



Minnesota State Bar Association  
Continuing Legal Education  
*Your State Bar at Work for You*

**Special \$75 Tuition  
Rate for New Lawyers**

*See registration form for details.*

A **NEW Foundations of Practice** SEMINAR

# Your First Civil Case in Minnesota State Court



## FEATURING:

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- **Answers to the questions** that keep new civil litigators up at night
- Coverage of **key issues** in 5 areas of civil litigation practice in Minnesota state court
- A **team-teaching approach** that includes practitioner and judicial insights
- All attendees will receive ***Your First Civil Case in Minnesota State Court*** (2012) – a handy reference guide with the answers, legal authority and commentary for the questions discussed at the course
- And more

**Wednesday, May 30, 2012**

Minnesota CLE Conference Center  
Seventh Street and Nicollet Mall  
Third Floor City Center, Minneapolis

*Video replay details inside.*

Part of the  
Foundations of  
Practice Series –  
Basic-Level,  
How-To Courses  
Designed  
Especially for the  
New Attorney

# Schedule

8:30 – 9:00 a.m.

CHECK-IN & CONTINENTAL BREAKFAST

9:00 – 9:30 a.m.

## **The Big Picture: A 50,000 Foot View of a Civil Case in Minnesota State Court**

An overview of what rules apply to Minnesota state court cases; how a typical case proceeds from start to finish; how to stay focused on the big picture throughout the case; and how to level the playing field when the opposing counsel is more experienced than you are.

– *Gregory R. Merz, Course Chair*

9:30 – 10:45 a.m.

## **Pleadings**

What the rules require regarding content, form, signing, service and filing, and timing. Tips for using a complaint or an answer as an effective tool to tell the court your client's story.

### ***The "Wake Me Up at Night" Questions:***

1. I don't currently have evidence to back up all my client's claims, but I think discovery will later provide that evidence. Is that good enough to meet Rule 11's requirement?
2. I want to record witnesses as I investigate the causes of action that I plan to plead in the complaint. May I do that?
3. How much detail do I need to include in the complaint to survive a motion to dismiss?
4. How do I avoid waiving affirmative defenses when I draft the answer?
5. How do I figure out what statute of limitations applies to my client's claim?

– *Judge Susan N. Burke, James K. Langdon & Eric R. Sherman*

10:45 – 11:00 a.m.

BREAK

11:00 a.m. – 12:00 p.m.

## **Written Discovery**

How to draft effective requests that are targeted to your written discovery plan and that comply with timing, form and scope requirements. How to respond to discovery requests, including permissible objections. When to seek a protective order. What happens when there's a discovery dispute.

### ***The "Wake Me Up at Night" Questions:***

1. It doesn't seem like my client is being very thorough in getting me what I need to respond to these discovery requests. Am I on the hook if the client doesn't give me something responsive to the requests?
2. How do I deal with an arguably privileged document that is responsive to a request?
3. The discovery cutoff is next week. I can still serve some document requests, right?
4. Discovery is closed and my client has just brought me a document that is responsive and has not yet been produced. What do I do?
5. When should discovery responses be supplemented?

– *Deborah A. Ellingboe, Daniel J. Herber & Judge Mary Carroll Leahy*

12:00 – 1:00 p.m.

LUNCH (on your own)

1:00 – 2:15 p.m.

## Depositions

Strategies for making the most out of this essential discovery tool. Tips for prepping deponents. Proper and improper objections.

### *The “Wake Me Up at Night” Questions:*

1. What am I allowed to talk about with a person I'm preparing for deposition?
2. How do I prepare an expert to have her deposition taken?
3. An important third-party witness lives out of state. The witness assures me that she is willing to come testify at trial. Should I take her deposition anyway?
4. Can I stop a deposition that I'm defending?
5. I believe that my client has lied/made a mistake in his deposition. What should I do?

– *Irene W. Kao & Daniel J. Singel*

2:15 – 3:15 p.m.

## Motions

Procedural requirements, strategic and practical considerations, and oral argument technique.

### *The “Wake Me Up at Night” Questions:*

1. Are there certain types of motions that I must make to preserve appeal rights?
2. How do I get evidence in the record that needs to be considered for this motion?
3. Is it safe to assume that the judge has read the motion papers?
4. Can I/should I use visual aids at a motion argument?
5. My dispositive motion was denied and I believe that the judge made a mistake. Can I ask the judge to reconsider? Can I appeal?

– *Joy Reopelle Anderson, Daniel R. Shulman & Judge Jay M. Quam*

3:15 – 3:30 p.m.

BREAK

3:30 – 4:30 p.m.

## Mediation

What to expect, what to tell your client to expect, how mediators are selected, who is responsible for paying the mediator, what information you should share with the mediator, and what happens if the dispute is resolved at mediation.

