

March 2003

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, 2002, unless otherwise noted.

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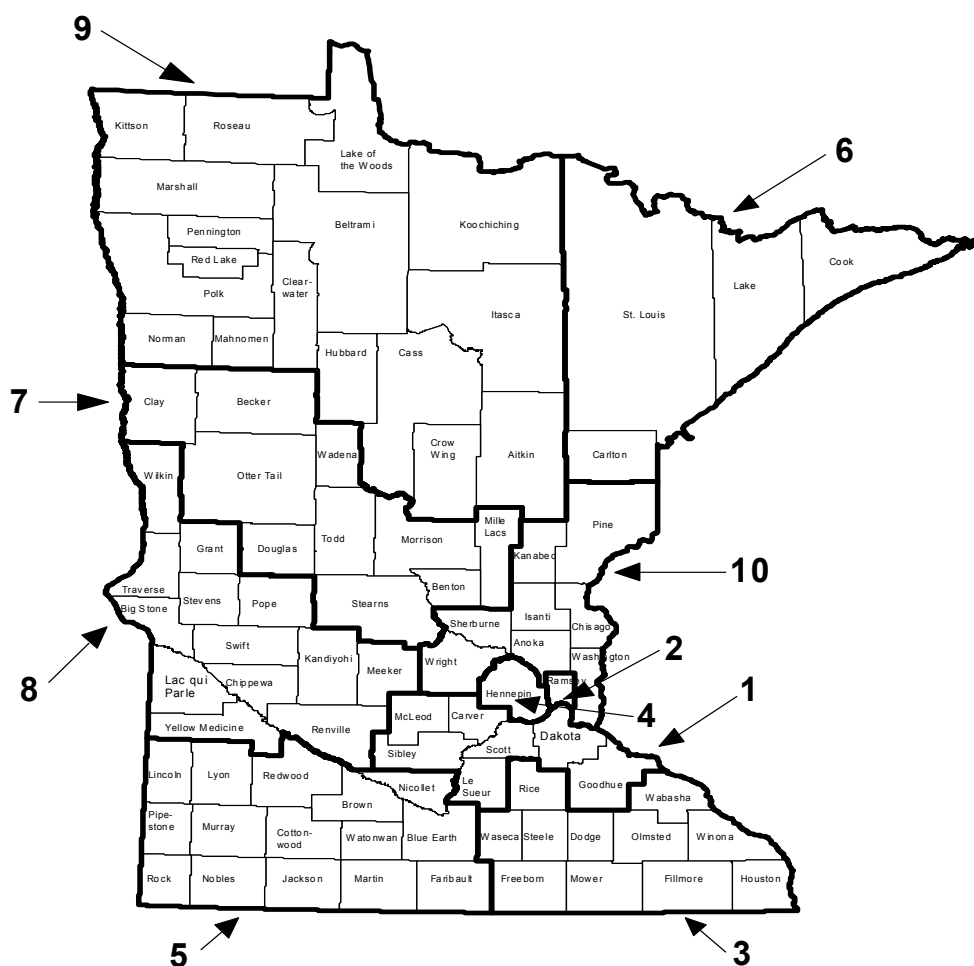
The kinds of cases that are appealed from the state courts to the United States Supreme Court

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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.

Supreme Court's Role	
Decides cases	<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"> • Criminal and civil appeals from district court and court of appeals • Appeals from the Workers' Compensation Court of Appeals and the Tax Court • Important original actions provided by statute • Writs requiring trial judges or public officials to take or refrain from taking specified action
Regulates lower courts	<ul style="list-style-type: none"> • Adopts statewide rules of civil, criminal, and appellate procedure in consultation with a statutory advisory committee of lawyers and judges • Oversees continuing education for court personnel • Disciplines judges (Board on Judicial Standards, page 16) • 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
Regulates attorneys	<ul style="list-style-type: none"> • Oversees admission to practice law (Board of Law Examiners, page 17) • Oversees continuing education (Board of Continuing Legal Education, page 17) • Disciplines attorneys (Lawyers Professional Responsibility Board, page 17)
Oversees certain bodies involved in legal aid and public service	<p>Legal Services Advisory Committee (page 16)</p> <p>Interest on Lawyers Trust Accounts Board (page 17)</p>

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

District Court's Role	
All District Judges	<ul style="list-style-type: none"> • Interpret the law and apply it to the facts of specific cases • Rule on admission of evidence • Decide fact issues when there is no jury • Adopt local court procedure rules consistent with supreme court rules and statutes
A particular judge may hear cases in one or more of the areas listed below:	
Criminal	Government prosecution of an individual for a claimed violation of a statute or ordinance with a possible penalty of imprisonment or fine
Civil	<ul style="list-style-type: none"> • 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 • 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)
Probate	The administration of decedents' estates and the supervision of guardianship and commitment proceedings
Juvenile	Proceedings to determine whether a child is in need of protective services or is delinquent
Family	Marriage dissolution, parentage, child custody, support, and visitation

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.

