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# The 55th Annual **Criminal Justice Institute**

## **Recovery & Reform in the Wake of Pandemic & Protest**

### FEATURING:



**Chief Justice  
Lorie Gildea**

*Ensuring Access to Justice in Difficult Times*



**Representative  
Jamie A. Becker-Finn**

*Police Reform Legislative Update*



**Attorney General  
Keith M. Ellison**

*The Attorney General's Criminal Justice Update*

### BE PREPARED WITH CRITICAL UPDATES, INSIGHTS AND PERSPECTIVES

#### **Race and Justice**

Insight from Leading Lawyers, Judges and Advocates

#### **COVID-19 and Beyond**

Remote Hearings, Bail and New Procedures

#### **7 Essential Updates**

New Cases, Legislation and Rules

#### **Transforming Criminal Justice**

Restoring and Humanizing the Justice System

# The 2020 Criminal Justice Institute Faculty

*Excellence and Experience for Every Session*

## Featured Speakers

*Leading the Way Safely Forward*

### Chief Justice

#### Lorie Skjerven Gildea

Chief Justice Gildea has served as the Chief Justice of the Minnesota Supreme Court since 2010. Prior to that she served as an associate justice from 2006 to 2010 and as a district judge in the Fourth Judicial District from 2005 to 2006. Before being appointed to the bench, Chief Justice Gildea was a prosecutor in the Hennepin County Attorney's Office, Associate General Counsel at the University of Minnesota and in private litigation practice at Arent Fox in Washington, D.C.

### Representative

#### Jamie A. Becker-Finn (42B, DFL)

Representative Jamie Becker-Finn is an Assistant Hennepin County Attorney, where she has primarily worked on domestic violence cases. She was first elected in 2016 and is currently an Assistant Majority Leader. Rep. Becker-Finn is a founding member of the People of Color & Indigenous Caucus in the Minnesota Legislature and has served on the House Public Safety Committee.

### Attorney General

#### Keith M. Ellison

Attorney General Keith Ellison represented Minnesota's 5th Congressional District in the U.S. House of Representatives from 2007 to 2019. Before being elected to Congress, Attorney General Ellison served four years in the Minnesota House of Representatives. Prior to entering elective office, he spent 16 years as an attorney specializing in civil-rights and defense law, including five years as executive director of the Legal Rights Center. Attorney General Ellison received his law degree from the University of Minnesota Law School.

