

STATE OF MINNESOTA

IN SUPREME COURT

C0-98-261

PROMULGATION OF GROUNDS
FOR JUDICIAL RECALL

ORDER

WHEREAS, Minnesota Statutes Chapter 211C provides for the recall of elected state officials and Minnesota Statutes Chapter 211C.02 provides that the grounds for recall of judges shall be established by this Court, and

WHEREAS, the Court appointed a Judicial Recall Rules Committee, which has recommended proposed grounds for judicial recall, and

WHEREAS, the Court has reviewed the recommendations and is fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED, that effective this date, the following grounds shall govern the recall of judges in the State of Minnesota:

GROUND FOR JUDICIAL RECALL

A judge may be subject to recall for serious malfeasance or nonfeasance during the term of office in the performance of the duties of the office or conviction during the term of office for a serious crime. No judge may be recalled for the discretionary performance of a lawful act or a prescribed duty.

- (a) "Malfeasance" means the intentional commission of an unlawful or wrongful act by a judge in the performance of the judge's duties that is substantially outside the scope of the authority of the judge and that substantially infringes on the rights of any person or entity.
- (b) "Nonfeasance" means the intentional, repeated failure of a judge to perform specific acts that are required duties of the judge.
- (c) "Serious crime" means a crime that is punished as a gross misdemeanor, as defined in Minnesota Statutes section 609.02, and that involves assault, intentional injury or threat of injury to person or public safety, dishonesty,

stalking, aggravated driving while intoxicated, coercion, obstruction of justice, or the sale or possession of controlled substances.

“Serious crime” also means a crime that is punished as a misdemeanor, as defined in section 609.02, and that involves assault, intentional injury or threat of injury to person or public safety, dishonesty, coercion, obstruction of justice, or the sale or possession of controlled substances.


DATED: July 1, 1998

BY THE COURT:

OFFICE OF
APPELLATE COURTS

JUL - 2 1998

FILED



Kathleen A. Blatz
Chief Justice