Extent of Legislative Power over the Courts: Provisions in the State Constitution			
Supreme Court	Court of Appeals	District Court	County Court*
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	Art. VI, § 1
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	Art. VI, § 5
		Number and boundaries of district court districts can be set by statute	
		There must be a minimum of two district judges per district	
Art. VI, §§ 2, 10	Art. VI, § 2	Art. VI, §§ 1, 4, 13	* Does not currently exist due to merger of district and county courts pursuant to § 487.191

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](#))

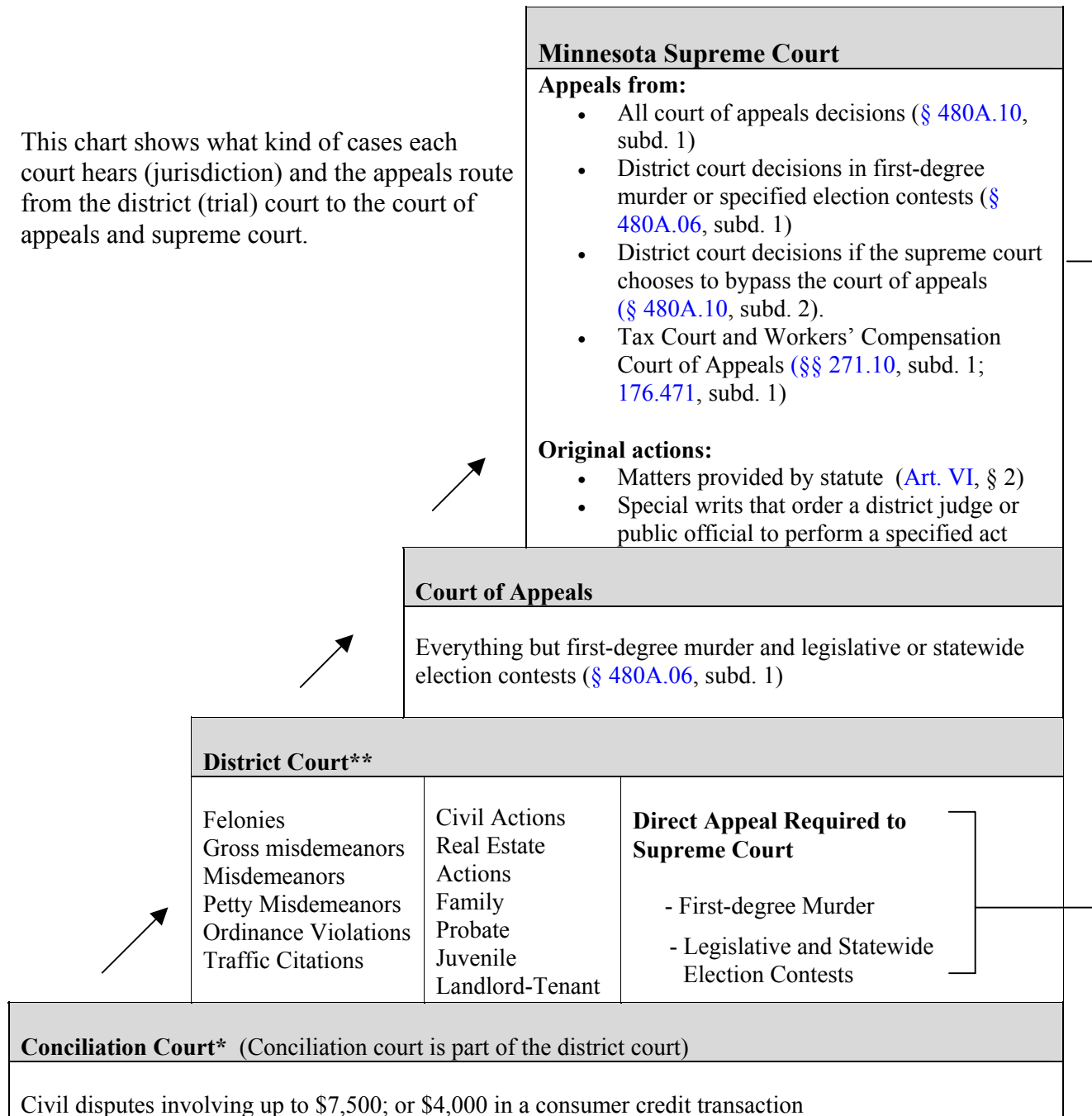
Rules of Court Procedure: Legislative-Judicial Interaction

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.



