

Judiciary

CHAPTER 480

SUPREME COURT

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NOTE: For Rules of the Supreme Court, see Volume 9.

480.01 JUSTICES; TERMS; TRAVEL EXPENSES.

Subdivision 1. **Justices; terms.** The supreme court shall consist of one chief justice and six associate justices, who shall hold one term of court each year, at the seat of government, commencing on the first Tuesday after the first Monday in January, with such continuations or adjournments thereof during the year as may be necessary for the dispatch of the business coming before the court. When the chief justice of the court shall be absent from the state, or shall be, for any reason, incapacitated from acting as such, the associate justice present within the state and not incapacitated who shall have served the longest time, or when there are two or more associate justices of equal terms of service, then the associate justice, whom the chief justice shall designate as senior associate justice as such, shall have and exercise all the powers, duties, and functions of the chief justice during the absence or incapacity and shall be, during such absence or incapacity, the presiding justice of the court.

Subd. 2. **Travel expenses.** Travel expenses shall be paid by the state in the same manner and amount as provided for judges of the district court in section 484.54.

History: (129) RL s 69; 1919 c 96 s 1; 1973 c 726 s 1; 1982 c 501 s 16; 1986 c 444; 1989 c 335 art 1 s 252

480.011 OFFICE OF ASSOCIATE JUSTICE; CONTINUANCE IN OFFICE.

The reduction of two offices of associate justice abolished by section 480.01 shall become effective upon the first two vacancies occurring in that office on the supreme court. Each justice of the supreme court serving on August 1, 1983 may continue to serve until the justice is not elected or does not seek reelection. If a justice who was serving on August 1, 1983, is defeated for reelection by another person, that other person shall be deemed to have been in office as of August 1, 1983, for the purposes of this section.

History: 1982 c 501 s 23; 1986 c 444

480.013 TERMINOLOGY OF REFERENCES TO CHIEF JUDGE AND ASSOCIATE JUDGES.

In construing and interpreting constitutional provisions, statutes, legal instruments, records, decisions, or legal process applicable or pertaining to, or emanating from the supreme court of the state of Minnesota, the terms chief justice and associate justice or associate justices shall be construed as synonymous with, and as equivalent in meaning to, the terms chief judge and associate judge or associate judges as those terms are used in Article VI of the Constitution of the State of Minnesota.

History: 1957 c 41 s 1

480.02 SPECIAL TERMS.

Special terms may be held whenever the court shall so direct, but three weeks' published notice of the order appointing the same shall be given at the seat of government. Any term may be continued from time to time by orders announced in court and entered in the minutes. Any three justices may hold the court and exercise its powers. Unless three shall attend at the time for opening court, those present, or, if all be absent, the clerk, shall adjourn the court until the following day; but, if three justices be absent for six consecutive days, the court shall stand adjourned without day.

History: (130) RL s 70

480.03 PENDING CASES CONTINUED.

Whenever a term is adjourned, or there is a failure for any reason to hold a term at the appointed time, all causes then on the calendar, and all writs, recognizances, appeals, and proceedings taken or made returnable to the court at such term shall stand over to, and be heard at, the general or special term next ensuing, as if no such adjournment or failure had occurred.

History: (131) RL s 71

480.04 WRITS; PROCESS.

The court shall have power to issue to all courts of inferior jurisdiction and to all corporations and individuals, writs of error, certiorari, mandamus, prohibition, quo warranto and all other writs and processes, whether especially provided for by statute or not, that are necessary to the execution of the laws and the furtherance of justice. It shall be always open for the issuance and return of such writs and processes and for the hearing and determination of all matters involved therein and for the entry in its minutes of such orders as may from time to time be necessary to carry out the power and authority conferred upon it by law, subject to such rules as it may prescribe. Any justice of the court, either in vacation or in term, may order the writ or process to issue and prescribe as to its service and return.

History: (132) RL s 72; 1917 c 408 s 1; 1985 c 248 s 70

480.05 POWER; RULES.

The supreme court shall have all the authority necessary for carrying into execution its judgments and determinations, and for the exercise of its jurisdiction as the supreme

judicial tribunal of the state, agreeable to the usages and principles of law. Such court shall prescribe, and from time to time may amend and modify, rules of practice therein and also rules governing the examination and admission to practice of attorneys at law and rules governing their conduct in the practice of their profession, and rules concerning the presentation, hearing, and determination of accusations against attorneys at law not inconsistent with law, and may provide for the publication thereof at the cost of the state.

History: (133) RL s 73; 1921 c 297 s 1

480.051 REGULATE PLEADING, PRACTICE AND PROCEDURE.

The supreme court of this state shall have the power to regulate the pleadings, practice, procedure, and the forms thereof in civil actions in all courts of this state, including the probate courts, by rules promulgated by it from time to time. Such rules shall not abridge, enlarge, or modify the substantive rights of any litigant.

History: 1947 c 498 s 1; 1987 c 377 s 5

480.052 ADVISORY COMMITTEE.

Before any rules are adopted the supreme court shall appoint an advisory committee consisting of eight members of the bar of the state, one judge of the court of appeals, two judges of the district court, and one judge of a court exercising municipal court jurisdiction to assist the court in considering and preparing such rules as it may adopt.

History: 1947 c 498 s 2; 1984 c 379 s 1

480.053 [Repealed, 1981 c 356 s 377]

480.054 DISTRIBUTION OF PROPOSED RULES; HEARING.

Before any rule for the court of appeals or for the district, county, or county municipal courts is adopted, the supreme court shall distribute copies of the proposed rule to the bench and bar of the state for their consideration and suggestions and give due consideration to any suggestions they submit to the court. The court of appeals judges, the district court judges association, the Minnesota county court judges association, or the municipal court judges association may file with the court a petition specifying their suggestions concerning any existing or proposed rule and requesting a hearing on it. The court shall grant a hearing within six months after the filing of the petition. The court may grant a hearing upon the petition of any other person.

