

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: (154) *RL s 90*

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 COURT ADMINISTRATOR OF PROBATE COURT, SECOND JUDICIAL DISTRICT.

Notwithstanding section 525.09 the judicial district administrator in the second judicial district may appoint a court administrator 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; 1Sp1986 c 3 art 1 s 82*

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 the judge's 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 court administrator 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 written objection with supporting affidavit stating the 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 court administrator of district court shall deliver to the court administrator 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 court administrator 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 court administrator of district court as payment for 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 court administrator 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 the party 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 court administrator 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; 1986 c 444; 1Sp1986 c 3 art 1 s 82*

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: *(155) RL s 91*

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: *(156) RL s 92*

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 court administrator 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 court administrator 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: *(157) RL s 93; 1Sp1986 c 3 art 1 s 82*

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 the judge is a party in interest, nor shall the judge receive any fees for legal or judicial services other than as prescribed by law; nor shall the judge be a partner of any practicing attorney in the business of the practicing attorney's profession.

History: *(159) RL s 95; 1986 c 444*

484.065 CONFLICTS OF INTEREST; CERTIFICATE OF COMPLIANCE.

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

History: *Ex1971 c 32 s 23; 1986 c 444*

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

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

- 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, subs 3, 5, 6, 7, 9, 11, 14]
- 484.21 MS 1957 [Renumbered 484.13, subs 4, 10, 12, 13, 15]
- 484.22 MS 1957 [Renumbered 484.17, subs 9, 12, 13, 14, 15, 16, 17, 18]
- 484.23 MS 1957 [Renumbered 484.17, subs 2-8, 10, 11]
- 484.24 MS 1957 [Renumbered 484.16, subs 2, 4, 8, 10, 12, 13]
- 484.25 MS 1957 [Renumbered 484.13, subs 5, 6, 9]
- 484.26 MS 1957 [Renumbered 484.18, subs 2, 4, 7, 9]
- 484.27 MS 1957 [Renumbered 484.18, subs 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. 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 court administrator, and a copy posted in the court administrator's office for three weeks prior to the term.

History: (178) RL s 99; 1979 c 233 s 4; 1984 c 543 s 68; 1986 c 444; ISp1986 c 3 art 1 s 82

484.31 NONATTENDANCE OF JUDGE; ADJOURNMENT.

If the judge fails to attend on the day appointed for holding court, the sheriff or court administrator may open court and adjourn the same from day to day; but, if the judge does not appear by 4:00 p.m. of the third day, one of said officers shall adjourn

the term without day, and dismiss the jurors; provided, that such court administrator or sheriff, upon the direction of the judge, and without the judge's 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: (179) RL s 100; 1986 c 444; 1Sp1986 c 3 art 1 s 82

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: (180) RL s 101

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: (182) RL s 104; 1919 c 33

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: (181) RL s 102

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: (181) RL s 102

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

484.44 DEPUTY SHERIFF AND COURT ADMINISTRATOR; ST. LOUIS COUNTY.

There shall be at all times a chief deputy sheriff of St. Louis county and a chief deputy court administrator 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 duties relating solely to proceedings tried or to be tried at said places; but the office of the deputy court administrator at said places shall be equally deemed the office of the court administrator 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 court administrator.

History: (166) 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; 1986 c 444; 1Sp1986 c 3 art 1 s 82

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 court administrator and deputies as herein provided for and the county attorney and 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: (167) 1909 c 126; 1911 c 368; 1915 c 371 s 1; 1917 c 255 s 1; 1973 c 123 art 5 s 7; 1986 c 444; 1Sp1986 c 3 art 1 s 82

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

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

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

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 the defendant's residence, and demand that the action be tried at the place of holding the court nearest the defendant's 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 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: (172) 1909 c 126; 1911 c 368; 1915 c 93; 1921 c 302 s 3; 1931 c 195 s 1; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1979 c 39 s 2; 1986 c 444

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 tried at Virginia and filed in court shall be filed and be kept on file at the court administrator'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 court administrator's office in the city of Hibbing.

In all actions tried at the city of Virginia or the city of Hibbing, the court administrator, as soon as final judgment is entered, shall forthwith cause such judgment to be docketed in the court administrator's 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 court administrator'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 court administrator and retained at the court administrator's office in the city of Virginia or in the court administrator's office in the city of Hibbing where the action was originally tried, without additional charge to the parties to said action.

