

***Richard Clem Continuing Legal Education***  
***9 CLE Credits including 3 Ethics Credits\*, Only \$139***

Completely Satisfies Ethics Requirement for Minnesota and Wisconsin

**DULUTH-SUPERIOR AREA CLE**

**Cloquet CLE Day**

**Saturday, April 9, 2011, 9:00 AM - 6:45 PM**  
**University of Minnesota Cloquet Forestry Center**  
**Second Floor Library Conference Room**  
**175 University Road**  
**Cloquet, MN 55720-9594**

*\*Minnesota: This program has been **approved** by the Minnesota Board of Continuing Legal Education for 9.0 credits, including 6.0 standard credits and 3.0 ethics credits. Wisconsin: This program has been **approved** for 8.0 credits, including 3.5 ethics credits. Iowa: Credit applied for upon request.*

**Program Description**

We have five interesting presentations planned—two live lectures, and three video replays:

**Early Minnesota Legal History** (Video replay) presented and moderated by Richard Clem. Lawyers generally don't think of themselves as historians, but we frequently do the work of historians. We seek out historical events (which we call "precedents") and try to apply these historical lessons to current situations. Minnesota's legal history has a long pedigree, dating back to the Northwest Ordinance of 1787. These antecedents give our laws a "chain of title" that is sometimes ignored. Some of the historical antecedents we'll look at are merely interesting "old cases" with little practical application. But others come under the heading of "venerable precedents", which can sometimes make an argument more compelling. And in a few cases, the law as it existed prior to statehood was arguably enshrined into the state constitution, in which case it takes on special significance. Course materials for this portion of the program are available free online at [www.richardclem.com](http://www.richardclem.com). One hour, thirty minutes.

**Ethics Refresher 2011 (Part 2)** (Live program). This will be a comprehensive review of the Rules of Professional Conduct for attorneys in Minnesota, Wisconsin, and Iowa. All three states have adopted substantially similar rules governing lawyers, and this course will review the rules as adopted in all three states. Where the rules differ, we will go over the differences. Seeing these differences is useful for the practitioner in that particular state, but also gives insight into the meaning of the rule in other states. And since the same model rules serve as the basis for most states' versions, this course will provide practical guidance in most U.S. jurisdictions. Many lawyers sit down and review the Rules in their entirety only once, and that is before they take the Multistate Professional Responsibility Exam in law school. But the rules change over the years and decades, and some of the finer points might be forgotten. Therefore, this course will serve as a useful refresher for the practitioner to avoid ethical pitfalls. This three hour segment satisfies the entire ethics requirement in both Minnesota and Wisconsin. This portion of the program covers Rules 5.1 through 8.5. It is also a part of a longer six-hour program, the first half of which is presented on different dates, including St. Paul on April 2. Three hours.

**Recent Seventh Circuit Decisions** (Video replay) presented and moderated by Richard Clem. We'll be looking at recent noteworthy cases from the U.S. Court of Appeals for the Seventh Circuit. Topics include: Wisconsin Unfair Sales Act not preempted by Sherman Act; Wisconsin integrated bar compelled speech limitations; "heckler's veto"; speech by student organizations; firearms possession by user of controlled substance; Wiretap Act; EEOC retaliation claim; and more. This program was originally presented on September 18, 2010, and was approved for credit in Minnesota and Wisconsin. One hour.

**Nuts and Bolts of Minnesota Appellate Practice** (Live program) presented by Richard Clem. For the attorney unexpectedly faced with a case before the Minnesota Court of Appeals, it can be a daunting challenge. While the

Minnesota Rules of Appellate Procedure are not onerous, they do impose requirements that might be very different from what the trial attorney is used to. In some cases, seemingly innocent violations of these rules can be disastrous. We'll walk through the rules and give practical guidance on how to file a notice of appeal, how to order a transcript, how to write and assemble a brief, and even what color the brief's cover needs to be, and how it should be bound. This course will put you at ease if you are ever required to file an appeal, or if the opposing party files an appeal in a case in which you prevailed. The course materials include detailed forms and checklists, and references to the rules. Two hours, fifteen minutes.

**Whiplash: The Epidemic** (Video replay) presented by Dr. Brian J. Engel and moderated by Richard Clem. Dr. Engel, an attorney and chiropractor, will discuss the medico-legal issues surrounding Whiplash, and will provide numerous practice pointers for the attorney handling such a case. The program will cover history, epidemiology, biomechanics, diagnosis, treatment, and risk assessment. Particular emphasis will be given to the challenges presented to the attorney handling such a case. For example, jury pools are often tainted by junk science, and this junk science is often repeated by defense experts. Since these experts invariably rely upon a handful of studies out of thousands, this program will give the attorney handling this type of case specific guidance on how to overcome this junk science. This program was originally presented on February 19, 2011, and was approved for credit in Minnesota, Iowa, and Wisconsin. One hour, fifteen minutes.

