

CHAPTER 484

DISTRICT COURTS

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484.01 JURISDICTION.

The district courts shall have original jurisdiction in all civil actions within their respective districts, in all cases of crime committed or triable therein, in all special proceedings not exclusively cognizable by some other court or tribunal, and in all other cases wherein such jurisdiction is especially conferred upon them by law. They shall also have appellate jurisdiction in every case in which an appeal thereto is allowed by law from any other court, officer, or body.

History: *RL s 90 (154)*

484.011 JURISDICTION IN SECOND AND FOURTH JUDICIAL DISTRICTS.

In the second and fourth judicial districts the district court shall also be a probate court.

History: *1982 c 398 s 3*

484.012 CLERK OF PROBATE COURT, SECOND JUDICIAL DISTRICT.

Notwithstanding section 525.09 the judicial district administrator in the second judicial district may appoint a clerk of the probate court for the district subject to the approval of the chief judge and assistant chief judge who shall serve at the pleasure of the judges of the district, who shall be supervised by the judicial district administrator, and whose salary shall be fixed by the Ramsey county board of commissioners.

History: *1982 c 398 s 23*

484.015 TRANSFER OF CIVIL ACTIONS IN FOURTH JUDICIAL DISTRICT TO MUNICIPAL COURT.

Subdivision 1. This section applies to certain actions in the fourth judicial district, Hennepin county.

Subd. 2. (a) For the purposes of this section the terms defined in this subdivision have the meanings ascribed to them.

(b) "Transferable action" means any civil action heretofore or hereafter commenced in the district court which is within the subject matter jurisdiction of the municipal court on the date of the order for transfer. It includes such a civil action even though the defendant never has resided in the county of Hennepin and the summons was served outside of the county.

(c) "Municipal court" means the municipal court of Hennepin county.

(d) "District court" means the fourth judicial district.

(e) "Conciliation court" means the conciliation court of Hennepin county.

Subd. 3. At any time after the filing of a trial note of issue and prior to trial of a transferable action, any judge of the district court of his own motion or on ex parte motion of any party, may issue an order to show cause why the action should not be transferred to the municipal court. At least 15 days prior to the return date, the clerk of district court shall mail copies of that order to counsel for all parties to the action and this mailing is sufficient service of the order.

Subd. 4. Prior to the return date, any party who objects to the transfer shall serve on all other parties and file his written objection with supporting affidavit stating his reasons for objecting. At the hearing on the return date the judge of the district court shall determine whether or not the objecting party will be substantially prejudiced by such transfer, and if not, shall order the action transferred to the municipal court for all further proceedings. If no objection is timely filed, all parties are deemed to have consented to the transfer and any judge of the district court may order the action transferred to the municipal court for all further proceedings.

Subd. 5. On written consent of counsel for all parties, a transfer order may be entered without issuance of an order to show cause.

Subd. 6. Upon filing of a transfer order, the clerk of district court shall deliver to the clerk of the municipal court all papers filed in the action including the transfer order and a copy of all docket entries, and shall pay to said clerk the filing fee or appearance fee for any party who theretofore has paid that fee in district court, the fee to be in the amount normally payable in the municipal court, exclusive of any law library fees. Any excess over the law library fees and the fees so paid to the municipal court shall be retained by the clerk of district court as payment for his services.

Subd. 7. The district court trial note of issue shall be effective to place the action on the general term calendar of the municipal court for trial. A party must demand a jury trial and pay to the clerk of the municipal court the requisite jury fee within the time and in the manner specified in any trial notice issued by the municipal court; otherwise he waives jury trial. If a proper demand is not so made or if the proper jury fee is not so paid, this waiver is effective even though the party or another party previously has demanded jury trial in the district court in a trial note of issue or otherwise.

Subd. 8. A transferable action which is within the subject matter jurisdiction of the conciliation court may be transferred at any time after the filing of a trial note of issue and prior to trial by the clerk of district court to the conciliation court upon notice to the parties to the action. The applicable provisions of subdivision 6 shall apply as to the transfer of all papers in the action and the payment of filing fees. Upon motion of a party such action may be transferred from the conciliation court to the municipal court for trial and in that event the provisions of subdivision 7 shall apply.

Subd. 9. Any action transferred under this section shall carry over with the main action to the municipal court or the conciliation court, as the case may be, all garnishment proceedings had and any disclosure made therein.

History: 1957 c 181 s 1-5; 1969 c 816 s 1

484.02 CONCURRENT JURISDICTION; BOUNDARY WATERS.

For the purposes of exercising the concurrent jurisdiction of the courts of this state in civil and criminal cases arising upon rivers or other waters which constitute a common boundary to this and any adjoining state, the counties bordering upon such waters shall be deemed to include so much of the area thereof as would be included if the boundary lines of such counties were produced in the direction of their approach and extended to the opposite shore.

History: *RL s 91 (155)*

484.03 WRITS.

Such courts shall have power to issue writs of injunction, ne exeat, certiorari, habeas corpus, mandamus, quo warranto, and all other writs, processes, and orders necessary to the complete exercise of the jurisdiction vested in them by law, including writs for the abatement of a nuisance. Any judge thereof may order the issuance of such writs, and direct as to their service and return.

