

The 4th Annual

Appellate Practice Institute



Co-presented by Minnesota CLE and the MSBA Appellate Practice Section

The 2010 Appellate Practice Institute is everything you've come to expect – don't miss the largest gathering of Minnesota's appellate practitioners and judges outside the courtroom!

Featuring special appearances by:

Eighth Circuit Court of Appeals:



Judge Kermit E. Bye

U.S. District Court:



Judge Joan N. Ericksen

Minnesota Supreme Court:



Chief Justice
Eric J. Magnuson

Associate Justice
Alan C. Page

Associate Justice
Paul H. Anderson

Associate Justice
G. Barry Anderson

Minnesota Court of Appeals:



Chief Judge
Edward Toussaint, Jr.

Judge Natalie E. Hudson

Judge Michelle Ann Larkin

Judge Louise Dovre Bjorkman

Judge Bruce D. Willis (retired)

Special Presentation – Back by Popular Demand!

Nationally recognized speaker and author **Professor Timothy P. Terrell** from Emory University School of Law will return to present a new three-hour intensive advocacy and writing course, **PERSUASION AND THE ART OF STORYTELLING: Organizing Facts and Law, and the Elusive Quality of "Style"**

Faculty and Planners

Associate Justice G. Barry Anderson
Minnesota Supreme Court; St. Paul

Associate Justice Paul H. Anderson
Minnesota Supreme Court; St. Paul

Judge Louise Dovre Bjorkman
Minnesota Court of Appeals; St. Paul

Judge Kermit E. Bye
Eighth Circuit Court of Appeals
Fargo, North Dakota

Judge Joan N. Ericksen
U.S. District Court; Minneapolis

Maureen Watz Gornik
Eighth Circuit Court of Appeals; St. Paul

David F. Herr
Maslon Edelman Borman & Brand LLP
Minneapolis

Judge Natalie E. Hudson
Minnesota Court of Appeals; St. Paul

Judge Michelle Ann Larkin
Minnesota Court of Appeals; St. Paul

Chief Justice Eric J. Magnuson
Minnesota Supreme Court; St. Paul

Associate Justice Alan C. Page
Minnesota Supreme Court; St. Paul

David R. Stras
University of Minnesota Law School
Of Counsel, Faegre & Benson; Minneapolis

Timothy P. Terrell
Emory University School of Law
Atlanta, Georgia

Chief Judge Edward Toussaint, Jr.
Minnesota Court of Appeals; St. Paul

Judge Bruce D. Willis
Minnesota Court of Appeals (retired); St. Paul

Special Thanks to the Institute Planning Committee for its outstanding work in planning this conference:

John M. Baker, Judge Louise Dovre
Bjorkman, Diane B. Bratvold,
Stephen F. Buterin, Andrea E. Reisbord,
Charles F. Webber, Robin M. Wolpert

**A Special Thank You to the
MSBA Appellate Practice
Section for its help in
planning the program and
in co-sponsoring Professor
Terrell's appearance.**

8:00 – 8:40 a.m.

REGISTRATION & CONTINENTAL BREAKFAST

8:40 – 8:45 a.m.

Welcome & Introduction

– *Stephen F. Buterin, MSBA Appellate Practice Section Chair*

8:45 – 9:00 a.m.

An Overview of the Minnesota Court of Appeals

Now in his fifth term as Chief Judge, the Honorable Edward Toussaint will open the Appellate Practice Institute by presenting an overview of the Minnesota Court of Appeals, its processes and procedures – past, present, and future.

– *Chief Judge Edward Toussaint, Jr.*

9:00 – 10:30 a.m.

Appellate Decision-Making: You Can't Always Get What You Want, But You Can Get What You Need

A panel of prominent judges from four benches will describe the behind-the-scenes process of discussing cases at conference, reaching conclusions, and producing written opinions. Learn *how* appellate judges decide cases so you can give them what they *need*.

- *Judge Kermit E. Bye*
- *Judge Joan N. Ericksen*
- *Associate Justice Alan C. Page*
- *Judge Michelle Ann Larkin*
- *Moderator: Chief Justice Eric J. Magnuson*

10:30 – 10:45 a.m.

BREAK

10:45 a.m. – 12:00 p.m.

This Just In: Late-Breaking Issues for Appellate Lawyers

The latest developments in appellate practice from a renowned appellate practitioner, the Deputy Clerk in Charge for the Eighth Circuit Court of Appeals, and one of the nation's leading authorities on the Supreme Court.

Latest Revisions to the Rules of Civil Appellate Procedure

– *David F. Herr*

The Eighth Circuit Goes Electronic: Status, Recent Developments, and Tips

– *Maureen Watz Gornik*

Skip the Boring Stuff: Which Supreme Court Cases Should We Really Pay Attention To?

– *Professor David R. Stras*

This is THE conference to attend, whether you are an experienced practitioner or new to the appellate process! Join your colleagues for this detailed exploration of appellate law and practice where you'll get practical advice and updates from the judges themselves and from seasoned practitioners, plus a short-course immersion in effective writing and advocacy from a renowned professor and author.

