

# **MINNESOTA SUPREME COURT**

Produced by:  
Court Information Office  
651-296-6043  
FAX 651-297-5636  
[www.mncourts.gov](http://www.mncourts.gov)  
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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 900 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, more than 1.4 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 currently 289 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 about one in seven PFRs.

The Supreme Court reviews matters on certiorari, meaning it 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 \$10,000)

**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

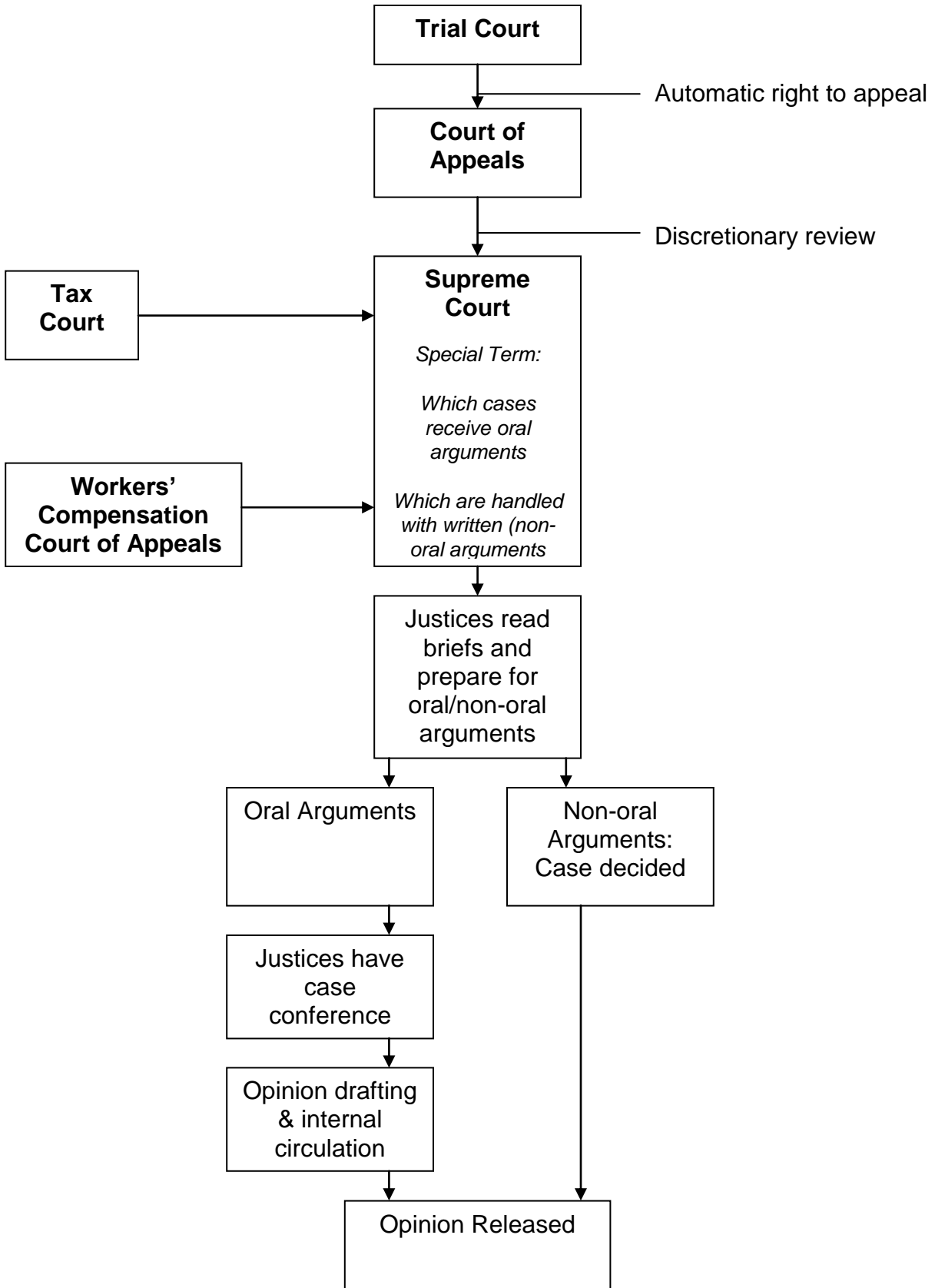
Original Actions:  
Writs of mandamus or prohibition which order a trial judge or public  
official to perform a specified act

**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:  
Writs of prohibition, habeas corpus, and mandamus  
Legislative election contests

# 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 Supreme Court is, in effect, the final arbiter of the constitutional rights of the people of the state of Minnesota. The Minnesota Court of Appeals was created in 1983 to function as the state's error-correcting court, but the Supreme Court can have the greatest effect on law and society since its decisions often serve as precedent for future cases.

## **THE APPEAL**

An appeal is really the end of a whole 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, filings 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 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.

Other cases that come to the Supreme Court are of a somewhat different nature. These are special appeals called writs which fall into three areas: (1) habeas corpus, a complaint alleging that someone has been unlawfully confined and asking for release; (2) mandamus, asking that a governmental body or official be ordered to do something at once; (3) prohibition, asking that a governmental body or official be prevented from doing something that might cause harm.