History: *RL s 92 (156)*

484.04 TESTING WRITS.

Every writ or process issuing from a court of record shall be tested in the name of the presiding judge, be signed by the clerk and sealed with the seal of the court, be dated on the day of its issue, and before delivery to the officer for service shall be endorsed by the clerk with the name of the attorney or other person procuring the same; and, when no other time is fixed by law or authorized by the rules of practice, it shall be made returnable on the first day of the next succeeding term.

History: *RL s 93 (157)*

484.05 [Repealed, 1977 c 432 s 49]**484.06 JUDGE NOT TO PRACTICE LAW.**

No judge of the district court shall practice as an attorney or counselor at law except in cases in which he is a party in interest, nor shall he receive any fees for legal or judicial services other than as prescribed by law; nor shall he be a partner of any practicing attorney in the business of his profession.

History: *RL s 95 (159)*

484.065 CONFLICTS OF INTEREST; CERTIFICATE OF COMPLIANCE.

Subdivision 1. A judge of the district court shall devote full time to the performance of his duties and shall not practice as an attorney or counselor at law, nor be a partner of any practicing attorney in the business of his profession, and he shall not engage in any business activities that will tend to interfere with or appear to conflict with his judicial duties.

Subd. 2. No part of the salary of a judge of the district court shall be paid unless the voucher therefor be accompanied by a certificate of the judge that he has complied with this section.

History: *Ex1971 c 32 s 23*

484.07 COURT NOT OPEN SUNDAY; EXCEPTION.

No court shall be opened on Sunday for any purpose other than to receive a verdict, give additional instructions to or discharge a jury; but this provision shall not prevent a judge of such court from exercising jurisdiction in any case where it is necessary for the preservation of the peace, the sanctity of the day, or the arrest and commitment of an offender.

History: *RL s 96; 1915 c 38 s 1 (160)*

484.08 DISTRICT COURTS TO BE OPEN AT ALL TIMES; TERMS.

The district courts of the state shall be deemed open at all times, except on legal holidays and Sundays. The terms of the district courts shall be continuous.

History: 1923 c 412 s 1; 1977 c 432 s 10 (161)

- 484.09 [Repealed, 1977 c 432 s 49]
- 484.10 [Repealed, 1977 c 432 s 49]
- 484.11 [Repealed, 1977 c 432 s 49]
- 484.12 [Repealed, 1977 c 432 s 49]
- 484.13 MS 1957 [Renumbered 484.11]
- 484.13 MS 1976 [Repealed, 1977 c 432 s 49]
- 484.14 MS 1957 [Renumbered 484.13]
- 484.14 MS 1976 [Repealed, 1977 c 432 s 49]
- 484.15 [Repealed, 1977 c 432 s 49]
- 484.16 MS 1957 [Renumbered 484.09]
- 484.16 MS 1976 [Repealed, 1977 c 432 s 49]
- 484.17 MS 1957 [Renumbered 484.13]
- 484.17 MS 1976 [Repealed, 1977 c 432 s 49]
- 484.18 MS 1957 [Renumbered 484.11]
- 484.18 MS 1976 [Repealed, 1977 c 432 s 49]
- 484.19 [Renumbered 484.14]
- 484.20 MS 1957 [Renumbered 484.16, subds 3, 5, 6, 7, 9, 11, 14]
- 484.21 MS 1957 [Renumbered 484.13, subds 4, 10, 12, 13, 15]
- 484.22 MS 1957 [Renumbered 484.17, subds 9, 12, 13, 14, 15, 16, 17, 18]
- 484.23 MS 1957 [Renumbered 484.17, subds 2-8, 10, 11]
- 484.24 MS 1957 [Renumbered 484.16, subds 2, 4, 8, 10, 12, 13]
- 484.25 MS 1957 [Renumbered 484.13, subds 5, 6, 9]
- 484.26 MS 1957 [Renumbered 484.18, subds 2, 4, 7, 9]
- 484.27 MS 1957 [Renumbered 484.18, subds 3, 5, 6, 8]
- 484.28 [Repealed, 1977 c 432 s 49]
- 484.29 [Repealed, 1977 c 432 s 49]

484.30 ADJOURNED AND SPECIAL TERMS.

The judges of each district may adjourn court from time to time during any term thereof, and may appoint special terms for the trial of issues of law and fact, and, when necessary, direct petit juries to be drawn therefor. Three weeks' published notice of every special term shall be given in the county wherein it is to be held. They may also appoint special terms for the hearing of all matters except issues of fact, the order for which shall be filed with the clerk, and a copy posted in his office for three weeks prior to the term.

History: RL s 99; 1979 c 233 s 4 (178)

484.31 NON-ATTENDANCE OF JUDGE; ADJOURNMENT.

If the judge fails to attend on the day appointed for holding court, the sheriff or clerk may open court and adjourn the same from day to day; but, if he does not appear by four o'clock p.m. of the third day, one of said officers shall adjourn the term without day, and dismiss the jurors; provided, that such clerk or sheriff, upon the direction of the judge, and without his presence, may adjourn any general or special term to a day certain, in which case the jurors, if any, shall attend on such day without further notice.

