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**Special Thanks** to the Institute Planning Committee members for their contribution of time, expertise, ideas, and insights:

Timothy J. Droske, Chair  
Katherine S. Barrett Wiik,  
Christopher W. Bowman, Erica A. Holzer, Alethea M. Huyser, Monte A. Mills, Thomas J. Radio, Travis J. Smith, Jenna Yauch-Erickson

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# The 13th Annual Appellate Practice Institute

Friday, March 15, 2019  
Minnesota CLE Conference Center

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Co-sponsored by  
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and the MSBA Appellate Practice Section

The 13th Annual

# Appellate Practice Institute

Outstanding education and real-world practical advice from esteemed Minnesota jurists and the next generation of Minnesota appellate experts – plus a chance to connect with your colleagues and friends.

## SPECIAL JUDICIAL APPEARANCES

### Minnesota Supreme Court:



Chief Justice  
Lorie Skjerven Gildea

Associate Justice Natalie E. Hudson

Associate Justice Margaret H. Chutich



### Minnesota Court of Appeals:

Chief Judge  
Edward J. Cleary

Judge Matthew E. Johnson

Judge John R. Rodenberg

Judge Peter M. Reyes, Jr.

Friday, March 15, 2019  
Minnesota CLE Conference Center

600 Nicollet Mall, Suite 370 | Third Floor City Center, Minneapolis

## GENERAL INFORMATION

### DATE & LOCATION

Friday, March 15, 2019  
Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370  
Third Floor City Center, Minneapolis

### CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel their registration at least 3 business days before the program will receive a full credit on their account; if fewer than 3 business days, a \$25 administrative fee will be deducted. Paid registrants who fail to attend will receive access to the electronic materials. Passholders may purchase the materials at 50% of the full retail price.

### CREDITS

Minnesota CLE is applying to the Minnesota State Board of CLE for **7.25 CLE credits, including 1.0 elimination of bias credit.** The maximum number of total credits an attendee may claim for this course is 7.25. Minnesota CLE will also apply to the MSBA for 7.25 Certified Civil Litigation Specialist credits.

### SCHOLARSHIPS AVAILABLE

Minnesota CLE maintains a scholarship program for those individuals with a financial need. Most scholarships awarded are 50% off the seminar price. To obtain a scholarship applications, contact Grant at **651-254-2111** or **gdavies@minncle.org**.

### ACCOMMODATION

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

### PARKING - SPECIAL DISCOUNTED RATE!

Parking is available in the City Center parking ramp for only \$13 per day if you arrive before 8:30 a.m. and leave after 1:00 p.m.

### QUESTIONS?

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

# SCHEDULE

8:00 – 8:35 a.m.  
REGISTRATION & CONTINENTAL BREAKFAST

8:35 – 8:40 a.m.  
**Welcome & Introduction**  
*Katherine S. Barrett Wiik, MSBA Appellate Practice Section Chair*  
*Timothy J. Droske, 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 – 10:00 a.m.  
**Anatomy of a Case: Minnesota Voters Alliance v. Mansky**  
One of the more significant decisions of the U.S. Supreme Court last term involved a First Amendment challenge to Minnesota’s ban on political apparel inside a polling place on election day. Counsel of Record for the State will provide insights into the case and decision, reflect on his experience before the Eighth Circuit and Supreme Court, and share appellate practice pointers.  
*Daniel P. Rogan & Timothy J. Droske, moderator*

10:00 – 11:00 a.m.  
**Judicial Perspectives on Effective Advocacy**  
A panel of appellate jurists will address questions of how practitioners can most effectively advocate their cases on appeal. Topics will include the use of technology at the appellate level and what methods they find to be most persuasive in briefs and at oral argument.  
*Justice Natalie E. Hudson, Judge Matthew E. Johnson, Judge Peter M. Reyes, Jr. & Monte A. Mills, moderator*

11:00 – 11:15 a.m. BREAK

11:15 a.m. – 12:15 p.m.  
**Practitioners’ Perspectives on Effective Advocacy**  
A panel of experienced appellate lawyers will reflect on the comments from the previous panel and offer their own views on how to craft persuasive briefs, prepare and deliver compelling oral arguments, and be effective advocates at the appellate level.  
*Jenneane L. Jansen, Jonathan P. Schmidt, Aaron D. Van Oort, Jenna Yauch-Erickson & Erica A. Holzer, moderator*

