

MSBA'S APPELLATE PRACTICE SECTION COUNCIL

Minutes of January 7, 2010 Meeting

Attending: Steve Buterin, Chuck Webber, Sherri Hawley, Karen Cole, Erik Hansen, Karl Robinson, John Baker, James Simonson, Ken White, Jon Schmidt, Robin Wolpert.

Steve Buterin opened the meeting and requested approval of the minutes for the November meeting minutes. The minutes were approved.

Robin Wolpert provided the treasurer's report. Based on figures available as of January 2010, the section's balance was \$5,262.65.

Steve Buterin then directed the discussion to the subject of the appellate lunches. Steve requested feedback on the question of the pricing for the February lunch. Robin recommended that the lunch be a low cost one, similar to the last lunch, to boost attendance and draw public sector attorneys to the February lunch. After a brief discussion, the sense of the Council was to price the lunch in the \$20-range.

Steve Buterin then updated the Council on the status of the Appellate Practice Institute. He noted that the committee planned the event ahead of schedule and that our featured speaker, Professor Terrell, has reduced his fee for the event. Steve posed the question as to whether the Section should contribute some money toward Professor Terrell's fee. In doing so, the Section would be a co-sponsor of the event. Steve recommended a \$500 contribution. Chuck Webber spoke in favor of the recommendation, as did Jim Simonson and Sherri Hawley. The Council voted unanimously to contribute \$500 to Professor Terrell's fee.

Chuck Webber updated the Council on the status of the Year In Review, to be held at Faegre's offices on January 29.

Steve Buterin updated the Council on the Nine Days in June meetings and said that MSBA would be sending out a survey asking members what appellate practice topics they would like covered at the Nine Days in June meetings. Steve said we would have more information about the survey results at the next Council meeting. This information will assist the Council as it plans the CLE agenda for those meetings.

Steve Buterin asked for volunteers to attend the MSBA Annual Law School Mixer on February 2, 2010. Erik Hansen, John Baker, Bill Hart, Jim Simonson, and Steve Buterin volunteered to represent the Council at the event.

Steve Buterin informed the Council that the MSBA Rules on Professional Conduct Committee has asked for our Section's comments regarding its proposed amendments relating to retainer agreements and flat fee agreements. Steve noted that the proposed rule changes did not specifically implicate appellate practice issues. Chuck Webber added that the Committee was soliciting feedback and no formal action by the Council was expected or required. Steve stated that he did not believe the Council needed to take a position as a Section on the proposed rules

changes. Jim Simonson agreed that the proposed rule changes were not particularly relevant to appellate practice. Steve invited comments from Council members to the proposed rule changes but otherwise would not be sending in comments on behalf of the Section.

The Council then discussed possible dates for the annual meeting and dinner in St. Paul. Chuck Webber proposed a date during the week of May 17, 2010. Jim Simonson, Karen Cole and Jon Schmidt volunteered to serve on the planning committee and identify a date, speaker and the venue.

Robin Wolpert raised the issue of whether we should hold a supreme court law clerk reunion for the next appellate practice lunch. Robin agreed to check with Justice Hanson and Tom Boyd at the Minnesota Supreme Court Historical Society to see if the Society would co-sponsor the event and whether they supported holding a reunion this May.

Robin Wolpert
Secretary/Treasurer