12:00 – 12:45 p.m.

LUNCH (on your own)

12:45 – 2:45 p.m.

Persuasion and the Art of Storytelling: Organizing Facts and Law, and the Elusive Quality of “Style”

Recognized as one of the nation’s foremost authorities on legal writing, Professor Tim Terrell will lead us through a fast-paced and transformational presentation on how to command the attention and trust of the judicial reader through coherent, focused and forceful writing. His presentation will include how to think strategically about persuasion, how to use the principles of “super-clarity,” how to present a strong legal analysis, and how to use rhetoric and style to make your argument more compelling and powerful.

– *Professor Timothy P. Terrell*

2:45 – 3:00 p.m.

BREAK

3:00– 4:00 p.m.

Persuasion and the Art of Storytelling (continued)

4:00 – 4:45 p.m.

The Judges React: Is Professor Terrell Right?

Let the review begin! The current and former appellate judges on this panel will present their thoughts about effective appellate argument and advocacy in light of Professor Terrell’s presentation.

- *Associate Justice Paul H. Anderson*
- *Associate Justice G. Barry Anderson*
- *Judge Natalie E. Hudson*
- *Judge Bruce D. Willis (retired)*
- *Moderator: Judge Louise Dovre Bjorkman*



4:45 – 5:30 p.m.

The Annual Appellate Practice Institute Reception

Take your legal writing and advocacy to the next level with Professor Timothy Terrell’s guidance.

Hear from eleven judges about appellate decision-making, strategies for approaching appellate cases, and the year ahead – plus a review of Professor Terrell’s presentation.

Learn the latest revisions to the Rules of Civil Appellate Procedure, the news about electronic filing at the Eighth Circuit, and the most important case updates.

Meet and mingle with your appellate practice colleagues and members of the bench at our annual reception.

And much more!



Special Presentation by Timothy P. Terrell, Emory University School of Law

Fulbright Scholar Timothy P. Terrell joined the Emory University School of Law faculty in 1976, where he teaches jurisprudence, professional responsibility, and property. He presents programs around the country on legal writing and legal ethics. He practiced with the Atlanta law firm of Kilpatrick & Cody before coming to Emory, and served as Director of Professional Development at King & Spalding in Atlanta, where he helped design and implement a comprehensive training program for associates.

Professor Terrell is the co-author of the popular text on legal writing, *“Thinking Like a Writer: A Lawyer’s Guide to Effective Writing and Editing”* (3rd ed. 2008, Practising Law Institute). To make his methods for effective legal writing more widely available, he co-founded LAWriters in 1996, dedicated to powerful communication through superior writing. He has published a host of articles in law journals and periodicals throughout the country on professionalism, ethics, jurisprudence, and legal writing and editing.

He received his BA degree from the University of Maryland in 1971 and his JD degree from Yale Law School in 1974. Under two Fulbright Grants, he earned a Diploma in Law from Oxford University in 1980 and taught at the University of Newcastle Upon Tyne in 1985.



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The 4th Annual
**Appellate
Practice
Institute**

Friday, March 26, 2010 • Minnesota CLE Conference Center

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Special Publication Offers:
Pre-Sale Discounted Prices on updated
8th Circuit Manual and Summary Guide!

25% off on the 8th Circuit Appellate Practice Manual with CD-Rom, New 5th Edition
(publication in April 2010)
Regular price: \$185
Pre-Sale Discounted Price: \$138.75

The new Federal Rules of Appellate Procedure, to be issued in March 2010, will affect service of pro se documents, the electronic filing of briefs and the creation of an electronic addendum to the brief. The 8th Circuit Appellate Practice Manual will contain these Rules changes and more.

25% off on the Updated 8th Circuit Appellate Procedure Summary Guide
(publication in April 2010)
Regular price: \$18.00
Pre-Sale Discounted Price: \$13.50

This Summary Guide (updated by Diane B. Bratvold and David Herr, publication in April 2010) includes the new Rules of Civil Appellate Procedure and is an invaluable resource for every appellate practitioner!

_____ copy(ies) of the **8th Circuit Manual, New 5th Edition** at \$138.75 each.
(available April 2010)

_____ copy(ies) of the **Updated 8th Circuit Summary Guide** at \$13.50 each.
(available April 2010)

Passholders may purchase these materials at 50% of the full retail price. Please note that these are not the course materials.

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LIVE PRESENTATION:

Friday, March 26, 2010
Minnesota CLE Conference Center
Seventh Street & Nicollet Mall
Third Floor City Center, Minneapolis

CREDITS

Minnesota CLE has applied to the Minnesota State Board of CLE for **6.75 standard CLE credits** and to the MSBA for **6.75 Certified Civil Litigation Specialist credits**. The maximum total credits attendees may claim for this course is **6.75**.

CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel their registration at least 72 hours before the program will receive a full credit on their account; if fewer than 72 hours, a \$25 administrative fee will be deducted. Paid registrants who fail to attend will receive the written materials.

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 651-227-8266 or 800-759-8840.

QUESTIONS?

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



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