

**House Research Department**

**October 2008**

**The Minnesota Judiciary**  
**A Guide for Legislators**

This publication describes the structure, functions, personnel, and finances of the judicial branch of state government. It does not address substantive or procedural aspects of criminal or civil law.

The purpose of the publication is to help legislators understand the court system so that they can better evaluate proposals for affecting the structure, function, staffing, or financing of any of its components. The publication is organized as a quick reference document that presents descriptive information in a series of charts.

The publication reflects state law and constitutional provisions in effect on August 1, 2008, unless otherwise noted.

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## Part One: Judicial Branch Overview

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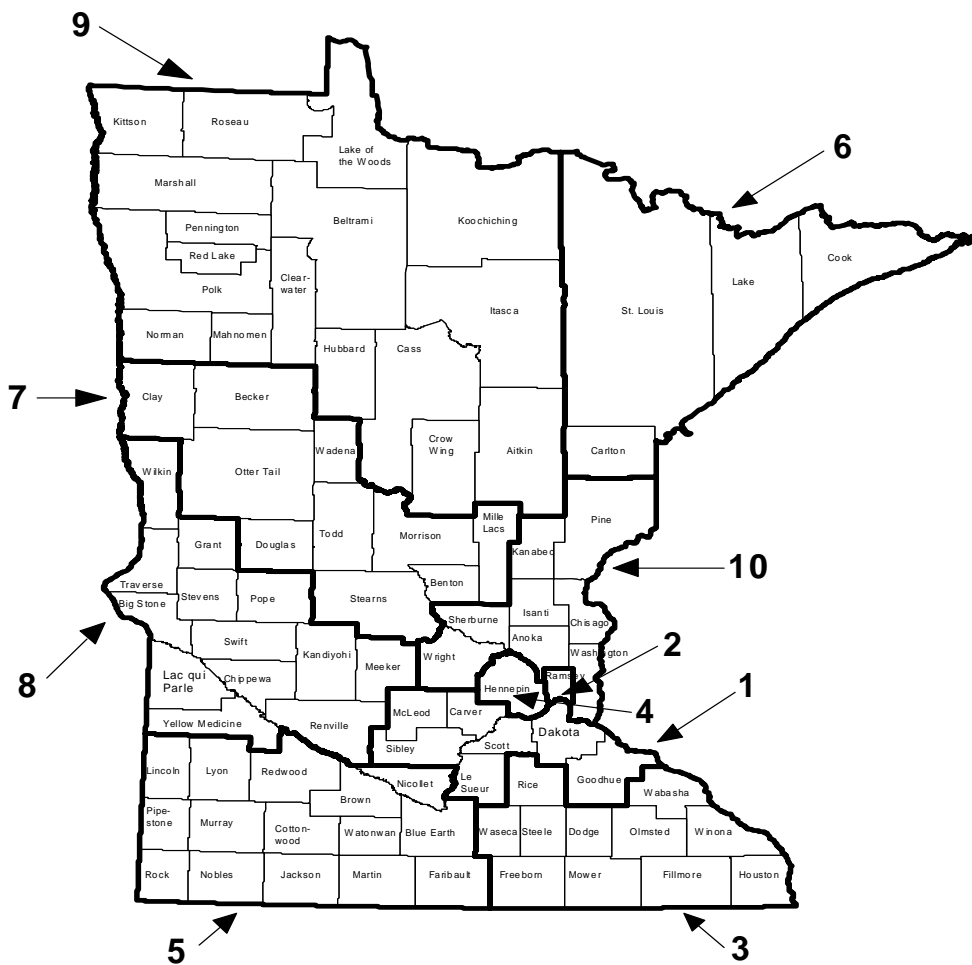
The kinds of cases that are appealed from the state courts to the United States Supreme Court

The kinds of cases that are tried in the federal system rather than in the state courts

# 1. State Judicial Districts Map

There are ten judicial districts within Minnesota and they are numbered as shown below. They exist for district court administration purposes and as election districts for district judges. The boundaries are set by statute. The Minnesota Supreme Court may change any district boundary except the second (Ramsey County) and fourth (Hennepin County) by rule, with the consent of a majority of the judges of the affected areas. [§ 2.722](#)

Where judges have their chambers (offices) is determined by the supreme court. [§ 480.22](#)



## 2. Role of the Judiciary

This chart summarizes the responsibilities of each level of the judicial branch of state government.

<b>Supreme Court's Role</b>	
<b>Decides cases</b>	<p>Interpretation of the constitution, common law, or statutes may result in new legal principles affecting the general public. The court hears:</p> <ul style="list-style-type: none"> <li>• Criminal and civil appeals from district court and court of appeals</li> <li>• Appeals from the workers' compensation court of appeals and the tax court</li> <li>• Important original actions provided by statute</li> <li>• Writs requiring trial judges or public officials to take or refrain from taking specified action</li> </ul>
<b>Regulates lower courts</b>	<ul style="list-style-type: none"> <li>• Adopts statewide rules of civil, criminal, and appellate procedure in consultation with a statutory advisory committee of lawyers and judges</li> <li>• Oversees continuing education for court personnel</li> <li>• Disciplines judges (Board on Judicial Standards, page 16)</li> <li>• Exercises general administrative authority, including deciding the following: when a judgeship becomes vacant; whether it should be continued, moved elsewhere in the state, or abolished</li> </ul>
<b>Regulates attorneys</b>	<ul style="list-style-type: none"> <li>• Oversees admission to practice law (Board of Law Examiners, page 17)</li> <li>• Oversees continuing education (Board of Continuing Legal Education, page 17)</li> <li>• Disciplines attorneys (Lawyers Professional Responsibility Board, page 17)</li> </ul>
<b>Oversees certain bodies involved in legal aid and public service</b>	<p>Legal Services Advisory Committee (page 16)</p> <p>Interest on Lawyers Trust Accounts Board (page 17)</p>

<b>Court of Appeals' Role</b>	
<b>Reviews district court decisions</b>	<ul style="list-style-type: none"> <li>• Errors of law</li> <li>• Sufficiency of evidence to support the verdict</li> </ul>
<b>Reviews the validity of administrative rules and hears contested case appeals under the Administrative Procedures Act</b>	
<b>Issues writs requiring district judges or public officials to take specified actions</b>	
<b>Adopts its own supplementary rules of procedure consistent with rules the supreme court adopts for it</b>	

<b>District Court's Role</b>	
<b>All District Judges</b>	<ul style="list-style-type: none"> <li>• Interpret the law and apply it to the facts of specific cases</li> <li>• Rule on admission of evidence</li> <li>• Decide fact issues when there is no jury</li> <li>• Adopt local court procedure rules consistent with supreme court rules and statutes</li> </ul>
A particular judge may hear cases in one or more of the areas listed below:	
<b>Criminal</b>	Government prosecution of an individual for a claimed violation of a statute or ordinance with a possible penalty of imprisonment or fine
<b>Civil</b>	<ul style="list-style-type: none"> <li>• Disputes between individuals, businesses, groups, or government bodies based on claims that a statute, enforceable private instrument (e.g., contract, deed, will), or common law right (e.g., negligence action) was violated</li> <li>• Determination of status: whether or not there is a dispute, a court may need to decide the legal status of a person or property (e.g., adoption, real estate title action)</li> </ul>
<b>Probate</b>	The administration of decedents' estates and the supervision of guardianship and commitment proceedings
<b>Juvenile</b>	Proceedings to determine whether a child is in need of protective services or is delinquent
<b>Family</b>	Marriage dissolution, parentage, child custody, support, and parenting time



### 3. Relationship between the Legislature and Judiciary

The legislative and judicial branches are co-equal. When lawsuits involve statutes, courts try to explain and enforce the legislature’s intent, unless the statutes are found to violate the state or federal constitution. The judiciary has substantial control over its operations. The state constitution provides for a legislative role in certain areas of court management and restricts both the judiciary and legislature in other areas.