* 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

** 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. The statutes do not reflect this reorganization.

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.

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

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

1. **Judges**.....Page 12

A profile of the qualifications, manner of selection, compensation, and other information about the judges of each court
2. **Para-Judicial Officers**.....Page 14

A compilation of the duties and qualifications of referees and judicial officers
3. **Judicial Administration**.....Page 15

A summary of the various offices and individuals who carry out judicial administration duties at the state and judicial district level, regulate judges and attorneys, make legal aid grants, and provide public defense services
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A list of the court filing fees that are set by statute and supplement the general funds the state and counties provide the courts
5. **Court System Funding**.....Page 35

A financial profile showing what part of the judiciary budget is funded respectively by the state and the counties

1. Judges

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

	Supreme Court	Court of Appeals	District Court
Chambers	St. Paul	St. Paul (§ 480A.05)	Specified by statute but can be changed by the supreme court (§§ 2.722, subd. 1; 480.22)
Number	Chief justice and six associates (§§ 480.01-.011)	Chief judge and 15 associate judges (§§ 480A.01, subd. 2; 480A.03)	272 (§ 2.722, subd. 1)
Qualifications	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)
Selection	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 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)		
Salary	Chief justice - \$142,641 Associates - \$129,674 (plus 3 percent on January 1, 2004)	Chief judge - \$128,295 Associates - \$122,186 (plus 3 percent on January 1, 2004)	Chief judge - \$120,434 Associates - \$114,700 (plus 3 percent on January 1, 2004)
Decisions	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)
Travel Expenses	Not applicable	Reimbursement for travel expenses from permanent chambers to other cities where an appeal will be heard (§§ 480A.02, subd. 7; 484.54)	Reimbursement for travel expenses from home to permanent chambers for two years after judge takes office; then reimbursement from permanent chambers to special assignments in other cities (§ 484.54)

Judges (continued)

	Supreme Court	Court of Appeals	District Court
Flexible Assignment	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)
Retirement	Mandatory at age 70, but a retired justice can serve on the supreme court or court of appeals temporarily if needed (§ 2.724, subd. 3; 484.61; 490.125-.126)		
Chief Justice (Supreme Court) Chief Judge (other courts)	Selection: Separate constitutional office (Art. VI, § 2) Duties: Administrative head of the judicial branch (§ 2.724)	Selection: Separate statutory office, designated by the governor (§ 480A.03, subd. 1) Duties: Administrative head of the court of appeals; assigns judges and cases to panels for decision (§ 480A.03, subd. 2)	Selection: 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) Duties: 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.

	Referees	Judicial Officers	Traffic/Hearing Officers
Qualifications	Must be an attorney (§§ 260.031; 484.70, subd. 1; 525.10)	Must be an attorney (§ 487.08)	Not attorneys
Appointment	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
Salary	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)	Set by the chief judge at an amount not to exceed the salary of a referee (§ 487.08, subd. 5)	Paid by county
Service Location	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
Powers	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
Duties	Vary in each county but include most judicial functions Examples: <ul style="list-style-type: none"> • Juvenile trials • Uncontested marriage dissolution • Child support enforcement • Petition to appoint a guardian • Civil commitment • Landlord-tenant 	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.

<p style="text-align: center;">Supreme Court and Court of Appeals Operations</p> <p>These individuals help the justices and appellate judges dispose of the courts' caseloads.</p>			
	Appointment	Salary	Duties
Clerk of the Appellate Courts	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"> • maintain case records • distribute decisions to the parties and public • prepare court statistics
Supreme Court Administrator	Position created and individual appointed by the supreme court	Set by the supreme court	Assist the supreme court and court of appeals with: <ul style="list-style-type: none"> • caseload management • budgeting • personnel
Supreme Court Commissioner	Position created and individual chosen by the supreme court	Set by the supreme court	Supervise staff attorneys in: <ul style="list-style-type: none"> • recommending dispositions of motions filed with the court • recommending to the court whether cases should be decided with or without oral argument • performing legal research for court opinions
Law Clerks	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

Judicial Administration (continued)

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.

