

Emerging Trends of State Constitutional Challenges

In the last few years we have seen a trend of parties raising state constitutional challenges. Here to discuss their insights on this trend and why parties are raising these challenges are three appellate judges. Justice Karl Procaccini of the Minnesota Supreme Court, and Judge Angie Coble of the Kansas Court of Appeals, and Hon. Elizabeth Bentley, will provide their thoughts on why we are seeing more parties raising the state constitution when challenging an issue. This program is designed to prepare you for how to handle this issue when it is raised in your court, the necessary judicial findings where applicable, and how this issues are faring at the appellate level.

Join us to explore:

- Whether the trend of raising state constitutional challenges is "here to stay"?
- What a judge should require from parties when a state constitutional challenge is made in district court.
- How appellate judges are reviewing and considering unpreserved state constitutional challenges, including whether courts are remanding the cases to the district court for further factual findings. The key differences between ADR and traditional legal roles

Panelists:



Hon. Elizabeth Bentley

Elizabeth Bentley has served as a judge on the Minnesota Court of Appeals since August 2024. Prior to her judicial appointment, she was a visiting assistant professor of law at the University of Minnesota Law School, where she founded and directed the Civil Rights Appellate Clinic. Her research and scholarship focused on issues of state constitutional law and interpretation.

Judge Bentley's other professional experience includes serving as special counsel to Senator Amy Klobuchar and the U.S.

Senate Judiciary Committee during the confirmation of Justice Ketanji Brown Jackson. Before that, she represented clients in federal and state courts, including the U.S. Supreme Court, in the appellate practice groups at two global law firms.

Judge Bentley served as a law clerk to Justice Sonia Sotomayor on the U.S. Supreme Court during the 2017-2018 term. She previously clerked for Chief Judge Robert A. Katzmann on the U.S. Court of Appeals for the Second Circuit and Judge Jed S. Rakoff on the Southern District of New York. She received her law degree from Harvard Law School and her a B.A. from Northwestern University.



Hon. Karl Procaccini

Karl C. Procaccini is an Associate Justice of the Minnesota Supreme Court, appointed in 2023 and elected to a six-year term in 2024.

Justice Procaccini began his legal career as a law clerk for Judge Diana E. Murphy of the United States Court of Appeals for the Eighth Circuit and Chief Judge Michael J. Davis of the United States District Court for the District of Minnesota.

Until 2019, Justice Procaccini was a partner at Greene Espel PLLP. Justice Procaccini then served as General Counsel & Deputy Chief of Staff in the Office of Governor Tim Walz & Lt. Governor Peggy Flanagan.

Before his appointment to the bench, Justice Procaccini served as a visiting professor at the University of St. Thomas School of Law. He has served as an adjunct law professor throughout his career and currently teaches State Constitutional Law at the University of St. Thomas.

Justice Procaccini grew up in Mystic, Connecticut. He graduated from Harvard College and Harvard Law School. Before law school, he lived in Egypt, where he was a high-school history and band teacher and earned an LL.M. in international and comparative law at The American University in Cairo.



Hon. Angela Coble (Moderator)

Judge Angela Coble was appointed and confirmed to the Kansas Court of Appeals in 2022, where she serves as a judge on the 14-member intermediate appellate court located in the capital city of Topeka, Kansas. Before her appointment, she served as chambers counsel to two federal judges in the U.S. District Court for the District of Kansas for almost a decade. Prior to her work as chambers counsel, she worked as a civil litigator in private practice in Salina, Kansas. Judge Coble earned her law degree from Washburn University School of Law, where she conquered law school as a commuting, non-traditional student while raising four children. She is active in her local community through such volunteerism as a board member at the local federally qualified healthcare center and a Trustee at her alma mater, Kansas Wesleyan University, where she also actively mentors pre-law students.