MINNESOTA
JUDICIAL BRANCH

I'll See You in Court

A Consumer Guide to the Minnesota Judicial Branch

Inside

- How a trial operates.
- How sentencing is determined.
- How the appeals process works.
- How judges are selected.
- How to find quick answers to your questions about your courts.

I'll See you in Court: A Consumer Guide to the Minnesota Judicial Branch

Far more than we realize, the work of the courts affects every aspect of our lives – from birth to death and in conflict resolution regarding business, criminal activity and individual rights. The courts are where marriages are dissolved, adoptions and custody issues are handled, and wills are settled.

Even if we never enter a courtroom, the court system affects our lives. In our neighborhoods, our safety depends on the effectiveness of the criminal justice system. At the state level, the Judicial Branch is a separate, but co-equal branch of government with the Executive Branch (Governor) and the Legislative Branch (state senators and representatives). The courts interpret and apply the laws written by the Legislature and signed into law by the Governor. In this way, the three branches make up the balance of power that protects citizens from unchecked government authority and protects our rights guaranteed by the Constitution.

Our court system may seem mysterious because it is based on centuries of tradition that have proven over time to be good ways of settling problems. The terms and procedures used in court were first used in England, whose judicial system provided the basis for our judicial system.

Unfortunately, many of the practices you see in TV shows about courts are not accurate or not allowed in a real courtroom.

But you need only learn a few basics to understand the courts and how they operate. *I'll See You In Court: A Consumer Guide to the Minnesota Judicial Branch* will give you a quick overview of the structure, processes, and people who serve you in the Minnesota Judicial Branch.

Finding Your Way Around Minnesota's Courts

District Court: The more than 1.5 million cases that are processed by the state court system begin at the District Court. The District Courts are located in courthouses in each of the state's 87 counties, where 290 judges serve. The district courts are organized into 10 judicial districts.

Court of Appeals: The Court of Appeals reviews District Court decisions if one of the parties feels the case was decided improperly and files an appeal. The 19 Court of Appeals judges sit in three-judge panels to hear oral arguments in St. Paul and in cities across the state.

Supreme Court: The state's highest court has seven justices who hear appeals as a group from cases decided by the Court of Appeals, the Workers' Compensation Court of Appeals, and the Tax Court. The Supreme Court also automatically reviews all first-degree murder convictions and legislative election disputes.

Non-Judicial Branch Courts

The Tax Court and Workers' Compensation Court of Appeals are Executive Branch agencies created by the Minnesota Legislature to deal with specific technical areas of the law.

Tax Court: Three judges, appointed by the governor to six-year terms with approval from the state Senate, serve on the Court. They must be knowledgeable about taxes, but they do not have to be lawyers, as do other state judges. The Court hears non-criminal tax cases. Though the Tax Court is located in St. Paul, judges hear cases in locations near the taxpayers' home.

Workers' Compensation Court of Appeals: Five judges, appointed by the governor to six-year terms with the approval of the state Senate, hear workers' compensation cases that are appealed from compensation hearings, or that are transferred from district court. Workers' compensation cases generally involve instances in which an employee is injured while working. Only attorneys may be judges on this court, which is located in St. Paul.

Minnesota Supreme Court (7 justices)

(Approx. 750 dispositions each year)

Appeals from:
Court of Appeals decisions
Trial court decisions in all first degree murder convictions and other decisions if Supreme Court chooses to bypass the Court of Appeals
Tax Court decisions
Workers' Compensation Court of Appeals

Original Actions:
Writs of Prohibition** Writs of Habeas Corpus*** Writs of Mandamus****
Legislative election disputes

Minnesota Court of Appeals (19 judges)

(Approx. 2,200 cases handled each year)

Appeals from:
Trial court decisions, except first-degree murder convictions
Decisions of Commissioner of Economic Security
Administrative agency decisions, except Tax Court & Workers' Compensation Court

Original Actions:
Writs of mandamus or prohibition, which order a trial judge or public official to perform a specified act, such as permitting media coverage of a hearing.