History: RL s 100 (179)

484.32 FAILURE TO HOLD TERM NOT TO AFFECT WRITS.

When any term of court is not held, all persons bound by recognizance or otherwise to appear thereat shall appear at the next general term thereof held in the county, or, if a special term be sooner held for the trial of civil and criminal causes, then at such special term. If the time for holding any such term be changed by adjournment or otherwise, all persons so bound shall appear at the term as changed. No process, proceeding, or writ shall abate or be discontinued by reason of any alteration in the time or place of holding court, or of any vacancy or change in the office of judge.

History: *RL s 101 (180)*

484.33 RULES OF PRACTICE.

The judges of the district court shall assemble annually, at such time and place as may be designated in a call for such meeting given by the district judge of the state longest in continuous service, to revise the general rules of practice in such courts, for which purpose any 18 of them shall constitute a quorum. When so assembled, such judges may revise and amend such rules as they deem expedient, conformably to law, and the same shall take effect from and after the publication thereof. Such rules, as the same shall be so revised and amended from time to time, shall govern all the district courts of the state; but, in furtherance of justice, they may be relaxed or modified in any case, or a party relieved from the effect thereof, on such terms as may be just. Any other proper business pertaining to the judiciary may also be transacted.

History: *RL s 104; 1919 c 33 (182)*

484.34 [Repealed, 1977 c 432 s 49]

484.35 TEMPORARY COURTHOUSES.

When the courthouse or place provided for holding court in any county is destroyed or becomes unsafe or unfit for the purpose, or if no courthouse be provided, the judges may designate a convenient place at the county seat for temporary use as such.

History: *RL s 102 (181)*

484.36 TERMS FOR NATURALIZATION.

The judges may hold general or special terms of the court for the purpose of hearing applications for naturalization, in any place designated by them in the several counties of their respective districts.

History: *RL s 102 (181)*

484.37-484.43 [Repealed, 1961 c 561 s 17]

484.44 DEPUTY SHERIFF AND CLERK; ST. LOUIS COUNTY.

There shall be at all times a chief deputy sheriff of St. Louis county and a chief deputy clerk of the district court of St. Louis county and such other deputies as may be necessary, resident at the city of Virginia, or the city of Ely, or the city of Hibbing, and their appointment shall be made in the same manner as other deputy sheriffs and deputy clerks of the district court in said county. The salaries of such deputies shall be fixed and paid in the same manner as other such deputies. The office of said deputy sheriff at Virginia, Hibbing, and Ely shall not in any sense be considered or deemed the office of the sheriff for any purpose except the performance of his duties relating solely to proceedings tried or to be tried at said places; but the office of the deputy clerk at said places shall be

equally deemed the office of the clerk of court for all purposes except the filing of papers in actions or proceedings to be tried at Duluth. Marriage licenses and naturalization papers may be issued by said deputy clerk.

History: 1909 c 126; 1911 c 368 s 1; 1915 c 93; 1915 c 371; 1917 c 255 s 2; 1921 c 284 s 1; 1931 c 160 s 1; 1973 c 123 art 5 s 7 (166)

484.45 COURTHOUSE; JAIL; EXPENSES; ST. LOUIS COUNTY.

It is hereby made the duty of the board of county commissioners of the county of St. Louis to furnish and maintain adequate accommodations for the holding of terms of the district court at the city of Hibbing, and the city of Virginia, proper offices for these deputies and a proper place for the confinement and maintenance of the prisoners at the city of Hibbing and the city of Virginia.

The county shall reimburse the clerk of the court and his deputies as herein provided for and the county attorney and his assistants and the district judges of the district and the official court reporter for their traveling expenses actually and necessarily incurred in the performance of their respective official duties.

History: 1909 c 126; 1911 c 368; 1915 c 371 s 1; 1917 c 255 s 1; 1973 c 123 art 5 s 7 (167)

484.46 JURORS; ST. LOUIS COUNTY.

Grand and petit jurors for each of these general terms shall be selected, drawn, and summoned in the same manner in all respects as for the general terms of the court held at the county seat of the county, except when in the discretion of the court there will be no necessity of drawing a grand jury or a petit jury, the court may enter its order directing that no grand jury or petit jury be summoned for the particular term therein mentioned.

History: 1909 c 126; 1911 c 368; 1915 c 93 (168)

484.47 [Repealed, 1977 c 432 s 49]

484.471 [Renumbered 484.63]

484.48 TRIAL OF CRIMINAL CASES; ST. LOUIS COUNTY.

A person bound over to the grand jury, charged with a criminal offense, shall be tried at the place of holding regular terms of the district court which is nearest to the court binding the party over, except as otherwise provided in this section; and a criminal offense committed in a city, town, or unorganized territory shall be tried at the place of holding the regular term of the district court which is nearest to the city, town or place where the offense is committed.

When the offense is committed nearer to Virginia or Hibbing than to the county seat, the party committing the offense shall be tried at Virginia or Hibbing.

History: 1909 c 126; 1911 c 368; 1915 c 93 s 5; 1973 c 123 art 5 s 7; 1979 c 39 s 1 (170)

484.49 TRIAL OF ACTIONS; ST. LOUIS COUNTY.

All civil actions brought in the district court of the county against any person or persons, firm, or corporation residing in the county, shall be tried, heard, and determined at the place of holding regular or adjourned terms of the district court which is nearest, by the usual route of travel, to the residence of the defendant or defendants, or the majority thereof, unless the place of trial shall be waived by the defendant or defendants; and, for the purpose of determining the place of residence of domestic corporations, such a corporation shall be considered as residing at any place where it has an office, resident agent, or business place;

provided that if none of the parties shall reside or be found in the state, or the defendant be a foreign corporation, the action shall be begun and tried in the place designated in the summons.

