

## Judiciary

### CHAPTER 480

### SUPREME COURT

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## GENERAL PROVISIONS

### 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*

### **ADOPTION OF COURT RULES**

#### **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

**480.0515 PAPERS TO BE SUBMITTED ON RECYCLED PAPER.**

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Attorney" means an attorney at law admitted to practice law in this state.

(c) "Document" means a document that is required or permitted to be filed with a court concerning an action that is to be commenced or is pending before the court.

Subd. 2. **Requirement.** (a) Except as provided in subdivision 3, a document submitted by an attorney to a court of this state, and all papers appended to the document, must be submitted on paper containing not less than ten percent postconsumer material, as defined in section 115A.03, subdivision 24b.

(b) A court may not refuse a document solely because the document was not submitted on recycled paper.

Subd. 3. **Exceptions.** (a) Subdivision 1 does not apply to:

(1) a photograph;

(2) an original document that was prepared or printed before January 1, 1996;

(3) a document that was not created at the direction or under the control of the submitting attorney;

(4) a facsimile copy otherwise permitted to be filed with the court in lieu of the original document, provided that if the original is also required to be filed, it must be submitted in compliance with this section; or

(5) nonrecycled paper and preprinted forms acquired or printed before January 1, 1996.

(b) This section does not apply if recycled paper is not readily available.

**History:** 1995 c 247 art 1 s 58

**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, and two judges of the district court 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; 1998 c 254 art 2 s 50

**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 court 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 or district 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; 1998 c 254 art 2 s 51; 1999 c 86 art 1 s 72

#### **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, and the judges of district courts, pursuant to sections 484.33 and 484.52, 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; 1998 c 254 art 2 s 52

#### **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 sections 480.051 to 480.058 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 commissioner of management and budget 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; 2003 c 112 art 2 s 50; 2009 c 101 art 2 s 109

**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, and two judges of the district court 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.** (a) 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.

(b) 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:

(1) statutes which relate to substantive criminal law, found in chapters 609, 617, and 624, except for sections 609.115, and 609.145;

(2) statutes which relate to the rights of the accused, found in sections 611.01 to 611.033, 611.11, and 611.30 to 611.34 and Laws 1973, chapter 317;

(3) statutes which relate to the prevention of crime, found in chapter 625;

(4) statutes which relate to training, investigation, apprehension, and reports, found in chapter 626;

(5) statutes which relate to privacy of communications, found in chapter 626A;

(6) statutes which relate to extradition, detainers, and arrest, found in sections 629.01 to 629.404;

(7) statutes which relate to judgment and sentence, found in sections 631.20 to 631.21 and 631.40 to 631.51;

(8) statutes which relate to special rules, evidence, privileges, and witnesses, found in sections 595.02 to 595.025 and chapter 634;

(9) the Supreme Court shall not have the power to adopt or promulgate any rule requiring less than unanimous verdicts in criminal cases; and

(10) 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 2; 1993 c 13 art 2 s 17; 1998 c 254 art 2 s 53

#### **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 to assist the court in considering and preparing such rules.

Subd. 3. [Repealed, 1993 c 13 art 1 s 44]

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.** (a) 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.

(b) 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:

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

(2) statutes which establish the prima facie evidence as proof of a fact;

(3) statutes which establish a presumption or a burden of proof;

(4) statutes which relate to the admissibility of statistical probability evidence based on genetic or blood test results, found in sections 634.25 to 634.30;

(5) statutes which relate to the privacy of communications; and

(6) 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; 1993 c 326 art 7 s 12; 1998 c 254 art 2 s 54

#### **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

### **COURT DECISIONS**

#### **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** [Repealed, 1998 c 255 s 2]



**PUBLIC EMPLOYEES CLAIMS****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

**480.065 UNIFORM CERTIFICATION OF QUESTIONS OF LAW.**

Subdivision 1. **Definitions.** In this section:

(1) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States.

(2) "Tribe" means a tribe, band, or village of Native Americans which is recognized by federal law or formally acknowledged by a state.

Subd. 2. **Power to certify.** The Supreme Court or the Court of Appeals of this state, on the motion of a party to pending litigation or its own motion, may certify a question of law to the highest court of another state, of a tribe, of Canada or a Canadian province or territory, or of Mexico or a Mexican state if:

(1) the pending litigation involves a question to be decided under the law of the other jurisdiction;

(2) the answer to the question may be determinative of an issue in the pending litigation; and

(3) the question is one for which an answer is not provided by a controlling appellate decision, constitutional provision, or statute of the other jurisdiction.

