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- Judge Jane Kelly
- Judge David R. Stras



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- Chief Justice Lorie Skjerven Gildea
- Associate Justice G. Barry Anderson
- Associate Justice Natalie E. Hudson
- Associate Justice Paul C. Thissen



Minnesota Court of Appeals

- Chief Judge Susan Segal
- Judge Matthew E. Johnson
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**Friday,
 February 26, 2021**

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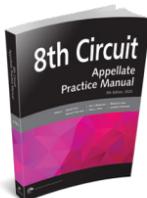
Friday, February 26, 2021
 LIVE ONLINE

A Special Thank You to the Institute Planning Committee members for their contribution of time, ideas, expertise, and insights: Erica A. Holzer (Chair), Elizabeth G. Bentley, Christopher W. Bowman, Scott M. Flaherty, Monte A. Mills, Travis J. Smith, Aaron D. Van Oort, Scott Wilson and Jenna Yauch-Erickson.

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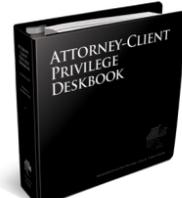
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8:05 – 8:35 a.m. JOIN ONLINE

8:35 – 8:45 a.m.

Welcome and Introduction

- Monte A. Mills, MSBA Appellate Practice Section Chair
- Erica A. Holzer, Course Chair

8:45 – 9:15 a.m.

A Message from the U.S. Court of Appeals for the Eighth Circuit

- Chief Judge Lavenski R. Smith

...And the Minnesota Supreme Court

- Chief Justice Lorie Skjerven Gildea

... And the Minnesota Court of Appeals

- Chief Judge Susan Segal

9:15 – 10:15 a.m.

KEYNOTE ADDRESS

Practicing in the U.S. Supreme Court in Turbulent and Changing Times

Seasoned Supreme Court and appellate practitioners will discuss Supreme Court practice in the October 2020 Term. The conversation will cover a range of topics, including advocacy before the Court in the era of COVID-19, the legacy of Justice Ginsburg, the shifting dynamics on the Court following the confirmation of Justice Amy Coney Barrett, and practical tips on building and maintaining a national Supreme Court and appellate practice.

- Kelsi Brown Corkran & Deepak Gupta
- Elizabeth G. Bentley (moderator)

10:15 – 10:20 a.m. BREAK

10:20 – 11:20 a.m.

Visual Elements and Advocacy in Appellate Briefing

The world of communication has changed. Outside the legal system, visual elements (think videos, still images, charts, and graphs) play a central role in communicating information. But many appellate briefs still use only words. This pathbreaking panel will introduce the world of visual advocacy to appellate lawyers and share key insights into appellate judges' openness to and analysis of visual elements in briefs.

- Margaret Hagan & Judge Peter M. Reyes, Jr.
- Aaron D. Van Oort (moderator)

11:20 – 11:30 a.m. BREAK

11:30 a.m. – 12:30 p.m.

Two Roads Diverging in the Woods: Judicial Perspectives on the Process of Statutory Interpretation

Join Eighth Circuit Judge David Stras and Minnesota Supreme Court Justice Paul Thissen for a point/counterpoint discussion about the process of statutory interpretation. Gain valuable insights into the different perspectives and approaches judges take in addressing the challenges presented by the process of statutory interpretation.

- Judge David R. Stras & Justice Paul C. Thissen

12:30 – 1:00 p.m. LUNCH BREAK

1:00 – 2:00 p.m.

Elimination of Bias: Who's Arguing Appeals?

1.0 elimination of bias credit applied for

Appellate courts play a critical role in deciding what the law means and their decisions affect many areas of daily life. Yet, appellate courts and the practitioners that appear before them often do not reflect the broader community that bears the impact of those decisions. This panel will unpack disparities in who is arguing cases in the courts of appeals, with a focus on gender, race, and practice area, and offer insight into steps the appellate bar can take to address those disparities and build a more diverse appellate system.

- Justice Natalie E. Hudson, Juvaria Khan & Liz Kramer
- Katherine S. Barrett Wiik (moderator)

2:00 – 2:10 p.m. BREAK

2:10 – 3:10 p.m.