● **Landon J. Ascheman**  
Ascheman Law  
Saint Paul

● **Chief Judge Toddrick S. Barnette**  
Fourth Judicial District  
Minneapolis

**Emily Baxter**  
We Are All Criminals  
Durham, NC

**Representative Jamie A. Becker-Finn**  
DFL District 42B  
Minnesota House of Representatives  
Saint Paul

**David S. Bernstein**  
Minneapolis City Attorney's Office  
Minneapolis

**Joan M. Bibelhausen**  
Lawyers Concerned for Lawyers  
Saint Paul

**Jerry W. Blackwell**  
Blackwell Burke, PA  
Minneapolis

**Judge Tanya M. Bransford**  
4th Judicial District  
Minneapolis

● **Carolyn Agin Bruno**  
Bruno Law, PLLC  
Minneapolis

● **Frederic K. Bruno**  
Bruno Law, PLLC  
Minneapolis

**Jean E. Burdorf**  
Hennepin County Attorney's Office  
Minneapolis

**Judge Kevin S. Burke**  
Fourth Judicial District Court  
Minneapolis

**James C. Burroughs II**  
Chief Equity and Inclusion Officer  
Children's Minnesota  
Edina

● **Anthony W. Bushnell**  
Bushnell Best  
Minneapolis

**Benjamin J. Butler**  
Office of the Minnesota Appellate  
Public Defender  
Saint Paul

**Douglas R. Carlson**  
Douglas Carlson, Esq. PLLC  
Elk River

● **Jodie L. Carlson**  
Minnesota Court of Appeals  
Saint Paul

● **John J. Choi**  
Ramsey County Attorney  
Saint Paul

**Attorney General Keith M. Ellison**  
Minnesota Attorney General  
Saint Paul

**Ryan C. Else**  
Law Office of  
Brockton D. Hunter, P.A.  
Minneapolis

**Chief Justice Lorie Skjerven Gildea**  
Minnesota Supreme Court  
Saint Paul

● **Marsh J. Halberg**  
Halberg Criminal Defense  
Bloomington

**Lousene M. Hoppe**  
Fredrikson & Byron, PA  
Minneapolis

**Ronald B. Hovevar**  
Scott County Attorney  
Shakopee

**Susan M. Humiston**  
Office of Lawyers Professional  
Responsibility  
Saint Paul

● **Karen Kampa Jaszewski**  
State Court Administrator's Office  
Saint Paul

● **Julie A. Jonas**  
Innocence Project of Minnesota  
Minneapolis

**Irene W. Kao**  
League of Minnesota Cities  
Saint Paul

**Nicole A. Kettwick**  
Brandt Criminal Defense  
Anoka

**Angela Kiese**  
Office of the Minnesota Attorney  
General  
Saint Paul

**Daniel J. Koewler**  
Ramsay Law Firm PLLC  
Roseville

**Bryan T. Lake**  
The Law Office of Bryan Lake, PLLC  
Minneapolis

**Kevin M. Lindsey**  
Minnesota Humanities Center  
Saint Paul

**Tom Lyden**  
FOX 9, KMSP-TV  
Minneapolis-St. Paul

**Cathryn Middlebrook**  
Minnesota State Public Defender's  
Office  
Saint Paul

**Andrew H. Mohring**  
Office of the Federal Defender  
District of Minnesota  
Minneapolis

**Mary F. Moriarty**  
Fourth Judicial District Public  
Defender  
Minneapolis

**Brian F. Murn**  
Office of the Minnesota Attorney  
General  
Saint Paul

● **Virginia A. Murphrey**  
Tenth Judicial District Public  
Defender  
Anoka

**Eric J. Nelson**  
Halberg Criminal Defense  
Bloomington

● **Kevin O'Laughlin**  
Winona County Attorney's Office  
Winona

**Sharon R. Osborn**  
Osborn Law Office LLC  
Minneapolis

**Timothy M. Phillips**  
Law Office of Tim Phillips  
Minneapolis

**John Poupart**  
Retired  
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**Keshini M. Ratnayake**  
Office of Lawyers Professional  
Responsibility  
Saint Paul

**Nathaniel J. Reitz**  
Minnesota Sentencing Guidelines  
Commission  
Saint Paul

**Calandra F. Revering**  
Revering Law and Consulting  
Robbinsdale

**Jack G. Rice**  
Rice Law Office, P.A.  
Saint Paul

**Robert D. Richman**  
Law Office of Robert D. Richman  
Minneapolis

**Mark S. Rubin**  
St. Louis County Attorney  
Duluth

**Professor David A. Schultz**  
Hamline University  
Saint Paul

**dr. raj sethuraju**  
Metropolitan State University  
School of Law Enforcement &  
Criminal Justice  
Saint Paul

**Summra M. Shariff**  
Twin Cities Diversity in Practice  
Minneapolis

**Jeffrey S. Sheridan**  
Sheridan & Dulas  
Eagan

**Saraswati D. Singh**  
Ramsey County Attorney's Office  
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**Jamil Stamschror-Lott, LICSW**  
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Minneapolis

**Gloria Stamps-Smith**  
Hennepin County Attorney's Office  
Minneapolis

**Marshall H. Tanick**  
Meyer Njus Tanick, PA  
Minneapolis

**Joseph D. Van Thomme**  
Eckberg Lammers, P.C.  
Stillwater

**Brandon E. Vaughn**  
Robins Kaplan LLP  
Minneapolis

● **David S. Voigt**  
Office of the Minnesota Attorney  
General  
Saint Paul

**William M. Ward**  
Minnesota State Public Defender  
Minneapolis

● **Planner**

## A Special Thank You to Our Esteemed Faculty

The presenters appearing in this program donated their time, effort and expertise for the benefit of the criminal justice system and the advancement of the legal profession. We thank them for their dedication and generosity.