Subd. 3. **Power to answer.** The Supreme Court of this state may answer a question of law certified to it by a court of the United States or by an appellate court of another state, of a tribe, of Canada or a Canadian province or territory, or of Mexico or a Mexican state, if the answer may be determinative of an issue in pending litigation in the certifying court and there is no controlling appellate decision, constitutional provision, or statute of this state.

Subd. 4. **Power to reformulate question.** The Supreme Court of this state may reformulate a question of law certified to it.

Subd. 5. **Certification order; record.** The court certifying a question of law to the Supreme Court of this state shall issue a certification order and forward it to the Supreme Court of this state. Before responding to a certified question, the Supreme Court of this state may require the certifying court to deliver all or part of its record to the Supreme Court of this state.

Subd. 6. **Contents of certification order.** (a) A certification order must contain:

(1) the question of law to be answered;

(2) the facts relevant to the question, showing fully the nature of the controversy out of which the question arose;

(3) a statement acknowledging that the Supreme Court of this state, acting as the receiving court, may reformulate the question; and

(4) the names and addresses of counsel of record and parties appearing without counsel.

(b) If the parties cannot agree upon a statement of facts, the certifying court shall determine the relevant facts and state them as a part of its certification order.

Subd. 7. **Notice; response.** The Supreme Court of this state, acting as a receiving court, shall notify the certifying court of acceptance or rejection of the question and, in accordance with notions of comity and fairness, respond to an accepted certified question as soon as practicable.

Subd. 8. **Procedures.** After the Supreme Court of this state has accepted a certified question, proceedings are governed by the rules and statutes of this state. Procedures for certification from this state to a receiving court are those provided in the rules and statutes of the receiving forum.

Subd. 9. **Opinion.** The Supreme Court of this state shall state in a written opinion the law answering the certified question and send a copy of the opinion to the certifying court, counsel of record, and parties appearing without counsel.

Subd. 10. **Cost of certification.** Fees and costs are the same as in civil appeals docketed before the Supreme Court of this state and must be equally divided between the parties unless otherwise ordered by the certifying court.

Subd. 11. **Short title.** This section may be cited as the "Uniform Certification of Questions of Law Act (1997)."

**History:** 1998 c 255 s 1

## JUDICIAL EMPLOYEES AND LAW LIBRARY

### 480.07 CLERK; 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. **Supervisory control; Supreme Court.** The State Library shall be maintained under the supervision of the justices of the Supreme Court. Notwithstanding chapter 16C 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. **State law librarian.** The justices of the Supreme Court shall appoint a state law librarian to serve at their pleasure. 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. **Librarian duties.** 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. **Open records.** 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. **Moneys collected; state treasury.** All moneys collected shall be paid into the state treasury and are credited to the general fund.

Subd. 6. **Official publications.** 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; 1991 c 326 s 24; 1998 c 386 art 2 s 96; 1999 c 86 art 1 s 73*

#### **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. **Files.** The reporter of its decisions, appointed by the Supreme Court, 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; 1991 c 326 s 25*

## REPORTS OF DECISIONS

### 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*

## STATE COURT ADMINISTRATOR

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

Subd. 2. **Examination of methods and systems.** 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. **Examination of dockets.** The court administrator shall examine the state of dockets of the courts and determine the need for assistance by any court.

Subd. 4. **Judge assignment recommendations.** 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. **Collection of statistical data.** 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. **Budget estimates.** 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. **Expenditure reports.** The court administrator shall collect statistical and other data and make reports relating to the expenditure of public money, state and local, for the maintenance and operation of the judicial system and the offices connected therewith.

Subd. 8. **Delay of action reports.** 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. **Judicial system improvement recommendations.** The court administrator shall formulate and submit to the respective houses of the legislature recommendations of policies for the improvement of the judicial system.

Subd. 10. **Annual report.** 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. **Uniform personnel standards.** 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. **Uniform requirements; budget and information systems.** 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. 10c. **Uniform collections policies and procedures for courts.** (a) The state court administrator under the direction of the Judicial Council may promulgate uniform collections policies and procedures for the courts and may contract with credit bureaus, public and private collection agencies, the Department of Revenue, and other public or private entities providing collection services as necessary for the collection of court debts. The court collection process and procedures are not subject to section 16A.1285. Court debts referred to the Department of Revenue for collection are not subject to section 16D.07.