<b>Extent of Legislative Power over the Courts: Provisions in the State Constitution</b>			
<b>Supreme Court</b>	<b>Court of Appeals</b>	<b>District Court</b>	<b>County Court*</b>
Cannot be authorized to hear jury trials	Can be established by statute	Cannot be abolished by statute	Can be created or abolished by statute
Size can vary from seven to nine	Size and jurisdiction can be set by statute, but it cannot have jurisdiction over the supreme court	District judge’s office cannot be abolished during his or her term	<a href="#">Art. VI, § 1</a>
Retired justices and court of appeals or district judges can be authorized to serve on it temporarily	District judges can be authorized to serve on it temporarily	District judge must live in the district where he or she serves	Judges’ qualifications can be set by statute
		There must be a district court clerk in every county	<a href="#">Art. VI, § 5</a>
		Number and boundaries of district court districts can be set by statute	
		There must be a minimum of two district judges per district	
<a href="#">Art. VI, §§ 2, 10</a>	<a href="#">Art. VI, § 2</a>	<a href="#">Art. VI, §§ 1, 4, 13</a>	* Does not currently exist due to merger of district and county courts

#### All Judges

- Serve a six-year term ([Art. VI, § 7](#))
- Are elected by voters in the area they serve ([Art. VI, § 7](#))
- Cannot have their pay reduced during their term of office ([Art. VI, § 5](#))
- Are subject to possible discipline and removal or impeachment ([Art. VI, § 9](#))
- Must be lawyers ([Art. VI, § 5](#))
- Cannot hold any other public position except military reserve ([Art. VI, § 6](#))
- Must resign if they run for another public office ([Art. VI, § 6](#))
- Governor appoints to fill a vacancy; appointee then runs at the first general election held more than one year later ([Art. VI, § 8](#))

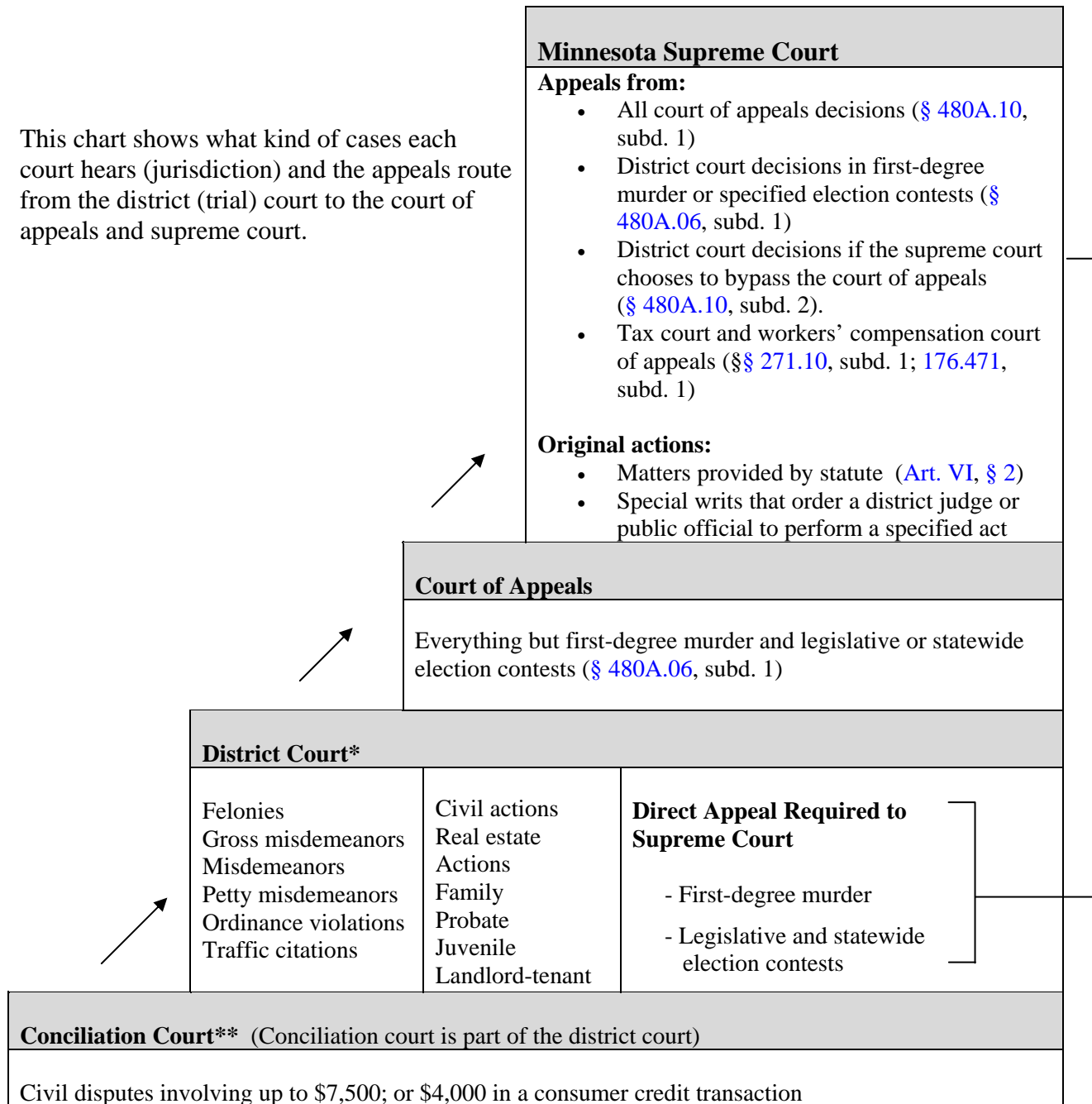
#### Rules of Court Procedure: Legislative-Judicial Interaction

The supreme court, by statute, is authorized to make rules of evidence and civil and criminal procedure. The legislature can modify or replace any rule with a statute on the same subject. The supreme court can modify or replace this statute with a new rule, which the legislature can change again by statute, etc.

**Exception:** Criminal statutes specified in section [480.059](#), subdivision 7, cannot be changed by rule.

## 4. State Court Jurisdiction and Appeals Routes

This chart shows what kind of cases each court hears (jurisdiction) and the appeals route from the district (trial) court to the court of appeals and supreme court.