State Law Library	Board on Judicial Standards	Legal Services Advisory Committee
<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 (§§ 490.15; 490.16)</p> <p><u>Members</u></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><u>Executive Director</u></p> <p>Appointed by the board; salary range is \$44,000 - \$60,000</p> <p><u>Powers</u></p> <p>Recommend censure, suspension, removal, or retirement of a judge for:</p> <ul style="list-style-type: none"> • conviction, guilty plea, or no contest plea regarding a felony or any crime of moral turpitude • disability that seriously interferes with performance of duties • persistent failure or incompetence in performing duties • habitual intemperance • conduct that brings the judicial office into disrepute 	<p>Created by statute (§ 480.242, subds. 1 and 2)</p> <p><u>Members</u></p> <p>Seven attorneys familiar with legal aid, two citizens, two persons eligible to be clients; all appointed by the supreme court</p> <p><u>Duties</u></p> <p>Award legal services grants subject to supreme court review</p>

Judicial Administration (continued)

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.

	Board of Law Examiners	Board of Continuing Legal Education	Lawyers Professional Responsibility Board	Interest on Lawyers Trust Account Board	Client Security Board
Members	Seven lawyers and two other citizens appointed by the court to serve without compensation	Six lawyers nominated by the bar association; three lawyers, one district judge, and three citizens nominated by the court. The chair may be a lawyer or non-lawyer appointed by the court. All serve without compensation.	Fourteen lawyers and nine non-lawyers appointed by the supreme court to serve without compensation	Three lawyers nominated by the bar association, three nominated by the supreme court, and three other citizens nominated by the supreme court	Five lawyers appointed by the supreme court, and two other citizens appointed by the court
Funding	Bar application and attorney license fees	Supreme court appropriations	Supreme court appropriations	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)
Duties	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"> ▪ Accredit courses ▪ Monitor attorney compliance ▪ Recommend "restricted status" for failure to comply 	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	(1) Award grant funds for legal services to the poor, law-related education to the public, and enhancement of the administration of justice; (2) 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

Judicial Administration (continued)

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.

Created By	Members (§ 611.215, subd. 1)	Duties (§§ 611.215; 611.23; 611.26; 611.27)
<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 handles criminal appeals and post-conviction proceedings statewide</p> <p>Appoint and set the salaries of district public defenders, who supervise assistant public defenders in trial work (A nine-member ad hoc board participates in appointing district defenders. This board consists of the Board of Public Defense and two residents of the district where the district defender is being appointed.)</p> <p>Determine how state money, appropriated for the judicial district public defenders, shall be expended</p> <p>Fund the second judicial district's public defender's office (employees hired before January 1, 1999, are Ramsey County employees; those hired after, are state employees)</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> <p>(§ 611.215, subd. 2)</p>

Judicial Administration (continued)

<p style="text-align: center;">State Court Administrator</p> <p>The state court administrator is in charge of administrative functions, information systems, and research and planning for the judicial system.</p>	
Office	Created by statute (§§ 480.13-480.15; 15A.083, subd. 4)
Individual Appointed	By the supreme court
Salary	Set by the supreme court; not to exceed a district judge's salary
Duties	<p>Assist the chief justice in assigning district judges around the state</p> <p>Supervise:</p> <p style="padding-left: 40px;">Information Systems</p> <ul style="list-style-type: none"> • State Judicial Information System • Trial Court Information System <p style="padding-left: 40px;">Administrative Services</p> <ul style="list-style-type: none"> • Budget • Personnel • Continuing education for court personnel <p style="padding-left: 40px;">Research and Planning</p> <ul style="list-style-type: none"> • Statistical research • Policy planning • Legal research

Judicial Administration (continued)

Local Trial Court Administrative Staff		
These individuals work in the judicial districts and counties to administer the trial courts.		
	District Administrators	Court Administrators (formerly district court clerks)
Office	Created by statute (§ 484.68)	Created by constitution (Art. VI, § 13)
Appointment	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)
Number/Qualifications	One per judicial district	One position for each county Cannot practice law in the county where he or she is court administrator (§ 485.01)
Duties	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)	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-.10; 485.13)
Salary	Set by the supreme court in an amount not to exceed the salary of a district judge (§ 15A.083, subd. 4)	Set by the county board at a sum not less than a statutory minimum geared to the county's population (except in counties where the state has taken over funding of the courts) (§ 485.018)

