

***Richard Clem Continuing Legal Education***  
***7 Minnesota CLE Credits\*, 8.5 Wisconsin CLE Credits\****  
***\$120 for the entire program, or \$25 per credit***  
**INCLUDES ETHICS AND ELIMINATION OF BIAS**  
**EAGAN CLE DAY**

Monday, June 13, 2011, 12:00 - 7:45 PM  
Conference Room  
Microtel Inns & Suites  
3000 Denmark Avenue  
Eagan, MN 55121

*CLE credit has been applied for as follows: Minnesota: 7 credits, including 2.0 ethics credits and 2.0 elimination of bias credits. Wisconsin: 8.5 credits, including 2.0 ethics and professional responsibility credits. Iowa: CLE credit applied for upon request.*

**Cost:** \$120 for all seven credits. You may also attend any portion of the course for only \$25 per credit.

**Program Description**

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

**Minnesota Supreme Court: March-April 2011 Decisions** (Video Replay) presented and moderated by Richard Clem. This program will review the decisions of the Minnesota Supreme Court handed down during March and April, 2011. Topics include: Zoning ordinance modifying Rochester airport "safety zone" constitutes a taking since diminution in value of adjoining property was substantial. A mutual mistake of material fact does not warrant rescission of the contract when the mistake is to mere value—even though the contract accidentally included two parcels of land worth twice the value of the contract. When consent is at issue, the court may receive expert testimony as to the typical behavior of sexual assault victims. We'll also look at when property is "acquired" by a tax-exempt entity so as to exempt the property from taxation. Finally, we'll take a look at the court's reluctant order of March 9 continuing the "temporary" \$100 increase on Minnesota Attorney Registration fees. This program was originally presented in Roseville, Minnesota, on May 10, 2011. One hour. 1.0 Minnesota standard CLE credit applied for; 1.0 Wisconsin CLE credit applied for.

**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, five minutes. 2.0 Minnesota standard CLE credits applied for; 2.5 Wisconsin CLE credits applied for.

**Ethics Refresher 2011 (Parts 4 and 5)** (Video replay) presented and moderated by Richard Clem. 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' rules, this course will provide practical guidance for

attorneys in most U.S. jurisdictions. Many lawyers 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 is a portion of a longer six-hour program, but each segment stands alone, and can be viewed in any order. This program was originally presented in Roseville, Minnesota, on April 12 and 19, 2011. Two hours. 2.0 Minnesota ethics CLE credits applied for; 2.0 Wisconsin CLE credits applied for.

**Elimination of Bias: The Rules and an Ongoing Process.** (Video replay) presented and moderated by Richard Clem. We'll start by looking at the rules governing bias within the legal profession, which is a subject covered by both the General Rules of Practice and the Rules of Professional Conduct. We will then see how well we are collectively doing as a profession and legal system in abiding by those rules. We will do so through the eyes of participants at a series of community dialogues at which community members were asked to describe their experiences and discuss ideas for advancing racial equality and fairness in the courts. All participants are welcome to share their insights. This program was originally presented in Roseville, Minnesota, on May 17, 2011. One hour. 1.0 Minnesota elimination of bias CLE credit applied for; 1.0 Wisconsin CLE credit applied for.

**Elimination of Bias: A Continuing Discussion.** (Live lecture and discussion) presented and moderated by Richard Clem. We will continue the discussion of the issues raised by the previous program, "Elimination of Bias: The Rules and an Ongoing Process". In small groups and as a larger group, we will discuss issues such as the importance of diversity of the bench and court staff, and whether this is necessary for actual fairness, perceived fairness, or both. We will discuss the importance of overcoming barriers to access to the courts, such as lack of public transportation. We will discuss the special issues of immigrant and refugee parents whose children interact with the judicial system. We will discuss actual and perceived racial profiling. We will discuss the unintended immigration consequences of state court actions. Finally, we will discuss how the system can better reach out to communities of color, both as a system, and as individual attorneys. The discussion will be led and facilitated by Richard Clem. **Prerequisite:** Attendance at "The Rules and an Ongoing Process", either the previous hour of this seminar, or another presentation.