## A Big Thank You to Our Sponsors

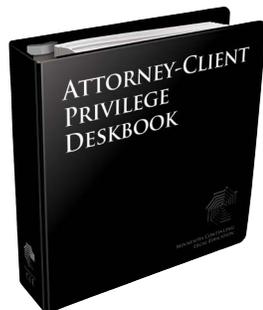


And the MSBA Criminal Law Section, Minnesota County Attorney's Association, the Office of the Minnesota Public Defender, The Bureau of Criminal Apprehension, the Office of Continuing Legal Education for State Court Personnel, the Office of the Attorney General, and the Minnesota Association of Criminal Defense Lawyers.

## Free for All Attendees!

All attendees will receive the 2020 Minnesota Criminal Code Book and these three Minnesota CLE publications in electronic version.

- 1 Orders For Protection, Harassment Restraining Orders and Domestic Abuse No Contact Orders Legal QuickSheet™
- 2 Guide to Terminology Related to Sex, Gender, and Sexuality Legal QuickSheet™
- 3 Attorney-Client Privilege *LinkedLaw* eDeskbook



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Less **Anxiety**

Better **Results**

More **Satisfied Clients**

## Anticipate New Rules and Procedures to Reduce Anxiety

The pandemic has forever changed the way we practice law. Stay abreast of new law and anticipate evolving procedures so you and your client can stress less.

## Address Inequities to Get Better Results

Understand how racial injustice permeates our society, influences police conduct, results in over-criminalization and mass incarceration of minorities and erodes public trust. Learn how to seek equity, from policing to sentencing, to get results that are fair and just.

## Elevate Your Practice Skills to Improve Client Satisfaction

Learn what the Judge needs from you during a remote hearing. Get tips for communicating with clients, protecting data while working remotely and sustaining a thriving practice. Get tools and approaches to set and satisfy your clients' expectations.

8:30 – 8:50 a.m.  
JOIN ONLINE

8:50 – 9:00 a.m.  
WELCOME & ANNOUNCEMENTS

9:00 – 9:45 a.m.  
**MORNING KEYNOTE PRESENTATION**  
**Ensuring Access to Justice in Difficult Times**  
*Chief Justice Lorie Skjerven Gildea*

9:55 – 10:25 a.m.  
**Police Reform Legislative Update**  
An insider's perspective on the Minnesota Legislature's special session following the death of George Floyd.  
*Representative Jamie A. Becker-Finn*

10:30 – 11:00 a.m.  
**2020 Legislative Update**  
An in-depth look at new legislation.  
*Ryan C. Else*  
*Angela Kiese*

11:00 – 11:30 a.m.  
LUNCH BREAK

11:30 a.m. – 12:15 p.m.  
**MID-DAY KEYNOTE PRESENTATION**  
**The Attorney General's Criminal Justice Update**  
*Attorney General Keith M. Ellison*

12:20 – 1:20 p.m.  
**2020 Review of the Top Minnesota Criminal Decisions**  
A seasoned prosecutor and experienced defense attorney provide in-depth analysis of recently decided Minnesota cases important to criminal law.  
*Benjamin J. Butler*  
*Jean E. Burdorf*

1:25 – 2:25 p.m.  
**U.S. Supreme Court Review**  
A noted professor, commentator, author and three-time Fulbright scholar examines U.S. Supreme Court cases and developments this year.  
*Professor David A. Schultz*

2:35 – 3:35 p.m.  
**BREAKOUT SESSION A**

101  
**Maximizing Success in a DWI Case – A 360 Degree Update**  
A look at the latest developments in DWI law, including an update on implied consent law. A discussion about resolving cases while distancing, appellate issues and more. Get expert advice on how to fix the faults in your case and achieve the results you need.  
*David S. Bernstein*  
*Nicole A. Kettwick*  
*Daniel J. Koewler*  
*Brian F. Murn*  
*Calandra F. Revering*  
*Jeffrey S. Sheridan*