History: 1947 c 498 s 4; 1980 c 387 s 1; 1983 c 247 s 162

480.055 RULES NOT IN CONFLICT.

Subdivision 1. **Other courts.** Any court, other than the supreme court, may adopt rules of court governing its practice; the judges of the court of appeals, pursuant to section 480A.11, the judges of district courts, pursuant to sections 484.33 and 484.52, the judges of county courts, pursuant to section 487.23, and the judges of municipal courts, pursuant to chapter 488A, may adopt rules not in conflict with the rules promulgated by the supreme court.

Subd. 2. **Bureaus.** Sections 480.051 to 480.058 shall not affect the power of any other statutory body to make rules governing its practice.

History: 1947 c 498 s 5; 1961 c 560 s 38; 1979 c 41 s 1; 1983 c 247 s 163

480.056 PRESENT LAWS EFFECTIVE UNTIL MODIFIED.

All present laws relating to pleading, practice, and procedure, excepting those applying to the probate courts, shall be effective as rules of court until modified or superseded by subsequent court rule, and upon the adoption of any rule pursuant to this act such laws, in so far as they are in conflict therewith, shall thereafter be of no further force and effect.

History: 1947 c 498 s 6

480.057 PROMULGATION.

Subdivision 1. **Effective date of rules; publication.** All rules promulgated under sections 480.051 to 480.058 are effective at a time fixed by the court. The rules must be published as part of Minnesota Statutes according to section 3C.08.

Subd. 2. **Printing, publishing, and distributing.** The revisor of statutes shall print, publish, and distribute copies of the rules according to section 3C.12.

History: 1947 c 498 s 7; 1984 c 480 s 18; 1984 c 655 art 2 s 19 subd 6

480.058 RIGHT RESERVED.

Subdivision 1. **By legislature.** Sections 480.051 to 480.058 shall not abridge the right of the legislature to enact, modify, or repeal any statute or modify or repeal any rule of the supreme court adopted pursuant thereto.

Subd. 2. **Appellate fees and forfeits.** Appellate court fees collected under Minnesota Rules of Civil Appellate Procedure Numbers 103, 115, 120, 121, or other law or rule and bond amounts or security deposits forfeit under Minnesota Rules of Civil Appellate Procedure Numbers 107 and 108 must be transmitted to the state treasurer for deposit in the state treasury and credit to the general fund.

History: 1947 c 498 s 8; 1989 c 335 art 3 s 13

480.059 CRIMINAL ACTIONS, PLEADINGS, PRACTICE AND PROCEDURE.

Subdivision 1. **Rules.** The supreme court shall have the power to regulate the pleadings, practice, procedure, and the forms thereof in criminal actions in all courts of this state, by rules promulgated by it from time to time. Such rules shall not abridge, enlarge, or modify the substantive rights of any person.

Subd. 2. **Advisory committee.** Before any such rules are adopted the supreme court shall appoint an advisory committee consisting of eight lawyers licensed to practice law in the state, one judge of the court of appeals, two judges of the district court, and one judge of a court exercising municipal court jurisdiction to assist the court in considering and preparing such rules.

Subd. 3. [Repealed, 1984 c 655 art 1 s 66]

Subd. 4. **Distribution of proposed rules; hearing.** Before any such rule is adopted, the supreme court shall distribute copies of the proposed rule to the judiciary and attorneys of the state for their consideration and suggestions and give due consideration to such suggestions as they may submit to the court. The Minnesota state bar association, or a professional judicial organization may file with the court a petition specifying their suggestions concerning any existing or proposed rule and requesting a hearing thereon. The court shall thereupon grant a hearing thereon within six months after the filing of the petition.

Subd. 5. **Rules not in conflict.** Any court, other than the supreme court, may adopt rules of court governing its practice; but such rules shall not conflict with the rules promulgated by the supreme court.

Subd. 6. **Promulgation.** (1) **Effective date of rules; publication.** All rules promulgated under this section shall be effective at a time fixed by the court and shall be published in the appendix to the official reports of the supreme court and shall be bound therewith. The court shall publish and distribute to the judiciary and attorneys of the state, on or before September 1, 1974, copies of the final version of the rules it intends to adopt. A period of at least 120 days shall be allowed from the date of publication of this final version for the rules to be studied by the judiciary and attorneys of the state prior to the adoption of any of the rules.

(2) **Printing, publishing and distributing.** The commissioner of administration shall print, publish and distribute copies thereof to the judiciary and attorneys and as required by law.

Subd. 7. **Effect upon statutes.** Present statutes relating to the pleadings, practice, procedure, and the forms thereof in criminal actions shall be effective until modified

or superseded by court rule. If a rule is promulgated pursuant to this section which is in conflict with a statute, the statute shall thereafter be of no force and effect. Notwithstanding any rule, however, the following statutes remain in full force and effect:

- (a) Statutes which relate to substantive criminal law, found in chapters 609, 617, and 624, except for sections 609.115, and 609.145;
- (b) Statutes which relate to the rights of the accused, found in sections 611.01 to 611.033, 611.11 to 611.12, and 611.30 to 611.34 and Laws 1973, chapter 317;
- (c) Statutes which relate to the prevention of crime, found in chapter 625;
- (d) Statutes which relate to training, investigation, apprehension, and reports, found in chapter 626;
- (e) Statutes which relate to privacy of communications, found in chapter 626A;
- (f) Statutes which relate to extradition, detainers, and arrest, found in sections 629.01 to 629.404;
- (g) Statutes which relate to judgment and sentence, found in sections 631.20 to 631.21 and 631.40 to 631.51;
- (h) Statutes which relate to special rules, evidence, privileges, and witnesses, found in sections 595.02 to 595.025 and chapter 634;
- (i) The supreme court shall not have the power to adopt or promulgate any rule requiring less than unanimous verdicts in criminal cases; and
- (j) Statutes which relate to the writ of habeas corpus, including but not limited to, sections 589.01 to 589.30 and 484.03.

Whenever, pursuant to this section, the court adopts a rule which conflicts, modifies, or supersedes a statute not enumerated above it shall indicate the statute in the order adopting the rule.

