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- Chief Judge Lavenski R. Smith



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- Chief Justice Lorie Skjerven Gildea
- Justice Natalie Hudson
- Justice Margaret H. Chutich
- Justice Gordon L. Moore, III



Minnesota Court of Appeals

- Chief Judge Susan Segal
- Judge Michelle A. Larkin
- Judge Diane B. Bratvold
- Judge Jeffrey M. Bryan
- Former Chief Judge Edward J. Cleary (ret.)

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**Friday,
 February 25, 2022**

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A Special Thank You to the Institute Planning Committee members for their contribution of time, ideas, expertise, and insights: Christopher W. Bowman (Chair), Elizabeth G. Bentley, Erica A. Holzer, Kyle R. Kroll, Adam E. Petras, Travis J. Smith, and Jenna Yauch-Erickson.

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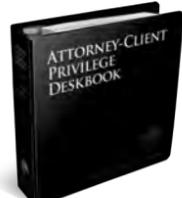
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8:00 – 8:30 a.m. JOIN ONLINE

8:30 – 8:45 a.m.

Welcome and Introduction

- Christopher Bowman, Appellate Practice Institute Chair
- Erica A. Holzer, MSBA Appellate Practice Section Chair

8:45 – 9:15 a.m.

A Message from the U.S. Courts 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

Supreme Court Practice in 2022

Former Acting Solicitor General of the United States, Neal Katyal, will discuss his career path to becoming a successful Supreme Court advocate, recent changes in the Supreme Court, and emerging appellate issues.

- Neal Katyal

10:15 – 10:25 a.m. BREAK

10:25 – 11:25 a.m.

The Duty of Candor on Appeal

1.0 ethics credit applied for

Fundamental to a lawyer's professional responsibility is the duty of candor to the court. Yet, that requirement is at times in tension with strong advocacy, and appeals present unique challenges. When should you include unfavorable facts in briefing and argument? If the opposing side fails to cite caselaw helpful to their claim, are you obligated to highlight it? What are the strategic concerns and practical ramifications at play? This experienced group of panelists will explore these issues and other ethical concerns when advocating on appeal.

- Justice Natalie E. Hudson, Judge Jeffrey M. Bryan & Peter R. Marker
- Robin M. Wolpert (moderator)

11:25 – 11:30 a.m. BREAK

11:30 a.m. – 12:30 p.m.

Effective Openings & Closings in Oral Arguments

This panel features distinguished practitioners and jurists who will share their insights on what makes a strong opening and closing in oral argument. Attendees will hear a variety of perspectives from oralists who have argued at all levels of the state and federal judiciaries. This program will also include example recordings from notable cases and our prolific panelists' commentary on the same. Attendees will gain useful strategies and tips on how to effectively open and close at oral argument.

- Judge Diane B. Bratvold, Katherine S. Barrett Wiik, Rachel F. Bond, Aaron D. Van Oort & Nicole A. Saharsky
- Kyle R. Kroll (moderator)

12:30 – 1:00 p.m. LUNCH BREAK

1:00 – 2:00 p.m.

Precedent, Power, and the Minnesota Appellate Courts

A distinguished panel of jurists will discuss the timing and dynamics of precedent creation, the division of power between the state appellate courts, and the role of courts in making law.

- Justice Margaret Chutich, Judge Michelle Larkin & Former Chief Judge Edward J. Cleary (ret.)
- Erica A. Holzer & Jenna Yauch-Erickson (moderators)

2:00 – 2:10 p.m. BREAK

2:10 – 3:10 p.m. BREAKOUT SESSION A

101 BASICS

The Nuts & Bolts of an Appeal – Learn the Basics of How to Succeed at the Appellate Courts

This session will provide an overview of how to do an appeal from the important dates and deadlines, the technical rules, to crafting effective arguments. Learn tips and strategies on how to frame your client's issues in a persuasive manner and what common pitfalls to avoid.

- Nicole A. Kettwick & Isabel L. McClure

102 INTERMEDIATE/ADVANCED

Demystifying Extraordinary Writs

Writs of prohibition and mandamus are reserved for extraordinary situations. But these circumstances do arise in some cases. Join a group of experienced, knowledgeable panelists for a discussion about extraordinary writs, when they should be pursued, strategies for seeking and defending against them, and what is considered when they are granted or denied. The presenters will discuss writ practice in both criminal and civil matters, and in both state and federal courts.

- Chief Judge Susan Segal, Michelle K. Kuhl & Jonathan P. Schmidt
- Adam E. Petras (moderator)

103 SPECIAL INTEREST

Criminal Law Update

This session will cover the constitutional law issues that have emerged in criminal proceedings during the COVID-19 pandemic, including speedy trial, witness confrontation, and courtroom closures.

- Rebecca Ireland & Todd P. Zettler

3:10 – 3:20 p.m. BREAK

3:20 – 4:20 p.m. BREAKOUT SESSION B

201 BASICS

Minnesota Supreme Court Update

Learn about the most important Minnesota Supreme Court cases from 2021, as well as high-level notes on how 2021 differed from 2020 at the Court. In particular, presenters will summarize key decisions regarding criminal law, environmental and energy, pleading standards, employment, and constitutional law, and share takeaways on how they affect your practice.

- Solicitor General Liz Kramer, Angela Behrens, Peter J. Farrell, Cicely R. Miltich & Edwin W. Stockmeyer

202 INTERMEDIATE/ADVANCED

Administrative Appeals – Anything But “Administrative”!

Although the category of “administrative” appeals may imply they are simple and straightforward, nothing could be further from the truth. In recent years, appeals of agency decisions have increased in complexity, scope, and ramifications. This panel of distinguished attorneys will offer useful guidance on the process, standards of review, and particulars of administrative appeals. Attendees will learn essential tools for handling administrative appeals in their own practice.

- Thomas H. Boyd, Ann E. Cohen, Kari T. Crone & Christopher M. Kaisershot
- Kyle R. Kroll (moderator)

203 SPECIAL INTEREST

Maximizing Your Chances of Success in Family Law Appeals

This session will discuss topics unique to family law appeals. Learn about the top trends, the family law appellate mediation program, and the best strategies for handling appeals in this area of law.

- Michael P. Boulette & Elizabeth M. Cadem

4:20 – 4:30 p.m. BREAK

4:30 – 5:00 p.m.

A Fireside Chat with Justice Gordon L. Moore, III

Hear reflections on appeals and get to know Justice Moore during the traditional Fireside Chat.

- Justice Gordon L. Moore, III
- Travis J. Smith (moderator)

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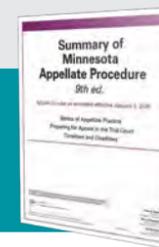
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