History: 1909 c 126; 1911 c 368; 1921 c 302 s 2 (171)

484.50 SUMMONS; PLACE OF TRIAL; ST. LOUIS COUNTY.

A party wishing to have an appeal from an order of the department of public service, an election contest, a lien foreclosure, or a civil cause or proceeding of a kind commenced or appealed by a party in the court, tried in the city of Virginia shall, in the summons, notice of appeal in a matter, or other jurisdictional instrument issued, in addition to the usual provisions, print, stamp, or write thereon the words, "to be tried at the city of Virginia," and a party wishing a matter commenced or appealed by a party in the court tried at the city of Hibbing shall, in the summons, notice of appeal in a matter, or other jurisdictional instrument issued, in addition to the usual provisions, print, stamp, or write thereon the words, "to be tried at the city of Hibbing," and in a case where a summons, notice of appeal in a matter, or other jurisdictional instrument contains a specification, the case shall be tried at the city of Virginia, or the city of Hibbing, as the case may be, unless the defendant shall have the place of trial fixed in the manner specified in this section.

If the place of trial designated is not the proper place of trial, as specified in sections 484.44 to 484.52, the cause shall nevertheless be tried in a place, unless the defendant, in an answer in addition to the other allegations of defense, shall plead the location of his residence, and demand that the action be tried at the place of holding the court nearest his residence, as provided in this section; and in a case where the answer of the defendant pleads the place of residence and makes a demand of place of trial, the plaintiff, in his reply, may admit or deny the allegations of residence, and if the allegations of residence are not expressly denied, the case shall be tried at the place demanded by the defendant, and if the allegations of residence are denied, the place of trial shall be determined by the court on motion.

If there are several defendants, residing at different places in a county, the trial shall be at the place in which the majority of the defendants unite in demanding, or if the numbers are equal, at the place nearest the residence of the majority of the defendants.

The venue of an action may be changed from one of these places to another, by order of the court, in the following cases:

- (1) Upon written consent of the parties;
- (2) When it appears, on motion, that a party has been made a defendant for the purpose of preventing a change of venue as provided in this section;
- (3) When an impartial trial cannot be held in the place where the action is pending; or
- (4) When the convenience of witnesses and the ends of justice would be promoted by the change.

Application for a change under clause (2), (3), or (4), shall be made by motion which shall be returnable and heard at the place of commencement of the action.

History: 1909 c 126; 1911 c 368; 1915 c 93; 1921 c 302 s 6; 1931 c 195 s 1; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1979 c 39 s 2 (172)

484.51 PAPERS WHERE FILED; ST. LOUIS COUNTY.

After the place of trial of any cause is determined, as provided in sections 484.44 to 484.52, all papers, orders and documents pertaining to all causes to be

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tried at Virginia and filed in court shall be filed and be kept on file at the clerk's office in the city of Virginia, and all causes to be tried in Hibbing and all papers, orders and documents pertaining thereto shall be filed and be kept on file at the clerk's office in the city of Hibbing.

In all actions tried at the city of Virginia or the city of Hibbing, the clerk of said court, as soon as final judgment is entered, shall forthwith cause such judgment to be docketed in his office at the county seat; and when so docketed the same shall become a lien on real estate and have the same effect as judgments entered in causes tried at the county seat.

In all actions tried at the city of Virginia or the city of Hibbing, involving the title of real estate, upon final judgment being entered, all the papers in said cause shall be filed in the clerk's office at the county seat and the final judgment or decree recorded therein, and a certified copy of all papers in the case shall be made by the clerk and retained at the clerk's office in the city of Virginia or in the clerk's office in the city of Hibbing where the action was originally tried, without additional charge to the parties to said action.

History: 1909 c 126; 1911 c 368; 1915 c 93; 1917 c 255 s 3; 1973 c 123 art 5 s 7 (173)

484.52 RULES.

The judges of the district court shall have full power and authority to make all such rules, orders, and regulations as are necessary to carry out the provisions of sections 484.44 to 484.52.

History: 1909 c 126; 1911 c 368 (174)

484.53 [Repealed, 1969 c 549 s 4]

484.54 EXPENSES OF JUDGES.

Subdivision 1. Except as provided in subdivision 2, judges shall be compensated for travel and subsistence expenses in the same manner and amount as provided in the plan adopted by the commissioner of employee relations pursuant to section 43A.18, subdivision 3. Additionally, judges of the district court shall be reimbursed for all sums, not reimbursed by counties, they shall necessarily hereafter pay out for only the following purposes: telephone tolls, postage, expressage, stationery, including printed letterheads and envelopes for official business; tuition, travel and subsistence for attending educational programs except that no expense shall be paid to satisfy continuing legal education requirements, attendance at which is approved by the supreme court.

Subd. 2. A judge shall be paid travel expenses for travel from his place of residence to and from his permanent chambers only for a period of two years after July 1, 1977 or the date he initially assumes office, whichever is later.

Subd. 3. Each judge claiming reimbursement for allowable expenses may file with the supreme court monthly and shall file not later than 90 days after the expenses are incurred, an itemized statement, verified by the judge, of all allowable expenses actually paid by him. All statements shall be audited by the supreme court and, if approved by the supreme court, shall be paid by the commissioner of finance from appropriations for this purpose.