Subd. 8. **Right reserved.** This section shall not abridge the right of the legislature to enact, modify, or repeal any statute or modify or repeal any rule of the supreme court adopted pursuant thereto.

History: 1971 c 250 s 1-8; 1974 c 390 s 1,3; 1Sp1981 c 4 art 1 s 178; 1984 c 379 s

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480.0591 RULES OF EVIDENCE.

Subdivision 1. **Authority to promulgate.** The supreme court may promulgate rules of evidence regulating all evidentiary matters in civil and criminal actions in all courts of the state. Such rules shall not abridge, enlarge or modify the substantive rights of any person.

Subd. 2. **Advisory committee.** Before any such rules are adopted the supreme court shall appoint an advisory committee consisting of eight lawyers licensed to practice law in the state and at least two judges of the district court and one judge of a court exercising municipal court jurisdiction to assist the court in considering and preparing such rules.

Subd. 3. **Recommendations by judicial council.** The judicial council, upon the request of the supreme court or upon its own initiative in accordance with the provisions of chapter 483, may at any time make recommendations to the court concerning such rules.

Subd. 4. **Distribution of proposed rules; hearing.** Before any such rule is adopted, the supreme court shall distribute copies of the proposed rule to the judiciary and attorneys of the state for their consideration and suggestions and give due consideration to such suggestions as they may submit to the court. The Minnesota state bar association, or a professional judicial organization may file with the court a petition specifying their suggestions concerning any existing or proposed rule and requesting a hearing thereon. The court shall thereupon grant a hearing thereon within six months after the filing of the petition.

Subd. 5. **Promulgation. (1) Effective date of rules; publication.** All rules promulgated under this section shall be effective at a time fixed by the court and shall be pub-

lished in the appendix to the official reports of the supreme court and shall be bound therewith.

(2) **Printing, publishing and distributing.** The commissioner of administration shall print, publish and distribute copies thereof to the judiciary and attorneys as required by law. The commissioner shall make 500 copies available, without cost, to the superintendent of the bureau of criminal apprehension for distribution by the superintendent to local law enforcement agencies of the state.

Subd. 6. Present laws effective until modified; rights reserved. Present statutes relating to evidence shall be effective until modified or superseded by court rule. If a rule of evidence is promulgated which is in conflict with a statute, the statute shall thereafter be of no force and effect. The supreme court, however, shall not have the power to promulgate rules of evidence which conflict, modify, or supersede the following statutes:

(a) Statutes which relate to the competency of witnesses to testify, found in sections 595.02 to 595.025;

(b) Statutes which establish the prima facie evidence as proof of a fact;

(c) Statutes which establish a presumption or a burden of proof;

(d) Statutes which relate to the privacy of communications; and

(e) Statutes which relate to the admissibility of certain documents.

The legislature may enact, modify, or repeal any statute or modify or repeal any rule of evidence promulgated under this section.

History: 1974 c 481 s 1; 1986 c 444

480.0595 JUVENILE COURT RULES.

The supreme court shall promulgate rules to regulate the pleadings, practice, procedure and the forms thereof in juvenile proceedings in all juvenile courts of the state in accordance with the provisions of section 480.059, except with respect to the composition of the advisory committee and the distribution of the proposed rules. Before adoption of the rules, the supreme court shall distribute copies of the proposed rules to such persons who register with the supreme court their desire to receive notice of hearings on the proposed rules. The rules shall be available for distribution to the judiciary and attorneys of the state on or before September 1, 1982.

History: 1980 c 580 s 20; 1981 c 201 s 2; 1981 c 356 s 357

480.06 DECISIONS.

In all cases decided by the court, it shall give its decision in writing, and file the same with the clerk, together with headnotes, briefly stating the points decided. A copy of such headnotes shall be furnished by the clerk, without charge, to such proprietors of daily newspapers as may desire them for free publication. Decisions may be rendered and judgments entered thereon in vacation as well as in term.

History: (134) RL s 74

480.061 UNIFORM CERTIFICATION OF QUESTIONS OF LAW.

Subdivision 1. Power to answer. The supreme court may answer questions of law certified to it by the supreme court of the United States, a court of appeals of the United States, a United States district court, a United States bankruptcy court, or the highest appellate court or the intermediate appellate court of any other state, when requested by the certifying court if there are involved in any proceeding before it questions of law of this state which may be determinative of the cause then pending in the certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of the supreme court of this state.

Subd. 2. Method of invoking. This section may be invoked by an order of any of the courts referred to in subdivision 1 upon the court's own motion or upon the motion of any party to the cause.

Subd. 3. **Contents of certification order.** A certification order shall set forth

(a) the questions of law to be answered; and

(b) a statement of all facts relevant to the questions certified and showing fully the nature of the controversy in which the questions arose.

Subd. 4. **Preparation of certification order.** The certification order shall be prepared by the certifying court, signed by the judge presiding at the hearing, and forwarded to the supreme court by the court administrator of the certifying court under its official seal. The supreme court may require the original or copies of all or of any portion of the record before the certifying court to be filed with the certification order, if, in the opinion of the supreme court, the record or portion thereof may be necessary in answering the questions.

Subd. 5. **Costs of certification.** Fees and costs shall be the same as in civil appeals docketed before the supreme court and shall be equally divided between the parties unless otherwise ordered by the certifying court in its order of certification.

Subd. 6. **Briefs and argument.** Proceedings in the supreme court shall be those provided in rules of the court.

Subd. 7. **Opinion.** The written opinion of the supreme court stating the law governing the questions certified shall be sent by the clerk of the court to the certifying court and to the parties and shall be res judicata as to the parties.

Subd. 8. **Power to certify.** The supreme court or the court of appeals, on its own motion or the motion of any party, may order certification of questions of law to the highest court of any state when it appears to the certifying court that there are involved in any proceeding before the court questions of law of the receiving state which may be determinative of the cause then pending in the certifying court and it appears to the certifying court that there are no controlling precedents in the decisions of the highest court or intermediate appellate courts of the receiving state.

Subd. 9. **Procedure on certifying.** The procedures for certification from this state to the receiving state shall be those provided in the laws of the receiving state.