### *The “Wake Me Up at Night” Questions:*

1. How do I find a mediator?
2. What should I talk about in my mediation statement?
3. What if the mediator asks me a fact question that I don't know the answer to or don't want to reveal?
4. The mediator has asked for our “bottom line.” Can I tell her? Should I?
5. Do we have to leave with a signed agreement?

– *K. Jon Breyer, Paul M. Floyd & Judge Mary E. Pawlenty (Ret.)*

# Faculty –

## **Gregory R. Merz**

Course Chair  
Gray Plant Mooty; Minneapolis

## **Joy Reopelle Anderson**

Gray Plant Mooty; Minneapolis

## **K. Jon Breyer**

Fruth, Jamison & Elsass, PLLC; Minneapolis

## **Judge Susan N. Burke**

Minnesota State District Court  
4th Judicial District; Minneapolis

## **Deborah A. Ellingboe**

Faegre Baker Daniels LLP; Minneapolis

## **Paul M. Floyd**

Wallen-Friedman & Floyd, P.A.; Minneapolis

## **Daniel J. Herber**

Faegre Baker Daniels LLP; Minneapolis

## **James K. Langdon**

Dorsey & Whitney LLP; Minneapolis

## **Judge Mary Carroll Leahy**

Minnesota State District Court  
3rd Judicial District; Winona

## **Irene W. Kao**

Goetz & Eckland P.A.; Minneapolis

## **Judge Mary E. Pawlenty (Ret.)**

Gilbert Mediation Center Ltd.; Eden Prairie

## **Judge Jay M. Quam**

Minnesota State District Court  
4th Judicial District; Minneapolis

## **Eric R. Sherman**

Dorsey & Whitney LLP; Minneapolis

## **Daniel R. Shulman**

Gray Plant Mooty; Minneapolis

## **Daniel J. Singel**

Goetz & Eckland P.A.; Minneapolis

# SEMINAR INFORMATION

## LIVE PRESENTATION

**Minneapolis – Wednesday, May 30, 2012**

Minnesota CLE Conference Center  
Seventh Street & Nicollet Mall  
Third Floor City Center

## VIDEO REPLAYS

Schedule times for replays are subject to change due to abbreviated lunch and break periods. Start times are as indicated below. Please register at least one week in advance to secure your copy of the course materials on the day of the seminar.

**Minneapolis – 6/18/12**

**Minneapolis – 6/27/12**

**Minneapolis – 7/9/12**

(registration 8:30; replay 9:00)

Minnesota CLE

Conference Center

Seventh Street & Nicollet Mall

Third Floor City Center

**Duluth – 7/13/12**

(registration 8:30; replay 9:00)

Radisson Hotel Duluth—Harborview

505 West Superior Street

## CREDITS

Minnesota CLE is applying to the Minnesota State Board of CLE for **6.0 standard CLE credits** and to the MSBA for **6.0 civil trial specialist credits**. Attendees of this course may claim no more than **6.0 credits**.

## ACCOMMODATION

If you have a disability and need an accommodation in order to attend this seminar, please contact us as soon as possible at 2550 University Avenue W., 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 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. Passholders may purchase the course materials at 50% of the full retail price.

## NEW LAWYER SCHOLARSHIP PROGRAM

In recognition of the challenges facing lawyers entering the profession, Minnesota Continuing Legal Education has established a scholarship program for unemployed and underemployed lawyers admitted less than three years. Those wishing to apply for such assistance should contact Grant at 651 254 2111 or gdavies@minncle.org for details.

## QUESTIONS?

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

## TO REGISTER:



**MAIL TO:** Minnesota CLE  
2550 University Avenue West, Suite 160-S  
Saint Paul, MN 55114



**FAX TO:** 651-227-6262



**GO ONLINE:** www.minncle.org



**OR CALL:** 651-227-8266 or 800-759-8840

# REGISTRATION / ORDER FORM

669-12 | Imp

# Your First Civil Case in Minnesota State Court

Wednesday, May 30, 2012 | Minnesota CLE Conference Center

## PLEASE "✓" APPROPRIATE TUITION RATE BELOW:

- \$75 New Lawyers admitted after March 1, 2009  
*Use code **NEWLAWYER75** when registering online. Admittance date will be verified.*
- \$195 MSBA Member
- \$195 Paralegal / Legal Assistant
- \$245 Standard Rate
- I have a MN CLE Season Pass<sup>SM</sup>. Pass # \_\_\_\_\_

**No other tuition discounts apply.**

## PLEASE "✓" APPROPRIATE DATE & LOCATION BELOW:

- LIVE (5/30/12)**
- VIDEO**
- Location \_\_\_\_\_ Date \_\_\_\_\_

## PROGRAM MATERIALS:

I cannot attend. Please send me the following:  
\_\_\_\_\_ copy(ies) of the materials at \$75 each.  
Available 6/7/12.

Cost of book(s) \$ \_\_\_\_\_  
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