History: 1913 c 466 s 1; 1921 c 249; 1959 c 158 s 31; 1971 c 5 s 1; Ex1971 c 32 s 20; 1973 c 492 s 14; 1975 c 204 s 85; 1976 c 231 s 33; 1977 c 432 s 11; 1979 c 333 s 104; 1981 c 210 s 52 (209)

484.545 LAW CLERKS.

Subdivision 1. The district judges regularly assigned to hold court in each judicial district except for the second, fourth, and tenth judicial districts may by orders filed with the clerk of court and county auditor of each county in the district appoint a competent law clerk for every two district court judges of the judicial district. The district judges regularly assigned to hold court in the tenth judicial district may by orders filed with the clerk of court and county auditor of each county in the district appoint a competent law clerk for each district court judge of the district. In addition, the Dakota county board of commissioners may authorize the district judges regularly assigned to hold court in the first judicial district to appoint three competent law clerks, whose salaries shall be paid by the county.

Subd. 2. Notwithstanding any law to the contrary, in all judicial districts, except the fourth judicial district, a salary range for law clerks shall be established annually by the judicial district administrator with the approval of a majority of judges of the district. The salary for each law clerk shall be set within that range annually by the district administrator after consultation with the chief judge.

Nothing herein shall change the manner by which law clerk salaries are paid, the proportions among the various counties of a judicial district by which the funds are allocated or any statutory provision related to law clerk compensation other than the manner of setting salary. Each county shall be required by the order to pay a specified amount thereof in monthly installments which shall be such proportion of the whole salaries as the population of the county is to the total population of the counties to which the judge is assigned as determined by the last census.

Subd. 3. The law clerks, in addition to their salary, shall be paid necessary mileage, traveling and hotel expenses accrued in their discharge of official duties while absent from home. The county auditor of the county for which the expenses were incurred, upon presentation of a verified statement approved by one of the judges, shall issue his warrant in payment thereof.

Subd. 4. All law clerks in every judicial district, shall serve without tenure at the pleasure of the appointing judge or judges.

History: 1975 c 385 s 1; 1978 c 750 s 1; 1980 c 598 s 1; 1981 c 303 s 4,5

484.546 SUPERSEDED LAWS.

Any other law not repealed by Laws 1975, Chapter 385, Section 3 that provides for the employment of law clerks by district judges in judicial districts other than the second and fourth is superseded only to the extent it provides fewer clerks than provided by section 484.545.

History: 1975 c 385 s 2

484.55 DEPUTY CLERKS, CERTAIN COUNTIES.

Before the commencement of any general term, the district court in any county having not less than 50,000 nor more than 100,000 inhabitants according to the last federal census may by order require the clerk of court to furnish a deputy clerk during such term. The order shall be filed with the clerk of court. Such deputy clerk shall receive such compensation as the judge shall determine, while attending such term of court.

History: 1953 c 214 s 1; 1971 c 18 s 1

484.61 RETIRED DISTRICT COURT JUDGES, ASSIGNMENTS.

Upon the retirement of any judge of the district court under the provisions of chapter 490, the retired judge may be appointed and assigned to hear any cause properly assignable to a judge of the district court and act thereon with full powers of a judge of the district court pursuant to section 2.724 with his consent.

History: 1957 c 678 s 1; 1974 c 417 s 2; 1981 c 224 s 213

484.62 COMPENSATION AND REPORTER.

When a retired judge undertakes such service, he shall be provided at the expense of the county in which he is performing the service with a reporter, selected by the retired judge, clerk, bailiff, if the judge deems a bailiff necessary, and a courtroom or hearing room for the purpose of holding court or hearings, to be paid for by the county in which the service is rendered and shall receive pay and expenses in the amount and manner provided by law for judges serving on the court to which the retired judge is assigned, less the amount of retirement pay which the judge is receiving, said payment to be made in the same manner as the payment of salaries for judges of the district court, on certification by the chief judge of the judicial district or by the chief justice of the supreme court of the state of Minnesota. A deputy clerk may act as bailiff when called to do so for the purposes of this section.

History: 1957 c 678 s 2; 1969 c 1139 s 86; 1971 c 948 s 1; 1977 c 432 s 12; 1978 c 793 s 77

484.63 APPEAL.

Subdivision 1. An aggrieved party may appeal to the district court from a determination of a county court or a county municipal court as provided in section 487.39. The appeal shall be heard by a panel of three judges in the district in which the action was first adjudicated. The judges shall be assigned by the chief judge of the judicial district. Upon request by the chief judge of the judicial district the supreme court may temporarily assign a judge from another district to serve on an appellate panel pursuant to section 2.724, subdivision 1.

Subd. 2. The chief judge of the judicial district may schedule appellate terms for the hearing of appeals from lower courts. He shall give three weeks' written notice of every appellate term to the clerks of the district court in the counties in which the appeals arose.

Subd. 3. Pleading, practice, procedure and forms in appellate actions shall be governed by rules of procedure adopted by the supreme court for appeal from county to district court. On appeal to the district court briefs shall be acceptable if reproduced from a typewritten page by any means which produces a clear black on white copy.