History: (173) 1909 c 126; 1911 c 368; 1915 c 93; 1917 c 255 s 3; 1973 c 123 art 5 s 7; 1986 c 444; 1Sp1986 c 3 art 1 s 82

484.52 RULES.

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

History: (174) 1909 c 126; 1911 c 368; 1985 c 248 s 70

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 and subsistence expenses for travel from the judge's place of residence to and from the judge's permanent chambers only for a period of two years after July 1, 1977, or the date the judge 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 the judge. 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: (209) 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; 1986 c 444; 1989 c 335 art 1 s 257

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 court administrator 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 first and tenth judicial districts may by orders filed with the court administrator and county auditor of each county in the district appoint a competent law clerk for each district court judge of the district.

Subd. 2. Notwithstanding any law to the contrary, in all judicial districts the salary for each law clerk shall be set annually by the district administrator within the range established under, or referred to in, section 480.181, as provided in the judicial branch personnel rules.

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 their permanent work assignment location. Upon presentation of a verified statement approved by one of the judges, the state shall pay the expenses.

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; 1984 c 654 art 2 s 131; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1987 c 377 s 7; 1989 c 335 art 3 s 16,17

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 COURT ADMINISTRATORS, 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 court administrator to furnish a deputy court administrator during such term. The order shall be filed with the court administrator. Such deputy court administrator 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; 1Sp1986 c 3 art 1 s 82

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 the retired judge's consent.

History: 1957 c 678 s 1; 1974 c 417 s 2; 1981 c 224 s 213; 1986 c 444

484.62 COMPENSATION AND REPORTER.

When a retired judge undertakes such service, the retired judge shall be provided with a reporter, selected by the retired judge, at the expense of the state, and with a deputy court administrator, 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 court administrator may act as bailiff when called to do so for the purposes of this section. A retired judge who solemnizes a marriage while not assigned under section 484.61 is not entitled to the compensation provided by 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; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1987 c 377 s 8; 1989 c 335 art 3 s 18; 1992 c 464 art 1 s 56

484.63 [Repealed, 1983 c 247 s 219]

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, that judge 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, bailiffs, and other personnel to assist said judge, together with necessary library, supplies, stationery and other expenses necessary thereto. The state shall provide referees, court reporters, and law clerks.

Subd. 4. In cases of absence, sickness or other disability which prevents said judge from performing 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; 1986 c 444; 1989 c 335 art 3 s 19*

484.65 FAMILY COURT DIVISION; FOURTH JUDICIAL DISTRICT.

Subdivision 1. **Presiding judge.** 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. **Assignment of matters.** Said district court judge shall hear and determine all family matters assigned by the chief judge of the fourth judicial district with the approval of the majority of the judges of said district.

Subd. 3. **Space; personnel; supplies.** The board of county commissioners of Hennepin county shall provide suitable chambers and courtroom space, clerks, bailiffs, and other personnel to assist said judge, together with necessary library, supplies, stationery and other expenses necessary thereto. The state shall provide referees, court reporters, and law clerks.

Subd. 4. **Vacancy.** In cases of vacancy in the office, or if work load, absence, sickness or other disability prevents a judge from fully performing 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. **Ordinary duties.** 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.

Subd. 6. **Filling vacancies.** 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.

Subd. 7. Referees; appointment. 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.

Subd. 8. Referees; duties. 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 the referee by said judge.

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

Subd. 9. Referees; review. 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. Referees; findings and orders. Upon the conclusion of the hearing in each case, the referee shall transmit to said district court judge the court file together with the referee's 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: *Ex 1971 c 7 s 2; 1977 c 432 s 14,15; 1981 c 292 s 3; 1983 c 370 s 2-4; 1986 c 444; 1989 c 335 art 3 s 20,21*

484.66 DISTRICT ADMINISTRATOR; FOURTH JUDICIAL DISTRICT.

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

History: *1974 c 212 s 1,2; 1977 c 432 s 16; 1Sp1986 c 3 art 1 s 82*

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 administrative duties;
- (b) Manage the administrative affairs of the courts of the judicial district;
- (c) Supervise the court administrators 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;
- (e) With the approval of the chief judge, determine the needs of the judges of the district for office equipment necessary for the effective administration of justice and develop a plan to make the equipment available to the judges of the district; the plan must be submitted to the state court administrator for approval and determination of eligibility for state funding under section 480.15, subdivision 12; and

(f) Perform any additional duties that are assigned 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 paid by the state. The budget must include sufficient money for the staff authorized by this section and other staff and expenses authorized under law. A county shall provide office facilities for the district administrator.