### **About the Speakers**

Richard P. Clem has a B.A. in history from the University of Minnesota, and a J.D., cum laude, from Hamline University School of Law. He has been in private practice in the Twin Cities for over 20 years. His reported cases include: *Asociacion Nacional de Pescadores a Pequena Escala o Artesanales de Colombia v. Dow Quimica de Colombia*, 988 F.2d 559, rehearing denied, 5 F.3d 530 (5th Cir. 1993), cert. denied, 510 U.S. 1041 (1994); *LaMott v. Apple Valley Health Care Center*, 465 N.W.2d 585 (Minn. Ct. App. 1991); *Abo el Ela v. State*, 468 N.W.2d 580 (Minn. Ct. App. 1991).

Brian J. Engel, D.C., J.D., is an attorney and chiropractor. He graduated from Northwestern College of Chiropractic in 1990, and from William Mitchell College of Law in 2000. He has been licensed to practice chiropractic since 1990 and law since 2000. He has owned and operated multi-discipline and diagnostic clinics. He has experience in personal injury, both as an attorney and chiropractor.

### **Course Schedule**

8:30	Registration
8:55	Opening Remarks
9:00	Early Minnesota Legal History (Richard Clem, Video Replay) (90 minutes)
10:30	Break
10:35	Ethics, Part A (Richard Clem, Live Lecture) (90 minutes)
12:05	Lunch (Provided) (Sandwich, Fruit, Chips, Cookie, provided by Jim N Jo's Katering)
12:30	Ethics, Part B (Richard Clem, Live Lecture) (90 minutes)
2:00	Break
2:05	Recent Seventh Circuit Decisions (Richard Clem, Video Replay)(60 minutes)
3:05	Break
3:10	Nuts and Bolts of Minnesota Appellate Practice (Richard Clem, Live Lecture) (135 minutes)
5:25	Break
5:30	Whiplash, The Epidemic (Dr. Brian Engel, Video Replay) (75 minutes)
6:45	Closing Remarks

### **Location and Directions**

The University of Minnesota Cloquet Forestry Center is conveniently located less than a half hour from Duluth, and less than three hours from the Twin Cities. There are a variety of hotel chains in Cloquet, less than three miles away. **FROM DULUTH:** Take Interstate 35 South to Cloquet Exit #237 (Minnesota Highway 33). Take Highway 33 north approximately 1 mile to Big Lake Road (County Road 7). (This is the next major intersection after Washington Avenue.) Follow Big Lake Road/County Road 7 approximately 2 1/2 miles to University Road (County Road 5). Turn left on University Road/County Road 5. Follow County Road 5 south for approximately 1/10 mile. The Forestry Center will be on your right.

**FROM THE TWIN CITIES:** Take Interstate 35 North to Cromwell/Carlton exit #235. Turn left (west) on Minnesota Highway 210, and follow Highway 210 for 2.8 miles. Turn right on University Road/County Road 5. Keep following County Road 5/University Road, for a total of 3.8 miles. The Forestry Center will be on your left.

The CLE will be in the Library Conference Room, on the second floor of the Administration-Classroom Building. The Administration-Classroom building is at the south end of the main parking lot. From lobby: Enter double doors on left and access stairway across hallway. Library is located at the top of the stairs on the left. **ACCESSIBILITY:** The conference room, which is located on the second floor, is accessible from an **outdoor** ramp. For special parking instructions to use the accessible entrance, please contact me in advance, or call my cel phone the day of the program.

A map is available at the following URL: <http://cfc.cfans.umn.edu/about/maps.html>

Lunch, coffee, and soft drinks will be provided free of charge. Please notify me in advance of any special dietary needs. In addition, there are a variety of stores and restaurants about 2 1/2 miles away in Cloquet. You may also bring your own lunch.

The cost of this program is \$139. You may register by mail by sending payment, along with a note indicating the date of the program to:

Richard P. Clem  
PO Box 14957  
Minneapolis, MN 55414  
Phone (612) 378-7751

For questions the day of the CLE, Cel. (651) 285-5474

You may also register securely online by visiting:

[www.richardclem.com](http://www.richardclem.com)

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### REGISTRATION

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Please mail registration to:  
**Richard P. Clem**  
**PO Box 14957**  
**Minneapolis, MN 55414**

Please enclose payment of \$139, payable to Richard P. Clem.

Name: \_\_\_\_\_ e-mail: \_\_\_\_\_

Firm or Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_