\* Merger of the district and county courts throughout the state occurred as of 1987 by majority vote of the district and county judges in each district pursuant to section 487.191. The effect was to create one trial court that can hear all cases previously heard by either county or district court. The court is called district court and the judges are district judges.

\*\* When a matter moves from conciliation court to district court the “appeal” is actually a new trial, not just a review of the conciliation court action. § 491A.02

## 5. Special Statutory Courts Not In the Judicial Branch

Each of these courts is an executive branch agency created by statute to deal with only one specific area of law.

<b>Tax Court</b>	<b>Workers' Compensation Court of Appeals</b>
<p><b>Judges</b></p> <p>Three</p> <p>Appointed by the governor to six-year terms with Senate approval (chief judge designated by the other judges)</p> <p>Need not be lawyers but must have knowledge of taxes</p> <p>Subject to the code of judicial conduct and must resign to run for any other office</p> <p>Must file opinions within three months or salary is withheld</p> <p>Salary: 98.52 percent of a district court judge salary</p> <p>Retired tax court and district court judges may be asked to serve temporarily if needed</p> <p>(§§ 271.01, subds. 1, 1a; 271.20; 15A.083, subd. 5)</p>	<p><b>Judges</b></p> <p>Five</p> <p>Appointed by the governor to six-year terms with Senate approval. Chief judge designated by the governor</p> <p>Must be lawyers licensed at least five years</p> <p>Subject to the code of judicial conduct and must resign to run for any other office</p> <p>No deadline for filing opinions</p> <p>Salary: 98.52 percent of a district court judge salary</p> <p>(§§ 175A.01; 175A.02; 15A.083, subd. 5)</p>
<p><b>Jurisdiction</b></p> <p>Statewide</p> <p>Noncriminal tax cases only</p> <ul style="list-style-type: none"> <li>• Appeals from revenue commissioner's orders</li> <li>• Appeals from property tax valuations and assessments</li> <li>• Tax cases transferred from district court</li> </ul> <p>(§ 271.01, subd. 5)</p>	<p><b>Jurisdiction</b></p> <p>Statewide</p> <p>Workers' compensation cases</p> <ul style="list-style-type: none"> <li>• Appealed from compensation hearings</li> <li>• Transferred from district court</li> </ul> <p>(§ 175A.01, subd. 5)</p>
<p><b>Appeals</b></p> <p>Go directly to the supreme court</p> <p>(§ 271.10, subd. 1)</p>	<p><b>Appeals</b></p> <p>Go directly to the supreme court</p> <p>(§ 176.471)</p>
<p><b>Offices</b></p> <p>St. Paul</p> <p>(§ 271.04)</p>	<p><b>Offices</b></p> <p>St. Paul, separate from Department of Labor and Industry</p> <p>(§ 175A.04)</p>

<b>Tax Court</b>	<b>Workers' Compensation Court of Appeals</b>
<p><b>Hearing Locations</b></p> <p>Appeals from revenue commissioner's orders:</p> <ul style="list-style-type: none"><li>• A state resident taxpayer can choose Ramsey County or the judicial district where he or she resides. Hearings for nonresident taxpayers are held in Ramsey County</li></ul> <p>Other cases:</p> <ul style="list-style-type: none"><li>• Same district as if the case were in district court</li></ul> <p>(§ 271.04)</p>	<p><b>Hearing Locations</b></p> <p>In St. Paul or elsewhere in the state</p> <p>(§ 175A.04)</p>

## 6. Relationship between State and Federal Court Systems

The first chart below shows what state court decisions can be appealed to the United States Supreme Court. The second chart shows what kinds of cases the federal court in Minnesota hears and how those cases are appealed.

### Cases Originating in State Trial Court

The first appeal is to the court of appeals and/or Minnesota Supreme Court (see page 6)

If the case includes a claim that the United States Constitution has been violated, it can be further appealed to the United States Supreme Court.

### Cases Originating in Federal Trial Court

The federal trial court for Minnesota is called the District Court for Minnesota

Seven federal district judges, five senior judges, and eight magistrate judges serve in Minnesota

Federal trials are generally held in Minneapolis and St. Paul

Kinds of cases

- federal statutory claims
- federal constitutional claims
- any suit between a Minnesota resident or entity and a resident or entity from another state, involving a minimum amount of \$75,000 in damages

Appeals go to the Eighth Circuit Court of Appeals (based in St. Louis, Missouri) but cases are heard in St. Paul

Appeals from Eighth Circuit decisions go to the United States Supreme Court



## Part Two: Court Personnel and Operations

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## 1. Judges

This chart summarizes some essential information about the judges of each court.

	<b>Supreme Court</b>	<b>Court of Appeals</b>	<b>District Court</b>
<b>Chambers</b>	St. Paul	St. Paul  (§ 480A.05)	Specified by statute but can be changed by the supreme court  (§§ 2.722, subd. 1; 480.22)
<b>Number</b>	Chief justice and six associates  (§§ 480.01-480.011)	Chief judge and 18 associate judges (§§ 480A.01, subd. 2; 480A.03)	289  (§ 2.722, subd. 1)
<b>Qualifications</b>	Lawyer (Art. VI, § 5)  Eligible voter, age 21 (Art. VII, § 6)	Lawyer (Art. VI, § 5)  Eligible voter, age 21 (Art. VII, § 6)	Lawyer (Art. VI, § 5)  Eligible voter, age 21 (Art. VII, § 6)
<b>Selection</b>	For all judges, there is an election statewide to a six-year term; or the governor fills vacancies by appointment and the appointee then runs at the first general election occurring more than a year later (Art. VI, §§ 7,8)  The governor's power to fill a district court vacancy is subject to the supreme court certifying a vacancy, after it has decided whether to continue, transfer, or abolish the office (§ 2.722, subd. 4)		
<b>Salary</b>	Chief justice - \$160,579 Associates - \$145,981	Chief judge - \$144,429 Associates - \$137,552	Chief judge - \$135,580 Associates - \$129,124
<b>Decisions</b>	No deadline	Must file within 90 days or have salary withheld. An opinion may be published only if it meets one of five specified criteria  Unpublished opinions are not precedential; if cited, a copy must be given to the other side (§ 480A.08)	Must file within 90 days or have salary withheld  (§ 546.27)
<b>Travel Expenses</b>	Set by Judicial Council policy (§§ 480.01, subd. 2; 484.54)	Set by Judicial Council policy (§§ 480A.02, subd. 7; 484.54)	Set by Judicial Council policy (§ 484.54)



## Judges (continued)

	Supreme Court	Court of Appeals	District Court
<b>Flexible Assignment</b>	Not applicable	Judge can be temporarily assigned to serve on the supreme court  (Art. VI, § 2; § 2.724, subd. 2)	Judge can be assigned to serve as needed in various locations within the district; as a judge of any other court in any other district; on the court of appeals; or on the supreme court  (Art. VI, § 2; §§ 484.69; 2.724, subds. 1 and 2; 484.69, subd. 3)
<b>Retirement</b>	Mandatory at age 70, but the chief justice may assign a retired justice to act as a justice of the supreme court or as a judge of any other court. The chief justice may assign a retired judge of any court to act as a judge of any court except the supreme court  (§§ 2.724, subd. 3; 484.61; 490.125-490.126)		
<b>Chief Justice (Supreme court)</b>  <b>Chief Judge (other courts)</b>	<b>Selection:</b> Separate constitutional office (Art. VI, § 2)  <b>Duties:</b> Administrative head of the judicial branch (§ 2.724)	<b>Selection:</b> Separate statutory office, designated by the governor for three-year term (§ 480A.03, subd. 1)  <b>Duties:</b> Administrative head of the court of appeals; assigns judges and cases to panels for decision (§ 480A.03, subd. 2)	<b>Selection:</b> A district judge is elected to a maximum of two consecutive two-year terms as chief judge by all the judges in the district (§ 484.69, subd. 1)  <b>Duties:</b> Administrative head of the trial courts in the district; assigns judges to serve in locations throughout the district (§ 484.69)

## 2. Para-Judicial Officers

The para-judicial officers listed below perform certain judicial functions but are appointed officials, rather than elected judges.