Minnesota Trial (District) Courts (290 judgeships)

(Approx. 1,300,000 cases handled each year)

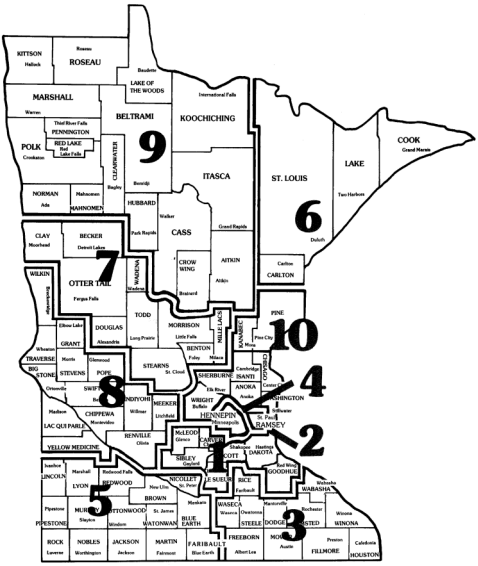
Civil Actions, Criminal Cases, Family, Juvenile, Probate,
Violations of city ordinances

Appeals from:
Conciliation Court

Conciliation Division: Civil disputes up to $15,000

*Called trial de novo-actually a new trial, not just a review of the conciliation court.
**Writ of prohibition-asks that a governmental body or official be prevented from doing something that might cause harm.
***Habeas corpus-a complaint alleging that someone has been unlawfully confined and is asking for release.
****Mandamus-asks that a governmental body or official be commanded to perform a specific act.

Minnesota's District Courts



Minnesota's 87 district courts are organized in 10 judicial districts.

First
Carver
Dakota
Goodhue
LeSueur
McLeod
Scott
Sibley

Second
Ramsey

Third
Dodge
Fillmore
Freeborn
Houston
Mower
Olmsted
Rice
Steele
Wabasha
Waseca
Winona

Fourth
Hennepin

Fifth
Blue Earth
Brown
Cottonwood
Faribault
Jackson
Lincoln
Lyon
Martin
Murray
Nicollet
Nobles
Pipestone
Redwood
Rock
Watonwan

Sixth
Carlton
Cook
Lake
St. Louis

Seventh
Becker
Benton
Clay
Douglas
Mille Lacs
Morrison
Otter Tail
Stearns
Todd
Wadena

Eighth
Big Stone
Chippewa
Grant
Kandiyohi
LacQuiParle
Meeker
Pope
Renville
Stevens
Swift
Traverse
Wilkin
Yellow Medicine

Ninth
Aitkin
Beltrami
Cass
Clearwater
Crow Wing
Hubbard
Itasca
Kittson
Koochiching
Lake-Woods
Mahnomen
Marshall
Norman
Pennington
Polk
Red Lake
Roseau

Tenth
Anoka
Chisago
Isanti
Kanabec
Pine
Sherburne
Washington
Wright

Types of Cases

Civil Cases

Civil cases usually involve disputes between people or institutions, like businesses. They may involve property or personal rights, landlord/tenant disputes, auto or personal injury accidents, product warranties, adoptions, divorces, wills and guardianships. These cases begin when one or more of the parties brings suit or files a complaint in court.

In a civil action, decisions are based upon a “preponderance of evidence”. This means that the party bringing the action (plaintiff) must prove his or her case by presenting evidence that is more convincing to the judge or jury than the evidence presented by the opposing party (defendant).

In most cases, the parties settle their civil disputes before the cases reach court or proceed through a trial. Settlements usually do not state that one of the parties was right or wrong, nor do the parties have to settle the entire case.

Criminal Cases

The government files criminal cases against individuals or corporations accused of committing crimes because a crime is considered an act against everyone in society. A prosecuting attorney (usually a city or county attorney, or a representative from the Attorney General’s Office) prosecutes the charges against the accused person (defendant) on behalf of the government (plaintiff). The prosecutor must prove that the defendant is guilty “beyond a reasonable doubt “– the defendant does not have to prove his or her innocence.

Crimes are classified as felonies, gross misdemeanors or misdemeanors. Felonies are more serious crimes and are punishable by prison. Felonies include murder, arson, assault, larceny, burglary, rape, kidnapping and the sale of illegal drugs.

Gross misdemeanors include second or subsequent Driving While Intoxicated (DWI) violations. Misdemeanors include disorderly conduct, prostitution, tampering with a motor vehicle, trespass, littering, writing bad checks and making harassing phone calls. Petty Misdemeanors are only punishable by a fine. Petty misdemeanors include possession of a small amount of marijuana and most traffic and parking violations.

