



# MINNESOTA SUPREME COURT

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## TABLE OF CONTENTS

The Minnesota Supreme Court .....	1
What the Supreme Court Does .....	1
An Overview of the Judicial System .....	2
How A Case Gets to the Supreme Court and What Happens To It .....	4
History of the Supreme Court.....	5
The Minnesota Supreme Court Hears an Appeal .....	5
The Appeal .....	5
Types of Appeals.....	6
The Appeals Route.....	6
Supreme Court Justices Take A Leadership Role .....	6
The Supreme Court Justices.....	7
Bringing A Case to the Supreme Court .....	9
The Oral Hearing.....	9
The Decision .....	9
The Aftermath.....	10
Overseeing the State's Court System .....	10
People Behind the Scenes.....	11
Guide to the Capitol Courtroom .....	11
Guide to the Minnesota Judicial Center .....	12

# THE MINNESOTA SUPREME COURT

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

At the Minnesota Supreme Court -- the highest court in the state -- 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 an impact on every citizen in the state.

## WHAT THE SUPREME COURT DOES

Appeals are the main business of the Minnesota Supreme Court, along with certain administrative functions in overseeing the state's courts.

Where once the number of appeals coming to the Minnesota Supreme Court totaled over 1,800 cases a year, that number has now decreased to an average of 700 since the creation of the Minnesota Court of Appeals, in 1983. About 5 percent of those appeals come to the Supreme Court for review from the Minnesota Court of Appeals. The balance of the Supreme Court cases come directly to the Court from other bodies such as the Workers' Compensation Court of Appeals and the Tax Court. The Supreme Court also directly receives first-degree murder appeals and attorney and judge disciplinary cases from the Lawyers Professional Responsibility Board and the Board on Judicial Standards.

In addition to hearing appeals, the Supreme Court has another, less visible, role. The court is responsible for overseeing the machinery of justice in the state, for regulating the practice of law, and making recommendations for improvement of the judicial system.

## **AN OVERVIEW OF THE JUDICIAL SYSTEM**

There are three levels of courts in the Minnesota judicial system: the trial court, the Court of Appeals and the Minnesota Supreme Court.

In a year, nearly 1.3 million cases are handled in the trial courts throughout the state. A courthouse is located in the county seat of each county. A number of counties also have satellite courts to handle the large caseload of these urban areas.

District court judges are most often appointed by the governor. They are then elected to six-year terms on a non-partisan ballot. There are more than 290 district court judgeships in the state.

At the trial court level, there are several different case types including: conciliation, juvenile, probate, criminal, civil, and family court.

Conciliation court is sometimes called small claims court. In this court there are no attorneys. People represent themselves. They are seeking monetary settlement. There is a limit on the amount of money a person can seek in conciliation court.

Juvenile cases involve minors. These cases are closed to the public for the privacy of the juveniles. Cases in this court include delinquency, truancy, and minor traffic offenses. Probate cases involve the disposition of estates. Criminal cases range from minor traffic violations to murder. Civil cases are cases brought between private parties for a settlement of a grievance. Family cases involve dissolution, child support, adoption and some juvenile matters.

Cases can be appealed from the trial court level to the Minnesota Court of Appeals, which is Minnesota's error-correcting court. The Court of Appeals has 19 judges who are typically appointed by the governor, then elected to six-year terms. This court does not re-try cases, but looks at the record to review what happened at the trial to see if any errors were committed.

The Minnesota Supreme Court hears oral arguments in the State Capitol courtroom or in Courtroom 300 of the Minnesota Judicial Center. The seven Supreme Court justices review cases from the Court of Appeals, some district court decisions, the Tax Court, Workers' Compensation Court of Appeals, and statewide election matters. Parties wishing to be heard by the Supreme Court submit a Petition for Review (PFR). The Court is not required to hear all the cases petitioned, and grants review in about 10-12 percent of cases.

The Supreme Court reviews cases to set precedent, to clarify legal issues, to resolve statutory conflicts, and to answer constitutional questions.