(b) Court debt means an amount owed to the state directly or through the judicial branch on account of a fee, duty, rent, service, overpayment, fine, assessment, surcharge, court cost, penalty, restitution, damages, interest, bail bond, forfeiture, reimbursement, liability owed, an assignment to the judicial branch, recovery of costs incurred by the judicial branch, or any other source of indebtedness to the judicial branch as well as amounts owed to other public or private entities for which the judicial branch acts in providing collection services, or any other amount owed to the judicial branch.

(c) The courts must pay for the collection services of public or private collection entities as well as the cost of one or more court employees to provide collection interface services between the Department of Revenue, the courts, and one or more collection entities from the money collected. The portion of the money collected which must be paid to the collection entity as collection fees and costs and the portion of the money collected which must be paid to the courts or Department of Revenue for collection services are appropriated from the fund to which the collected money is due.

(d) As determined by the state court administrator, collection costs shall be added to the debts referred to a public or private collection entity for collection.

Collection costs shall include the fees of the collection entity, and may include, if separately provided, skip tracing fees, credit bureau reporting charges, fees assessed by any public entity for obtaining information necessary for debt collection, or other collection-related costs. Collection costs shall also include the costs of one or more court employees employed by the state court administrator to provide a collection interface between the collection entity, the Department of Revenue, and the courts.

If the collection entity collects an amount less than the total due, the payment is applied proportionally to collection costs and the underlying debt. Collection costs in excess of collection agency fees and court employee collection interface costs must be deposited in the general fund as nondedicated receipts.

Subd. 11. **Duties delegated by Supreme Court.** 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. **Review of plans.** The court administrator shall review plans submitted by a judicial district for office equipment under section 484.68, subdivision 3, clause (5), 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; 1993 c 13 art 1 s 45; 2009 c 83 art 2 s 28

#### **480.16 WORK OF COURTS; 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 INFORMATION AND DATA REQUESTS; COMPLIANCE.**

Subdivision 1. **Compliance with data requests.** 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. **Compliance failure; removal.** 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. **Court administrator compliance.** 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

### **QUALIFIED COURT INTERPRETERS**

#### **480.175 QUALIFIED COURT INTERPRETERS.**

Subdivision 1. **Establishment.** The Supreme Court, through the Office of the State Court Administrator, shall establish a program for training, testing, registering, and certifying qualified court interpreters.

Subd. 2. **Fees.** The Supreme Court may adopt rules to assess fees for training, testing, registering, and certifying court interpreters. Any fees imposed and collected shall be deposited with the commissioner of management and budget and shall constitute a special fund in the state treasury. The money in this fund shall not cancel back to the general fund and is appropriated annually to the Supreme Court for the cost of training, testing, certifying, and registering court

interpreters.

Subd. 3. [Repealed, 2007 c 54 art 5 s 21]

**History:** 1999 c 216 art 6 s 15; 2003 c 112 art 2 s 50; 2009 c 101 art 2 s 109

## CONFERENCE OF JUDGES

### 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

## TRANSFER OF EMPLOYEES

### 480.181 TRANSFER OF EMPLOYEES TO JUDICIAL BRANCH.

Subdivision 1. **State employees; compensation.** (a) District court referees, judicial officers, court reporters, law clerks, district administration staff, other than district administration staff in the Second and Fourth Judicial Districts, guardian ad litem program coordinators and staff, staff court interpreters in the Second Judicial District, court psychological services staff in the Fourth Judicial District, and other court employees under paragraph (b), are state employees and are governed by the judicial branch personnel rules adopted by the Supreme Court. The Supreme Court, in consultation with the Judicial Council, 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.

(b) The court administrator and employees of the court administrator who are in the Fifth, Seventh, Eighth, or Ninth Judicial District are state employees. The court administrator and employees of the court administrator in the remaining judicial districts become state employees as follows:

- (1) effective July 1, 2003, for the Second and Fourth Judicial Districts;
- (2) effective July 1, 2004, for the First and Third Judicial Districts; and
- (3) effective July 1, 2005, for the Sixth and Tenth Judicial Districts.

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 general employees retirement plan of the Public Employees Retirement Association or the MERF division of the Public Employees Retirement Association 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 general employees retirement plan of the Public Employees Retirement Association or the employer contribution under section 353.50, subdivision 7, paragraphs (c) and (d), to the MERF division of the Public Employees Retirement Association 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 Judicial Council, the commissioner of management and budget, 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.

