

FACULTY

MONTE A. MILLS
COURSE CHAIR
 Greene Espel PLLP
 Minneapolis

ELIZABETH G. BENTLEY
 Jones Day
 Minneapolis

RACHEL F. BOND
 Office of the Minnesota
 Appellate Public Defender
 Saint Paul

CHRISTOPHER W. BOWMAN
 Madigan, Dahl & Harlan, P.A.
 Minneapolis

HONORABLE MARGARET H. CHUTICH
 Minnesota Supreme Court
 Saint Paul

HONORABLE EDWARD J. CLEARY
 Minnesota Court of Appeals
 Saint Paul

RITA COYLE DEMEULES
 Commissioner
 Minnesota Supreme Court
 Saint Paul

TIMOTHY J. DROSKE
 Dorsey & Whitney LLP
 Minneapolis

TIMOTHY GEPHART
 University of Minnesota
 Law School
 Minneapolis

HONORABLE LORIE SKJERVEN GILDEA
 Minnesota Supreme Court
 Saint Paul

KRISTIN E. HICKMAN
 University of Minnesota
 Law School
 Minneapolis

HONORABLE NATALIE E. HUDSON
 Minnesota Supreme Court
 Saint Paul

ALETHEA M. HUYSER
 Fredrikson & Byron, P.A.
 Minneapolis

HONORABLE MATTHEW E. JOHNSON
 Minnesota Court of Appeals
 Saint Paul

LIZ KRAMER
 Minnesota Solicitor General
 Office of the Minnesota
 Attorney General
 Saint Paul

ASHLEIGH M. LEITCH
 Best & Flanagan LLP
 Minneapolis

HONORABLE DAVID L. LILLEHAUG
 Minnesota Supreme Court
 Saint Paul

CHARLES LUNDBERG
 Lundberg Legal Ethics PA
 Saint Paul

TERESA NELSON
 American Civil Liberties Union
 of Minnesota
 Minneapolis

KAY NORD HUNT
 Lommen Abdo, P.A.
 Minneapolis

TIMOTHY P. TERRELL
 Emory University School of Law
 Atlanta, Georgia

AARON D. VAN OORT
 Faegre Baker Daniels LLP
 Minneapolis

Nonprofit Org.
 U.S. Postage
 PAID
 Minnesota Continuing
 Legal Education

Minnesota Continuing
 Legal Education
 2550 UNIVERSITY AVE W #160-S, SAINT PAUL MN 55114



DATED MATERIAL - PLEASE EXPEDITE!



View information on
 your mobile device or
 register online



Co-sponsored by
 Minnesota Continuing Legal Education
 and the MSBA Appellate Practice Section

**MINNESOTA'S
 PREMIER
 APPELLATE
 CONFERENCE**

The 14th Annual APPELLATE PRACTICE INSTITUTE

February 28, 2020 | Minnesota CLE Conference Center | Minneapolis

SPECIAL JUDICIAL APPEARANCES



Minnesota Supreme Court

- Chief Justice Lorie Skjerven Gildea
- Associate Justice David L. Lillehaug
- Associate Justice Natalie E. Hudson
- Associate Justice Margaret H. Chutich



Minnesota Court of Appeals

- Chief Judge Edward J. Cleary
- Judge Matthew E. Johnson



Professor Timothy P. Terrell of Emory Law School, the leading presenter of legal writing programs nationally and internationally, will present "Writing to Persuade: Rhetoric and Structure." Learn proven techniques to be a more persuasive advocate!

SPECIAL INSTITUTE PRESENTATION

Friday, February 28, 2020
 Minneapolis

The 14th Annual

APPELLATE PRACTICE INSTITUTE

**MINNESOTA'S
 PREMIER
 APPELLATE
 CONFERENCE**

A Special Thank You to the Institute Planning Committee members for their contribution of time, ideas, expertise, and insights: Monte A. Mills, Chair, Christopher W. Bowman, Timothy J. Droske, Erica A. Holzer, Alethea M. Huyser, Thomas J. Radio, and Jenna Yauch-Erickson.

FREE
 for all registrants!