Subd. 10. **Uniformity of application and construction.** This section shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this section among those states which enact it.

Subd. 11. **Citation.** This section may be cited as the uniform certification of questions of law act.

History: 1973 c 25 s 1; 1983 c 247 s 164; 1Sp1986 c 3 art 1 s 82; 1988 c 484 s 1

480.062 PUBLIC EMPLOYEES CLAIMS REGARDING EMPLOYMENT, COSTS AND DISBURSEMENTS.

The appellate courts shall allow costs and disbursements in any appeal to any public employee who prevails in an action for wrongfully denied or withheld employment benefits or rights in the same manner as the court allows costs and disbursements to any prevailing party.

History: 1974 c 414 s 1; 1983 c 247 s 165

480.07 CLERK; BOND, ASSISTANTS, RECORDS.

The clerk of the appellate courts may employ necessary clerical office help for whose compensation legislative appropriation has been made. The clerk may appoint a deputy clerk for the discharge of the duties of the office in the clerk's absence or inability to act, and such other duties as shall be assigned to the deputy clerk by the clerk or the court. The deputy shall serve during the pleasure of the clerk.

The clerk shall keep records and perform duties appropriate to the clerk's office as the judges of the appellate courts prescribe. The clerk shall provide, at the cost of the state, all books, stationery, furniture, postage, and supplies necessary for the proper transaction of the business of the courts.

History: (138, 139) RL s 75,76; 1921 c 46 s 1; 1983 c 247 s 166; 1986 c 444

480.08 MARSHAL.

A marshal of the supreme court may be appointed by the justices thereof to act during their pleasure. The marshal's qualifications, duties, and powers shall be such as the court may prescribe conformably to the laws.

History: (140) *RL s 77; 1986 c 444*

480.09 STATE LIBRARY.

Subdivision 1. The state library shall be maintained in the capitol and shall be under the supervision of the justices of the supreme court. Notwithstanding chapter 16B or any other act inconsistent herewith or acts amendatory thereof or supplementary thereto, they shall direct the purchases of books, pamphlets, and documents therefor and the sales and exchanges therefrom upon such terms and conditions as they may deem just and proper. They may authorize the transfer of books and documents to the University of Minnesota or any department thereof, or to any state agency. They shall adopt rules for the government of the library and the management of its affairs, and prescribe penalties for the violation thereof.

Subd. 2. The justices of the supreme court shall appoint a state law librarian to serve at their pleasure. The law librarian shall give bond to the state in an amount not less than \$2,000, to be approved by the chief justice, conditioned for the faithful performance of official duties. Subject to the approval of the justices, the librarian may appoint an assistant librarian who shall perform the librarian's duties when the librarian is absent or disabled, and, subject to the approval of the justices, the librarian may employ necessary assistants.

Subd. 3. The librarian shall

- (1) have charge of the library rooms and property,
- (2) under the direction of the justices attend to all purchases, exchanges, transfers, and sales,
- (3) enforce the rules prescribed for the government of the library and the management of its affairs,
- (4) collect all damages from injury to or retention of library property and all fines imposed for violation of the rules,
- (5) effect exchanges of any books, documents, journals, maps, pamphlets, and reports delivered to the state library by any department, agency, or official of the state in accordance with the provisions of section 15.18,
- (6) keep a detailed chronological record of all purchases, exchanges, transfers, and sales and of all additions to the library by gift, purchase, or exchange, respectively,
- (7) keep an account of all amounts collected as damages or fines or from other sources, and of all expenditures.

Subd. 4. The records and accounts of the library shall be open to public inspection and shall be transferred to the successor of the librarian.

Subd. 5. All moneys collected shall be paid into the state treasury and are credited to the general fund.

Subd. 6. All official publications of the United States and of other states and countries, which are received for the use of this state by any officer thereof, shall be sent to the state library forthwith.

History: (141, 142, 143, 144, 145) *RL s 78-82; 1947 c 365 s 4; 1951 c 3 s 1; 1955 c 89 s 1; 1965 c 45 s 67; 1982 c 576 s 18; 1983 c 301 s 214; 1984 c 544 s 89; 1986 c 444; 1989 c 335 art 4 s 97*

480.10 JANITOR.

The justices may appoint, and at pleasure remove, a janitor, who shall have care of the courtroom, the rooms of the clerk and justices of the court, and of the state library, and perform such other duties as the justices may require.

History: (146) *RL s 83*

480.11 REPORTER.

Subdivision 1. **Bond; files.** The reporter of its decisions, appointed by the supreme court, shall give bond to the state in the sum of \$500, to be approved by the governor, conditioned for the faithful discharge of duties. The reporter shall be entitled to the possession, for a reasonable time, of the files of the court in all cases decided.

Subd. 2. **Cases; citations.** The reporter shall accurately report all such cases, noting concisely the points decided, with a statement of the facts as shown by the record, unless the same are fully stated in the opinion; the names of counsel, with the points made and authorities cited, as fully as the reporter deems necessary; and the opinions rendered by the justices. All references in such opinions to former decisions of the court which have been published in the Northwestern Reporter shall also cite the volume and page of such reporter where the same appear; and, if the opinion reported has been published in said reporter, the volume and page of such publication shall be cited.

Subd. 3. **Publication; copyright.** Within 90 days after the filing of a sufficient number of decisions to make an appropriate printed volume, the reporter shall deliver the manuscript of the report of such cases to the contractor for the publication thereof. As soon as the same is put in type, the reporter shall read and correct the printer's proof, and furnish to the contractor an index, a table of cases, and other matter necessary to complete the volume. The reporter shall have no pecuniary interest in such reports, which shall be copyrighted by the secretary of state in trust for the people.

History: (147, 148, 149) *RL s 84-86; 1965 c 722 s 1; 1986 c 444*

480.12 REPORTS OF DECISIONS; PRINTING, SALE, AND DISTRIBUTION.

The report of such decisions shall be published in form, style, quality, and in such numbers as the court shall direct.