**DISTRICT COURT**

Civil Actions  
Criminal actions  
Family  
Juvenile  
Probate  
Ordinance Violations  
Trial de novo-Conciliation Court\*

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Conciliation Division  
(Civil disputes up to \$15,000)

**COURT OF APPEALS**

Administrative agency decisions except Tax Court and Workers Compensation  
All trial court decisions except first-degree murder  
Decisions of Commissioner of Economic Security

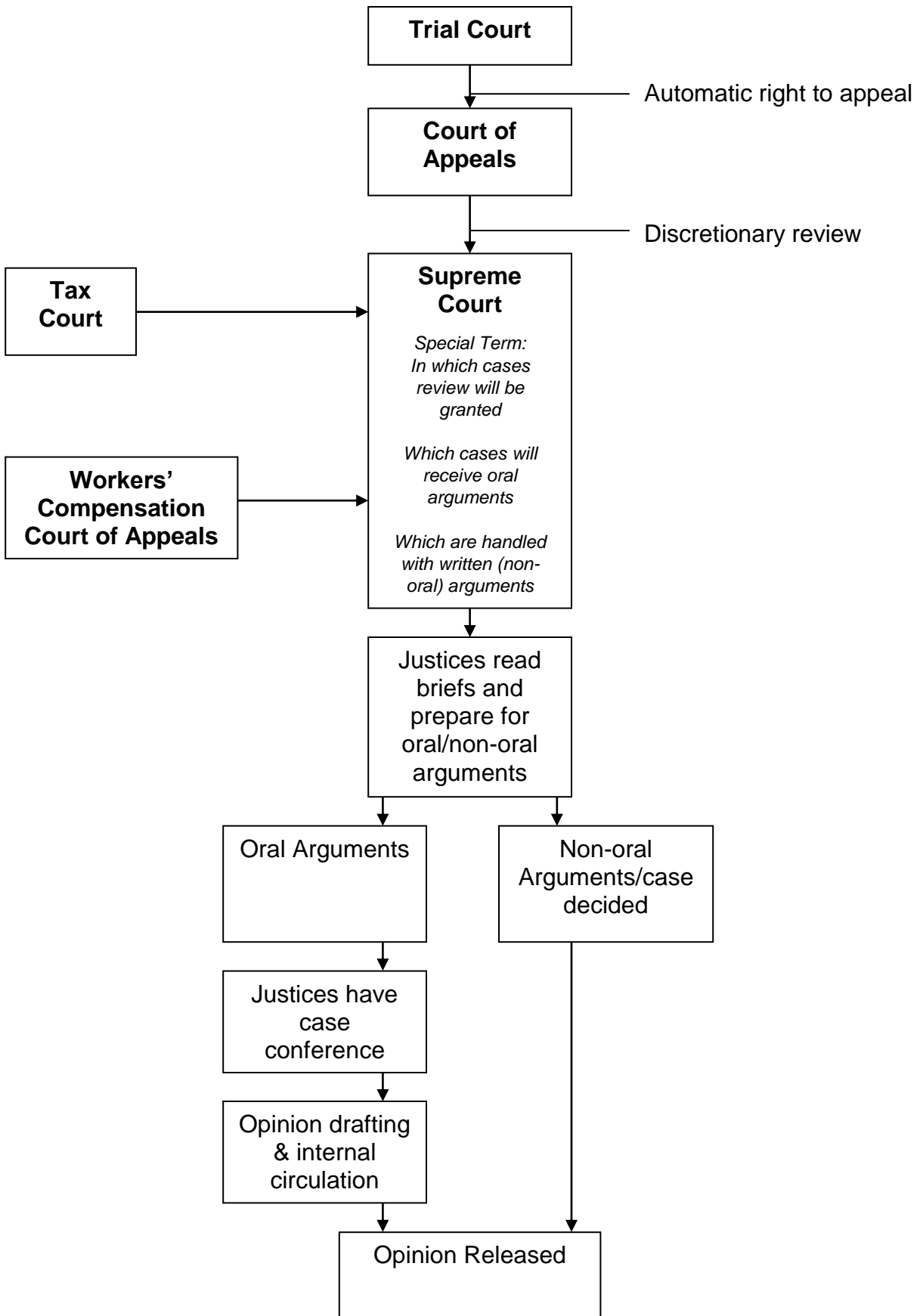
Original Actions:  
Writs of mandamus or prohibition which order a trial judge or public official to perform a specified act

