

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

**In re removals without cause in
conciliation court**

STANDING ORDER

Whereas, Minnesota Chapter 491A directs that each district court establish a conciliation court, where litigants can resolve claims by a simple and informal procedure;

Whereas, conciliation court has limited jurisdiction;

Whereas, conciliation court proceedings are not reported;

Whereas, the chief judge of the district may appoint one or more suitable persons to act as referees in conciliation court;

Whereas, the Minnesota Supreme Court promulgates rules governing conciliation court pleadings, practices, and procedures;

Whereas, Minnesota Rules of Practice 501 through 525 apply to all conciliation court proceedings;

Whereas, conciliation court matters are not subject to the Minnesota Rules of Civil Procedure.

Whereas, the procedure to remove a judicial officer is found in Minnesota Rules of Civil Procedure 63.03 and Minnesota Statute § 542.16.

Whereas, litigants in “district court” matters have a right to remove without cause under Rule 63.03 and section 542.16;

Whereas, conciliation court is not the same as district court and there is no right to remove without cause contemplated in the rules and statutes that govern conciliation court;

Whereas, permitting removals without cause in conciliation court contradicts the statutory purpose of conciliation court to provide a simple and informal setting to resolve disputes;

Whereas, the conciliation court rules provide for a right of appeal from the decision of the conciliation court referee by removal to the district court for a trial de novo;

Whereas, the right to appeal to district court for de novo review operates as a de facto removal of the assigned referee;

Now, therefore, the Court issues the following:

ORDER

1. There is no right to remove a judicial officer without cause in conciliation court.
2. Court Administration is authorized to reject notices to remove without cause in conciliation court.
3. If a notice to remove is accepted by Court Administration in a conciliation court file, the matter will be reassigned upon court order only.

BY THE COURT:

Susan M. Robiner
Civil Presiding Judge