Except as otherwise herein provided the published reports shall be sold by the commissioner of administration at a price not to exceed the maximum price set by the court. The commissioner of administration shall distribute without cost published reports to the institutions and public offices as the court may direct.

The commissioner shall determine the reasonable expense incurred in handling, and distributing the published reports which the commissioner sells or distributes without cost. The unexpended balances of any appropriation to the supreme court for publishing reports of decisions shall be used to reimburse the commissioner for the reasonable expenses, and the amount of such reimbursement shall be credited to the central services revolving fund in the state treasury. If the unexpended balances of such an appropriation is insufficient therefor, the commissioner shall deduct the remainder of these expenses from receipts from the sale of published reports and deposit the deductions to the credit of central services revolving fund. The commissioner shall deposit the balance of the receipts to the credit of the general fund in the state treasury.

History: (150) *RL s 87; 1927 c 379 s 1; 1937 c 81 s 1; 1965 c 722 s 2; Ex1967 c 1 s 6; 1969 c 399 s 49; 1971 c 81 s 2; 1978 c 589 s 1; 1986 c 444*

480.13 COURT ADMINISTRATOR OFFICE CREATED; APPOINTMENT, TERM.

There is hereby created a state office to be known as the office of court administrator, the holder of which office shall be appointed by the supreme court, and shall hold office at the pleasure of the supreme court.

History: *1963 c 758 s 1; 1971 c 81 s 1; 1978 c 793 s 76*

480.14 APPOINTMENT, COMPENSATION OF EMPLOYEES; COURT ADMINISTRATOR, EMPLOYEES NOT TO PRACTICE LAW.

The court administrator, with the approval of the chief justice of the supreme court of this state, shall appoint and fix the compensation of such employees as are necessary to enable the administrator to perform the power and duties vested in the administrator. During the administrator's term of office or employment, neither the court admin-

istrator nor any employee shall engage directly or indirectly in the practice of law in this state.

History: 1963 c 758 s 2; 1971 c 81 s 2; 1986 c 444

480.15 POWERS AND DUTIES.

Subdivision 1. The court administrator shall, under the supervision and direction of the chief justice, have the powers and duties prescribed by this section.

Subd. 2. The court administrator shall examine the administrative methods and systems employed in the offices of the judges, court administrators, reporters, and employees of the courts and make recommendations, through the chief justice for the improvement of the same.

Subd. 3. The court administrator shall examine the state of dockets of the courts and determine the need for assistance by any court.

Subd. 4. The court administrator shall make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance.

Subd. 5. The court administrator shall collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice and to the respective houses of the legislature to the end that proper action may be taken in respect thereto.

Subd. 6. The court administrator shall prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto.

Subd. 7. The court administrator shall collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith.

Subd. 8. The court administrator shall obtain reports from court administrators in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to the supreme court of this state and to the respective houses of the legislature.

Subd. 9. The court administrator shall formulate and submit to the judicial council of this state and to the respective houses of the legislature recommendations of policies for the improvement of the judicial system.

Subd. 10. The court administrator shall submit annually, as of February 1, to the chief justice and the judicial council, a report of the activities of the court administrator's office for the preceding calendar year.

Subd. 10a. The court administrator shall prepare uniform standards and procedures for the recruitment, evaluation, promotion, in-service training and discipline of all personnel in the court system other than judges, referees, judicial officers, court reporters and court services officers. The court administrator shall file a report on the uniform standards and procedures with the legislature by June 30, 1978.

Subd. 10b. The court administrator shall promulgate and administer uniform requirements for court budget and information systems, the compilation of statistical information, and the collection, storage and use of court records.

Subd. 11. The court administrator shall attend to such other matters consistent with the powers delegated herein as may be assigned by the supreme court of this state.

Subd. 12. The court administrator shall review plans submitted by a judicial district for office equipment under section 484.68, subdivision 3, clause (e), and shall determine eligibility for state funding or reimbursement for the equipment.

History: 1963 c 758 s 3; 1971 c 81 s 2; 1977 c 432 s 6; 1Sp1986 c 3 art 1 s 82; 1987 c 404 s 178

480.16 DISTRIBUTION OF WORK OF COURTS; DUTY OF JUDGES TO COMPLY WITH CHIEF JUSTICE'S DIRECTION.

The chief justice shall consider all recommendations of the court administrator for the assignment of judges, and has discretionary authority to direct any judge whose calendar, in the judgment of the chief justice, will permit, to hold court in any county or district where need therefor exists, to the end that the courts of this state shall function with maximum efficiency, and that the work of other courts shall be equitably distributed. The supreme court may provide by rule for the enforcement of this section and section 480.17.

History: 1963 c 758 s 4; 1971 c 81 s 2; 1986 c 444

480.17 JUDGES, COURT ADMINISTRATORS, OTHER OFFICERS, TO COMPLY WITH REQUESTS OF COURT ADMINISTRATOR AND DISTRICT ADMINISTRATORS.

Subdivision 1. The judges and court administrators of the courts and all other officers, state and local, shall comply with all requests made by the court administrator after approval by the chief justice, for information and statistical data bearing on the state of the dockets of such courts and such other information as may reflect the business transacted by them and the expenditure of public moneys for the maintenance and operation of the judicial system.

Subd. 2. The failure of a judge or state or local officer to comply with requests made by the court administrator pursuant to subdivision 1 is grounds for removal from office by the appointing authority. Nothing in this subdivision shall be construed to restrict the power of the district court to remove a court administrator from office.

Subd. 3. Every court administrator shall also comply with requests for statistical or other information made by the district administrator of the judicial district in which the court administrator serves.

History: 1963 c 758 s 5; 1971 c 81 s 2; 1977 c 432 s 7; 1Sp1986 c 3 art 1 s 82

480.18 CONFERENCE OF JUDGES; JUDGE'S EXPENSES.

At least once each year the chief justice shall call a conference of the judges of the courts of record of this state for the consideration of matters relating to judicial business, the improvement of the judicial system, and the administration of justice. Each judge attending the annual judicial conference shall be entitled to be reimbursed for necessary expenses to be paid from state appropriations made for the purposes of sections 480.13 to 480.20.