**MINNESOTA SUPREME COURT**

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

Original Actions:  
Legislative election contests  
Professional regulation

# How A Case Gets To The Supreme Court And What Happens To It



## **HISTORY OF THE SUPREME COURT**

The Minnesota Supreme Court is, in a sense, older than the state itself. It was established by the Territorial Act in 1849, nine years before statehood. There were three justices then, all lawyers from other states who were appointed by President Zachary Taylor at a yearly salary of \$1,800. Having no courthouse, the Territorial Supreme Court first met in a hotel in St. Paul, later in churches, stores, or wherever a meeting room was available. The territorial court system had a unique feature which has been discontinued. The territorial justices each held trials in a section of the territory and then re-assembled to sit on the Supreme Court to review their own decisions.

Once Minnesota became a state in 1858, the state constitution provided for a separate Supreme Court. The justices were to be elected to office for six years -- a longer term than other government officers to keep the court independent, less subject to political influence. The court was to be separate -- deciding only appeals from other courts. The court was to have three justices, although as the number of cases grew over the years, changes were made to permit the court's size to increase.

The first case heard before the court concerned a stray cow. The appeal involved a lawsuit in which one of the parties wanted two dollars pasture fees for a cow that had wandered onto his property. Although today this may seem to be a minor issue, it was one of importance in Minnesota's early agricultural setting. The Supreme Court ruled against the payment of the money.

## **THE MINNESOTA SUPREME COURT HEARS AN APPEAL**

The Minnesota Supreme Court is the court of last resort in cases filed in Minnesota state courts, exercising original or appellate jurisdiction as conferred by the Minnesota Constitution. The court often resolves challenges that concern the constitutional rights of the people of the state of Minnesota. Supreme Court decisions serve as precedent for the Minnesota Court of Appeals and Minnesota's trial courts.

### **THE APPEAL**

An appeal is really the end of a longer process. By the time a case is filed in the Minnesota Supreme Court, most of the legal activity in the case has already taken place.

There has been, for example, some problem or dispute in the community that could not be resolved informally between the parties. There has been the institution of a legal case, negotiations, investigation, filing of documents, research, settlement efforts, motions, a trial or hearing, a decision by a judge or jury and a decision by the Minnesota Court of Appeals. Generally, only then can a case be appealed to the Supreme Court.

## **TYPES OF APPEALS**

Most appeals heard by the Supreme Court come after the Court of Appeals has reviewed a final decision by a judge or jury in a lower court. The Supreme Court receives cases from the Court of Appeals on petitions for review or accelerated review. However, several types of cases bypass the Court of Appeals and go directly to the Supreme Court, including appeals of murder cases in the first degree and cases coming from the Tax Court and Workers' Compensation Court of Appeals. A party who is dissatisfied with a lower court's decision may file an appeal. The one exception is that, under the constitution, no appeal can be made after a person is found not guilty of a criminal charge.

## **THE APPEALS ROUTE**

Every case follows a certain route to the Supreme Court. Before appealing, normally a person considers the cost, time, and work involved in the appeal, as well as the potential effect on the law of a Supreme Court ruling on that matter.

In addition, the party making the appeal must have some basis or legal reason for the Supreme Court to review the case. Was the evidence sufficient to support the verdict? Was, for example, the law interpreted correctly by the Court of Appeals? Does the law involved in the case meet constitutional standards? Does the case raise issues of statewide importance? It is legal issues such as these, among others, that the Supreme Court studies and decides.

### **Supreme Court Justices Take Leadership Role**

In addition to hearing oral arguments, disposing of cases in special term and writing an average of 50 opinions per judge each year, members of the Supreme Court are responsible regulation of the practice of law, for judicial and lawyer discipline, and for the provision of civil legal services for poor citizens. Additionally, as the highest court in Minnesota, it supervises all other courts in the state, participates in the development of criminal and civil justice policy and develops rules of practice and procedure for the legal system in the state.