Judicial Administration (continued)

Local Trial Court Administrative Staff (continued)			
	Probate Clerks or Registrars	Court Reporters	District Court Law Clerks
Position	Appointed by the probate judge, except in Ramsey County where the district administrator appoints 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)
Number	One per county	Each trial judge is authorized one reporter (§ 486.01)	Most judges have one law clerk assist them, but some judges still must share a clerk
Qualifications	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
Duties	Keep court records Administer informal probate (§§ 524.3-101 to 524.3-311)	Make a stenographic record of proceedings (§ 486.02) Furnish transcripts: <ul style="list-style-type: none"> • at the judge's request • for any interested party on payment of a fee (§§ 486.03; 486.06)	Perform legal research Act as bailiff
Salary	Paid by the county; the actual amount is set by the probate judge within a range set by the county	Individual salaries are set by the district administrator within the range established in judicial branch personnel rules (§ 486.05) All court reporters gain additional income by charging parties for transcripts and are reimbursed for travel (§§ 486.05-486.06)	Individual salaries are set by the district administrator within the range provided in the judicial branch personnel rules (§ 485.545, subd. 2)

4. 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, 2002. The surcharge provisions took effect January 1, 2003.

Type of Charge	Amount	Program Recipient
Civil Actions		
Filing fees for civil actions previously heard in county court (§§ 487.31, 487.33)	Same as district court	State general fund
District court civil action filing fee (each party) (§§ 357.021 , subds. 2, 4, and 5; 357.33*)	\$135 Plaintiff civil action filing \$135 Defendant civil action filing \$ 75 Trial by jury	State general fund**
Conciliation court filing fee each party (§§ 357.022* ; 491A.02 , subd. 3)	\$ 25 for claims under \$2,000 \$ 35 for claims of \$2,000 or more	State general fund
Conciliation court judgment enforcement fee (§ 487.31 , subd. 2)	Set by court rule	County general fund ***
Removal of conciliation court case to district court (§§ 491A.02 , subds 6 & 7; 357.021 , subd. 2)	Same as civil action filing fee, plus \$50 if moving party does not prevail	State general fund
Hospital liens - filing - satisfaction (§§ 514.70; 487.33)	\$ 5 \$ 5	County general fund
Marriage dissolution fee (each party) (§ 357.021 , subds. 1a and 2)	\$135	State general fund

* Base fee before adding the law library fee (see page 30)

** The portion of any fee paid by a county as a litigant is returned to the county to pay the salary of an employee whose function is to increase fine collections and verify public defender eligibility ("screener-collector"), with any balance of the fees collected being forwarded to the state general fund. [§ 357.021](#), subd. 1a(b). But, see [§ 488A.20](#): counties subject to state court take-over are not eligible for this program.

*** For counties in the fifth, seventh, eighth, and ninth judicial districts, the fees go directly to the state general fund due to the state take-over of district courts. The same applies to the second and fourth judicial districts after July 1, 2003; to the first and third judicial districts after July 1, 2004; and to the sixth and tenth judicial districts after July 1, 2005.

Court Fees, Fines, Surcharges (continued)

Type of Charge	Amount	Program Recipient
Various documents	<p>Certified copy of any document from civil or criminal proceeding (\$10)</p> <p>Uncertified copy of any document from a civil or criminal proceeding (\$5)</p> <p>Issuing subpoena (\$3 per name)</p> <p>Issuing execution and filing return, writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or any other writ (\$10)</p> <p>Issuing a judgment transcript or filing a transcript of judgment from another court (\$7.50)</p> <p>Fees transmitted to county general fund to pay for child support enforcement by county attorneys</p> <p>Filing or entering satisfaction or assignment of judgment (\$5)</p> <p>Certificate as to existence or nonexistence of judgments docketed (\$5 for each name certified, \$3 for each judgment certified)</p> <p>Filing and indexing a trade name, recording basic science certificates or certificate of physicians, osteopaths, chiropractors, veterinarians, or optometrists (\$5)</p> <p>Recording a notary commission (\$25)**</p>	State general fund *

* The portion of any fee paid by a county as a litigant is returned to the county to pay the salary of an employee whose function is to increase fine collections and verify public defender eligibility (“screener-collector”), with any balance of the fees collected being forwarded to the state general fund. § 357.021, subd. 1a(b) But, see § 488A.20: counties subject to state court take-over are not eligible for this program.

** \$20 of fee must be forwarded to the state treasurer for the state general fund, notwithstanding “screener-collector” provision above.