Subd. 6. [Repealed, 1986 c 464 s 3]

Subd. 7. **Accumulated benefits.** A court administrator 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 court administrator 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; 1983 c 299 s 30; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1987 c 404 s 184,185; 1989 c 335 art 3 s 22

484.69 CHIEF JUDGE.

Subdivision 1. **Election; term; removal.** The judges of the district court 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, except as provided in subdivision 1a. For the term beginning July 1, 1991, and after that, the chief judge and assistant chief judge in the odd-numbered judicial district shall be elected to a term of two years. For the term beginning July 1, 1991, the chief judge and assistant chief judge in the even-numbered judicial districts shall be elected to a term of one year. For the term beginning July 1, 1992, and after that,

the chief judge and assistant chief judge in the even-numbered judicial districts shall be elected to a term of two years.

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. 1a. Chief judge and assistant chief judge. The individuals who serve as chief judge and assistant chief judge in the even-numbered judicial districts during the 1991 term may serve as chief judge or assistant chief judge for a total of five consecutive years. Any provision of a reorganization plan filed pursuant to section 487.191 which allows any judges to decline assignment to particular cases because of their subject matter is void and of no effect, and shall be given no consideration in making judicial assignments.

Subd. 2. [Repealed, 1990 c 553 s 15]

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 the judge is vested with the powers of a judge of the court of assignment. A judge may not be assigned to hear matters outside the judge's judicial district pursuant to this subdivision.

Subd. 4. Semiannual meetings; judicial conference. The chief judges shall meet at least semiannually 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 semiannually 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; 1986 c 444; 1990 c 553 s 1,2

484.70 REFEREE POSITIONS, RULES.

Subdivision 1. Appointment. The chief judge of the judicial district may appoint one or more suitable persons to act as referees. Referees shall hold office at the pleasure of the judges of the district court and shall be learned in the law, except that persons holding the office of referee on January 1, 1983, may continue to serve under the terms and conditions of their appointment. 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.

All recommended orders and findings of a referee shall be subject to confirmation by a judge.

(c) 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.

(d) 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.

(e) All orders and findings recommended by a referee become an effective order when countersigned by a judge and remain effective during the pendency of a review, including a remand to the referee, unless a judge:

- (1) expressly stays the effect of the order;
- (2) changes the order during the pendency of the review; or
- (3) changes or vacates the order upon completion of the review.

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; 1983 c 370 s 5; 1988 c 582 s 1

484.701 [Repealed, 1983 c 370 s 6]

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

484.73 JUDICIAL ARBITRATION.

Subdivision 1. Authorization. A majority of the judges of a judicial district may authorize the establishment of a system of mandatory, nonbinding arbitration within the district to assist the court in disposing of any controversy existing between two parties which is the subject of a civil action.

Subd. 2. Exclusions. Judicial arbitration may not be used to dispose of matters relating to guardianship, conservatorship, or civil commitment, matters within the juvenile court jurisdiction involving children in need of protection or services or delinquency, matters involving termination of parental rights under sections 260.221 to 260.245, or matters arising under sections 518B.01, 626.557, or 144.651 to 144.652.

Subd. 3. Rules. Rules governing pleadings, practice, procedure, jurisdiction, and forms for judicial arbitration shall be promulgated by a majority of the judges in the district, subject to the approval of the supreme court. The uniform arbitration act shall not be construed to apply to arbitration under this section except as otherwise provided in the rules of the judicial district.

Subd. 4. Fee on request for trial after arbitration. Upon making a request for trial, the moving party shall, unless permitted to proceed in forma pauperis, pay to the court administrator a fee of \$100.

