

Rule 312. Review of Referee's Findings or Recommendations

Review of decisions of district court referees is controlled by applicable statutes and orders of the supreme court.

(Amended effective May 1, 2012.)

Task Force Comment - 1991 Adoption

This rule is derived from Second District Rules 11.03 and 11.04.

Task Force Comment - 1991 Adoption

This rule is derived from Second District Rule 11.05.

Advisory Committee Comment - 2012 Amendment

Rule 312 is amended to replace the former rule, which established now-obsolete procedures for review of the findings or recommendations of a district court referee in family law matters. Family court referees are now used in limited circumstances in two districts, and the processes followed are established by statute and supreme court orders. Under Minnesota Statutes, section 484.65, subdivision 9, recommended orders and findings of Fourth Judicial District referees are subject to confirmation by a district court judge, and once confirmed by the district court judge the orders and findings may be appealed directly to the court of appeals. Essentially the same is true in the Second Judicial District under a series of orders establishing a pilot project that is still operating. The history of the pilot project is set forth by the Minnesota Court of Appeals in its Special Term Opinion in Culver v. Culver, 771 N.W.2d 547 (Minn. Ct. App. 2009):

The pilot project came into existence in the Second Judicial District in 1996. See Minnesota Laws 1996, chapter 365, section 2 (allowing Second Judicial District to implement pilot project assigning related family matters to single judge or referee); In re Second Judicial Dist. Combined Family, Civil Harassment, Juvenile Probate Jurisdiction Pilot Project, No. CX-89-1863 (Minn. Apr. 10, 1996) (suspending, in light of pilot project, Minn. Gen. R. Pract. 312.01, which recites procedure for district-court review upon filing of petition for review). The suspension is still in effect. See Minnesota Laws 1998, chapter 367, article 11, section 26 (extending pilot-project legislation); Minnesota Laws 2000, chapter 452, section 1 (same); Minnesota Laws 2002, chapter 242 (same); In re Second Judicial Dist. Combined Family, Civil Harassment, Juvenile Probate Jurisdiction Pilot Project, No. CX-89-1863 (Minn. June 17, 1998) (extending suspension); (Minn. May 23, 2000) (same); (Minn. June 3, 2002) (extending suspension until further order of supreme court).

Id., n.1.