Court Fees, Fines, Surcharges (continued)

Type of Charge	Amount	Program Recipient
Depositing a will to be kept by the court(§ 357.021 , subd. 2)	\$5	State general fund*
Filing a motion (or response) for modification of child support (set by supreme court order)**	\$20	Fee transferred to county general fund to pay for child support enforcement by county attorneys
Adoption petition surcharge	\$75	Father's adoption registry
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
Probate Court		
Probate court fees (§§ 525.012 ; 525.033* ; 525.48 ; 525.031 ; 525.111)	Fees the same as those for district court civil proceedings and copies listed above	State general fund
Probate surcharge fee (§ 525.5501 , subd. 2)	Surcharge on probate filings (\$20)	County general fund
Criminal Matters		
Criminal filing fee (§§ 487.31 , subd. 1; 488A.03 , subd. 11; 488A.20 , subd. 4) (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 \$15 – guilty plea at trial	Kept by the court; deducted from fines that would otherwise be forwarded to the prosecuting jurisdiction

* Base fee before adding the law library fee (see [page 33](#))

** For counties in the fifth, seventh, eighth, and ninth judicial districts, the fees go directly to the state general fund due to the state take-over of district courts. The same applies to the second and fourth judicial districts after July 1, 2003; to the first and third judicial districts after July 1, 2004; and to the sixth and tenth judicial districts after July 1, 2005.

Court Fees, Fines, Surcharges (continued)

Type of Charge	Amount	Program Recipient
Bail forfeitures (§§ 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.
Criminal fines (§§ 487.33, subd. 5**; 488A.03, subd. 6(d) and 11; 488A.20, subd. 4)	Varies	Ramsey: 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 paid to the county treasurer to be dispensed as provided by law.* Fines resulting from prosecutions by the state are paid to the state after deducting the specified filing fees paid to the court.
		Hennepin: Each political subdivision in the county gets all fines collected in the previous month for offenses committed in that subdivision, except county keeps fines resulting from prosecution by county attorney
	Varies	Other Counties: 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

* For counties in the fifth, seventh, eighth, and ninth judicial districts, the fees go directly to the state general fund due to the state take-over of district courts. The same applies to the second and fourth judicial districts after July 1, 2003; to the first and third judicial districts after July 1, 2004; and to the sixth and tenth judicial districts after July 1, 2005.

Court Fees, Fines, Surcharges (continued)

Type of Charge	Amount	Program Recipient
Criminal fines (continued)		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 paid to the county treasurer of the county in which the funds were collected. The treasurer must disperse the funds as provided by law.*
	Varies	All Counties: Fines not specifically appropriated by law are to be paid to the treasury of the county where the fines are incurred* (§ 574.34) 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
Criminal and petty misdemeanor administrative fee (§ 487.31 , subds. 2 and 3)	Set by local court rule	County general fund*
Court administrator fee paid by the state or political subdivision other than a city or town in Ramsey County when presenting a case in the second judicial district <ul style="list-style-type: none"> for each charge disposed of without trial when a defendant waives preliminary examination in an arraignment for each charge where a defendant is tried or has a preliminary examination (§ 488A.20 , subd. 4)	\$ 5 \$10 \$15	To the judicial district administrator, for disposing of the matter

* For counties in the fifth, seventh, eighth, and ninth judicial districts, the fees go directly to the state general fund due to the state take-over of district courts. The same applies to the second and fourth judicial districts after July 1, 2003; to the first and third judicial districts after July 1, 2004; and to the sixth and tenth judicial districts after July 1, 2005.

Court Fees, Fines, Surcharges (continued)

Type of Charge	Amount	Program Recipient
<p>Court administrator fee paid by the state or a political subdivision other than a city or town in Hennepin County when prosecuting a case in the fourth judicial district (Hennepin County)</p> <ul style="list-style-type: none"> ▪ for each charge disposed of without trial ▪ when a defendant waives preliminary examination in an arraignment ▪ for each charge where the defendant is tried or has a preliminary examination <p>(§ 480A.03, subd. 11)</p>	<p>\$5</p> <p>\$10</p> <p>\$15</p>	<p>Fourth judicial district administrator (for administrative services)</p>
<p>Minimum fines on certain criminal offenses</p> <p>(§ 609.101, subds. 2 and 3)</p>	<p>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</p>	<p>Seventy 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)</p> <p>Seventy 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)</p>
<p>Other minimum fines</p> <p>(§ 609.101, subd. 4)</p>	<p>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</p>	<p>Twenty percent goes to the state general fund. The rest is distributed in the same way as criminal fines generally.</p>
<p>Domestic abuse assessment fee</p> <p>(§ 609.2244)</p>	<p>\$125. The court may waive this or authorize installment payments if it finds the person indigent or the fee would create undue hardship for the convicted person or the immediate family.</p>	<p>County corrections department or other agency conducting the assessment</p>