102  
**Client Centric Defense – Lessons for Representing People Arrested for Protesting**  
All criminal defendants are concerned with avoiding jail and a criminal record. Protestors have the added concern of advancing their cause. In every case, figuring out what is important to your client, advising them of their rights and responsibilities and working zealously on their behalf is the framework for success. Get a refresher on the basics of client centric defense with a special focus on protest related cases.  
*Douglas R. Carlson*  
*Timothy M. Phillips*  
*Jack G. Rice*  
*Additional Faculty TBA*

103  
**The Role of the Prosecutor to Address Racial Disparity, Mass Incarceration and Achieve Better Outcomes for All in the Criminal Justice System**  
*1.0 elimination of bias credit applied for*  
Join this frank discussion about racial disparity, mass incarceration, the shifting role of the prosecutor and what prosecutors can do to achieve better outcomes for all in the criminal justice system.  
*John J. Choi*

3:45 – 4:45 p.m.  
**BREAKOUT SESSION B**

201  
**Maximizing Success in a DWI Case – A 360 Degree Update**  
A continuation of the discussion of developments and trends in DWI practice.  
*David S. Bernstein*  
*Nicole A. Kettwick*  
*Daniel J. Koewler*  
*Brian F. Murn*  
*Calandra F. Revering*  
*Jeffrey S. Sheridan*

202  
**Arguing for Bail, Conditional Release or Resentencing – Advocacy for COVID-19 and Beyond**  
Veteran defense attorneys discuss ways to advocate for your client, including new rules and considerations for release.  
*Andrew H. Mohring*  
*Mary F. Moriarty*  
*Robert D. Richman*

203  
**How to Communicate with Clients, Protect Data and Maintain a Thriving Business While Distancing – Ethics for COVID-19 and Beyond**  
*1.0 ethics credit applied for*  
The Director of the Office of Lawyers Professional Responsibility is joined by a prosecutor and white-collar defense lawyer to discuss business continuity, disaster recovery and fulfilling your professional responsibility in this year of pandemic and protest.  
*Lousene M. Hoppe*  
*Susan M. Humiston*  
*Joseph D. Van Thomme*

8:30 – 8:55 a.m.  
JOIN ONLINE

8:55 – 9:00 a.m.  
ANNOUNCEMENTS

9:00 – 10:15 a.m.

## Black Lives Matter – A Critical Conversation About Race, Privilege, Marginalization and Justice in America

*1.25 elimination of bias credit applied for*  
Leading lawyers and judges provide insight on inequities created by race, particularly in the justice system, and discuss ways to redress wrongs, promote equity in our profession and move to a more just society.  
*Jerry W. Blackwell  
Judge Tanya M. Bransford  
Judge Kevin S. Burke  
Kevin M. Lindsey*

10:25 – 11:40 a.m.

## Don't Just Reform, Transform – A Critical Conversation About Restoring and Humanizing the Justice Process

*1.25 elimination of bias credit applied for*  
Thought leaders and advocates discuss the harm people and communities are experiencing as a result of the current adversarial paradigm of policing and prosecuting and consider ways the justice system can better protect and serve the community.  
*Emily Baxter  
John J. Choi  
Elizer Darris  
John Poupart  
dr. raj sethuraju*

11:50 a.m. – 12:10 p.m.

## Advocating for Change – 10 Do's and Don'ts for Grassroots Lobbying

Experienced lobbyists tell you what works and what doesn't when seeking to influence lawmakers.  
*Irene W. Kao  
Bryan T. Lake*

12:10 – 12:40 p.m.  
LUNCH BREAK

12:40 – 1:40 p.m.

### BREAKOUT SESSION C

301

#### Applying Recent Sentencing Reforms to Your Case

New this year, the five-year presumptive probation cap for most offenses is the most recent of several sentencing reforms initiated by the Sentencing Guidelines Commission in the past few years. This discussion of these reforms' practical implications, both for practitioners and for the criminal justice system, will include a review of case law relating to their timing and effective dates.