History: 1963 c 758 s 6; 1977 c 432 s 8; 1986 c 444

480.181 TRANSFER OF EMPLOYEES TO JUDICIAL BRANCH.

Subdivision 1. **State employees; compensation.** District court referees, judicial officers, court reporters, law clerks, and district administration staff, other than district administration staff in the second and fourth judicial districts, are state employees and are governed by the judicial branch personnel rules adopted by the supreme court. The supreme court, in consultation with the conference of chief judges, shall establish the salary range of these employees under the judicial branch personnel rules. In establishing the salary ranges, the supreme court shall consider differences in the cost of living in different areas of the state.

Subd. 2. **Election to retain insurance and benefits; retirement.** (a) Before a person is transferred to state employment under this section, the person may elect to do either or both of the following:

(1) keep life insurance; hospital, medical, and dental insurance; and vacation and sick leave benefits and accumulated time provided by the county instead of receiving benefits from the state under the judicial branch personnel rules; or

(2) remain a member of the public employees retirement association or the Minne-

apolis employees retirement fund instead of joining the Minnesota state retirement system.

Employees who make an election under clause (1) remain on the county payroll, but the state shall reimburse the county on a quarterly basis for the salary and cost of the benefits provided by the county. The state shall make the employer contribution to the public employees retirement association or the employer contribution under section 422A.101, subdivision 1a, to the Minneapolis employees retirement fund on behalf of employees who make an election under clause (2).

(b) An employee who makes an election under paragraph (a), clause (1), may revoke the election, once, at any time, but if the employee revokes the election, the employee cannot make another election. An employee who makes an election under paragraph (a), clause (2), may revoke the election at any time within six months after the person becomes a state employee. Once an employee revokes this election, the employee cannot make another election.

(c) The supreme court, after consultation with the conference of chief judges, the commissioner of employee relations, and the executive directors of the public employees retirement association and the Minnesota state retirement association, shall adopt procedures for making elections under this section.

(d) The supreme court shall notify all affected employees of the options available under this section. The executive directors of the public employees retirement association and the Minnesota state retirement system shall provide counseling to affected employees on the effect of making an election to remain a member of the public employees retirement association.

Subd. 3. Accumulated benefits. A person who begins to receive benefits from the state under the judicial branch personnel rules under this section must receive credit for accumulated vacation and sick leave time, as certified by the county auditor and district administrator.

Subd. 4. Date of employment. A person who becomes a state employee under this section is considered to have begun employment with the state on the date the person became a county or judicial district employee to determine eligibility for benefits.

History: 1989 c 335 art 3 s 14

NOTE: This section, as added by Laws 1989, chapter 335, article 3, section 14, is effective January 1, 1990, for court employees in the eighth judicial district, including court administrators and staff. It is effective January 1, 1992, for district court referees, judicial officers, and court reporters in all judicial districts except the eighth. It is effective July 1, 1990, for district administration staff in the first, third, fifth, sixth, seventh, ninth, and tenth districts. It is effective October 1, 1990, for law clerks in all districts except the eighth. See Laws 1989, chapter 335, article 3, section 58, as amended by Laws 1989, chapter 356, section 67, as amended by Laws 1989, First Special Session chapter 1, article 5, section 48.

480.19 APPLICATION TO SUPREME AND OTHER COURTS.

Sections 480.13 to 480.20 apply to the following courts: The supreme court, the court of appeals, the district, county, probate, and county municipal courts.

History: 1963 c 758 s 7; 1983 c 247 s 167

480.20 APPLICATION TO SUBSTITUTION OF PROBATE JUDGES.

The provisions of sections 480.13 to 480.20 shall in no way be construed to impair the authority and manner of substitution of probate judges provided in Minnesota Statutes 1961, section 525.051.

History: 1963 c 758 s 8

480.21 RESIGNED JUDGES, APPOINTMENT AS COMMISSIONERS.

Subdivision 1. The supreme court may appoint any resigned judge of the supreme court, who is not engaged in the practice of law, as a commissioner of that court to aid and assist in the performance of such of its duties as may be assigned to the commissioner with the commissioner's consent.

Subd. 2. Such a resigned judge who has been appointed and serves as a commissioner shall be paid the sum of \$35 and actual expenses for each day spent in the perfor-

mance of duties as such commissioner, said payment to be made in the same manner as payment of salaries for supreme court judges on certification by the chief judge.

History: 1963 c 760 s 1; 1986 c 444

480.22 LOCATION OF CHAMBERS.

The supreme court shall designate the location of chambers for judges of all courts in the state after consultation with the judges of the affected judicial district. Chambers locations set forth in section 2.722, subdivision 1, shall remain in effect until changed pursuant to this section.

History: 1977 c 432 s 9

480.23 COMPUTER ACQUISITION BY COURTS.

In order to facilitate the effective management and coordination of the Minnesota courts system, an appropriate official of any court or of a local governmental unit in providing services to any court, if authorized by the state court administrator and with the concurrence of the contracting vendor, may acquire electronic data processing equipment or services through an existing contract originated by the supreme court. The state court administrator shall grant this authority only pursuant to the implementation of justice information systems compatible with systems participating on the Minnesota criminal justice information systems communications network administered by the department of public safety.

History: 1980 c 382 s 1

480.235 TRIAL COURT INFORMATION SYSTEM.

The cost of operating the trial court information system in a judicial district must be paid by the state.

History: 1Sp1985 c 13 s 360; 1989 c 335 art 3 s 15

480.236 SOFTWARE SALES.

The supreme court may sell or license self-developed or vendor custom-developed computer software products or systems through whatever sales method the supreme court, in its discretion, deems appropriate, in order to offset its software development costs. Prices for the software products or systems may be based on market considerations. Proceeds of the sale or licensing of software products or systems by the supreme court must be deposited in the state treasury and credited to the general fund.

History: 1987 c 404 s 179; 1988 c 686 art 5 s 8

480.24 DEFINITIONS.

Subdivision 1. **Terms.** As used in sections 480.24 to 480.244, the terms defined in this section have the meanings given them.