BREAKOUT SESSION A

101

Effective Use of Authority in Appeals

A lively and practical discussion with judges from three different appellate courts on how to use caselaw, statutes, secondary sources, and other authorities to make your appellate arguments more persuasive, and how to present those authorities in a manner that is most effective and helpful to the court.

- Judge Jane Kelly, Justice G. Barry Anderson & Judge Matthew E. Johnson
- Erica A. Holzer (moderator)

102

Postconviction Practice in the Context of a Direct Appeal: How to Successfully Bring, and Defend Against, Postconviction Claims

A discussion about effective strategies in postconviction practice. From the defense side, how to use postconviction proceedings as an aid to a direct appeal, and from the prosecutorial side, various ways to defend against postconviction petitions.

- Adam E. Petras & Jenna Yauch-Erickson

103

Appellate Basics: An Advocate's Guide to Constructing the Framework Needed to Succeed on Appeal

Whether representing the appellant or appellee, the goal of every appeal is to persuade the governing judicial panel that those issues critical to your client's case should win, requiring a clear-eyed assessment of which issues are necessary to your client's win, the technical knowledge needed to carry those issues through the appellate process, and skill in persuasive issue-framing and legal argument. In this session, two experienced appellate advocates will discuss the technical ins and outs of the rules governing every appeal, state or federal, and offer suggestions for identifying and persuasively framing the critical issues in any case.

- Sharon Van Dyck & Scott Wilson

3:10 – 3:20 p.m. BREAK

3:20 – 4:20 p.m.

BREAKOUT SESSION B

201

How Do You Get to Carnegie Hall? The Importance of Moot Courts

Between the briefing and the argument comes the all-too-often overlooked part of practicing for oral argument. Hear from practitioners, both civil and criminal, about how they go about putting together a moot court panel, how they prepare for the mock argument, and the benefits of doing so.

- Jeffrey M. Markowitz, Cathryn Middlebrook & Mahesha P. Subbaraman
- Christopher W. Bowman (moderator)

202

Criminal Law: Caselaw Updates and Practitioner Pointers

Learn about recent criminal cases from the Minnesota appellate courts and hear tips on how to apply those opinions in your practice.

- Amy R. Lawler & Jonathan P. Schmidt

203

Appellate Pro Bono Opportunities

Learn about the variety of pro bono opportunities available to appellate practitioners and how to get involved. Presentations will include information on the self-help clinic, unemployment compensation appeals, criminal appeals, immigration and asylum appeals, and a new civil pro bono appeal program offered through the MSBA Appellate Practice Section.

- Thomas H. Boyd
Pro Bono Unemployment Compensation Appeals
- Theresa Dykoschak
Advocates for Human Rights Immigration Appeals Program
- Alethea Huyser
Civil Pro Bono Appeals Clinic and Self-help Appeals Clinic
- Rochelle R. Winn
Minnesota Appellate Public Defender Pro Bono Program

4:20 – 4:30 p.m. BREAK

4:30 – 5:00 p.m.

A Fireside Chat with Judge Jane Kelly

Hear reflections on appeals and get to know Judge Kelly during the traditional Fireside Chat. (No crackling fire this year – maybe next year!)

- Judge Jane Kelly
- Jenna Yauch-Erickson (moderator)

WATCH AGAIN FEATURE!

View all the sessions again for 1 year after the Institute. Reserved for attendees; any viewing of sessions outside the listed Institute dates and times is for educational purposes only and not eligible for credit.

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All course materials will be provided electronically.

CREDITS

Minnesota CLE is applying to the Minnesota State Board of CLE for **7.0 CLE credits, including 1.0 elimination of bias credit**. The maximum number of total credits attendees may claim is 7.0 credits. Application also has been made to the Minnesota State Bar Association for **7.0 civil trial specialist credits**.

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Minnesota CLE maintains a scholarship program for those with a financial need. Contact Grant at gdavies@minncle.org 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 800-759-8840.

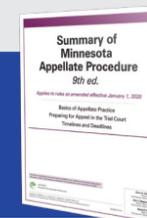
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