History: 1984 c 634 s 1; 1988 c 673 s 39; 1991 c 345 art 1 s 102

484.74 ALTERNATIVE DISPUTE RESOLUTION.

Subdivision 1. Authorization. In litigation involving an amount in excess of \$50,000 in controversy, the presiding judge may, by order, direct the parties to enter nonbinding alternative dispute resolution. Alternatives may include private trials, neutral expert fact-finding, mediation, minitrials, and other forms of alternative dispute resolution. The guidelines for the various alternatives must be established by the presiding judge and must emphasize early and inexpensive exchange of information and case evaluation in order to facilitate settlement.

Subd. 2. Neutral; appointment; removal. The judge shall appoint an impartial third-party neutral to conduct all proceedings held under subdivision 1. A party may file with the judge within five days of the notice of appointment of a neutral and serve on all other parties to the action a notice to remove the neutral. Upon receipt of the notice to remove, the judge shall assign another neutral. After a party has once disqualified a neutral as a matter of right, a substitute neutral may be disqualified by the party only by making an affirmative showing of prejudice to the judge.

Subd. 2a. Consensual special magistrates. In addition to the alternatives under subdivision 1, in cases where the amount in controversy exceeds \$50,000, and with the consent of all of the parties, the presiding judge may submit to the parties a list of retired judges or qualified attorneys who are available to serve as special magistrates for binding proceedings under this subdivision. If the parties agree on selection of a person from the list, the presiding judge may appoint, by order, the person as a special magistrate. The special magistrate may preside over any pretrial and trial matters as

determined by the presiding judge. If there is a right to a jury trial, the special magistrate shall conduct the jury trial pursuant to the rules of court and shall use the jury pool of the county in which the action is venued. The presiding judge may adopt the rulings and findings of the special magistrate and the results of any jury trial without modification. The parties have a right to appeal from the presiding judge's rulings and findings and from the jury verdict as in other civil matters.

Subject to chapter 563, the special magistrate's fees and expenses must be borne by the parties on a basis determined to be fair and equitable by the presiding judge, upon recommendation by the special magistrate. The special magistrate may assess costs against a party for failure to comply with rules or orders, or for litigation that is frivolous or brought in bad faith.

Subd. 3. Fees. Subject to chapter 563, the neutral's fees and expenses must be borne by the parties on a basis determined to be fair and equitable by the presiding judge.

Subd. 4. Application. This section applies only to the second and fourth judicial districts, which will serve as pilot projects to evaluate the effectiveness of alternative forms of resolving commercial and personal injury disputes. The state court administrator shall evaluate the pilot projects and report the findings to the chairs of the house and senate judiciary committees by January 15, 1991, in the case of the fourth judicial district and by January 15, 1992, in the case of the second judicial district.

History: 1987 c 404 s 186; 1989 c 229 s 1,2; 1990 c 360 s 1

484.75 HIRING AND SALARY MORATORIUM.

A county or a court must not increase the number of referees, judicial officers, court reporters, law clerks, or district administration employees, other than district administration employees in the second or fourth judicial district, unless the increase is approved by the supreme court. A county or a court must not increase the salaries of these employees without the approval of the supreme court, unless the increase is made under a plan adopted before January 30, 1989. The supreme court must not approve aggregate performance increases for these employees that exceed an average of five percent. New positions created after January 30, 1989, must be reflected as change requests in the biennial budget process when these functions are taken over by the state. Salary limits do not apply to employees covered by chapter 179A.

History: 1990 c 594 art 2 s 3

484.76 ALTERNATIVE DISPUTE RESOLUTION PROGRAM.

Subdivision 1. General. The supreme court shall establish a statewide alternative dispute resolution program for the resolution of civil cases filed with the courts. The supreme court shall adopt rules governing practice, procedure, and jurisdiction for alternative dispute resolution programs established under this section. The rules must provide an equitable means for the payment of fees and expenses for the use of alternative dispute resolution processes.

Subd. 2. Scope. Alternative dispute resolution methods provided for under the rules must include arbitration, private trials, neutral expert fact-finding, mediation, minitrials, consensual special magistrates including retired judges and qualified attorneys to serve as special magistrates for binding proceedings with a right of appeal, and any other methods developed by the supreme court. The methods provided must be nonbinding unless otherwise agreed to in a valid agreement between the parties. Alternative dispute resolution may not be required in guardianship, conservatorship, or civil commitment matters; proceedings in the juvenile court under chapter 260; or in matters arising under section 144.651, 144.652, 518B.01, or 626.557.

History: 1991 c 321 s 4