District Court Total Case Filings 2014

2014 District Court Major Case Filings	
Juvenile	34,362
Family	44,187
Probate/Mental Health	15,762
Major Civil	36,827
Major Criminal	56,314
Minor Civil	114,452
Minor Criminal	1,027,319
Total	**1,329,223**

2014 District Court Case Filings by District	
District 1	119,167
District 2	237,286
District 3	66,141
District 4	519,969
District 5	47,658
District 6	47,462
District 7	74,593
District 8	22,676
District 9	59,027
District 10	135,244
Total	**1,329,223**

People in the District Court Courtroom

These are some of the key people in the courtroom:

Plaintiff: A court case starts with the plaintiff. The plaintiff feels wronged in some way and brings the case to court.

Defendant: In a criminal case, the person charged with a crime is the defendant. In a civil case, the defendant is accused by the plaintiff of some harm.

Prosecutor: The prosecutor, usually a county attorney, brings charges in criminal cases and is responsible for prosecuting defendants on behalf of the public.

Defense attorney: In a criminal trial, the defense attorney represents the defendant accused of a crime. In a civil trial, the defense attorney represents the defendant against whom a civil lawsuit is filed.

Judge: The judge presides over the hearing to make sure that the rules and procedures are followed to ensure that justice is done. The judge has the final decision-making authority for imposing sentences in most criminal cases and penalties in civil cases. If there is no jury, the judge also decides what are the relevant facts in the case and what laws should be applied to the facts.

Jury: Citizens are selected at random to serve on juries. Jurors listen to the case and decide the facts. However, the judge always decides which laws apply to the case.

In a criminal case the jury decides if the defendant is guilty or not guilty. However, the judge imposes the sentence. In a civil case the jury decides if the defendant has caused damage to the plaintiff and may recommend an award of money to the plaintiff.

Court reporter: The court reporter records everything that is said by the participants in a court proceeding. That includes testimony of witnesses, questions of attorneys, and objections raised by the attorneys. A word-for-word record, or transcript, is made by the court reporter. If a case is appealed to a higher court, the transcript is used to review what happened in the trial court.

How a trial works

Interested parties and observers are seated in the courtroom before the trial is scheduled to begin. Everyone stands as the judge enters the courtroom and remains standing until the judge is seated.

- Beginning with the plaintiff's side, each party's attorney usually makes an opening statement that outlines the facts they expect to establish during the trial.

- The plaintiff's attorney calls their witnesses first. In what is called direct examination, the plaintiff’s attorney or prosecutor asks questions of each witness. After the questions, the other party may ask questions of the same witnesses. This is called cross-examination.

- After the plaintiff has presented witnesses, the defense is entitled to present its case, and a similar process of direct and cross-examination takes place.

- After each party's attorney has finished questioning the witnesses and presenting evidence to support his or her case, the attorneys rest their case.

- Next, the attorney for each party presents a closing argument. that sums up the evidence and testimony in a final effort to persuade the jury and/or judge in favor of the attorney's client.

- In a jury trial, after all evidence has been presented and all witnesses have been heard, the judge instructs the jury on the law that governs the case, defines the issues the jury must decide, and charges them to reach a fair verdict based on the evidence presented.

- In a jury trial, the bailiff then takes the jurors from the courtroom to the jury room to consider the case. The jury remains in the jury room until a verdict is reached, unless the judge allows separation or a recess for meals. In a civil trial, five of six jurors must agree on the final verdict. In a criminal trial, all jurors must agree.

How sentencing works

Defendants convicted of felony crimes are sentenced according to a uniform set of guidelines, established by a commission created by the state legislature (Sentencing Guidelines Commission). The purpose of the system is to assure that those who commit similar crimes, and who have comparable criminal backgrounds, receive similar sentences.

The guidelines are based on two elements: the seriousness of the crime or crimes, and the offender's criminal history. A judge may depart from these guidelines, but only for good reasons that they must explain in writing.

In some cases, a judge gives a probationary sentence. Probationary defendants can avoid going to a state prison, but they can be required to serve time in the local jail, participate in employment or treatment programs, and return what they took from their victims or compensate the victim for the loss.

In addition, a court may order the offender to make restitution (payment) to victims for damages, loss of property or lost wages, or expenses for treatment of injuries. The judge can also order the defendant to pay restitution to the victim.

Those convicted of gross misdemeanors and misdemeanors may be sentenced to probation and/or time in a local jail. Violation of terms of the probation can result in a long jail term.