### **Elimination of Bias Learning Goals**

Each elimination of bias program will run sixty continuous minutes, will relate directly to the practice of law, and is designed to meet the first and third learning goals for elimination of bias courses:

1. To educate lawyers about the elimination of bias or prejudice in the legal profession, in the practice of law, and/or in the administration of justice; ...
3. To educate lawyers about the problems identified in the Supreme Court's Race Bias and Gender Fairness Task Force Reports, as well as in other studies, reports or treatises which describe bias and prejudice in the legal profession, in the practice of law, and/or in the administration of justice.

We will begin by referencing the Supreme Court's 1993 report on the elimination of bias in the judicial system, and we will also look at how both the Rules of Professional Conduct and the General Rules of Practice require us as lawyers to avoid bias.

Then, we will look at how well we are doing in meeting these requirements, as seen by various communities, including communities of color. In particular, we'll examine the suggestions made by members of the public at community dialogues held over the past three years by the Supreme Court's Racial Fairness Committee.

There will be opportunities for participants to discuss these suggestions, and to offer our own suggestions on how we can fulfill these professional obligations.

### **About the Speaker**

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).

CLE credit has been applied for as follows:

Minnesota: 7.0 CLE credits, including 2.0 elimination of bias credits and 2.0 ethics credits.  
Wisconsin: 8.5 CLE credits applied for, including 2.0 ethics and professional responsibility credits.

#### Course Schedule

11:30	Registration
11:55	Welcome, opening remarks
12:00	Minnesota Supreme Court: March-April 2011 Decisions (Video Replay) (1 hour)
1:00	Break
1:05	Nuts and Bolts of Minnesota Appellate Practice (Live program) (2 hours, 5 minutes)
3:10	Break
3:15	<b>Ethics</b> Refresher 2011 (Part 4) (Video replay)
4:15	Break
4:30	<b>Elimination of Bias:</b> The Rules and an Ongoing Process. (Video replay) (1 hour)
5:30	Break
5:35	<b>Elimination of Bias:</b> A Continuing Discussion. (Live lecture and discussion)(1 hour)
6:35	Break
6:40	<b>Ethics</b> Refresher 2011 (Part 5) (Video replay)
7:40	Closing remarks

The Microtel Inn & Suites Eagan is located at 3000 Denmark Ave, Eagan, MN, 55121. The hotel phone number for directions is 651-405-0988. The hotel is located just southeast of the Lone Oak Road exit from Interstate 35E. From 35E, take the Lone Oak Road exit (County Road 26) east. Go about 100 yards and turn right (south) on Denmark Avenue. From Lexington Avenue, turn west on Lone Oak Road, and take an almost immediate left (south) on Denmark Avenue. The hotel entrance will be visible from Denmark. **Accessibility:** The facility is completely accessible. The CLE will be held in an upper floor conference room which is accessible by elevator. There is plenty of free parking in the hotel lot. Coffee, soft drinks, and snacks will be provided.

The cost for the entire program is \$120. You may also attend any portion of the program for only \$25 per credit. You may register by mail by sending payment, along with a note indicating which programs :

Richard P. Clem  
PO Box 14957  
Minneapolis, MN 55414

You may also register securely online by visiting:

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

## Registration

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Eagan, Minnesota 55121

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

**Monday, June 13, 2011, 12:00 - 7:40 PM**

- \_\_\_\_\_ Full program \$120
- \_\_\_\_\_ Minnesota Supreme Court: March-April 2011 Decisions (12:00 - 1:00) \$25
- \_\_\_\_\_ Nuts and Bolts of Minnesota Appellate Practice (1:05 - 3:10) \$50
- \_\_\_\_\_ Ethics Refresher 2011 (Part 4) (3:15-4:15) \$25
- \_\_\_\_\_ Elimination of Bias: The Rules and an Ongoing Process. (4:30 - 5:30) \$25
- \_\_\_\_\_ Elimination of Bias: A Continuing Discussion. (5:35 - 6:35) \$25
- \_\_\_\_\_ Ethics Refresher 2011 (Part 5) (6:40 - 7:40) \$25

Total payment enclosed: \$\_\_\_\_\_

Please enclose you check, payable to Richard P. Clem.

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

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

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

\_\_\_\_\_

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