	<b>Referees</b>	<b>Judicial Officers</b>	<b>Traffic/Hearing Officers</b>
<b>Qualifications</b>	Must be an attorney (§§ 260.031; 484.70, subd. 1; 525.10)	Must be an attorney (§ 487.08)	Not attorneys
<b>Appointment</b>	By chief judge to serve at the pleasure of the district judges (§§ 260.031; 484.70; 525.10)	By chief judge of district to serve at his or her pleasure	By district administrator with judges' approval
<b>Salary</b>	All referee salaries are paid by the state in an amount not to exceed 90 percent of a district judge's salary (§§ 15A.083, subd. 6; 480.181)	Set by the chief judge at an amount not to exceed the salary of a referee (§§ 480.181; 487.08, subd. 5)	Paid by county
<b>Service Location</b>	Ramsey and Hennepin County District Courts  St. Louis County (Court Commissioner)	None. Abolished and all judicial officers who were subject to the grandfather clause, no longer serve	Hennepin and Ramsey County District Courts
<b>Powers</b>	Referees function as judges, but their findings and orders must be confirmed by a judge  (§§ 484.70, subd. 7; 525.102)	Hear and try matters as assigned to them  (§ 487.08, subd. 5)	Process parking tags  Reduce or suspend minor traffic charges for extenuating circumstances
<b>Duties</b>	Vary in each county but include most judicial functions  <b>Examples:</b> <ul style="list-style-type: none"> <li>• Juvenile trials</li> <li>• Uncontested marriage dissolution</li> <li>• Child support enforcement</li> <li>• Petition to appoint a guardian</li> <li>• Civil commitment</li> <li>• Landlord-tenant</li> </ul>	In practice, the same as a district judge	Interview defendants for public defender eligibility  Process uncontested tenant evictions

### 3. Judicial Administration

The supreme court is responsible for deciding its own cases and overseeing the state court system and legal profession. The staff offices and boards described in this section aid the court in fulfilling these responsibilities.

<b>Supreme Court and Court of Appeals Operations</b>			
These individuals help the justices and appellate judges dispose of the courts' caseloads.			
	<b>Appointment</b>	<b>Salary</b>	<b>Duties</b>
<b>Clerk of the Appellate Courts</b>	Position created by constitution; individual appointed by the supreme court  (Art. VI, § 2)	Set by the supreme court	For supreme court and court of appeals: <ul style="list-style-type: none"> <li>• maintain case records</li> <li>• distribute decisions to the parties and public</li> <li>• prepare court statistics</li> </ul>
<b>Supreme Court Commissioner</b>	Position created and individual chosen by the supreme court	Set by the supreme court	Supervise staff attorneys in: <ul style="list-style-type: none"> <li>• recommending dispositions of motions filed with the court</li> <li>• recommending to the court whether cases should be decided with or without oral argument</li> <li>• performing legal research for court opinions</li> </ul>
<b>Law Clerks</b>	Pursuant to constitutional authorization for necessary court employees, recent law school graduates are chosen by the justices and court of appeals judges to serve for one year	Set by the supreme court	Recommend disposition of motions filed with the court  Perform legal research for court opinions

## Bodies Created by Statute and Supervised by the Supreme Court

These entities are created by the legislature and placed under the authority of the supreme court to perform various functions related to the administration of justice.

<b>State Law Library</b>	<b>Board on Judicial Standards</b>	<b>Legal Services Advisory Committee</b>
<p>Created by constitution and statute (Art. VI, § 2; § 480.09)</p> <p>Librarian appointed by the justices, pursuant to statute</p> <p>Used by the supreme court, attorney general, legislature, and public</p>	<p>Created by statute (§§ 490A.01-490.03)</p> <p><b><u>Members</u></b></p> <p>Four judges, two lawyers with at least ten years experience, and four citizens appointed by the governor for four-year terms (two-term maximum); the Senate must approve the nonjudge members</p> <p><b><u>Executive Secretary</u></b></p> <p>Appointed by the board; salary range is 85 percent of the maximum salary for an administrative law judge</p> <p><b><u>Powers</u></b></p> <p>Recommend censure, suspension, removal, or retirement of a judge for:</p> <ul style="list-style-type: none"> <li>• conviction, guilty plea, or no contest plea regarding a felony or any crime of moral turpitude</li> <li>• disability that seriously interferes with performance of duties</li> <li>• persistent failure or incompetence in performing duties</li> <li>• habitual intemperance</li> <li>• conduct that brings the judicial office into disrepute</li> </ul>	<p>Created by statute (§ 480.242, subds. 1 and 2)</p> <p><b><u>Members</u></b></p> <p>Seven attorneys familiar with legal aid, two citizens, two persons eligible to be clients; all appointed by the supreme court</p> <p><b><u>Duties</u></b></p> <p>Award legal services grants subject to supreme court review</p>

### Bodies Created and Supervised by the Supreme Court

The supreme court created the following boards to regulate the legal profession, pursuant to its inherent power over attorneys.

	<b>Board of Law Examiners</b>	<b>Board of Continuing Legal Education</b>	<b>Lawyers Professional Responsibility Board</b>	<b>Interest on Lawyers Trust Account Board</b>	<b>Client Security Board</b>
<b>Members</b>	Seven lawyers and two other citizens appointed by the court to serve without compensation	Twelve members and a chairperson appointed by the supreme court. Membership includes three public members and one or more district court judges. The remaining members are lawyers. All serve without compensation	Fourteen lawyers and nine nonlawyers appointed by the supreme court to serve without compensation	Six lawyers, three of whom are nominated by the bar association, and three public members	Five lawyers appointed by the supreme court and two other citizens appointed by the court
<b>Funding</b>	Bar application and attorney license fees	Annual levy on attorneys, CLE filing charges, and course accreditation application fees	Attorney license fees	Interest from the funds that lawyers briefly hold in their client trust accounts	Special assessment on attorneys and judges as needed. Fees are deposited in the general fund and appropriated to pay expenses and claims (§ 481.20)
<b>Duties</b>	Screen bar applicants Administer bar examination	Enforce the court rule requiring attorneys to take 45 course credits every three years <ul style="list-style-type: none"> <li>• Accredite courses</li> <li>• Monitor attorney compliance</li> <li>• Recommend “restricted status” for failure to comply</li> </ul>	Refer lawyer complaints to district ethics committees for investigations  Rule on the result of the local investigation  File petitions for discipline with the supreme court  Issue formal and informal ethics opinions	Award grant funds for legal services to the poor, law-related education to the public, and enhancement of the administration of justice  Invest interest earned on lawyers’ trust account funds so the yield can be spent for tax-exempt public purposes	Investigate client losses due to alleged attorney dishonesty  Pay at least some part of any losses  Sue on behalf of the client security fund to recover payments made, where possible

**Board of Public Defense: Independent Agency –  
Part of the Judicial Branch but not Subject to Supreme Court Authority**

The board is placed by statute in the judicial branch but is not subject to supreme court authority. This is done to avoid any conflict of interest, since the state public defender handles cases before the court.