Subd. 5. **County to state funding.** Whenever a group of court employees is transferred from county to state funding, the provisions of this section shall apply.

**History:** 1989 c 335 art 3 s 14; 1991 c 345 art 1 s 97; 1999 c 216 art 7 s 26; 1Sp2001 c 5 art 5 s 13; 2006 c 260 art 5 s 13,14; 2009 c 101 art 2 s 94; 2010 c 359 art 12 s 42

#### **480.1811 POSTRETIREMENT BENEFIT COSTS.**

Where court administration, guardian ad litem, or interpreter employees elect to retain county insurance benefits under section 480.181 after July 1, 2001, and the county provides those employees postretirement insurance benefits prior to July 1, 2001, the county shall pay the postretirement cost of those benefits.

**History:** 1Sp2001 c 5 art 5 s 14

### **STATE ASSUMPTION OF COURT COSTS**

#### **480.182 STATE ASSUMPTION OF CERTAIN COURT COSTS.**

Notwithstanding any law to the contrary, the state courts will pay for the following court-related programs and costs:

- (1) court interpreter program costs, including the costs of hiring court interpreters;
- (2) guardian ad litem program and personnel costs;

(3) examination costs, not including hospitalization or treatment costs, for mental commitments and related proceedings under chapter 253B;

(4) examination costs under rule 20 of the Rules of Criminal Procedure;

(5) in forma pauperis costs;

(6) costs for transcripts mandated by statute, except in appeal cases and postconviction cases handled by the Board of Public Defense;

(7) jury program costs; and

(8) witness fees and mileage fees specified in sections 253B.23, subdivision 1; 260B.152, subdivision 2; 260B.331, subdivision 3, clause (1); 260C.152, subdivision 2; 260C.331, subdivision 3, clause (1); 357.24; 357.32; and 627.02.

**History:** 1999 c 139 art 4 s 2; 1999 c 216 art 7 s 27; 1Sp2001 c 8 art 5 s 10; 2006 c 260 art 5 s 15; 2008 c 277 art 1 s 87

#### **480.183 JUDICIAL DISTRICTS; SCHEDULED DATES OF STATE TRANSFER; DEFINITION OF SERVICES.**

Subdivision 1. **Date of state transfer.** The court administration expenditures as defined in this section for the remaining judicial districts shall be transferred to the state according to the following schedule:

(1) effective July 1, 2003, the Second and Fourth Judicial Districts;

(2) effective July 1, 2004, the First and Third Judicial Districts; and

(3) effective July 1, 2005, the Sixth and Tenth Judicial Districts.

Subd. 2. **Definition; salary expenditures.** "Salary expenditures" means the salary of court administration employees, including salaries, related fringe benefits, and insurance, granted to court and other county employees in collective bargaining or county pay plans.

Subd. 3. **Definition; court administration expenditures.** "Court administration expenditures" means the total expenditures of (1) salary expenditures as defined under subdivision 2 and (2) other related administrative operating expenditures.

Subd. 4. **Definition; mandated court services.** "Mandated court services" means services for:

(1) guardian ad litem;

(2) interpreter;

(3) Minnesota Rules, parts 9525.0900 to 9525.1020 (rule 20);

(4) civil commitment examination, not including hospitalization or treatment costs, for mental commitments and related proceedings under chapter 253B; and

(5) in forma pauperis costs.

**History:** 1Sp2001 c 5 art 5 s 15

## MISCELLANEOUS PROVISIONS

### 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, and the district court.

**History:** *1963 c 758 s 7; 1983 c 247 s 167; 1995 c 189 s 8; 1996 c 277 s 1; 1998 c 254 art 2 s 55*

### 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. **Commissioner appointments.** 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. **Per diem payments.** 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 performance 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 administered by the Bureau of Criminal Apprehension in the Department of Public Safety.

**History:** *1980 c 382 s 1; 2009 c 59 art 6 s 20*

### 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

**480.237 ELECTRONIC PAYMENTS; CONVENIENCE FEES; RECORDS ACCESS.**

(a) The judicial branch may accept credit cards, charge cards, debit cards, or other methods of electronic funds transfer for government fees and payments ordered by a court.