*Cathryn Middlebrook  
Nathaniel J. Reitz*

302

#### What the Judge Needs from You When Conducting a Remote Hearing – Resolving Cases COVID-19 and Beyond

Get a judicial perspective on best practices for resolving cases and complying with new rules and expectations.

*Chief Judge Toddrick S. Barnette*

303

#### Avoiding Ethical Mistakes in Cases with Co-Defendants and Confidential Informants

*1.0 ethics credit applied for*

When cases involve multiple defendants or a confidential informant the opportunities for a wrongful conviction or ethical violation increase. This session shows you how to spot ethical issues from discovery, to testimony to pleas to trial and provides guidance for complying with the Rules of Professional Responsibility and your duties as an officer of the court.

*Keshini M. Ratnayake*

1:50 – 2:50 p.m.

### BREAKOUT SESSION D

401

#### Spotting Constitutional Issues When Trying Cases During Difficult Times – Is a Speedy Trial Always a Fair Trial?

As courthouses open, trials are taking place in conditions not heretofore seen. Learn the nuances of trying cases in the current circumstances; how to determine when circumstances interfere with the defendant's right to a fair trial; and how to raise these issues at trial and preserve them for appeal.

*Cathryn Middlebrook  
William M. Ward*

402

#### Ethics: Understanding the Differences Between Reporting, Rhetoric and Rumor – Media Relations in High Profile Cases

*1.0 ethics credit applied for*

Media plays an important role in shaping public perception of a case but lawyers must proceed with caution and ethical restraint. Join this frank discussion of knowing and navigating your ethical obligations and boundaries when interacting with the media.

*Marshall H. Tanick  
Tom Lyden  
Professor David A. Schultz*

403

#### Getting Smart-Shoe Phones to Cell Phones

A quick fire session on hands-free law; biometric password protection; seizure and retrieval of cell phone data; cell tower basics/geo location information and Google search history. Everything you need to know to practice "smartly".

*Marsh J. Halberg  
Eric J. Nelson*

3:00 – 4:00 p.m.

### BREAKOUT SESSION E

501

#### Prosecuting Cases Successfully

Investigating and charging; interacting with victims and witnesses; producing and introducing evidence; working with law enforcement; retaining experts – the list of a prosecutor's responsibilities is long. Join veteran county attorneys for a discussion of the things you need to have, know and do to properly handle a case.

*Ronald B. Hocevar  
Mark S. Rubin  
Saraswati D. Singh*

502

#### Ethics: Insights About Race, Stress and Professional Responsibility

*1.0 ethics credit applied for*

Join this frank discussion of why lawyers who are black, indigenous or people of color, report they experience isolation, alienation and disconnection at a higher rate than others, the unique stressors and stigmas minority attorneys face and why eliminating bias and creating an inclusive environment is a matter of professional responsibility.

*Joan M. Bibelhausen  
James C. Burroughs II  
Sharon R. Osborn  
Summra M. Shariff  
Gloria Stamps-Smith  
Jamil Stamschor-Lott  
Brandon E. Vaughn*

## ONLINE INSTITUTE

**Wednesday & Thursday, August 19 & 20, 2020**

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Registration for online Institute must be made at [www.minncle.org](http://www.minncle.org).

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## CREDITS

Minnesota CLE is applying to the Minnesota State Board of CLE for a total of **12.0 CLE credits**, including **1.0 ethics credit each for sessions 203, 303, 402 & 502, 1.0 elimination of bias credit for session 103, and 1.25 elimination of bias credits each for the Day 2 9:00 a.m. and 10:25 a.m. plenary sessions.**

Application is also being made to the Minnesota Peace Officer Standards and Training Board for POST credits, and the Minnesota State Bar Association for criminal law specialist credits.

## INSTITUTE MATERIALS

Registration for this course includes online access to the entire course manual.

## CANCELLATION POLICY / 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 written materials and PowerPoint presentations through their website account. Passholders may purchase the materials at 50% of the full retail price.

## QUESTIONS?

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Wednesday & Thursday, August 19 & 20, 2020

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