

MSBA'S APPELLATE PRACTICE SECTION COUNCIL

DECEMBER 6, 2007 MEETING MINUTES

The MSBA Appellate Practice Section Council meeting was held on December 6, 2007, at the MSBA offices in Minneapolis. The section chair, Diane Bratvold, led the meeting. The following topics were discussed.

Approval of Minutes. A motion to approve the meeting minutes for November 1, 2007 was made, and the motion was seconded. Motion passed.

Treasurer's Report. Steve Buterin was not present to make the treasurer's report.

Annual Convention Programming. MSBA Convention will be held in Duluth on June 15-17 (Sunday, June 15 is an optional day). Peter Gray and Karl Robinson will take the lead on the appellate programming for the convention.

Appellate Pro Bono Program. Tom Boyd reported on the appellate pro bono program. In the pilot program the clerk's office would give written notice of unrepresented prospective relators for workers' compensation benefits appeals. Twenty-five packets were received and eight people were contacted. Five appeals went forward. Four out of the five relators prevailed. LawHelpMN.org website features a description of the appellate pro bono program. Jean Lastine – Executive Director of Central Legal Services and works with various legal organizations of state through MN Legal Services Collation – offered help on the appellate pro bono program. Jean's name would be added to the list serve and she would forward on pro bono cases to the Collation. They would take approximately six to ten cases per year, with the total for the pro bono program taking about twenty cases per year. Fifty packets will be sent to Fred Grittner, Clerk of Appellate Courts, which will be handed out around January 1. Tom talked to Jean about a training program and Jean would like to get it going. The training program will not delay a partnership with the Collation. The Section could help by assisting with the training program. The Collation would meet the Section half way (or more) on the training program. The training program would be open to the public. Tom will talk to Jean about date/times for a training program.

Year in Review Seminar. The year in review is scheduled for February 8, 2008 at the MSBA office. Kathleen Ghreichi is heading up this on behalf of the Section. Justice Paul Anderson and Chief Judge Toussaint are scheduled to present. The MSBA office can seat sixty people (past attendance ranged from 40 to 50 people). The year in review will be a lunch meeting, possibly 11:45 to 1:45. CLE credit will be provided. Kayla Jurrens will take care of getting CLE credit. Sending "Save the Date" notices to entire Appellate Practice Section as soon as possible was discussed. The price of the seminar usually covers lunch (\$25-\$35 was the past cost). Kayla will work with costs.

Appellate Practice Institute. The Appellate Practice Institute is currently scheduled for March 19, but the date may change. Professor Tim Terrell from Emory Law School noted that he may have to move the date (either to March 18 or 20). Professor Terrell may be able to do March 19. For future reference, Fridays are the best dates for the courts to schedule events such

as the Appellate Practice Institute. The exact date will be determined in the next month. The Institute will follow a similar format as past years. There will be a panel discussion with Judges, Peter Knapp and Barb Jones. The Chief Judges will give a “status of the Court” report. There will be an ethics presentation, possibly with Judge Wright. There will be a preparation session regarding arguments, brief writing, which will have a judge and an advocate representative for the presentation / panel. There will be one break-out session with three possible options (1) nuts and bolts; (2) advanced; (3) post-trial motions. Professor Terrell will speak in the afternoon on brief writing. At the end of the day, there will be a reception for the new appellate judges.

Advanced Topic CLE. There had been discussion about holding the CLE in April. Questions of whether April makes sense if the Institute would be held in mid-March. The CLE would be over lunch rather than a full day program such as the Institute. Kate McBride and Steve Buterin are planning the CLE.

Lunch with Judges. Discussed starting a lunch with judges, similar to the FBA lunches. Currently considering how to move ahead with the idea. Caterers have been contacted. Some discussion on how to pay, what to charge, etc. The MSBA can help with the logistics. Discussed starting the lunches in the Spring.

Other Business. January meeting should discuss planning of the end of the year meeting.