<b>Created By</b>	<b>Members (§ 611.215, subd. 1)</b>	<b>Duties (§§ 611.215; 611.23; 611.26; 611.27)</b>
<p>Statute  (§ 611.215)</p>	<p>Four attorneys experienced in criminal defense who are not prosecutors, appointed by the supreme court</p> <p>Three citizens appointed by the governor</p> <p>At least three citizen members must come from districts other than the first, second, fourth, or tenth</p>	<p>Appoint the state public defender, who supervises the operations, activities, policies, and procedures of the statewide public defender system. Appoint a chief appellate public defender who handles criminal appeals and post-conviction proceedings statewide</p> <p>Appoint and set the salaries of chief district public defenders, who supervise assistant public defenders in trial work (A nine-member ad hoc board participates in appointing chief district public defenders. This board consists of the Board of Public Defense and two residents of the district where the chief district public defender is being appointed.)</p> <p>Determine how state money, appropriated for the judicial district public defenders, shall be expended</p> <p>Jointly fund the public defender’s office of the fourth judicial district with the Hennepin County Board (Employees hired before January 1, 1999, are Hennepin County employees; those hired after are state employees)</p> <p>Establish standards for offices and conduct of all appointed counsel systems</p>

## State Court Administrator

The state court administrator is in charge of administrative functions, information systems, and research and planning for the judicial system.

<b>Office</b>	Created by statute (§§ 480.13-480.15; 15A.083, subd. 4)
<b>Individual Appointed</b>	By the Judicial Council
<b>Salary</b>	Set by the Judicial Council
<b>Duties</b>	<p>Assist the chief justice in assigning district judges around the state</p> <p><b>Supervise:</b></p> <ul style="list-style-type: none"><li><b>Information System</b><ul style="list-style-type: none"><li>• Minnesota Court Information System (MNCIS)</li></ul></li><li><b>Administrative Services</b><ul style="list-style-type: none"><li>• Budget</li><li>• Personnel</li><li>• Continuing education for court personnel</li></ul></li><li><b>Research and Planning</b><ul style="list-style-type: none"><li>• Statistical research</li><li>• Policy planning</li><li>• Legal research</li></ul></li></ul> <p><b>Child Support Magistrate System</b></p>

## Judicial Council

Established by order of the chief justice to govern the judicial branch through the establishment and monitoring of administrative policies.

<b>Office</b>	Created by order of the chief justice
<b>Members</b>	<p>25 members. Fourteen by virtue of their office:</p> <ul style="list-style-type: none"><li>• Chief justice, chair</li><li>• Chief judge, court of appeals</li><li>• Chief judges of ten judicial districts</li><li>• Minnesota District Judges Association president</li><li>• State court administrator (nonvoting member)</li></ul> <p>Eleven members are appointed to three-year terms:</p> <ul style="list-style-type: none"><li>• One associate justice, appointed by the chief justice</li><li>• Five at-large judges appointed by the chief justice, three of whom must be district court judges</li><li>• One at-large appointment from within the judicial branch, by the chief justice (nonvoting member)</li><li>• Three district administrators chosen by the district administrators (nonvoting members)</li><li>• One court administrator chosen by the court administrators (nonvoting member)</li></ul>
<b>Duties</b>	<p>Exercises administrative policymaking authority for the following:</p> <ul style="list-style-type: none"><li>• Development and implementation of the branch strategic plan</li><li>• Budget priorities, budget request, and submission of the judicial branch budget request to the executive and legislative branches</li><li>• Collective bargaining</li><li>• Human resources</li><li>• Technology</li><li>• Education and organizational development</li><li>• Finance, including budget distribution among levels of court and among districts</li><li>• Programs, including jury, guardian ad litem, interpreter, expedited child support, and Children's Justice Initiative</li><li>• Core services, court performance and accountability</li></ul>



## Local Trial Court Administrative Staff

These individuals work in the judicial districts and counties to administer the trial courts.

	<b>District Administrators</b>	<b>Court Administrators (formerly district court clerks)</b>
<b>Office</b>	Created by statute (§ 484.68)	Created by constitution (Art. VI, § 13)
<b>Appointment</b>	Appointed by the chief judge of the district, with supreme court approval; serve at the pleasure of a majority of the judges of the district	Appointed by a majority of the district court judges; can be removed by the district judges (Art. VI, § 13; § 485.01)
<b>Number/Qualifications</b>	One per judicial district  In Hennepin and Ramsey counties, the district administrator assumes the duties of the court administrator  (§ 484.66)	One position for each county  Cannot practice law in the county where he or she is court administrator  (§ 485.01)
<b>Duties</b>	Assist the chief judge in administrative duties  Supervise court employees, except court reporters  Collect data on courts in the district  In Hennepin County, also perform court administrator duties  (§§ 484.66; 484.68)	Collect court filing fees  Schedule cases  Enter judgments and orders  Maintain court records  Make court records accessible to the public  Dispose of records as provided by statute and rules  (§§ 485.018, subd. 5; 485.06-485.10; 485.13)
<b>Salary</b>	Set by the chief judge under the judicial branch compensation plan	Set by the district administrator under the judicial branch compensation plan

### Local Trial Court Administrative Staff (continued)

	<b>Probate Registrars</b>	<b>Court Reporters</b>	<b>District Court Law Clerks</b>
<b>Position</b>	Appointed by the district administrator with the chief judge's approval  (§§ 484.012, 525.09)	Chosen by each district judge  (§ 486.01)	Appointed by the district judges to serve at their pleasure  (§ 484.545)
<b>Number</b>	One in each county	Each trial judge is authorized one reporter  (§ 486.01)	Each judge has one law clerk assist them
<b>Qualifications</b>	No qualifications set by law	Statute authorizes the supreme court to set minimum competence standards  (§ 486.02)	No qualifications set by law; in practice clerks are law students or recent graduates
<b>Duties</b>	Administer informal probate  (§§ 524.3-101-524.3-311)	Make a stenographic record of proceedings (§ 486.02)  Furnish transcripts: <ul style="list-style-type: none"> <li>• at the judge's request</li> <li>• for any interested party on payment of a fee</li> </ul> (§§ 486.03; 486.06)	Perform legal research  Act as bailiff in some counties
<b>Salary</b>	Paid by the state	Individual salaries are set by the district administrator within the range established in judicial branch personnel rules  (§§ 486.05, 480.181)  All court reporters gain additional income by charging parties for transcripts and are reimbursed for travel  (§§ 486.05-486.06)	Salary set under the judicial branch compensation plan  (§ 480.181)

## Court Fees, Fines, and Surcharges

This chart (1) lists fees, fines, and surcharges collected by the state court system pursuant to statute, (2) provides the amount where a fixed amount is set by law, and (3) shows which government entities receive the funds.