Each justice is the liaison to a number of Supreme Court boards and other state policy commissions that are charged with responsibilities ranging from day-to-day administration to strategic planning.



## THE SUPREME COURT JUSTICES

There are seven Supreme Court justices. The justices are elected on a non-partisan, statewide ballot to six-year terms. If a justice retires, resigns, or dies during the elected term, the governor appoints someone to the vacant position. The justices, as with all judges in the state, must be lawyers, although they cannot practice law while serving on the court.

**Chief Justice Lorie Skjerven Gildea** earned her Juris Doctorate degree magna cum laude from Georgetown University Law Center in Washington, D.C. in 1986 and her Bachelor of Arts degree from the University of Minnesota, Morris in 1983. While in law school, Justice Gildea achieved high academic honors, including election to the Order of the Coif. She also served as an editor of the American Criminal Law Review. Justice Gildea was associate general counsel for the University of Minnesota from 1993 to 2004, and an associate attorney with the law firm of Arent Fox in Washington, D.C. from 1986 to 1993. Associate Justice Gildea was appointed to a Fourth Judicial District judgeship by Governor Pawlenty in September 2005 and as Associate Justice in January 2006. Pawlenty then appointed her chief justice and she took her oath of office on July 1, 2010. Previously she had served as an Assistant Hennepin County Attorney since 2004. Justice Gildea grew up in Plummer, Minnesota.

**Associate Justice G. Barry Anderson** is a 1976 graduate of Gustavus Adolphus College in St. Peter, MN and a 1979 graduate of the University of Minnesota Law School. He was a member of the Minnesota Court of Appeals from August 1998 until his appointment to the Supreme Court in October 2004. He previously was a partner in the Minneapolis and Hutchinson law firm of Arnold, Anderson & Dove, PLLP, and had served as City attorney in Hutchinson for over fifteen years. Anderson was born in Mankato, Minnesota. Anderson's background includes service as chairman of the Board of Directors of Hutchinson Community Video Network, two terms as President of Hutchinson Rotary Club and a wide variety of other community activities.

**Associate Justice David L. Lillehaug** graduated summa cum laude from Augustana College in 1976. He received his juris doctorate cum laude from Harvard Law School in 1979. Lillehaug served as Law Clerk to the Hon. Harry MacLaughlin of the U.S. District Court, District of Minnesota, from 1979 – 1981, and the Issues Aide and Executive Assistant to the Hon. Walter Mondale from 1983 – 1984. He was the United States Attorney for the District of Minnesota from 1994 – 1998. Justice Lillehaug also spent many years in private practice, most recently as an officer and shareholder at Fredrikson & Byron, P.A. from 2002 – 2013. He was the recipient of the Outstanding Alumnus Award from Augustana College in 2006, and was honored by *Minnesota Lawyer* as Attorney of the Year in 2009. He was appointed Supreme Court Associate Justice by Governor Mark Dayton and was sworn in on June 3, 2013.

**Associate Justice Natalie E. Hudson** graduated from Arizona State University in Tempe, AZ, in 1979, and the University of Minnesota Law School in 1982, where she served on the Law Review staff and was Editor-in-Chief of *Quaere*, the law school newspaper (1980-1981). She was a member of the Minnesota Court of Appeals from June 2002 until her appointment to the Supreme Court in October 2015. Justice Hudson was a staff attorney with Southern Minnesota Regional Legal Services, Inc., from 1982 to 1986; an associate attorney in employment law and general civil litigation at the law firm of Robins, Kaplan, Miller and Ciresi from 1986 to 1988; an Assistant Dean of Student Affairs at Hamline University School of Law from 1989 to 1992; and St. Paul City Attorney from 1992 to 1994. From 1994 until her appointment to the Court of Appeals, she was employed with the Office of the Minnesota Attorney General, primarily in the Criminal Appellate Division.