(b) The judicial branch may impose a convenience fee to be added to each transaction. The total amount of the convenience fee may not exceed the transaction fee charged by a processing contractor for the credit services during the most recent collection period. Each court imposing a convenience fee must notify the person using the credit services of the fee before the transaction is processed. Fees collected under this section are appropriated to the level of court that imposed the fee for the purposes of paying the processing contractor.

(c) Records relating to credit card, charge card, debit card, or other method of electronic funds transfer account numbers collected by the judicial branch in connection with a transaction under this section are not accessible to the general public.

**History:** 2008 c 299 s 17

**LEGAL SERVICE PROGRAMS****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. A qualified legal services program includes farm legal assistance providers that have a proven record of delivery of effective, high-quality legal assistance and have demonstrated experience and expertise in addressing legal issues affecting financially distressed family farmers throughout the state.

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; 1991 c 345 art 1 s 98

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

#### **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 available for this expenditure to qualified legal services programs or to qualified alternative dispute resolution programs submitting applications. 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 most recent national census. All funds distributed pursuant to this clause shall be used for the provision of legal services in civil and farm legal assistance matters as prioritized by program boards of directors 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, (2) to programs for training mediators operated by nonprofit alternative dispute resolution corporations, or (3) to qualified legal services programs to

provide family farm legal assistance for financially distressed state farmers. The family farm legal assistance must be directed at farm financial problems including, but not limited to, liquidation of farm property including bankruptcy, farm foreclosure, repossession of farm assets, restructuring or discharge of farm debt, farm credit and general debtor-creditor relations, and tax considerations. 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).

A person is eligible for legal assistance under this section if the person is an eligible client as defined in section 480.24, subdivision 2, or:

- (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 year; and
- (5) is financially unable to retain legal representation.

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

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]

Subd. 5. **Permissible family farm legal assistance activities.** Qualified legal services programs that receive funds under the provisions of subdivision 2 may provide the following types of farm legal assistance activities:

- (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, state and local officials, state-supported farm management advisors, and the public;
- (5) an incoming, statewide, toll-free telephone line to provide the advice and referral described in this subdivision; and
- (6) legal advice and representation to eligible persons whose bank loans are held by the Federal Deposit Insurance Corporation.

**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; 1991 c 345 art 1 s 99,100; 1994 c 465 art 3 s 35; 1997 c 7 art 1 s 162

#### **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]

**480.250** [Repealed, 1991 c 345 art 1 s 117]

**480.252** [Repealed, 1991 c 345 art 1 s 117]

**480.254** [Repealed, 1991 c 345 art 1 s 117]

**480.256** [Repealed, 1991 c 345 art 1 s 117]

### **DOMESTIC ABUSE AND HARASSMENT**

#### **480.30 JUDICIAL TRAINING.**

Subdivision 1. **Child abuse; domestic abuse; harassment.** The Supreme Court's judicial education program must include ongoing training for district court judges on child and adolescent sexual abuse, domestic abuse, harassment, stalking, and related civil and criminal court issues. The program must include the following:

- (1) information about the specific needs of victims;
- (2) education on the causes of sexual abuse and family violence;
- (3) education on culturally responsive approaches to serving victims;
- (4) education on the impacts of domestic abuse and domestic abuse allegations on children and the importance of considering these impacts when making parenting time and child custody decisions under chapter 518; and
- (5) information on alleged and substantiated reports of domestic abuse, including, but not limited to, Department of Human Services survey data.

The program also must emphasize the need for the coordination of court and legal victim advocacy services and include education on sexual abuse and domestic abuse programs and policies within law enforcement agencies and prosecuting authorities as well as the court system.

Subd. 2. **Sexual violence.** The Supreme Court's judicial education program must include ongoing training for judges, judicial officers, court services personnel, and sex offender assessors on the specific sentencing statutes and Sentencing Guidelines applicable to persons convicted of sex offenses and other crimes that are sexually motivated. The training shall focus on the sentencing provisions applicable to repeat sex offenders and patterned sex offenders.

Subd. 3. **Bail evaluations.** The Supreme Court's judicial education program also must include training for judges, judicial officers, and court services personnel on how to assure that their bail evaluations and decisions are racially and culturally neutral.