Charges are grouped together as follows: civil actions, probate, criminal matters, game and fish, motor vehicle, juvenile, and other. All section references are to Minnesota Statutes in effect August 1, 2008.

Type of Charge	Amount	Program Recipient
<b>Civil Actions</b>		
District court civil action filing fee (each party) (§§ 357.021, subds. 2, 4, and 5; 357.33 <sup>*</sup> )	\$240 Plaintiff civil action filing \$240 Defendant civil action filing \$75 Trial by jury (requesting party)	State general fund
Conciliation court filing fee each party (§§ 357.022 <sup>*</sup> ; 491A.02, subd. 3)	\$50 for each party	State general fund
Removal of conciliation court case to district court (§§ 491A.02, subds. 6 and 7; 357.021, subd. 2)	Same as civil action filing fee, plus \$50 if moving party does not prevail	State general fund
Hospital liens <ul style="list-style-type: none"> <li>• filing</li> <li>• satisfaction</li> </ul> (§ 514.70)	\$5 \$5	County general fund
Marriage dissolution fee (each party) (§§ 357.021, subds. 1a and 2; 116L.96)	\$270	State general fund - \$240 Displaced homemaker program - \$30

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<sup>\*</sup> Base fee before adding the law library fee (see page 30)

## Court Fees, Fines, and Surcharges (continued)

Type of Charge	Amount	Program Recipient
Various documents (§§ 357.021, subd. 2; 357.33; 548.30; 259.52)	Certified copy of any document from civil or criminal proceeding (\$10)  Uncertified copy of any document from a civil or criminal proceeding (\$5)  Issuing subpoena (\$12 per name)  Filing a motion or response in civil, family, and guardianship cases (excluding child support) (\$55)  Issuing execution and filing return, writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or any other writ (\$40)  Issuing a judgment transcript or filing a transcript of judgment from another court (\$30)  Filing or entering satisfaction or assignment of judgment (\$5)  Certificate as to existence or nonexistence of judgments docketed (\$5 for each name certified)  Filing and indexing a trade name, recording basic science certificates or certificate of physicians, osteopaths, chiropractors, veterinarians, or optometrists (\$5)  Filing partial, final, or annual account or trusteeships (\$40)  Recording a notary commission (\$25)	State general fund
Depositing a will to be kept by the court (§ 357.021, subd. 2 )	\$20	State general fund
Filing a motion (or response) for modification of child support (set by supreme court order)	\$55	\$20 transferred to county general fund to pay for child support enforcement by county attorneys; \$35 transferred to state general fund
Adoption petition surcharge	\$75	Father's adoption registry

## Court Fees, Fines, and Surcharges (continued)

Type of Charge	Amount	Program Recipient
Fee for application for real estate title  (§§ 357.021, 508.81)	\$3 for each party in counties of less than 600,000 people that contain a city of the first class  In other counties the fee is set by the district court	County general fund  State general fund
<b>Probate Court</b>		
Probate court fees (§§ 525.033 <sup>*</sup> ; 525.48; 525.031; 525.111)	Fees the same as those for district court civil proceedings and copies listed above	State general fund
<b>Criminal Matters</b>		
Criminal filing fee (§§ 484.841, subd. 2; 484.85(a); 484.90, subd. 1) (paid by the state and any prosecuting jurisdiction other than a county prosecuting in the judicial district where the county is located)	\$ 5 – guilty plea without trial  \$10 – guilty plea at arraignment <sup>**</sup>  \$15 – guilty plea at trial <sup>***</sup>	State general fund; deducted from fines that would otherwise be forwarded to the prosecuting jurisdiction
Bail forfeitures           (§§ 484.843; 484.83; 485.018, subd. 5; 629.58; 629.53)	Varies	Portions of forfeited bail are paid to victims. Bail deposited by one who is convicted may be applied to any fines the court imposed on the individual  Abandoned bail is forwarded to the state general fund and may be returned to a county if the county incurs costs of extradition or transport in connection with the person who posted the bail  In Hennepin County, abandoned bail in nonfelony cases in excess of \$2,500 goes to the municipality in which the violation occurred

<sup>\*</sup> Base fee before adding the law library fee (see page 30)

<sup>\*\*</sup> In Hennepin and Ramsey counties, a \$10-fee applies where the defendant waives a preliminary examination.

<sup>\*\*\*</sup> In Hennepin and Ramsey counties, a \$15-fee applies where the defendant stands trial or has a preliminary examination.

## Court Fees, Fines, and Surcharges (continued)

Type of Charge	Amount	Program Recipient
Criminal fines  <a href="#">(§ 484.85)</a>	Varies	<b>Ramsey:</b> Each political subdivision in the county gets half the fines collected in the previous month for violations prosecuted by that subdivision; except St. Paul gets two-thirds of such fines. The rest of the fines (after deducting the specified filing fees payable to the court) and all fees and costs collected are credited to the state general fund
<a href="#">(§ 484.841)</a>	Varies	<b>Hennepin:</b> 80 percent of all fines are paid to the political subdivision where the crime was committed. The remaining 20 percent goes to the state general fund. If the country attorney prosecutes the case, all fines are paid to the state general fund
<a href="#">(§ 484.90, subd. 6)</a>	Varies	<b>Other Counties:</b> Each political subdivision in a county keeps all parking fines where no warrant was issued. A political subdivision employing officers who arrested someone within that subdivision keeps one-third of the resulting fines  A political subdivision that prosecutes offenses of a particular type will keep an additional one-third of the fines resulting from that type of offense within the subdivision. Except as provided by other law, all remaining fines and all fees and costs collected by the court are credited to the state general fund
<a href="#">(§ 574.34)</a>	Varies	<b>All Counties:</b> Fines not specifically appropriated by law are to be paid to the state treasury and credited to the state general fund  If a city or municipality prosecutes a gross misdemeanor, any fine collected by the court will be disbursed as if the offense was a misdemeanor