History: 1959 c 388 s 1; 1961 c 683 s 7; 1965 c 858 s 12; Ex1971 c 27 s 28; 1973 c 421 s 6; 1977 c 432 s 13

NOTE: This section was amended by Laws 1982, Chapter 501, Section 17 effective August 1, 1983 if the constitutional amendment proposed in Laws 1982, Chapter 501, Section 1 is adopted. The section, as amended, would read as follows:

"484.63 Appeal.

An aggrieved party may appeal to the court of appeals from a determination of a county court or a county municipal court as provided in the rules of appellate procedure."

484.64 FAMILY COURT DIVISION; SECOND JUDICIAL DISTRICT.

Subdivision 1. In the second judicial district a family court division of the district court is hereby created to be presided over by a district court judge to be

appointed by the chief judge of the district court to serve for a term of one year. The judges appointed to said office shall be designated as the judge of the family court division.

Subd. 2. The district court judge, family court division, shall hear and determine all matters involving divorce, annulment or legal separation, including proceedings for civil contempt for violations of orders issued in such proceedings. In addition, he shall hear and determine paternity actions, reciprocal enforcement of support actions and criminal nonsupport cases.

Subd. 3. The board of county commissioners of Ramsey county shall provide suitable chambers and courtroom space, clerks, reporters, bailiffs, and one or more referees and other personnel to assist said judge, together with necessary library, supplies, stationery and other expenses necessary thereto.

Subd. 4. In cases of absence, sickness or other disability which prevents said judge from performing his duties, the chief judge of the district court of the second judicial district may designate or assign one or more of the other judges of the district court to perform the duties of the district court judge, family court division. The chief judge of the district court may assign one or more family court matters to another judge of said judicial district for hearing and determination.

Subd. 5. The judge of the family court division may be designated in writing by the chief judge of the district court of the second judicial district to the regular or ordinary duties of a judge of the district court without thereby affecting the term of office to which such judge was appointed.

History: *Ex1967 c 22 s 2-6; 1969 c 9 s 88; Ex1971 c 7 s 1; 1978 c 772 s 62*

484.65 FAMILY COURT DIVISION; FOURTH JUDICIAL DISTRICT.

Subdivision 1. In the fourth judicial district, a family court division of the district court is hereby created to be presided over by a district court judge appointed by the chief judge of the judicial district to serve for a term not exceeding six years. The judge appointed to this office shall be designated as the district court judge, family court division. No judge may be appointed to serve consecutive terms as the district court judge, family court division.

Subd. 2. Said district court judge shall hear and determine all family matters assigned to him by the chief judge of the fourth judicial district with the approval of the majority of the judges of said district.

Subd. 3. The board of county commissioners of Hennepin county shall provide suitable chambers and courtroom space, clerks, secretaries or reporters, bailiffs, and one or more referees and other personnel to assist said judge, together with necessary library, supplies, stationery and other expenses necessary thereto.

Subd. 4. In cases of vacancy in the office, until the office is filled in accordance with subdivision 6, or if work load, absence, sickness or other disability prevents said judge from fully performing his duties, the chief judge of the district court of the fourth judicial district may orally or in writing designate or assign one or more of the other judges of the district court to perform or assist in the performance of the duties of the district court judge, family court division.

Subd. 5. The district court judge, family court division, may be designated in writing by the chief judge of the district court of the fourth judicial district to the regular or ordinary duties of a judge of the district court without thereby affecting the term of office to which such judge was appointed or elected.

Subd. 6. Vacancies in the office of district court judge, family court division, shall be filled in the manner prescribed by law for the filling of vacancies in the office of other judges of the district court. A person appointed to fill a vacancy in the office of district court judge, family court division shall serve in that office for the unexpired portion of the term during which the vacancy occurred, but may not

be appointed to serve as district court judge, family division during the next consecutive term.

Subd. 7. The district court judge, family court division, may, with the consent and approval of the judges of the district court of the fourth judicial district, appoint one or more suitable persons to act as referees. Such referees shall be learned in the law and shall hold office at the pleasure of the judges of the district court. The compensation of a referee shall be fixed by the personnel board of Hennepin county and appropriated by the county board and shall be paid in the same manner as other county employees are paid.

Subd. 8. The duties and powers of referees in the family court division shall be as follows:

(a) Hear and report all matters within the jurisdiction of the district court judge, family court division, as may be directed to him by said judge.

(b) Recommend findings of fact, conclusions of law, temporary and interim orders, and final orders for judgment.

Subd. 9. All recommended orders and findings of a referee shall be subject to confirmation by said district court judge. Review of any recommended order or finding of a referee by the district court judge may be had by notice served and filed within ten days of effective notice of such recommended order or finding. The notice of review shall specify the grounds for such review and the specific provisions of the recommended findings or orders disputed, and said district court judge, upon receipt of such notice of review, shall set a time and place for such review hearing.

Subd. 10. Upon the conclusion of the hearing in each case, the referee shall transmit to said district court judge the court file together with his recommended findings and orders in writing. The recommended findings and orders of a referee become the findings and orders of the court when confirmed by said judge. The order of the court shall be proof of such confirmation.

History: *Ex1971 c 7 s 2; 1977 c 432 s 14,15; 1981 c 292 s 3*

484.66 DISTRICT ADMINISTRATOR; FOURTH JUDICIAL DISTRICT.

Subdivision 1. In the county of Hennepin, the district administrator shall assume the statutory duties of the clerk of district court.