**History:** 1992 c 571 art 6 s 1; 1993 c 326 art 2 s 3; 1994 c 636 art 4 s 28; art 8 s 8; 1995 c 226 art 2 s 6; 1997 c 239 art 7 s 6; 2000 c 444 art 2 s 11

## STATE GUARDIAN AD LITEM BOARD

### 480.35 STATE GUARDIAN AD LITEM BOARD.

Subdivision 1. **Structure; membership.** (a) The State Guardian Ad Litem Board is established in the judicial branch. The board is not subject to the administrative control of the judiciary. The State Guardian Ad Litem Board shall consist of seven members including:

(1) three members appointed by the Supreme Court, at least one of whom must have former guardian ad litem experience, and who include two attorneys admitted to practice law in the state and one public member; and

(2) four members appointed by the governor.

The appointing authorities may not appoint an active judge to be a member of the State Guardian Ad Litem Board, but may appoint a retired judge. The appointing authorities may not appoint a registered lobbyist to be a member of the State Guardian Ad Litem Board.

(b) All candidates shall demonstrate an interest in maintaining a high quality, independent guardian ad litem program for the advocacy of the best interests of children as required in juvenile and family court. The candidates shall be well acquainted with the guardian ad litem program, as well as laws that affect a guardian ad litem's work, including the Minnesota Indian Family Preservation Act under sections 260.751 to 260.835; the federal Multiethnic Placement Act of 1994 under United States Code, title 42, section 662 and amendments; and the federal Indian Child Welfare Act under United States Code, title 25, section 1901 et seq. At least three members of the board shall be from judicial districts other than the First, Second, Fourth, and Tenth Judicial Districts. The terms, compensation, and removal of members shall be as provided in section 15.0575. The Supreme Court shall appoint the chair from among the membership for a term of two years.

Subd. 2. **Duties and responsibilities.** (a) The State Guardian Ad Litem Board shall create and administer a statewide, independent guardian ad litem program to advocate for the best interests of children, minor parents, and incompetent adults in juvenile and family court cases as defined in Rule 901.01 of the Rules of Guardian Ad Litem Procedure in Juvenile and Family Court matters.

(b) The board shall:

(1) approve and recommend to the legislature a budget for the board and the guardian ad litem program;



(2) establish procedures for distribution of funding under this section to the guardian ad litem program; and

(3) establish guardian ad litem program standards, administrative policies, procedures, and rules consistent with statute, rules of court, and laws that affect a guardian ad litem's work, including the Minnesota Indian Family Preservation Act under sections 260.751 to 260.835; the federal Multiethnic Placement Act of 1994 under United States Code, title 42, section 662 and amendments; and the federal Indian Child Welfare Act under United States Code, title 25, section 1901 et seq.

(c) The board may:

(1) adopt standards, policies, or procedures necessary to ensure quality advocacy for the best interests of children;

(2) propose statutory changes to the legislature and rule changes to the Supreme Court that are in the best interests of children and the operation of the guardian ad litem program; and

(3) appoint an advisory committee to make recommendations to assist the board in its duties and to report to the board on issues related to the guardian ad litem program. The advisory committee shall be subject to the provisions of section 15.059 and shall expire on June 30, 2014.

**Subd. 3. State guardian ad litem program administrator.** The State Guardian Ad Litem Board shall appoint a program administrator who serves at the pleasure of the board. The program administrator is not required to be licensed to practice law. The program administrator shall attend all meetings of the board, but may not vote, and shall:

(1) carry out all administrative functions necessary for the efficient and effective operation of the board and the guardian ad litem program, including but not limited to hiring, supervising, and disciplining program staff and guardians ad litem;

(2) implement, as necessary, resolutions, standards, rules, regulations, and policies of the board;

(3) keep the board fully advised as to its financial condition, and prepare and submit to the board the annual guardian ad litem program and State Guardian Ad Litem Board budget and other financial information as requested by the board;

(4) recommend to the board the adoption of rules and regulations necessary for the efficient operation of the board and the state guardian ad litem program; and

(5) perform other duties prescribed by the board.

**Subd. 4. Administration.** The board may contract with the Office of State Court Administrator for administrative support services for the fiscal years following fiscal year 2011.

**Subd. 5. Benefits.** Any guardian ad litem employee who transferred to state employment on or before July 1, 2005, may retain county benefits elected under section 480.181.

**Subd. 6. Access to records.** Access to records of the state guardian ad litem program is subject to the Rules of Public Access for Records of the Judicial Branch. The State Guardian Ad Litem Board may propose amendments for Supreme Court consideration.

**Subd. 7. Fees and costs; civil actions on contested case.** Sections 15.039 and 15.471 to 15.474 apply to the State Guardian Ad Litem Board.

**History:** 2010 c 309 s 5