Minnesota Court of Appeals

The Court of Appeals was created by constitutional amendment in 1982 and began November 1, 1983, to handle some of the increasing workload of the Supreme Court. Now most cases appealed from the district court first go to the Court of Appeals. The Court of Appeals has authority to reverse (overrule), remand (send back to the lower court), modify or affirm (agree with) the decision of the district court.

Each case is decided only after the transcript of the record in the district court has been reviewed and at least the written, and sometimes oral, arguments by the attorneys in the case have been considered. No witnesses testify at the hearing.

If you believe the Court of Appeals decided your case improperly, you may appeal the decision to the Minnesota Supreme Court.

The 19 members of the court serve six-year terms and run on a non-partisan ballot.

The Court of Appeals provides the citizens of Minnesota with access to a prompt and deliberate review of all final decisions of the trial courts, state agencies and local governments.

As an “error-correcting court,” the Court of Appeals handles most of the appeals, which allows the Supreme Court to spend time resolving difficult constitutional and public policy cases.

Court of Appeals' decisions are the final ruling in about 95 percent of the 2,000 to 2,400 appeals filed every year. Typically, about five percent of the Court of Appeal’s decisions are accepted by the Supreme Court for further review.

The Court of Appeals issues a published or an unpublished order or opinion on each case it considers. Each judge participates in about 300 cases each year. The judges also share responsibility for hundreds of special term opinions and orders on motions and petitions filed with the court.

Minnesota Court of Appeals, cont.

By law, the court must issue a decision within 90 days after oral arguments. If no oral argument is held a decision is due within 90 days of the case's scheduled conference date. This deadline is the shortest imposed on any appellate court in the nation. The court expedites decisions on child custody cases, mental health commitments and other matters in which the parties request accelerated response.

In an effort to expedite justice and to make access to the appellate system less burdensome and less expensive, the 19 judges sit in three-judge panels and travel to locations throughout Minnesota to hear oral arguments. All oral arguments are open to the public.

2014 Court of Appeals Case Information		
	Cases Filed	**Dispositions**
General Civil	513	504
Criminal	842	875
Administrative Rule	4	3
Economic Security	160	200
Writs – Certiori	74	56
Habeas / Certified Questions	10	14
Commitment	31	53
Family	197	204
Juvenile Delinquency	16	14
Juvenile Protection	49	53
Implied Consent	59	122
Discretionary Review / Writs	57	62
Probate	21	22
Unlawful Detainer / Eviction	60	45
Total	**2,093**	**2,227**

Supreme Court Filings

2014 Supreme Court Case Information		
Direct Appeals		
	Cases Filed	**Dispositions**
Workers' Compensation	10	9
Civil	7	6
Tax Court	7	7
Attorney / Judge Discipline	58	59
Writs	3	3
First Degree Homicide	30	15
Total District Appeals	**115**	**99**
Petitions for Further Review (PFR)		
Filed		659
Denied		558
Granted Further Review		94
Other		6
Dispositions		
Affirmed		37
Mixed		8
Remand / Reverse		27
Other Decision / Dismissal		3
Total		**75**

Minnesota Supreme Court

The Supreme Court is the state's highest court. Its decisions are published and become the law of the state and set precedents for subsequent cases decided in this state.

Direct review by the Supreme Court of a trial court decision might be permitted if the issue is of broad public interest and requires prompt and ultimate determination. All first-degree murder convictions and legislative election disputes are reviewed directly by the Supreme Court. The Supreme Court also decides attorney disciplinary matters and appeals from the Court of Appeals, Workers' Compensation Court, and Tax Court.

All seven justices hear and dispose of cases argued before the court. Each case is decided on the basis of the record made in the trial court plus written and oral arguments. No witnesses testify at the hearing.

The Supreme Court is the rule-making body for all of the state's courts. Although local courts enact some rules of practice, these rules must not be in conflict with those established by the Supreme Court. In addition, the Supreme Court shares administrative responsibility for operation of the state court system with the Judicial Council. It also has a supervisory responsibility over the practice of law, including attorney disciplinary matters.

Supreme Court justices are elected to six-year terms on a non-partisan ballot. The requirement for the office is that the prospective justice be admitted to the practice of law in Minnesota. Vacancies are filled by appointment of the governor until the first general election after the justice has served for one year. Justices run for re-election every six years. The Chief Justice, who is appointed by the governor, is the court's chairperson. The Chief Justice also sits as the head of the Judicial Council.

Minnesota Supreme Court, cont.