**Associate Justice Margaret H. Chutich** received her Bachelor of Arts degree from the University of Minnesota in 1980. She received her Juris Doctorate, cum laude, from the University of Michigan Law School in 1984. Justice Chutich was a member of the Minnesota Court of Appeals from December 2011 until her appointment to the Supreme Court in April 2016. She served as law clerk to the Honorable Diana E. Murphy, United States District Court for the District of Minnesota. Prior to her judicial career, Justice Chutich served as Assistant Dean of the Humphrey School of Public Affairs at the University of Minnesota; Deputy Attorney General and Assistant Attorney General, Minnesota Attorney General's Office; Assistant United States Attorney, Criminal Division, for the District of Minnesota; and as an attorney in private practice.

**Associate Justice Anne K. McKeig** received her Bachelor of Arts degree from the College of St. Catherine and her Juris Doctorate from Hamline University School of Law. Justice McKeig served as a district court judge in the Fourth Judicial District (Hennepin County) from 2008 until her appointment to the Supreme Court in September 2016. She is an expert in child protection law, having served in the child protection division of the Hennepin County Attorney's office, and as the presiding judge of Hennepin County Family Court before her appointment to the Supreme Court. She is a current member of the American Indian Bar Association and a former member of the County Attorney's Association. She is a proud descendant of White Earth Nation.

**Associate Justice Paul C. Thissen** received his Bachelor of Arts degree, magna cum laude, in 1989, and his Juris Doctorate from the University of Chicago Law School, with honors, in 1992. He became an Associate Justice of the Minnesota Supreme Court on May 14, 2018. He served as a Minnesota State Representative from 2003 to 2018, serving as the Speaker of the House, and as Chair of the Health and Human Services Committee. Prior to his appointment to the Court, Justice Thissen was Senior Counsel of the Health Law Group at the Ballard Spahr Law Firm (formerly Lindquist & Vennum), a Shareholder at Briggs and Morgan, an Appellate State Public Defender, and a Law Clerk for the Honorable James B. Loken at the Eighth Circuit Court of Appeals.

## **BRINGING A CASE TO THE SUPREME COURT**

To bring a case to the Supreme Court, the lawyers for the parties must file briefs, or written arguments, explaining in detail the basis of the appeal and the law that applies. Accompanying these briefs will be all the records of the case from the trial court, including a court reporter's word-for-word transcript of witnesses' testimony and lawyers' statements in the trial, the judge's orders, exhibits and a decision of the Minnesota Court of Appeals, if there is one.

Once filed, the justices, assisted by court staff, review the case. Cases are handled in two different ways: (1) Some cases are decided on the basis of the information in the briefs and records, but without an oral hearing; or (2) in other cases, where significant points of law are involved, there are also oral hearings before the justices.

### **THE ORAL ARGUMENT**

A hearing before the Supreme Court is much different from one before a trial court. There are no witnesses, no evidence, and no trials -- only presentations by the lawyers on questions of law involved in that particular case. Instead of one judge who sits in a trial court, seven Supreme Court justices sit together and make a decision.

The setting at the oral argument is formal and dignified. The appellant's lawyer has 35 minutes to explain the merits of his or her position and the respondent's lawyer has 25 minutes. Frequently, the justices ask questions of the lawyers to help clarify the issues which the court must decide.

### **THE DECISION**

It is after the hearing, however, that the difficult work of making a decision and writing an opinion takes place. Immediately after the hearing, the justices move to the conference room where they deliberate on the cases. Each justice has the opportunity to present his or her thoughts about the proper outcome. The chief justice speaks last. At the conference, the justices attempt to come to a consensus on the case. Even when no oral argument has been held, the justices confer on the cases in a similar fashion.

After the conference, a justice is assigned to prepare a written opinion which states a proposed decision and the reasoning behind it. The proposed opinion is then circulated to the other justices, who can: sign it if they agree; write a dissenting opinion if they disagree; or write a concurring opinion if they agree but have different reasoning. The opinion of the majority is the decision of the court.

## **THE AFTERMATH**

Once decided, the opinions are filed with the Clerk of the Appellate Courts and released to the public online at [www.mncourts.gov](http://www.mncourts.gov). Often the news media covers the opinions. Later the opinions are bound into books that are available for reference in law libraries.

The Supreme Court's decision can uphold, reverse, or modify the ruling of the lower court. If a ruling of the trial court is reversed, the case often must return to that court for a new trial. The decisions of the Supreme Court, however, are final in this state and must be followed by lower courts and other officials.