The Summary Guide™ to Minnesota Appellate Procedure

All attendees will receive a complimentary copy of this terrific resource prepared by David F. Herr, Eric J. Magnuson, and Honorable Diane B. Bratvold.



**NEWLY
 UPDATED!**

Additional copies may be purchased at the Institute for the special price of only \$16 each (regularly \$20).



THANKS
 to our Institute sponsors!

Real-world practical advice from esteemed Minnesota jurists and top appellate experts

8:00 – 8:35 a.m.

REGISTRATION & CONTINENTAL BREAKFAST

8:35 – 8:40 a.m.

Welcome and Introduction

– Timothy J. Droske, MSBA Appellate Practice Section Chair

– Monte A. Mills, Course Chair

8:40 – 9:00 a.m.

A Message from the Minnesota Supreme Court

– Chief Justice Lorie Skjerven Gildea

...And the Minnesota Court of Appeals

– Chief Judge Edward J. Cleary

9:00 – 11:00 a.m.

Writing to Persuade: Rhetoric and Structure

This session will address the neglected topic of rhetoric, which underlies all efforts to persuade, and connect its lessons to the “macro” level of writing and editing: the structure of effective arguments. Particular emphasis will be given to the introduction of a brief and avoiding ineffective forms of arguing law and facts.

– Professor Timothy P. Terrell

11:00 – 11:15 a.m.

BREAK

11:15 a.m. – 12:15 p.m.

Writing to Persuade (continued)

– Professor Timothy P. Terrell

12:15 – 1:15 p.m.

LUNCH (Bag lunches provided by Minnesota CLE)

Enjoy a complimentary lunch, the company of your colleagues, and a presentation about Rules changes.

12:30 – 12:50 pm.

Update on the Minnesota Rules of Civil Appellate Procedure

This session will cover changes to the Minnesota Rules of Civil Appellate Procedure.

– Rita Coyle DeMeules

Minnesota Supreme Court Commissioner

1:15 – 2:15 p.m.

SMALL GROUP SESSIONS

101

Writing to Persuade at the “Micro” Level: Appreciating and Exploiting Natural Points of Emphasis in Paragraphs and Sentences

This session will take the lessons of the morning and extend them to the smaller scales within a document, focusing on the flow of information and the psychological quality of “natural emphasis.”

– Professor Timothy P. Terrell

102

The Nuts and Bolts of an Appeal: How to Build a Better Appeal

Every appeal must be assembled in a careful and comprehensive manner to ensure compliance with the rules of appellate procedure and the unwritten rules of protocol and persuasion. Two experienced and effective appellate lawyers will discuss ways to improve the preservation and presentation of your next appeal.

– Christopher W. Bowman & Ashleigh M. Leitch

103

Amicus Curiae and the Art of Befriending the Court

This panel of experts will discuss the ins and outs of the unique friendship between non-parties and a deciding court. Topics will include high level strategy concerns that drive the decision whether to participate in a case, a discussion of what materials are appropriate and helpful, and the nuts and bolts of how to participate as an amicus. Whether you are a litigant looking to obtain amicus support for your case or a non-party considering filing an amicus yourself, this panel will provide insight and valuable experience to improve your case.

– Justice Margaret H. Chutich, Timothy J. Droske,

Solicitor General Liz Kramer & Teresa Nelson

– Alethea M. Huyser (moderator)

2:15 – 2:30 p.m.

BREAK

2:30 – 3:30 p.m.

Achieving Fluency in Statutory Interpretation

Appellate judges appreciate thorough, well-reasoned arguments on whether a statute is ambiguous or unambiguous, how ambiguity should be resolved, and which interpretive canons should apply. Learn insights on how appellate advocates can better serve their clients’ interests and help appellate courts fulfill an important judicial function with a better understanding of the process of statutory interpretation.

– Justice David L. Lillehaug, Rachel F. Bond,

Professor Kristin E. Hickman & Aaron D. Van Oort

– Judge Matthew E. Johnson (moderator)

3:30 – 4:30 p.m.

