

Agency Purpose

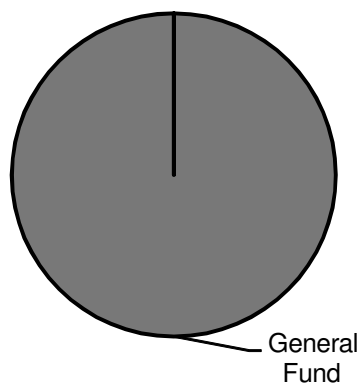
Minnesota's Court of Appeals is the state's intermediate appellate court, providing citizens with prompt and deliberate review of final decisions of the trial courts, state agencies, and local governments. This error-correcting court hears and decides cases in three-judge panels.

- **Mission** – To provide the people with impartial, clear, and timely appellate decisions made according to law.
- **Vision** – To be an accessible intermediate appellate court that renders justice under the law fairly and expeditiously through clear, well-reasoned decisions and promotes cooperative effort, innovation, diversity, and the professional and personal growth of all personnel.

At a Glance

- The Court of Appeals has 19 judges and considers more than 2,500 appeals each year.
- By law, the court must issue a decision within 90 days after oral arguments – the shortest deadline imposed on any appellate court in the nation.
- The court expedites decisions on child protection cases, child custody cases, mental health commitments, and other requested matters.
- The number of cases handled in 2009 increased about 14% from 2007.
- Court of Appeals' decisions are the final ruling in about 95% of the appeals filed each year.
- The Court of Appeals operates in a constantly changing environment.
- Laws, case types, and legal sanctions change annually.
- Caseload volume is determined by the trial courts and by other branches of government.
- The Minnesota Courts regularly review their effectiveness by monitoring:
 - case filing trends;
 - case clearance rates; and,
 - elapsed case time from filing to disposition.

Est. FY 2010-11 Expenditures by Fund



Source: Minnesota Accounting and Procurement System (MAPS) as of 8/26/10

Strategies

The Court of Appeals has jurisdiction over all final decisions of the district court, except first-degree murder convictions, which are appealed directly to the Supreme Court. The Court of Appeals has jurisdiction to review interlocutory decisions, administrative agency decisions, and rules and decisions of the commissioner of Employment and Economic Development.

The Court of Appeals conducts its work in support of the following three strategic priority areas:

- **Access to Justice** – Ensuring the justice system is open, affordable, effective, and accountable to the people it serves.
- **Administering Justice for More Effective Results** – Working across branches of government and with other stakeholders to improve outcomes for and the delivery of services for children, families, and alcohol and other drug

(AOD) addicted offenders who come into our courts.

- **Public Trust Accountability and Impartiality** – Through education, outreach to diverse communities, and a commitment to system-wide customer service and accountability, improving citizens' understanding of and confidence in the Third Branch of government.

To further the three goals contained in the branch's strategic plan – Access to Justice; Administering Justice for More Effective Results; and Public Trust Accountability and Impartiality – the strategic plan outlines future priorities. Each of these specific priorities addresses challenges facing the court system by targeting judicial branch resources in a focused manner on achievable and measurable strategies. Implementation of these priorities will take place over the life of the strategic plan with specific performance measures to evaluate their success. Below is a link to the FY 2010-11 Judicial Branch Strategic Plan:

http://www.mncourts.gov/Documents/0/Public/Judicial_Council/FY10-11_Strategic_Plan.pdf

Service strategies the Court of Appeals currently is implementing are as follows:

- Manage its cases to ensure prompt resolution within the statutory 90-day time limitation from oral argument to decision.
- Enhance the knowledge and skills of its staff by regular training.
- Explore the use of technology to improve its ability to provide timely and effective access to the court.

Key Activity Goals and Measures

It is the policy of the Minnesota Judicial Branch to establish core performance goals and to monitor key results that measure progress toward meeting these goals in order to ensure accountability of the branch, improve overall operations of the court, and enhance the public's trust and confidence in the judiciary. The six core performance goals of the Judicial Branch are as follows: Access to Justice; Timeliness; Integrity and Accountability; Excellence; Fairness and Equity; Quality Court Workplace Environment. Each of the goals is accompanied by corresponding performance measures. Regular review of these measures enables the Branch to identify what it is doing well and what it needs to improve.

The full report, entitled, "Judicial Branch 2010 Performance Measures – Key Results and Measures Report" can be found at the following link:

http://www.mncourts.gov/Documents/0/Public/Court_Information_Office/Annual_Report_2010_Performance_Measures.pdf

The goal of timeliness indicates whether the Court of Appeals is handling cases in a timely manner. Recent budget cuts along with chronic underfunding have contributed to the Court of Appeals lacking the resources it needs to perform its work in a timely way. As a result the Court of Appeals has some areas of performance that are in need of improvement. The measure below outlines some areas of concern:

Goal: Timeliness – The Minnesota Judicial Branch will resolve cases and controversies in a timely and expeditious way without unnecessary delays.