Subd. 2. **Eligible client.** "Eligible client" means an individual that is financially unable to afford legal assistance, as determined by a recipient on the basis of eligibility guidelines established by the supreme court pursuant to section 480.243, subdivision 1.

Subd. 3. **Qualified legal services program.** "Qualified legal services program" means a nonprofit corporation which provides or proposes to provide legal services to eligible clients in civil matters and which is governed by a board of directors composed of attorneys-at-law and consumers of legal services.

Subd. 4. **Recipient.** "Recipient" means a qualified legal services program that receives funds from the supreme court to provide legal services to eligible clients.

Subd. 5. **Nonprofit regional alternative dispute resolution corporation.** "Nonprofit regional alternative dispute resolution corporation" means a nonprofit corporation which trains and makes available to the public individuals who provide fact-finding, conciliation, mediation, or nonbinding or binding arbitration services.

History: 1982 c 489 s 2,11; 1Sp1985 c 13 s 376 subd 2; 1986 c 398 art 17 s 1

480.241 [Repealed, 1990 c 594 art 1 s 81]

Note: Subdivision 1 was also amended by Laws 1990, chapter 574, section 5, to read as follows:

"Subdivision 1. **Amount of surcharge; collection by court administrators.** A plaintiff, petitioner, defendant, respondent, intervenor, or moving party in any trial court civil action or civil proceeding in which an initial filing fee is payable by that party, except a marriage dissolution or conciliation court action, shall pay to the court administrator a surcharge of \$30 in addition to the initial filing fee otherwise prescribed. A plaintiff, defendant, or moving party in any conciliation court action in which an initial filing fee is payable shall pay to the court administrator of conciliation court a surcharge of \$3 in addition to the initial filing fee otherwise prescribed. Notwithstanding any other law or rule to the contrary, no surcharge shall be paid by any governmental unit of the state of Minnesota, any local unit of government, or agency thereof."

480.242 DISTRIBUTION OF CIVIL LEGAL SERVICES FUNDS TO QUALIFIED LEGAL SERVICES PROGRAMS.

Subdivision 1. Advisory committee. The supreme court shall establish an advisory committee to assist it in performing its responsibilities under sections 480.24 to 480.244. The advisory committee shall consist of 11 members appointed by the supreme court including seven attorneys-at-law who are well acquainted with the provision of legal services in civil matters, two public members who are not attorneys and two persons who would qualify as eligible clients. Four of the attorney-at-law members shall be nominated by the state bar association in the manner determined by it, and three of the attorney-at-law members shall be nominated by the programs in Minnesota providing legal services in civil matters on July 1, 1982, with funds provided by the federal Legal Services Corporation in the manner determined by them. In making the appointments of the attorney-at-law members, the supreme court shall not be bound by the nominations prescribed by this section. In making appointments to the advisory committee, the supreme court shall ensure that urban and rural areas of the state are represented. The supreme court shall adopt by rule policies and procedures for the operation of the advisory committee including, but not limited to, policies and procedures governing membership terms, removal of members, and the filling of membership vacancies.

Subd. 2. Review of applications; selection of recipients. At times and in accordance with any procedures as the supreme court adopts in the form of court rules, applications for the expenditure of civil legal services funds shall be accepted from qualified legal services programs or from local government agencies and nonprofit organizations seeking to establish qualified alternative dispute resolution programs. The applications shall be reviewed by the advisory committee, and the advisory committee, subject to review by the supreme court, shall distribute the funds received pursuant to section 480.241, subdivision 2, to qualified legal services programs or to qualified alternative dispute resolution programs submitting applications. Subject to the provisions of subdivision 4, the funds shall be distributed in accordance with the following formula:

(a) Eighty-five percent of the funds distributed shall be distributed to qualified legal services programs that have demonstrated an ability as of July 1, 1982, to provide legal services to persons unable to afford private counsel with funds provided by the federal Legal Services Corporation. The allocation of funds among the programs selected shall be based upon the number of persons with incomes below the poverty level established by the United States Census Bureau who reside in the geographical area served by each program, as determined by the supreme court on the basis of the 1980 national census. All funds distributed pursuant to this clause shall be used for the provision of legal services in civil matters to eligible clients.

(b) Fifteen percent of the funds distributed may be distributed (1) to other qualified legal services programs for the provision of legal services in civil matters to eligible clients, including programs which organize members of the private bar to perform services and programs for qualified alternative dispute resolution, or (2) to programs for training mediators operated by nonprofit alternative dispute resolution corporations. Grants may be made pursuant to this clause only until June 30, 1987. If all the funds to be distributed pursuant to this clause cannot be distributed because of insufficient acceptable applications, the remaining funds shall be distributed pursuant to clause (a).

Subd. 3. Timing of distribution of funds. The funds to be distributed to recipients selected in accordance with the provisions of subdivision 2 shall be distributed by the supreme court no less than twice per calendar year.

Subd. 4. [Repealed, 1989 c 335 art 1 s 270]

History: 1982 c 489 s 4,11; 1Sp1985 c 13 s 376 subd 2; 1986 c 398 art 17 s 2; 1989 c 335 art 1 s 255

NOTE: Subdivision 4 was also amended by Laws 1989, chapter 335, article 1, section 255, to read as follows:

"Subd. 4. **Administration.** The supreme court may retain up to five percent of the money appropriated for civil legal services to defray the costs incurred in executing its responsibilities and the responsibilities of the advisory committee under sections 480.24 to 480.244."

480.243 CLIENT ELIGIBILITY; RECEIPT OF OTHER FUNDS.

Subdivision 1. **Committee eligibility guidelines.** The supreme court, with the advice of the advisory committee, shall establish guidelines in the form of court rules to be used by recipients to determine the eligibility of individuals and organizations for legal services provided with funds received pursuant to section 480.242. The guidelines shall be designed solely to assist recipients in determining whether an individual or organization is able to afford or secure legal assistance from private counsel with respect to the particular matter for which assistance is requested.