After a decision in the Minnesota Supreme Court, there is only one other possible avenue of appeal -- to the United States Supreme Court, and then only if a question of the United States Constitution or federal law is involved. Because the United States Supreme Court accepts only a small percentage of the cases that are presented to it, very few cases travel from the Minnesota Supreme Court to the United States Supreme Court.

## **THE COURT'S ADMINISTRATIVE ROLE**

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.

The Supreme Court is also responsible for governing the practice of law. Under its auspices, a bar examination is given twice a year to law school graduates, and the court admits successful applicants to the practice of law. The court also continually monitors attorneys through yearly registrations, required continuing education credits, and investigations of complaints of unethical or incompetent practice. The Supreme Court can take disciplinary action -- suspension or removal -- against attorneys or judges who have violated ethical standards.

## **PEOPLE BEHIND THE SCENES**

When visitors to the Supreme Court observe the courtroom hearings before the justices, they may not be aware of the numerous people behind the scenes who play an important role in the processing of each case.

The state court administrator assists the court in identifying problems and managing its high volume of cases within budgetary and personnel limitations. The court commissioner and staff are responsible for the preparation and processing of most cases considered by the court without oral argument, and the clerk of the appellate courts and staff are responsible for keeping a careful record of each case filed before the Supreme Court and the Court of Appeals. Each justice of the Supreme Court is assisted by law clerks, usually recent law school graduates, who perform legal research; and by legal secretaries, who provide important support services. The court marshal calls each oral hearing to order and maintains court decorum.

## **GUIDE TO THE CAPITOL COURTROOM**

Cases before the Supreme Court and the Court of Appeals are heard in the Minnesota Judicial Center which was completed in August, 1990. The Supreme Court also maintains its courtroom in the east wing of the second floor of the Capitol building. The first case was heard in the chambers in 1905. The capitol courtroom interior is finished in white marble. In the room's cornices is the simple word "lex," Latin for "law," painted in gold. Directly behind the courtroom is the justices' conference room, a replica of the room in Philadelphia's Independence Hall where the Declaration of Independence was signed.

Toward the ceiling of the chambers are four paintings by artist John LaFarge, each one symbolizing a concept of the legal system. Above the justices' bench is pictured Moses receiving the law of the Ten Commandments. It is called "The Moral and the Divine Law." The painting to the left is called "The Recording of Precedents" and shows the Chinese philosopher Confucius and his documenting of canons and charges in the course of Chinese history. The Greek philosopher Socrates can be seen above the entrance as he uses his Socratic method of questioning to elicit answers from his pupils, the same technique often used by the justices in asking questions of the attorneys before them. The painting is called "The Relation of the Individual to the State." The painting on the right side is called "The Adjustment of Conflicting Interests," and shows medieval lords meeting with church representatives in an attempt to resolve their differences peacefully, a function that later became the role of the courts.

## **GUIDE TO THE MINNESOTA JUDICIAL CENTER**

The Minnesota Judicial Center is the home of the state's judiciary on the Capitol Mall. Phase I of the two-phase project houses the Minnesota Supreme Court, the Court of Appeals, the clerk of the appellate courts, the offices of the state court administrator and the state law library.

**The Courtrooms:** The three appellate courtrooms, used by the Supreme Court and the Court of Appeals, are housed in the semi-circular apse that projects from the Minnesota Historical Society Building. The translucent marble-paned windows allow soft natural light into the rooms. The courtrooms on floors one through three and the conference center on ground level include cameras with video hookup capabilities which permit transmission of court hearings or educational activities throughout the building, the capitol complex and to the media. The building is wired to support interactive video court hearings, conferences and training programs between the judicial center and other locations throughout the state when telecommunication costs become economical.

Phase II, the renovation of the former Minnesota Historical Society building, was completed in 1995. The building houses additional courtroom facilities for the Workers' Compensation Court of Appeals and the Tax Court. The office of the clerk of appellate courts is on the third floor. A conference center, with meeting rooms, a computer training room and a multi-media classroom, were part of Phase II.