Measure: Timing Objective for Last Brief to Submission

This measure reports the number and percent of cases with timing objectives that meet the objectives for Last Brief to Submission. The court adopted the American Bar Association (ABA) standard. Cases are tracked within the following case categories: Civil, Criminal, Adoption/Juvenile Protection and Juvenile Delinquency. The objective is as follows:

- The measure is 55 days from Last Brief to Submission

Findings:

- For the period of 2005 to 2009, most case types were far from meeting the 55 day goal of Last Brief to Submission. The number of cases within the timing objectives goal for 2009 are as follows:
 - None (0%) of the Juvenile Delinquency or Other Civil case types met the goal.
 - Approximately five percent (5%) of Criminal and five percent (5%) of Civil-Economic Security case types met the goal.
 - Nine percent (9%) of Civil cases met the goal.
 - Approximately 21% of Family cases met the goal.
- Nearly 90% of Adoption/Juvenile Protection cases in 2009 met the 55 day goal of Last Brief to Submission due to efforts on the part of the Court of Appeals to expedite these case types. Prioritizing these case types has come at a cost to all other case types.

Operations

Through its decisions and administration, the Court of Appeals has an impact on all Minnesotans.

In their adjudicative roles, the judges of the Court of Appeals are assisted by law clerks. Administratively, they are assisted by the Chief Staff Attorney’s Office and the State Court Administrator’s Office.

The Court of Appeals hears cases throughout the state as well as in St. Paul. The court has installed interactive video as an additional measure to provide timely access.

The Court of Appeals issues a published opinion, unpublished opinion, or order opinion on each case it considers. The judges also share responsibility for hundreds of special term opinions, orders on motions, and petitions filed with the court.

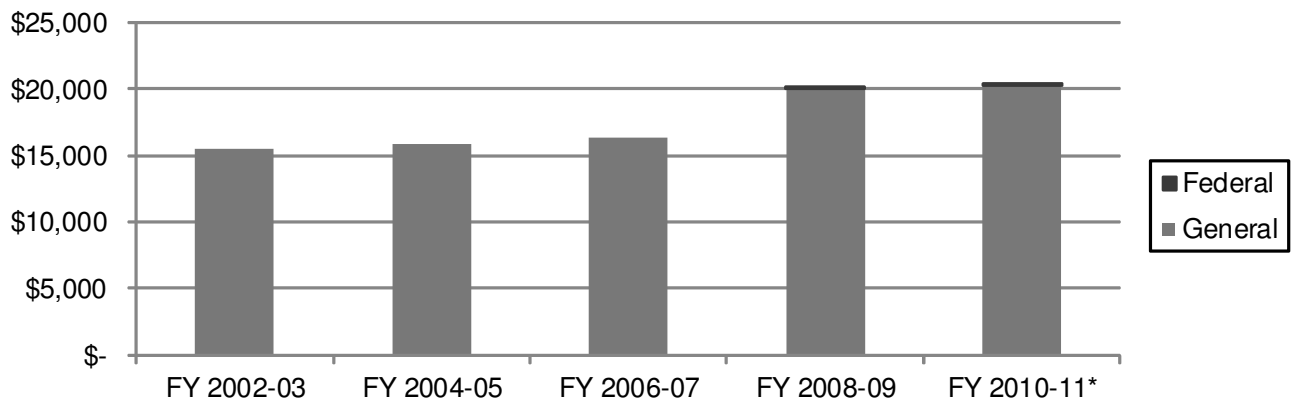
With the assistance of a computerized case management system, the court monitors the progress of every appeal to ensure that there are no unnecessary delays in processing. The court demonstrates the value of aggressive, hands-on management of its cases.

Budget Trends Section

Of the funding for the Court of Appeals, General Fund direct appropriations are the main funding source. In FY 2009, the Court of Appeals did receive federal grant funding of \$30,000 for an Early Neutral Evaluation pilot for appeals in family court cases.

Increased general fund spending starting in the FY 2008-09 biennium reflects the addition of three new judgeships with related staff in January 2008. Funding for these judgeships was provided to address increasing caseloads and delays in the Court of Appeals.

Total Expenditures by Fund



* FY 2010-11 is estimated, not actual

Source data for the previous chart is the Minnesota Accounting and Procurement System (MAPS) as of 8/26/10.