Court Fees, Fines, Surcharges (continued)

Type of Charge	Amount	Program Recipient
<p>Criminal and traffic surcharges on all criminal offenses and petty misdemeanors, except parking violations</p> <p>(§ 357.021, subds. 6 and 7)</p>	<p>\$35. 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.</p>	<p>The court forwards the surcharge to the state treasurer, who disburses it:</p> <ul style="list-style-type: none"> • \$7 to the state general fund • \$3 to a criminal justice special project account <p>The remaining \$25 is distributed as follows:</p> <ul style="list-style-type: none"> • Thirty-nine percent to the peace officers training account in the special revenue fund • Sixty percent to the state general fund • One 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
<p>DWI chemical dependency assessment (§ 169A.284)</p>	<p>\$125; \$5 surcharge on certain repeat offenders</p>	<p>State general fund receives \$25 and the \$5 surcharge, if any; the county keeps the rest</p>
<p>Sex offender assessment (for professional evaluation of need for treatment) (§ 609.3452)</p>	<p>Sliding fee scale set by Commissioner of Corrections</p>	<p>Pays for assessment</p>
<p>Violations of compulsory school attendance (§ 120A.34)</p>	<p>Petty misdemeanor fine level</p>	<p>School district where the offense was committed</p>
<p>School officer or teacher who fails to perform instructional duties (§ 120A.32)</p>	<p>Up to \$10 fine</p>	<p>School district where the offense was committed</p>

Court Fees, Fines, Surcharges (continued)

Type of Charge	Amount	Program Recipient
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.
Game and Fish		
Game and fish fines, bail forfeits, and surcharges (§ 97A.065)	\$25	Funds are paid to the county, which submits half the amount to the Department of Natural Resources (DNR) and credits the balance to the county general fund, with these exceptions: <ul style="list-style-type: none"> • a county may forward all receipts to the DNR in exchange for having the DNR reimburse it for the costs of keeping prisoners prosecuted under game and fish laws • 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

Type of Charge	Amount	Program Recipient
		<ul style="list-style-type: none"> all the receipts for surcharges 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
Motor Vehicle		
Seat belt penalty (§ 169.686 , subds. 1, 3)	\$25	Ninety percent credited to the state's Emergency Medical Services Relief Account (EMSRA) to fund training, equipment, and operational expenses of emergency life support transportation. Ten percent goes to the Commissioner of Public Safety for traffic safety educational programs by state troopers
State patrol traffic offenses (§ 299D.03 , subd. 5)	Varies	<p>Fines and bail forfeitures from motor vehicle violations collected by state patrol officers are distributed as follows:</p> <ul style="list-style-type: none"> Three-eighths of the funds to the general fund of the county where the violation occurred*; and Five-eighths to the state Trunk Highway Fund <p>Exceptions:</p> <p>(1) If the violation was within a municipality and the city attorney prosecutes after a not guilty plea has been entered, then:</p> <ul style="list-style-type: none"> One-third of the fine goes to the county general fund; One-third goes to the municipality prosecuting the offense; and One-third goes to the Trunk Highway Fund

Court Fees, Fines, Surcharges (continued)

Type of Charge	Amount	Program Recipient
		<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"> • Three-eighths of the funds go to the general revenue fund of the county where the violation occurred*; and ▪ Five-eighths goes to the state treasurer for the Highway User Tax Distribution Fund. <p>Violations of law on correct weights and measures (§§ 239.28-239.38; 239.46)</p> <p>Vehicle overload violations (§§ 169.871; 299D.03, subd. 5)</p>
Violations of law on correct weights and measures (§§ 239.28-239.38; 239.46)	Unspecified	School fund of the county where the action is brought
Vehicle overload violations (§§ 169.871; 299D.03, subd. 5)	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>

* The portion of any fee paid by a county as a litigant is returned to the county to pay the salary of an employee whose function is to increase fine collections and verify public defender eligibility (“screener-collector”), with any balance of the fees collected being forwarded to the state general fund. § 357.021, subd. 1a(b) But see § 488A.20: counties subject to state court take-over are not eligible for this program. ** In a few counties, the court administrator serves as the vital records office and collects this fee.