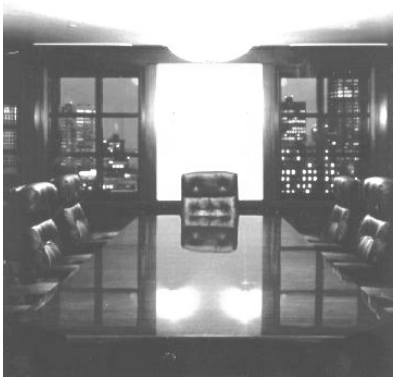
"ALL RISE, THE HONORABLE JUSTICES OF THE SUPREME COURT OF THE STATE OF MINNESOTA . . ."

At the Minnesota Supreme Court these words signal the beginning of a day's court hearings. Sometimes called the "court of last resort," this is Minnesota's highest appellate court and it is unlike any other court in the state.

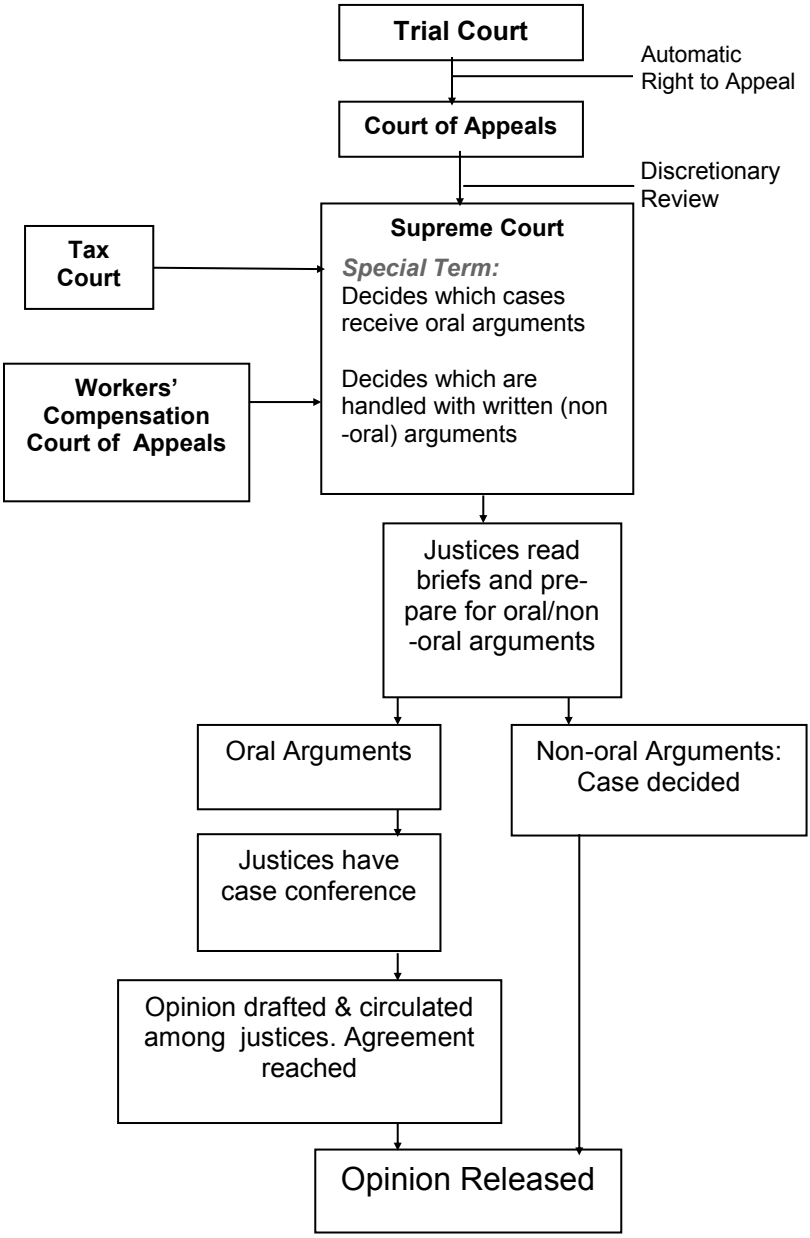
The Supreme Court plays a vital role in our constitutional system, as well as an important role in the daily lives of citizens.

As one of the three branches of government, the judiciary maintains checks and balances with the legislative (House of Representatives, Senate) and executive (Governor) branches of government. The Minnesota Supreme Court also serves as the final guardian of the state constitution and interprets and applies the U.S. Constitution.