## Court Fees, Fines, and Surcharges (continued)

Type of Charge	Amount	Program Recipient
Minimum fines on certain criminal offenses (§ 609.101, subds. 2 and 3)	A minimum fine of 30 percent of the maximum fine authorized by law is imposed for conviction of specified assault, criminal sexual conduct, and controlled substance offenses	70 percent to drug abuse prevention programs in the county where the crime was committed; 30 percent to the state general fund (if county has no drug abuse program, 100 percent to the state general fund)  70 percent to victim assistance programs in the county where the crime was committed; 30 percent to the state general fund (if county has no victim assistance program, 100 percent to state general fund)
Other minimum fines (§ 609.101, subd. 4)	When a person is sentenced for a criminal offense not listed above, a minimum fine must be imposed of at least 30 percent of the maximum allowed for the offense	20 percent goes to the state general fund; the rest is distributed in the same way as criminal fines generally
Criminal and traffic surcharges on all criminal offenses and petty misdemeanors, except parking violations (§ 357.021, subds. 6 and 7)	\$75. The court may authorize installment payments in case of indigency or hardship. If not paid before any incarceration begins, the surcharge may be deducted from earnings accrued in the facility or on work release. No surcharge may be imposed if a person is convicted of a petty misdemeanor for which no fine is imposed  For parking violations, there is a \$4-surcharge that goes to the state general fund  In Ramsey County, an additional \$1-surcharge goes to the petty misdemeanor diversion program	The first \$25 is distributed as follows: <ul style="list-style-type: none"> <li>• 39 percent to the peace officers training account in the special revenue fund</li> <li>• 60 percent to the state general fund</li> <li>• 1 percent to the game and fish fund for peace officer training for DNR employees who are licensed peace officers and have peace officer authority to enforce game and fish laws</li> </ul> The remaining \$50 is credited to the state general fund
DWI chemical dependency assessment (§ 169A.284)	\$125; \$5-surcharge on certain repeat offenders	State general fund receives \$25 and the \$5-surcharge, if any; the county keeps the remainder
DWI penalty assessment for a blood alcohol concentration (BAC) of .20 percent or more (§ 169A.285)	Up to \$1,000	If arresting officer is a state employee, the penalty is credited to the state general fund; otherwise, the penalty is credited to the political subdivision for use in DWI enforcement, training, or education

## Court Fees, Fines, and Surcharges (continued)

Type of Charge	Amount	Program Recipient
Sex offender assessment (for professional evaluation of need for treatment) (§ 609.3457)	Sliding fee scale set by Commissioner of Corrections	Pays for assessment
Violations of compulsory school attendance (§ 120A.34)	Petty misdemeanor fine level	School district where the offense was committed
School officer or teacher who fails to perform instructional duties (§ 120A.32)	Up to \$10-fine	School district where the offense was committed
Prostitution penalty assessment (§§ 609.3241; 626.558, subd. 2a)	\$250-\$1,000, depending on offense	The court imposes the fine on anyone convicted of promoting prostitution, receiving profit from prostitution, or engaging in prostitution with a minor. The mandatory minimum amount of the fine is used for county juvenile prostitution outreach programs. Any excess is forwarded to the state general fund and appropriated to the Commissioner of Corrections for grants to agencies assisting individuals to stop engaging in prostitution
Public defender co-payment (§ 611.17)	\$28 – may be waived by the court	State general fund
<b>Game and Fish</b>		
Game and fish fines, bail forfeits, and surcharges (§ 97A.065)	Varies	Funds are paid to the county, which submits half the amount to the Department of Natural Resources (DNR) and credits the balance to the state general fund, with these exceptions: <ul style="list-style-type: none"> <li>• half the receipts for prosecuting snowmobile law violations and DWIs with off-road vehicles must be submitted to the state treasurer and credited to the snowmobile trails and enforcement account in the natural resources fund</li> <li>• all the receipts for surcharges</li> </ul>



## Court Fees, Fines, and Surcharges (continued)

Type of Charge	Amount	Program Recipient
		imposed under section 357.021, subdivision 6, must be submitted to the state treasurer
Fee to replace unlawfully killed wild animals (§§ 97A.341; 97A.065, subd. 5)	Set by judge	Game and fish fund in the state treasury
<b>Motor Vehicle</b>		
Speed limit surcharge for driving 20 mph or more over the speed limit or speeding in a work or school zone (§ 169.14)	Not less than \$25 and not more than the amount of the fine imposed	State general fund
Seat belt penalty (§ 169.686, subds. 1, 3)	\$25	90 percent credited to the state's Emergency Medical Services Relief Account (EMSRA) to fund training, equipment, and operational expenses of emergency life support transportation; 10 percent goes to the Commissioner of Public Safety for traffic safety educational programs by state troopers
Child restraint system (§ 169.685)	Up to a \$50 fine	Fines are credited to the Minnesota child passenger restraint and education account. The fine may be waived or reduced if the person provides proof of purchasing a child restraint system within 14 days
State patrol traffic offenses (§ 299D.03, subd. 5)	Varies	Fines and bail forfeitures from motor vehicle violations collected by state patrol officers are distributed as follows: <ul style="list-style-type: none"> <li>• Three-eighths of the funds to the state general fund</li> <li>• Out of the remaining five-eighths: (1) \$600,000 to the Minnesota grade crossing safety account; and (2) the remainder to the state Trunk Highway Fund</li> </ul> <b>Exceptions:</b> (1) If the violation was within a municipality and the city attorney

## Court Fees, Fines, and Surcharges (continued)

Type of Charge	Amount	Program Recipient
		<p>prosecutes after a not guilty plea has been entered, then:</p> <ul style="list-style-type: none"> <li>• One-third of the fine goes to the county general fund;</li> <li>• One-third goes to the municipality prosecuting the offense; and</li> </ul> <p>One-third goes to the state to be distributed as shown above</p> <p>(2) If the fine or forfeited bail is for a violation of maximum motor vehicle weight statutes:</p> <ul style="list-style-type: none"> <li>• Three-eighths of the funds go to the state general fund; and</li> <li>• Five-eighths goes to the state treasurer for the Highway User Tax Distribution Fund</li> </ul>
Violations of law on correct weights and measures <a href="#">( §§ 239.28-239.38; 239.46 )</a>	Varies	School fund of the county where the action is brought
Vehicle overload violations <a href="#">( §§ 169.871; 299D.03, subd. 5 )</a>	Civil fine based on amount of excess weight	<p>If the attorney general brings the action, funds go to the Highway User Tax Distribution Fund</p> <p>If the city or county attorney brings the action, collections are divided between the highway fund and the governmental unit that brought the action</p>
<b>Juvenile</b>		
Juvenile court fines <a href="#">( § 260B.198, subd. 1, cl. (f) )</a>	Up to \$1,000	State general fund
<b>Other</b>		
Boat and water safety violations  <a href="#">( § 86B.705 )</a>	Varies	<p>One-half to county where violation occurred</p> <p>One-half to state water recreation account</p>
Law libraries <a href="#">( §§ 134A.09; 134A.10; 134A.12 )</a>	Varies; set by each library board with county board's approval	Collected from each party appearing in a civil action, the petitioner in a probate action, and defendants convicted of criminal and petty misdemeanor charges. All counties may collect fees from