Significant external factors impacting agency operations include: Economic downturn/recession; inadequate and increasingly unstable funding base; budget cuts to public defender appellate office; increased number of unemployment case appeals; increased number of self-represented litigants; increased cost of travel.

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Dollars in Thousands

	Current		Forecast Base		Biennium 2012-13
	FY2010	FY2011	FY2012	FY2013	
<u>Direct Appropriations by Fund</u>					
General					
Current Appropriation	10,178	10,068	10,068	10,068	20,136
Forecast Base	10,178	10,068	10,068	10,068	20,136
Change		0	0	0	0
% Biennial Change from 2010-11					-0.5%
 <u>Expenditures by Fund</u>					
Direct Appropriations					
General	10,054	10,192	10,068	10,068	20,136
Statutory Appropriations					
Federal	17	0	0	0	0
Total	10,071	10,192	10,068	10,068	20,136
 <u>Expenditures by Category</u>					
Total Compensation	8,777	8,755	8,755	8,755	17,510
Other Operating Expenses	1,294	1,437	1,313	1,313	2,626
Total	10,071	10,192	10,068	10,068	20,136
 <u>Expenditures by Program</u>					
Court Of Appeals	10,071	10,192	10,068	10,068	20,136
Total	10,071	10,192	10,068	10,068	20,136
 Full-Time Equivalent (FTE)	 89.7	 85.4	 84.6	 83.7	

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Change Item: Unavoidable Cost Increases

Preliminary Budget Option

Fiscal Impact (\$000s)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund				
Expenditures	34	100	100	100
Revenues	0	0	0	0
Other Fund				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact	34	100	100	100

Recommendation

The Court of Appeals requests \$134,000 in the FY 2012-13 biennium for unavoidable health insurance increases to maintain core justice operations. This request represents a 0.67% increase to the Court of Appeals biennial base budget.

Rationale

Currently, the Court of Appeals has 67 employee FTEs and 19 appellate judges. All employee FTE's are funded from the state general fund. Employees of the Court of Appeals are compensated under the judicial branch compensation plan administered by the State Court Administrator's Office (SCAO) under the direction of the Judicial Council.

The judicial branch employee compensation plan consists of the same four basic components as the executive branch: across the board adjustments to the salary range, merit or step increases, employer retirement contributions, and the insurance programs negotiated by Minnesota Management and Budget for all state employees.

For the FY 2010-11 biennium, the judicial branch negotiated a zero across-the-board adjustment to the salary range and zero merit and step increases for its employees. Judges did not receive salary increases. For the FY 2012-13 biennium, the judicial branch requests no additional salary funding, but requests funding for health insurance costs which are estimated to increase by 6.6% in FY11, by 0.3% in FY12 and by 12.5% in FY13. This request is made to avoid further lay-offs and reductions to our workforce, which is already unable to keep up with the incoming workload and timely disposition of the cases brought to our courts.

Due to a shortage of funding in the current and previous three biennia, law clerk and staff positions in the Court of Appeals have been eliminated or held vacant for extended periods of time. This loss of staff may result in case backlogs and case processing delays, including a doubling of the time it takes from acceptance of a case to oral argument. Prior to funding cuts in previous biennia, the Minnesota Court of Appeals was a national model of efficiency in case processing time. In 2005, the Court of Appeals did not meet American Bar Association (ABA) standards for clearance rates on cases, last brief to submission, and last brief to disposition. The addition of 3 judgeships in 2008 has helped. Presently, the number of cases waiting to be scheduled has been reduced. The Court of Appeals is still not meeting the ABA standard of last brief to submission.

Juvenile protection cases are expedited as the Children's Justice Initiative is a strategic priority of the judicial branch. However, prioritizing these cases comes at a cost to all other case types including: family, juvenile delinquency, economic security, criminal, and civil. The litigants in these cases will not be able bring the uncertainty to an end and achieve closure to this major part of his/her life until the case can be processed.

Key Goals and Measures

Failure to fund unavoidable health insurance increases will result in staffing reductions and delays in case processing, which will negatively impact the ability of the Court of Appeals to accomplish its constitutional role of adjudicating disputes. MN Const., art I, Sec. 8.

Statutory Change: Not Applicable.

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Agency Revenue Summary

Dollars in Thousands

	Actual FY2010	Budgeted FY2011	Current Law		Biennium 2012-13
			FY2012	FY2013	
<i>Non Dedicated Revenue:</i>					
Total Non-Dedicated Receipts	0	0	0	0	0
<i>Dedicated Receipts:</i>					
Grants:					
Federal	17	0	0	0	0
Total Dedicated Receipts	17	0	0	0	0
Agency Total Revenue	17	0	0	0	0