Subd. 2. The duties, functions and responsibilities which have been heretofore and which may be hereafter required by statute or law to be performed by the clerk of district court shall be performed by the district administrator, who shall be appointed pursuant to section 484.68.

The district administrator, subject to the approval of a majority of the judges of the district court, and a majority of the judges of the county municipal court in the fourth judicial district, shall have the authority to initiate and direct any reorganization, consolidation, reallocation or delegation of such duties, functions or responsibilities for the purpose of promoting efficiency in county government, and may make such other administrative changes as are deemed necessary for this purpose. Such reorganization, reallocation or delegation, or other administrative change or transfer shall not diminish, prohibit or avoid those specific duties required by statute or law to be performed by the clerk of district court.

History: *1974 c 212 s 1,2; 1977 c 432 s 16*

484.67 [Repealed, 1981 c 272 s 7]

484.68 DISTRICT ADMINISTRATOR.

Subdivision 1. **Appointment.** By November 1, 1977, the chief judge of the judicial district in each judicial district shall appoint a single district administrator,

subject to the approval of the supreme court, with the advice of the judges of the judicial district.

The district administrator shall serve at the pleasure of a majority of the judges of the judicial district.

Subd. 2. **Staff.** The district administrator shall have such deputies, assistants and staff as the judges of the judicial district deem necessary to perform the duties of the office.

Subd. 3. **Duties.** The district administrator shall:

- (a) Assist the chief judge in the performance of his administrative duties;
- (b) Manage the administrative affairs of the courts of the judicial district;
- (c) Supervise the clerks of court and other support personnel, except court reporters, who serve in the courts of the judicial district;
- (d) Comply with the requests of the state court administrator for statistical or other information relating to the courts of the judicial district; and
- (e) Perform any additional duties that are assigned to him by law or by the rules of court.

Subd. 4. **Secretary.** The district administrator shall serve as secretary for meetings of the judges of the judicial district.

Subd. 5. **Budget for office.** The office budget of the district administrator shall be set by the chief judge of the judicial district and apportioned among the counties of the district.

Subd. 6. **Salary.** The salary of the district administrator shall be set by the state court administrator within the limits provided in section 15A.083, and shall be paid by the state. The salaries of the district administrators of the second and fourth judicial districts may be supplemented by the appropriate county board by an amount not to exceed \$10,000 per year. If an administrator dies, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate.

Subd. 7. **Accumulated benefits.** A clerk of district court who, without interruption of public service, is appointed a district administrator shall be given credit by the state of Minnesota for vacation time and sick leave accumulated while serving as a clerk of district court but for which no compensation has been received, except that credit shall be restricted in the same manner and amount as state employees.

Credit for accumulated vacation time and sick leave for which no compensation has been received shall be extended to the district administrators of the fifth judicial district and the eighth judicial district holding such office on April 6, 1978. These two administrators may elect to retain their membership in the public employees retirement association.

Subd. 8. **Retirement.** A member of the public employees retirement association appointed as district administrator pursuant to this chapter, shall remain a member of the fund unless the member elects, within 12 months of the appointment, to be covered by the Minnesota state retirement system. If a district court administrator elects retirement coverage by the Minnesota state retirement system pursuant to this subdivision, that coverage shall commence with first day of the first payroll period occurring after the election. No person shall receive credit for more than one month of service from the affected retirement funds for the month in which the change in retirement coverage is elected.

History: 1977 c 432 s 17; 1978 c 793 s 78-80; 1981 c 224 s 214

484.69 CHIEF JUDGE.

Subdivision 1. **Election; term; removal.** By July 1, 1977, the judges of the district, county, county municipal and probate courts resident in each of the

judicial districts shall meet and elect from among their number a single chief judge and an assistant chief judge. The chief judge and the assistant chief judge shall serve a term of two years beginning July 1 of the year in which they are elected. No judge may serve as chief judge or assistant chief judge for more than two consecutive two year terms.

The seniority of judges and rotation of the position of chief judge or assistant chief judge shall not be criteria for the election of the chief judge or the assistant chief judge.

A chief judge or assistant chief judge may be removed for cause as chief judge or assistant chief judge by the chief justice of the supreme court, or by a majority of the judges of the judicial district.

Subd. 2. Limitation. Every chief judge elected prior to July 1, 1981, shall be a judge of the district court. A chief judge elected on or after July 1, 1981 may be a judge of the district, county, county municipal or probate court.

Subd. 3. Administrative authority. In each judicial district, the chief judge, subject to the authority of the chief justice, shall exercise general administrative authority over the courts within the judicial district. The chief judge shall make assignments of judges to serve on the courts within the judicial district, and assignments may be made without the consent of the judges affected. The chief judge may assign any judge of any court within the judicial district to hear any matter in any court of the judicial district. When a judge of a court is assigned to another court he is vested with the powers of a judge of the court to which he is assigned. A judge may not be assigned to hear matters outside his judicial district pursuant to this subdivision.

Subd. 4. Semi-annual meetings; judicial conference. The chief judges shall meet at least semi-annually to consider problems relating to judicial business and administration. After consultation with the judges of their respective districts the chief judges shall prepare in conference and submit to the chief justice of the supreme court a suggested agenda for the judicial conference held pursuant to section 480.18.