## Court Fees, Fines, and Surcharges (continued)

Type of Charge	Amount	Program Recipient
		defendants upon recommendation by the board. These fees are deposited with the county treasurer or auditor to support the county law library
Appellate filing fee (supreme court and court of appeals) (§ 357.08)	\$500	State general fund
Fee for accelerated supreme court review (§ 357.08)	\$100 (in addition to regular appellate filing fee)	State general fund
Respondent filing notice of review (§ 357.08)	\$100	State general fund
Software sales  (§ 480.236)	Varies	The supreme court can sell software products to offset development costs; proceeds from these sales are credited to the state general fund
Passports (federal law)*	\$7 of the total fee	County general fund
Tax court appeal fee (§§ 271.02; 271.06, subd. 4; 357.021, subd. 2, cl. (1))	\$240; \$150 for small claims	Forwarded to the district court administrator
Entry of a workers' compensation default in payments (§§ 176.451; 357.021, subd. 1a)	\$5	State general fund
Mediator referral fee (for voluntary referral to a specific mediator in a debtor creditor case) (§§ 572.41; 357.021, subd. 1a)	Set by court administrator; not to exceed conciliation court filing fee	State general fund
Filing a foreign judgment (§§ 548.30; 357.021, subd. 1a)	Same as civil action filing fee (\$240) (If judgment is not greater than conciliation court jurisdictional limit, the fee is the same as conciliation court filing fee: \$50)	State general fund
Civil penalty for violation of pet dealer law (§ 325F.792)	Up to \$1,000 per violation	Prosecuting jurisdiction
County parking facility violations (§ 373.26)	Misdemeanor fine (Up to \$1,000)	County treasury general fund
County ordinance violations (§§ 375.55; 394.37)	Varies	County treasury general fund

\* Currently only one court administrator issues passports.

## 5. Court System Funding

The courts are financed by the state general fund, as well as by fees charged to users. The fees users pay are credited either to the state or county general fund; they are not dedicated to the courts. The chart below shows major court cost areas and indicates which are paid by the state and which by the counties. As of July 1, 2005, the state assumed responsibility for financing most costs of the judicial branch. Certain facility costs remain the responsibility of the counties (§ 484.77).

### Funding

State Responsibility	County Responsibility
Supreme court operations	
Court of appeals operations	
State court administrator's office	
State law library	Capital outlays
Office of the public defender	
	Facility costs and operating expenses
Salaries and benefits for district judges, referees, judicial officers, court reporters, law clerks	
District administrators staff	
Court administrators and employees	
Sheriff fees	
Minnesota court information system (computers)	
Legal services grants	
Court interpreters	
Guardian Ad Litem programs	
Medical examinations	
Jury fees and expenses	
Transcripts	
In forma pauperis costs	
Witness fees and expenses	

## Glossary

<b>Chambers</b>	Permanent location of a courtroom; also used to identify a judge's office.
<b>Civil Action</b>	A lawsuit to establish or redress various rights. It can be based on a statutory right or a legal rule developed in court cases. It can involve seeing payment of money (damages) or compelling someone to act or refrain from an action (injunction). It involves no possible criminal punishment, such as imprisonment, criminal fine, or developing a record of a criminal conviction. Civil action examples: personal injury, breach of contract, marriage dissolution.
<b>Common Law</b>	Legal rights and duties developed by judges in deciding appellate cases that do not involve interpreting a statute. Negligence and defamation are examples of legal rights and duties created this way. Common law always involves civil actions; criminal proceedings are always based on a statute.
<b>Crime</b>	Conduct that is prohibited by statute and for which the actor may be sentenced to imprisonment, with or without a fine.
<b>Felony</b>	In Minnesota, a criminal offense punishable by more than one year in prison. It usually also involves the possibility of a fine of more than \$3,000.
<b>Gross Misdemeanor</b>	In Minnesota, a criminal offense punishable by more than 90 days but not more than one year in prison and/or a fine of more than \$1,000 but not more than \$3,000.
<b>Jurisdiction</b>	<p>Power of a court to decide a case, which must be derived either from the constitution or a statute. There are three kinds of jurisdiction:</p> <p><b>Subject matter jurisdiction</b> refers to the type of case a court can decide. For example, the supreme court has the power to hear first-degree murder appeals, while the court of appeals lacks jurisdiction over this subject.</p> <p><b>Geographical jurisdiction</b> refers to the area where a court's rulings are effective. For example, under the federal constitution, Minnesota courts can decide cases only in Minnesota. Under state law, district court rulings are effective only in the court district where they are decided.</p> <p><b>Personal jurisdiction</b> refers to the power to decide a case involving a particular individual. Personal jurisdiction can be exercised over an individual outside the state if he or she has had "sufficient contact" with the state to satisfy federal due process requirements under a line of United States Supreme Court cases. Personal jurisdiction can be obtained over a person in the state if: (a) he or she voluntarily participates in a lawsuit, or (b) proper efforts have been made to notify the individual of the suit, even if he or she cannot be found or refuses to participate in the lawsuit.</p>
<b>Learned in the Law</b>	In the Minnesota Constitution and statutes, a phrase interpreted to mean "lawyer." That judges must be "learned in the law" means they must be lawyers in order to hold judicial office.
<b>Misdemeanor</b>	In Minnesota, a criminal offense punishable by up to 90 days imprisonment and/or a fine of up to \$1,000.

- Petty Misdemeanor** In Minnesota, an offense punishable only by a fine of up to \$300. Because it carries no possibility of imprisonment, a petty misdemeanor is not a crime under state law.
- Special Term** A court session where pre-trial motions in several cases not yet scheduled for trial or assigned to a particular trial judge are heard by a “special term” judge.  
A joint supreme court session where three justices hear motions on particular aspects of appeals or motions requiring a trial court to take particular actions in a case.
- Tort** The area of law involving (1) the breach of a duty to another person, (2) imposed by law, (3) when damage results from the breach. Sometimes defined as the law of private legal wrongs which are not based on contracts. Example: negligence.
- Venue** The geographical location set by constitution, statute, or court rule for a trial or similar proceeding to take place. For example, the Minnesota Constitution requires criminal trials to be held in the judicial district where the offense was committed, barring particular reasons for a change.
- Writ** An order issued by a court to a lower court, a government entity or official, or by a private party requiring or authorizing a specific act. Some writs issued by the Minnesota Supreme Court, include:
- Certiorari:** In cases where the Minnesota Supreme Court, by its own rules, considers it mandatory to hear an appeal (tax court, workers’ compensation court, and unemployment compensation decisions), the court issues this order to the lower court so it will send the supreme court the record in the case. In contrast, the United States Supreme Court uses the writ of certiorari when it decides to hear a case where review is discretionary, not mandatory.
- The court of appeals has jurisdiction to issue writs of certiorari to all agencies, public corporations, and public officials, except the tax court and workers’ compensation court of appeals.
- Habeas Corpus:** Requires that a named individual who is involuntarily confined be brought before a judge to determine whether he or she is being held (for example, in prison or a mental hospital) according to proper legal procedure. Habeas corpus is not used to determine guilt or innocence, mental competence or incompetence, but only to determine whether the person’s confinement is in accordance with correct legal procedure.
- Writ of Mandamus:** Directed to a lower court, government, or private entity, it commands the party to perform a specific nondiscretionary official duty which the party has refused or failed to carry out.
- Writ of Prohibition:** Directed to a lower court or administrative tribunal, it prevents an attempt to exercise jurisdiction which is beyond that body’s powers.