

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

Hon. Angie Coble



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

PLL.P. 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.