12:15 – 1:15 p.m.  
LUNCH (*bag lunches provided by Minnesota CLE*)  
Enjoy a complimentary lunch, the company of your colleagues, and an informal session about pro bono opportunities for appellate lawyers.  
**Appellate Pro Bono Opportunities**  
Learn about a variety of pro bono opportunities available to appellate practitioners, including presentations about the self-help clinic, unemployment compensation, and criminal appeals programs offered through the Appellate Practice Section.  
*Thomas H. Boyd, Pro Bono Unemployment Compensation Appeals*  
*Liz Kramer, Self-help Appeals Clinic*  
*Rochelle R. Winn, Minnesota Appellate Public Defender Pro Bono Program*

1:15 – 2:15 p.m.  
**Understanding and Mitigating Implicit Bias in the Appellate Sphere**  
*1.0 elimination of bias credit applied for*

Many judges and lawyers concerned about diversity and inclusion in the legal profession have begun tackling the ways that implicit, unconscious biases can thwart progress to equity initiatives. This panel moves beyond “Implicit Bias 101” principles to consider how implicit biases might uniquely impact appellate practice, and what strategies appellate attorneys and judges can use to reduce the impact of bias.  
*Sybil L. Dunlop, Lola Velazquez-Aguilu, Peter Zuniga & Katherine S. Barrett Wiik, moderator*

2:15 – 2:25 p.m. BREAK

## 2:25 – 3:25 p.m. SMALL GROUP SESSIONS

101 **The Nuts and Bolts of an Appeal: How to Keep Your Appeal from Falling Apart**  
Whether it is your first or fifty-first appeal, there are many moving parts to every appeal and each part must be done correctly. Two seasoned appellate lawyers will discuss ways to prepare and present your appeal to avoid obvious and not-so-obvious roadblocks, recent amendments to the Minnesota Rules of Appellate Procedure, motion practice, and other equally fascinating topics.  
*Karen R. Cole & Thomas J. Radio*

102 **Growing Your Appellate Practice**  
A panel discussion with practitioners from small, medium, and large firms will discuss how they have developed, marketed, and grown “Appellate Practice” beyond the senior partner in the corner office and the writer in a darkened room.  
*Stephen F. Buterin, Adam Hansen, Daniel J. Koewler, Amie E. Penny Sayler & Christopher W. Bowman, moderator*

103 **Criminal Law: Timely Topics, Tips, and Trends**  
Learn about recent major criminal appellate cases and how to apply them in your practice. Also hear prosecution and defense perspectives on current trends in criminal appeals as well as tips for practitioners.  
*Anna R. Light & Jenna Yauch-Erickson*

3:25 – 3:35 p.m. BREAK

3:35 – 4:35 p.m.  
**Getting the Last Word: Reply Briefs and Rebuttals**

Reply briefs and rebuttal arguments can be an exciting part of an appellate advocate’s practice, providing an opportunity to clarify arguments, refute the opposing side, and refocus the court. Indeed, many jurists read the reply brief first, and a rebuttal argument is always the last thing an appellate court hears. This panel will provide insight and strategies on how to make sure your last words in a case are effective and persuasive.  
*Judge John R. Rodenberg, Elizabeth G. Bentley, Benjamin J. Butler & Alethea M. Huyser, moderator*

4:35 – 5:00 p.m.  
**A Fireside Chat with Justice Chutich**  
Get to know another member of the Minnesota Supreme Court in a personal and informal setting.  
*Justice Margaret H. Chutich & Timothy J. Droske, moderator*

5:00 p.m.  
**Join us for the Annual Institute Reception!**  
Enjoy refreshments and appetizers and catch up with colleagues, friends, and new acquaintances.

*The premier event of the year for appellate practitioners!*

## Free for all registrants!



All registrants will receive, at no charge, the **Summary Guide™ to Minnesota Appellate Procedure, 8th Edition**

See registration form for information on purchasing additional copies of this Summary Guide™.

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Minnesota CLE Conference Center, Minneapolis

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