Type of Charge	Amount	Program Recipient
Juvenile		
Juvenile court fines (§ 260B.198, subd. 1, cl. (f))	Up to \$700	Not specified
Other		
Boat and water safety violations (§ 86B.705)	Varies	One-half to county where violation occurred One-half to state water recreation account
Birth certificate copy surcharge, or to certify that a record cannot be found (§ 144.226, subd. 3*)	\$3 (in addition to vital records fees)	Children's trust fund (child abuse prevention grants)
Vital records (birth, marriage, death) copies (§ 144.226)	\$8, plus \$2 surcharge for each birth or death record	State general fund – regular fee Special Revenue Fund – surcharge
Marriage license fee (§ 517.08, subd. 1b)	\$70 or \$20 for those who complete at least 12 hours of premarital education	\$70 Fee: \$15 to county; \$55 to state treasurer, apportioned as follows: <ul style="list-style-type: none"> \$50 to the county general fund \$3 to the Commissioner of Children, Families and Learning for supervised visitation facilities \$2 to Commissioner of Health for MN ENABL (teenage pregnancy prevention) \$20 Fee: \$15 to county; \$5 to state; \$3 to CFL Commissioner; \$2 to MN ENABL

* In a few counties, the court administrator serves as the vital records office and collects this fee.

Court Fees, Fines, Surcharges (continued)

Type of Charge	Amount	Program Recipient
Law libraries §§ 134A.09; 134A.10; 134A.12	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 charges. All counties may collect fees from 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)	\$250	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))	\$135; \$25 for small claims	Forwarded to the district court administrator for distribution to the county general fund
Trustee's accounting fee (§ 357.021, subd. 2, cl. (9))	\$10	State general fund
Entry of a workers' compensation default in payments (§§ 176.451; 357.021, subd. 1a)	\$5	Not specified
Mediator referral fee (for voluntary referral to a specific mediator in a debtor creditor case) (§§ 572.42; 357.021, subd. 1a)	Set by court administrator; not to exceed conciliation court filing fee	State general fund

* Court administrators issue passports in a few counties.

Court Fees, Fines, Surcharges (continued)

Type of Charge	Amount	Program Recipient
Filing a foreign judgment (§§ 548.30; 357.021, subd. 1a)	Same as civil action filing fee (\$135) (If judgment is not greater than conciliation court jurisdictional limit, the fee is the same as conciliation court filing fee: \$25, \$35)	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	County treasury general fund
County ordinance violations (§§ 375.55; 394.37)	Varies	County treasury general fund

5. Court System Funding

The courts are financed by the state and county general funds, 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. The state is in the process of assuming responsibility for financing all costs of the judicial branch by July 1, 2005. Currently, the state controls and funds the fifth, seventh, eighth, and ninth judicial districts. The state will take over the second and fourth judicial districts on July 1, 2003; the first and third judicial districts on July 1, 2004; and the sixth and tenth judicial districts on July 1, 2005.

For the current biennium the state pays approximately 72 percent of the costs of the judicial system. Counties pay the rest.

Funding

State Responsibility	County Responsibility
Supreme court operations	District administrator staff in Hennepin and Ramsey counties and facilities in all counties
Court of appeals operations	Court administrator offices*
State court administrator's office	Sheriff fees*
State law library	Capital outlays
Office of the public defender	Witness fees and expenses*
All operations in the fifth, seventh, eighth, and ninth judicial districts	Operating expenses*
Salaries and benefits for district judges, referees, judicial officers, court reporters, law clerks	
District administrators staff in counties other than Hennepin and Ramsey	
Trial court information system (computers)	
Legal services grants	
Court interpreters**	
Guardian Ad Litem programs**	
Medical examinations	
Jury fees and expenses	
Transcripts	

* Except in the fifth, seventh, eighth, and ninth judicial districts

** Except in the second judicial district

Glossary

Chambers	Permanent location of a courtroom; also used to identify a judge's office.
Civil Action	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.
Common Law	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.
Crime	Conduct which is prohibited by statute and for which the actor may be sentenced to imprisonment, with or without a fine.
Felony	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.
Gross Misdemeanor	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.
Jurisdiction	<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>Subject matter jurisdiction 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>Geographical jurisdiction 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>Personal jurisdiction 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>
Learned in the Law	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.
Misdemeanor	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	<p>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.</p> <p>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.</p>
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	<p>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:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>