It Could Happen to You! – Avoiding Malpractice as an Appellate Lawyer

1.0 ethics credit applied for

Successful legal malpractice claims against appellate counsel are relatively rare, but they do happen. Claims for missed appeal deadlines or other procedural defaults are most common, but claims for faulty advice about whether to appeal, and claims for not adequate briefing or arguing the appeal are not unheard of. All such claims, however, face an enormous hurdle on the “but for” causation element of legal malpractice law – that but for the alleged negligence, the client would have been more successful – here, would have won the appeal, presenting a question of law suitable for summary judgment ruling.

– Timothy Gephart, Charles Lundberg & Kay Nord Hunt

4:30 – 4:40 p.m.

BREAK

4:40 – 5:00 p.m.

A Fireside Chat with Justice Natalie E. Hudson

Hear reflections on appeals and get to know another member of the Minnesota Supreme Court in a personal and informal setting.

– Justice Natalie E. Hudson

– Elizabeth G. Bentley (moderator)

5:00 p.m.

Join us for the Annual Institute Reception!

Cheers! Catch up with colleagues, friends, and new acquaintances over refreshments and appetizers.

COURSE INFORMATION

DATE & LOCATION

Friday, February 28, 2020
Minnesota CLE Conference Center
600 Nicollet Mall, Suite 370
Third Floor City Center
Minneapolis

CREDITS

Minnesota CLE is applying to the Minnesota State Board of CLE for **7.0 CLE credits, including 1.0 ethics credit**. The maximum number of total credits attendees may claim is 7.0 credits.

Minnesota CLE also is applying to the Minnesota State Bar Association for **7.0 civil trial specialist credits**.

SCHOLARSHIPS AVAILABLE

Minnesota CLE maintains a scholarship program for those with a financial need. Contact Grant at gdavies@minncle.org or **651-254-2111** for details or to obtain an application.

ACCOMMODATION

If you have a disability and need an accommodation in order to attend this seminar, please contact Minnesota CLE as soon as possible at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114 or call us at 651-227-8266 or 800-759-8840.

CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel before the seminar will receive a full credit on their account, or refund upon request. Paid registrants who do not cancel and are unable to attend will retain access to the seminar materials through their website account. Passholders may purchase the materials at 50% of the full retail price.

QUESTIONS?

Call **651-227-8266** or **800-759-8840**. Or, visit us online at www.minncle.org.

Register at www.minncle.org or call **651-227-8266** or **800-759-8840**

To pay by credit card, register online or by phone.

The 14th Annual

APPELLATE PRACTICE INSTITUTE

Friday, February 28, 2020

Minnesota CLE Conference Center, Minneapolis

PLEASE “✓” APPROPRIATE BOX BELOW:

\$295 MSBA member

\$295 paralegal

\$345 standard

NEW LAWYER DISCOUNT!

I have been admitted to the bar for fewer than 3 years and am deducting 50% from the fee marked above.

SCHOLARSHIPS AVAILABLE!

Minnesota CLE maintains a scholarship program for those with a financial need. For more information or to obtain an application, contact Grant at gdavies@minncle.org or **651-254-2111**.

Join the MSBA and pay less for Minnesota CLE seminars!

To join the MSBA go to www.mnbar.org

Or for more membership advantages call **1-800-882-6722**

PAYMENT:

I have a MN CLE Season PassSM.

Enclosed is a check for \$ _____

To pay by credit card, please register online or by phone.

Check here if address below is new.

Name (first) _____ (mi)

_____ (last)

Firm _____

Address _____

City/State/Zip _____

Phone _____

Email _____

Attorney License No. (if applicable) _____

Profession, if non-attorney _____

MAIL TO: Minnesota CLE
2550 University Ave. West, Suite 160-S
St. Paul, MN 55114

3014-20
mjc/oma

SPECIAL PUBLICATIONS OFFERS!

Attendees of the 14th Annual Appellate Practice Institute can **save 47%** on each of these terrific resources! Purchases must be made February 28 at the Institute.

**SAVE
47%**



Eighth Circuit Appellate Practice Manual, 8th Ed.

SALE PRICE: \$100
REGULAR PRICE: \$189



Attorney-Client Privilege Deskbook

SALE PRICE: \$100
REGULAR PRICE: \$189