Subd. 2. **Receipt of other funds by recipients.** Nothing in this section shall be construed to prohibit a recipient from soliciting and accepting other public or private funds to be used for the provision of legal services in civil matters to persons who are not eligible clients, and the guidelines established pursuant to subdivision 1 shall not apply to the use of other funds.

History: 1982 c 489 s 5,11; 1Sp1985 c 13 s 376 subd 2.

480.244 REVENUE AND EXPENDITURE RECORDS; POSTAWARD AUDITS.

A recipient of funds distributed pursuant to section 480.242 shall maintain revenue and expenditure records regarding those funds in accordance with acceptable general accounting principles for a period of five years following their receipt. The legislative auditor may conduct postaward audits of the funds distributed pursuant to section 480.242 upon the request of the supreme court and the approval of the legislative audit commission.

History: 1982 c 489 s 6,11; 1Sp1985 c 13 s 376 subd 2

480.245 [Repealed, 1989 c 335 art 1 s 270]

FAMILY FARM LEGAL ASSISTANCE PROGRAM

480.250 ADMINISTRATION OF FAMILY FARM LEGAL ASSISTANCE PROGRAM.

Subdivision 1. **Contract and administration.** The supreme court shall contract with one or more established nonprofit corporations to provide a family farmer legal assistance program for financially distressed state farmers by 60 days after funding is available. The family farmer legal assistance must be directed at farm financial problems, including, but not limited to, bankruptcy, discharge of debt, general debtor-creditor relations, and tax considerations. The supreme court may delegate responsibility for administering funds under the contract to the advisory committee established under section 480.242, subdivision 1.

Subd. 2. **Legal assistance provider.** The supreme court may contract only with a legal assistance provider that:

- (1) is established as a nonprofit corporation under chapter 317A and tax exempt under section 501(c)(3) of the Internal Revenue Code as amended through December 31, 1985;
- (2) is organized principally to provide legal assistance;
- (3) has a proven record of delivery of effective, high quality legal assistance;
- (4) has experience and demonstrated expertise in addressing legal issues affecting financially distressed family farmers;

(5) can begin providing delivery of legal assistance to financially distressed farmers within 30 days after the contract is awarded; and

(6) can provide legal assistance to farmers throughout the state.

Subd. 3. **Distribution of funds; limitations.** (a) None of the funds distributed to recipients selected in accordance with the provisions of this section may be used for activities promoting nonjudicial changes in the law. Actions precluded include:

(1) appearance before legislative or administrative rulemaking bodies for the purpose of promoting changes in existing law, unless the appearance is requested by a member of that body; and

(2) preparation or assisting in the preparation of written statements promoting changes in existing law intended to be entered into the record of a legislative or rule-making procedure.

(b) The preceding restrictions limit only those activities for which contract funding is received and in no way limit the activities of any attorney acting in a pro bono capacity.

History: 1986 c 398 art 3 s 1; 1989 c 304 s 137

480.252 FAMILY FARM LEGAL ASSISTANCE PROGRAM.

Subdivision 1. **Requirements.** The family farmer legal support program shall provide:

(1) legal backup and research support to attorneys throughout the state who represent financially distressed farmers;

(2) direct legal advice and representation to eligible farmers in the most effective and efficient manner, giving special emphasis to enforcement of legal rights affecting large numbers of farmers;

(3) legal information to individual farmers;

(4) general farm related legal education and training to farmers, private attorneys, legal services staff, and the public;

(5) an incoming, statewide, toll free telephone line to provide the advice and referral requirements in this subdivision; and

(6) legal advice and representation to farmers and small business operators whose loans are currently held by the Federal Deposit Insurance Corporation.

Subd. 2. **Priorities.** In meeting the requirements of subdivision 1, recipients of funds under the family farm legal support program shall adhere to the following priorities:

(1) provide legal services to eligible persons whose bank loans are held by the Federal Deposit Insurance Corporation;

(2) provide basic legal information relating to liquidation of farm property, farm credit, farm foreclosure, repossession of farm assets, restructuring of farm debt and other farm financial problems upon request by farmers, state and local officials, and state-supported farm management advisors;

(3) represent and provide advice to individual eligible farmers in pursuit of legal remedies relating to liquidation of farm property, farm credit, farm foreclosure, repossession of farm assets, restructuring of farm debt, and other farm financial problems; and

(4) provide legal backup and research support to private attorneys who are representing farmers in matters relating to liquidation of farm property, farm credit, farm foreclosure, repossession of farm assets, restructuring of farm debt, and other farm financial problems.

Subd. 3. **Report.** The legal assistance provider shall submit a report to the supreme court each six months during the contract period demonstrating that the requirements in subdivision 1 have been met.

Subd. 4. **Termination.** A contract under sections 480.250 to 480.256 may be termi-

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nated by the supreme court, or denied for renewal, upon reasonable written notice and good cause shown. A contract under sections 480.250 to 480.256 must be terminated if funds are used in a manner inconsistent with section 480.250.

History: 1986 c 398 art 3 s 2

480.254 LEGAL ASSISTANCE ELIGIBILITY.

(a) A person is eligible for legal assistance under section 480.252 if the person:

- (1) is a state resident;
- (2) is or has been a farmer, or a family shareholder of a family farm corporation within the preceding 24 months;
- (3) has a debt-to-asset ratio greater than 50 percent;
- (4) has a reportable federal adjusted gross income of \$15,000 or less in the previous tax year; and
- (5) is financially unable to retain legal representation.

(b) Qualifying farmers and small business operators whose bank loans are held by the Federal Deposit Insurance Corporation are eligible for legal assistance under section 480.252.

History: 1986 c 398 art 3 s 3

480.256 ANNUAL REPORT.

A legal assistance provider shall submit a report to the supreme court and the senate and house committees having jurisdiction over agriculture matters by January 15 after each year of funding. The report must describe the activities and expenses under the contract during the previous calendar year and a summary of additional legal representation needed by distressed family farmers.

History: 1986 c 398 art 3 s 4; 1989 c 19 s 4