But, beyond that, the Supreme Court serves people. Each year hundreds of persons -- individuals, companies, even state and local governments -- bring their appeals of legal cases to this court. Sometimes the decisions the court makes interpreting a law may only affect the people in that case, but often the decisions have a more far reaching impact on citizens and the legal system.



How a Case Gets to the MN Supreme Court



Minnesota Judicial Council

The Minnesota Judicial Council is the administrative policy-making authority for the Minnesota Judicial Branch. The purpose of the Judicial Council is to govern the Judicial Branch through the establishment and monitoring of administrative policies designed to achieve an accessible, fair and timely system of justice statewide, and to ensure that the Judicial Branch functions as an independent and accountable branch of government.

In support of this purpose, the Judicial Council exercises administrative policy-making authority for, but not limited to, the following:

- Development and implementation of the Branch strategic plan;
- Budget priorities, budget request, and submission of the Judicial Branch budget request to the Governor and legislature;
- Collective bargaining with Branch employees;
- Human resources;
- Technology;
- Education and organizational development;
- Finance, including budget distribution among levels of court and among districts;
- Oversight of programs: jury, *guardian ad litem*, interpreter, expedited child support, and Children's Justice Initiative; and
- Core services, court performance and accountability.

The Judicial Council will fulfill its purpose with a commitment to:

- Making decisions based on statewide values, needs, priorities and goals in concert with the fair allocation of resources;
- Deliberating in many voices, but governing in one;
- Communicating openly and regularly with all stakeholders;
- Measuring achievement of statewide goals and policies;
- Focusing on strategies designed to meet future needs.
- Involving judges and administrators in implementation of policies; and
- Recognizing the needs of judicial districts to adopt local policies not inconsistent with Judicial Council policies.

How Does Someone Become a Judge?

In Minnesota, judges are independent, elected officials who run for six-year terms on a non-partisan ballot. This means they do not have to declare affiliation with a political party. Most judges initially are appointed by the governor after being recommended by the Minnesota Commission on Judicial Selection.

The Commission on Judicial Selection screens judicial candidates and makes recommendations to the Governor for district court vacancies that occur during the term of a judge. The Commission has 49 members. 27 are appointed by the Governor and 22 are appointed by the Minnesota Supreme Court. 9 of these members are appointed at large to consider vacancies within every judicial district. The commission members include attorneys and non-attorneys appointed by the Governor and the Minnesota Supreme Court.

Appointed judges run for office at the first election that comes up after they have held the job for one year. To qualify for the position, a person must be an attorney admitted to practice in Minnesota.

Licensed Minnesota attorneys who are residents of the Judicial District in which an opening occurs may request an application by contacting Andrew Olson via e-mail at andrew.c.olson@state.mn.us or by writing to:

Mr. Lee Sheehy
Chair Commission on Judicial Selection
130 State Capitol
75 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155

Helpful Addresses and Telephone Numbers

State Court Administrator's Office.....(651) 296-2474
25 Rev. Dr. Martin Luther King Jr. Blvd. Saint Paul, MN 55155

Court Information Office.....(651) 297-5532

Appellate Court Clerk's Office.....(651) 296-2581
Minnesota Judicial Center 305
25 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Minnesota Attorney General.....(800) 657-3787

Minnesota State Bar Association .....(612) 333-1183
600 Nicollet Mall, #380
Minneapolis, MN 55402

Minnesota County Attorneys Association.....(651) 641-1600
100 Empire Drive, Suite 200 *St. Paul, MN 55103*

Minnesota Public Defenders .....(612) 349-2565
Suite 900, TriTech Center
331 Second Avenue South
Minneapolis, MN 55401

Minnesota Lawyers Professional Responsibility and
Minnesota Client Security Boards.....(651) 296-3952
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218

Minnesota Board on Judicial Standards.....(651) 296-3999
2025 Centre Pointe Blvd., Suite 180
Mendota Heights, MN 55120

U.S. 8th Circuit Court
Clerk.....(314) 244-2400

U.S. Supreme Court Public Information Office.....(202) 479-3211

Find it at www.mncourts.gov

- How to find your local courthouse
- Court forms and instructions
- Help topics
- Self Help Center locations
- Information about jury service
- How to file a Conciliation (Small Claims) Court case
- Information about court interpreters
- The Rules of Court
- A student and teacher section including lesson plans and informational brochures
- A glossary of legal terms
- Appellate Court calendars and opinions
- Video of Minnesota Supreme Court Oral Arguments
- and more

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