## **THE APPEALS ROUTE**

Every case follows a certain appeals 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 that the Supreme Court studies.

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

In addition to hearing oral arguments, disposing of cases in special term and writing an average of 56 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 Alan C. Page** was born August 7, 1945, in Canton, Ohio. He graduated from the University of Notre Dame in 1967 with a bachelor of arts degree in political science and received his law degree from the University of Minnesota Law School in 1978. His legal career began with the Minneapolis law firm of Lindquist & Vennum. He joined the Minnesota Attorney General's office in 1985. From 1989-1992 he was a member of the University of Minnesota's Board of Regents. He is the founder of the Page Education Foundation, which assists minority and other disadvantaged youth with post-secondary education. He was elected to the Minnesota Supreme Court in 1992 and was sworn in on January 4, 1993.

**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 Christopher J. Dietzen** graduated from Gonzaga University, Seattle, Wash., in 1969 and earned his law degree from Gonzaga University School of Law (1973). He was a member of the Minnesota Court of Appeals from 2004 until his appointment to the Supreme Court. From 1978 to 2004, he was an attorney and partner at the Bloomington law firm of Larkin Hoffman Daly & Lindgren, Ltd. with a specialization in complex commercial litigation with an emphasis on real estate litigation and valuation disputes. He has been a Civil Trial Specialist, Certified by the Minnesota State Bar Association, October, 1988, and subsequently recertified in August, 1994, and a Civil Trial Advocate, Certified by the National Board of Trial Advocacy, August, 1989; recertified in August 1994. Justice Dietzen is currently serving as Chair of the Supreme Court Advisory Committee on the Rules of Civil Procedure (2005 – present) having been previously appointed as a member in 1998 and reappointed in 2004. He also served as a member of the Commission on Judicial Selection from 2003 - 2004.

**Associate Justice David R. Stras** received his Bachelor of Arts degree, with highest distinction, in 1995 and his Master of Business Administration in 1999 from the University of Kansas. He also received his law degree from the University of Kansas School of Law in 1999, where he served as Editor-in-Chief of the Criminal Procedure Edition of the Kansas Law Review. While in law school, Stras achieved a number of academic honors, including election to the Order of the Coif. He became an Associate Justice of the Minnesota Supreme Court on July 1, 2010. Prior to his appointment, Justice Stras was a member of the faculty of the University of Minnesota Law School from 2004 through 2010.

**Associate Justice Wilhelmina M. Wright** graduated with honors in Literature from Yale University in 1986. She received her juris doctorate from Harvard Law School in 1989. Wright was appointed to the Minnesota Supreme Court by Governor Mark Dayton, where she has served since Sept. 27, 2012. Justice Wright was previously appointed by Governor Jesse Ventura to the Minnesota Court of Appeals, where she served from Sept. 3, 2002, to Sept. 26, 2012. Previously she served as a trial judge on the Ramsey County District Court in Saint Paul. She has served as a member of the Minnesota Judicial Council, the Minnesota Courts Public Trust and Confidence Work Group, and the MSBA Task Force on the ABA Model Rules of Professional Conduct.

**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.

## **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, a court commissioner reviews the cases. 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, 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 make a decision together.

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 has 25 minutes. Frequently, the justices interrupt and 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 decision. The chief justice speaks last, while the justice who is assigned to write the case opinion makes the first presentation. At the conference, the justices attempt to come to a consensus on the case. Where no hearing has been held, the justices confer on the cases in a similar fashion.

After the conference, the justice assigned to that case prepares 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. A majority must agree on 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 on-line at [www.mncourts.gov](http://www.mncourts.gov). Opinions are published immediately in a legal newspaper and often the news media covers the opinions. Later the opinions are bound into books 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 is involved. Since the United States Supreme Court accepts only a small percentage of the cases that are presented to it, fewer than a half dozen cases a year travel from the Minnesota Supreme Court to the U. S. Supreme Court.

## **OVERSEEING THE STATE'S COURT SYSTEM**

The Supreme Court of Minnesota has a second major function that is far less publicized and perhaps less exciting than the hearing of appeals. But it is no less important. This is its administrative role -- overseeing the system of justice in the state. It is here -- in the long-term planning for a modern, effective judicial system -- that the groundwork for the future is being laid.

Other branches of government have long been involved in administration, studies, committees, research, planning. This is a newer task for the judiciary. For many years, the administration of court business was accomplished by following age-old traditions. Coordination was lacking and differences throughout the state were great. Comprehensive study and planning by the courts to improve their own workings were rarely done.

Not so anymore. As the number and complexity of cases have grown, so has the need for efficient management. The Supreme Court today coordinates the operations of all the courts in the state and undertakes the development of long-range plans for the future.

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. All the judicial boards, which regulate the practice of law and operate under the administration of the Supreme Court, are located there. A conference center, with meeting rooms, a computer training room and a multi-media classroom, are part of Phase II.