Subd. 5. Judges' meetings. The chief judge shall convene a conference at least semi-annually of all judges of the judicial district to consider administrative matters and rules of court and to provide advice and counsel to the chief judge.

History: 1977 c 432 s 45

484.70 REFEREE POSITIONS, REGULATIONS.

Subdivision 1. The office of referee is abolished. No vacancy in the office of referee, including family, juvenile, probate, and special term referees, shall be filled, nor new office created. Persons holding the office of referee on August 15, 1980, in the fourth judicial district may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. The offices in existence on August 15, 1980, in the fourth judicial district may continue at the pleasure of the chief judge of the district. Any vacancy arising prior to June 1, 1984, in the described offices in the fourth judicial district may be filled by the chief judge of the district only upon his determination that available judicial personnel are unable to meet the demands of the caseload. All referees are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3, and are not limited to assignment to family, probate, juvenile or special term court. Part time referees holding office in the second judicial district pursuant to this subdivision shall cease to hold office on July 31, 1984.

Subd. 2. [Repealed, 1981 c 272 s 7]

Subd. 3. [Repealed, 1981 c 272 s 7]

Subd. 4. [Repealed, 1981 c 272 s 7]

Subd. 5. [Repealed, 1981 c 272 s 7]

Subd. 6. No referee may hear a contested trial, hearing, motion or petition if a party or attorney for a party objects in writing to the assignment of a referee to hear the matter. The court shall by rule, specify the time within which an objection must be filed.

Subd. 7. The duties and powers of referees shall be as follows:

(a) Hear and report all matters assigned by the chief judge.

(b) Recommend findings of fact, conclusions of law, temporary and interim orders, and final orders for judgment.

(c) All recommended orders and findings of a referee shall be subject to confirmation by a judge. Review of any recommended order or finding of a referee by a judge may be by notice served and filed within ten days of effective notice of the recommended order or finding. The notice of review shall specify the grounds for review and the specific provisions of the recommended findings or orders disputed, and the court, upon receipt of a notice of review, shall set a time and place for a review hearing.

(d) Upon the conclusion of the hearing in each case, the referee shall transmit to a judge the court file together with recommended findings and orders in writing. The recommended findings and orders of a referee become the findings and orders of the court when confirmed by a judge. The order of the court shall be proof of such confirmation, and also of the fact that the matter was duly referred to the referees.

History: 1977 c 432 s 48; 1978 c 750 s 2; 1979 c 318 s 1; 1980 c 580 s 21; 1981 c 272 s 3-5; 1Sp1981 c 4 art 3 s 3,4; art 4 s 26; 1982 c 609 s 1

484.701 SECOND JUDICIAL DISTRICT REFEREE POSITIONS.

Notwithstanding any provision in Laws 1981, Chapter 272 no new district court referee positions may be created but any vacancies in referee positions in the second judicial district which existed as of January 1, 1981 may be filled.

History: 1Sp1981 c 4 art 4 s 36

484.71 TRIAL OF CIVIL AND CRIMINAL ACTIONS; ST. LOUIS COUNTY.

The district court may, if it deems it necessary, designate some place other than Duluth, Hibbing or Virginia to conduct terms of court.

There may be maintained in the city of Ely suitable facilities for the conduct of terms of court.

The expenses of holding terms of court in places other than Duluth, Hibbing or Virginia shall be paid by the county board. The district court shall not designate any place other than Duluth, Hibbing or Virginia to hold terms of court unless suitable facilities are available.

History: 1979 c 39 s 3

484.72 ELECTRONIC RECORDING OF COURT PROCEEDINGS.

Subdivision 1. **Authorization.** Except as provided in subdivision 4, electronic recording equipment may be used to record court proceedings in lieu of a court reporter. However, at the request of any party to any proceedings, the court may, in its discretion, require a competent stenographer who meets minimum qualifications promulgated by the supreme court, to make a complete stenographic record of the proceedings.

Subd. 2. **Appointment of operator, costs and payment.** The court shall have the authority to appoint a person or persons to operate and monitor electronic recording equipment. The person or persons may be paid on a salary basis, on a contract basis, or such other basis as the court deems appropriate.

Subd. 3. **Specification for electronic recording equipment; qualifications for operator.** For the purpose of this section the state court administrator shall promulgate specifications for acceptable electronic recording equipment used to record court proceedings and minimum qualifications for the persons who operate and monitor the equipment.

Subd. 4. **Limitations on use of electronic recording equipment.** A competent stenographer who meets minimum qualifications promulgated by the supreme court, shall make a complete stenographic record of the following court proceedings:

(1) Felony and gross misdemeanor offenses, except arraignments and first appearance in district court as specified in rule 8 of the rules of criminal procedure.

(2) District court jury trials.

(3) Contested district court trials and fact-finding hearings. Where required by statute or court rule, electronic recording equipment may be used in addition to the services of a competent stenographer.

Subd. 5. **Malfunction of electronic recording.** If, when electronic recording equipment is used, a malfunction occurs in the recording process so that the recording is incomplete, the court may declare a mistrial if the malfunction is discovered during the trial. If the malfunction is discovered in the course of preparing a transcript after a verdict has been entered, the court may grant a new trial upon motion of any party.

History: 1981 c 303 s 1