Erica Holzer Defeats Sperm Donor's Paternity Suit," *Legal Speak* Podcast, Law.com, 2024
- "Motions Practice and Summary Disposition of Appeal," *Eighth Circuit Appellate Practice Manual with eFormbook*, Minnesota CLE, 2024
- Quoted in "These moms' sperm donor sued them to get parental rights. They just won a court victory," *LGBTQ Nation*, 2024
- Quoted in "Yuen: St. Paul lesbian couple win paternity case in Minnesota appeals court," *Star Tribune*, 2024
- "Briefly: Passing the baton at the Court of Appeals," co-author, *Minnesota Lawyer*, 2024
- Quoted in "Yuen: He donated his sperm to friends. Now he wants to be dad to the 5-year-old," *Star Tribune*, 2024
- "Briefly: Tree lovers unite! Minnesota appellate courts do away with paper briefs," co-author, *Minnesota Lawyer*, 2024
- *Elements of an Action,* Vol. 28, 28A, & 28B, Minnesota Practice Series, co-author, Thomson West, 2023
- "Briefly: New Year's aspirations for the appellate lawyer," co-author, *Minnesota Lawyer*, 2024
- "Briefly: Don't 'go through the motions' when filing a motion on appeal," co-author, *Minnesota Lawyer*, 2023
- "Briefly: A Chat with Supreme Court Commissioner Tim Droske," co-author, *Minnesota Lawyer*, 2023
- "Briefly: Maximizing Your Moots Before Heading to Court," co-author, *Minnesota Lawyer*, 2023
- "Briefly: What Will Be the Next Decade's Big Cases?" co-author, *Minnesota Lawyer,* 2023
- *Appellate Rules Annotated*, Vol. 3, Minnesota Practice Series, co-author, Thompson West, 2023
- *General Rules of Practice Annotated*, Vol. 3A, Minnesota Practice Series, co-author, Thompson West, 2023
- "Briefly: When Life Happens During an Appeal," co-author, *Minnesota Lawyer*, 2023
- *Civil Rules Annotated*, Vols. 1, 1A, 2, & 2A, Minnesota Practice Series, co-author, Thompson West, 2023
- "Briefly: 5 Trial Court Moments to Involve Appellate Lawyer," co-author, *Minnesota Lawyer*, 2023
- "Briefly: 40th Anniversary of Minnesota Court of Appeals," co-author, *Minnesota Lawyer,* 2023
- "Colleague Corner," *Bench & Bar,* 2023
- "Briefly: Column to Continue with New Authors at Helm," co-author, *Minnesota Lawyer,* 2023
- *Elements of an Action*, Vol. 28, 28A, & 28B, Minnesota Practice Series, co-author, Thompson West, 2022
- "Motions Practice and Summary Disposition of Appeal," *Eighth Circuit Appellate Practice Manual*, Minnesota CLE, 2022
- *Appellate Rules Annotated*, Vol. 3, Minnesota Practice Series, co-author, Thomson West, 2021
- "Clearing Up Confusion Over Unpublished Opinion Copies," co-author, Minnesota Lawyer, 2020
- *Minnesota Appellate Procedure Summary Guide*, Minnesota CLE, co-author, 9th ed. 2020
- Chapter 9 "Motions Practice and Summary Disposition of Appeal," *Eighth Circuit Appellate Practice Manual*, Minnesota CLE (9th ed. 2019)
- "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)
- "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)