

## MSBA's Appellate Practice Section Council

### March 5, 2009 Meeting Minutes

The MSBA Appellate Practice Section Council met on March 5, 2009, at the MSBA offices in Minneapolis. Sherri Hawley led the meeting. The following council members were present: Tom Boyd (by telephone), John Baker, Louise Behrendt, Karen Cole, Peter Gray, Bill Hart, Charlie Maier, Andrea Reisbord, Karl Robinson, Jon Schmidt, Chuck Webber, Judge Bruce Willis, and Robin Wolpert. Kayla Jurrens was the MSBA staff person on hand for the meeting.

The Council discussed the following topics:

1. Approval of Minutes. The minutes from the January 8 and February 5, 2009, meetings were approved.
2. Treasurer's Report. Chuck Webber reported that as of the end of January 2008, the section had a balance of \$7,815.22.
3. Pro Bono Program Update. Tom Boyd gave a report on the unemployment-compensation pro bono project. He said that the Clerk of Appellate Courts has flyers at the clerk's desk touting the availability of the pro bono service. Tom said that there were 32 contacts last year, 21 of which had appeals referred to volunteers, and that 14 volunteer lawyers appeared and briefed cases on the merits. At least six of those cases have been resolved on the merits, including one reversal. Tom said that we should do another free training session, identifying volunteers who are willing to take cases. Tom reported that 30 people did the training last year. The council discussed sending out an e-mail on the listserv soliciting volunteers. Tom said that Professor Knapp and Chief Judge Toussaint spoke at the last training session. He said that we should probably do the training soon, given the cases on the horizon. The training session is two hours long, and pretty straightforward. Sherri Hawley and Tom will discuss the details and start the planning. Peter Gray volunteered to chair the effort going forward, and Karl Robinson and Jon Schmidt volunteered to assist Peter in that mission.
4. Appellate Practice Institute final information. Diane Bratvold and Chuck Webber reported that all systems were go for the Appellate Practice CLE, scheduled for the next day, March 6, in Minneapolis.
5. Appellate lunches. The council discussed a potential speaker for the next lunch, tentatively scheduled for April 27. That speaker was James Sample, a NYU law professor who would speak on the *Caperton* case before the Supreme Court. The biggest question was Professor Sample's airfare, which would run approximately \$1,000, but would be less if he were willing to stay overnight. There was also discussion on where to hold the lunch, with Town & Country, Briggs & Morgan, and Faegre & Benson being discussed. Robin Wolpert will continue to investigate Professor Sample's availability and the cost of bringing him to town, as well as the venue for the lunch.
6. Annual dinner. The annual dinner will be held on May 12, 14, or 21. Judge Willis, John Baker, Jim Simonson, and Sherri Hawley will serve as the committee for planning the dinner. Details to follow.
7. Year-in-review CLE. Andrea Reisbord reported that the year-in-review CLE had great attendance—150% of what she expected. It was a success.

8. Pro bono criminal appeals discussion. Sherri Hawley started a discussion with Mike Ford months ago, but the subject was tabled in light of Larry Hammerling's health issues. Jon Schmidt will follow up with the public defender's office to find out what cases are appropriate for pro bono opportunities, so that it does not create more work for the PD's office.

9. Other business. Peter Gray told a story about Judge Paul Magnuson.

10. Next meeting. Scheduled for April 2, 2009

The meeting adjourned.

Chuck Webber  
Treasurer/Secretary