

The Minnesota Judiciary: A Guide for Legislators



About this Publication

This publication describes the structure, functions, personnel, and finances of the judicial branch of state government in Minnesota.

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Executive Summary

Minnesota's judicial branch derives its powers from the state's constitution. The judicial branch consists of three levels: a supreme court, a court of appeals, and district courts. Each level of the judicial branch has different roles and responsibilities. There are ten judicial districts in Minnesota, whose boundaries are set by statute.

The legislative and judicial branches are co-equal branches of state government. The legislature has the power to make the laws, but the courts have the power to interpret those laws.

Within the state court system, each court has different jurisdictions. There is also a specified route for appeals through the levels of the courts. There are two special courts created by the executive branch that each deal with a specific area of laws. These two courts are the Tax Court and the Workers' Compensation Court of Appeals.

Some state court decisions can be appealed to the U.S. Supreme Court. There is also a federal trial court in Minnesota, called the District Court for Minnesota.

The Minnesota Supreme Court oversees the state court system and legal profession. Various staff offices and boards assist the court in fulfilling these duties. The court system is mainly funded by the state general fund, as appropriated by the legislature, but it also collects various fees, fines, and surcharges.

This publication describes the structure, functions, personnel, and finances of the judicial branch of state government. It is organized as a reference document, presenting descriptive information in a series of tables.

Note: The purpose of this publication is to help legislators understand the court system so they can better evaluate proposals affecting the structure, function, staffing, or financing of any of its components. This publication does not address substantive or procedural aspects of criminal or civil law.

Judicial Branch Overview

This section presents an overview of the court system and its components. It also explains the relationships between the court system, the legislature, and the federal courts. It includes information on:

- the role of the judiciary;
- the state’s judicial districts;
- the relationship between the legislature and the judiciary;
- state court jurisdiction and appeals routes;
- special statutory courts not in the judicial branch; and
- the relationship between state and federal court systems.

Role of the Judiciary

Article VI of the Minnesota Constitution places the judicial power of the state in the judicial branch. The branch consists of three levels: a supreme court, a court of appeals, and district courts. The supreme court primarily reviews the decisions of lower courts and performs a significant administrative role. The supreme court has great discretion in selecting what cases it reviews, and all lower courts must follow the decision of the supreme court. The court of appeals primarily reviews decisions of the district courts. In most cases, a party that loses a case in district court has a right to appeal the case to the court of appeals. The court of appeals cannot refuse those cases, but can choose whether to designate an opinion as “published” or “unpublished.” Only published decisions are binding on the district courts. The majority of cases, both civil and criminal, begin in the district courts. Those courts hear evidence and make decisions on the facts of the case that the court of appeals and supreme court must generally follow. However, nothing requires the other courts to follow a district court’s decision on the law.

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

Minnesota Supreme Court

Responsibility	Function
Decides and reviews 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 13)

Responsibility	Function
	<ul style="list-style-type: none"> 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 15) Oversees continuing education (Board of Continuing Legal Education, page 15) Disciplines attorneys (Lawyers Professional Responsibility Board, page 15)
Oversees certain bodies involved in legal aid and public service	<p>Legal Services Advisory Committee (page 14)</p> <p>Interest on Lawyers Trust Accounts (IOLTA) (page 14)</p>

Court of Appeals

Role	Functions
Reviews district court decisions	<p>Interpretation of the constitution, common law, or statutes may result in new legal principles affecting the general public when the court designates an opinion as “published.” The court reviews civil and criminal appeals for:</p> <ul style="list-style-type: none"> Errors of law Sufficiency of evidence to support the verdict
Reviews actions under the Administrative Procedures Act	<ul style="list-style-type: none"> Validity of administrative rules Contested case appeals
Issues writs	Requires district judges or public officials to take specified actions
Adopts supplementary rules of procedure	Adopts special rules of practice for the court of appeals

District Courts

District courts adopt local rules governing court procedure that are consistent with supreme court rules and statutes. The district court’s primary role is to hear cases in a variety of areas. In deciding cases, judges interpret the law and apply it to the facts of the case, rule on the admission of evidence, and decide fact issues when there is no jury.

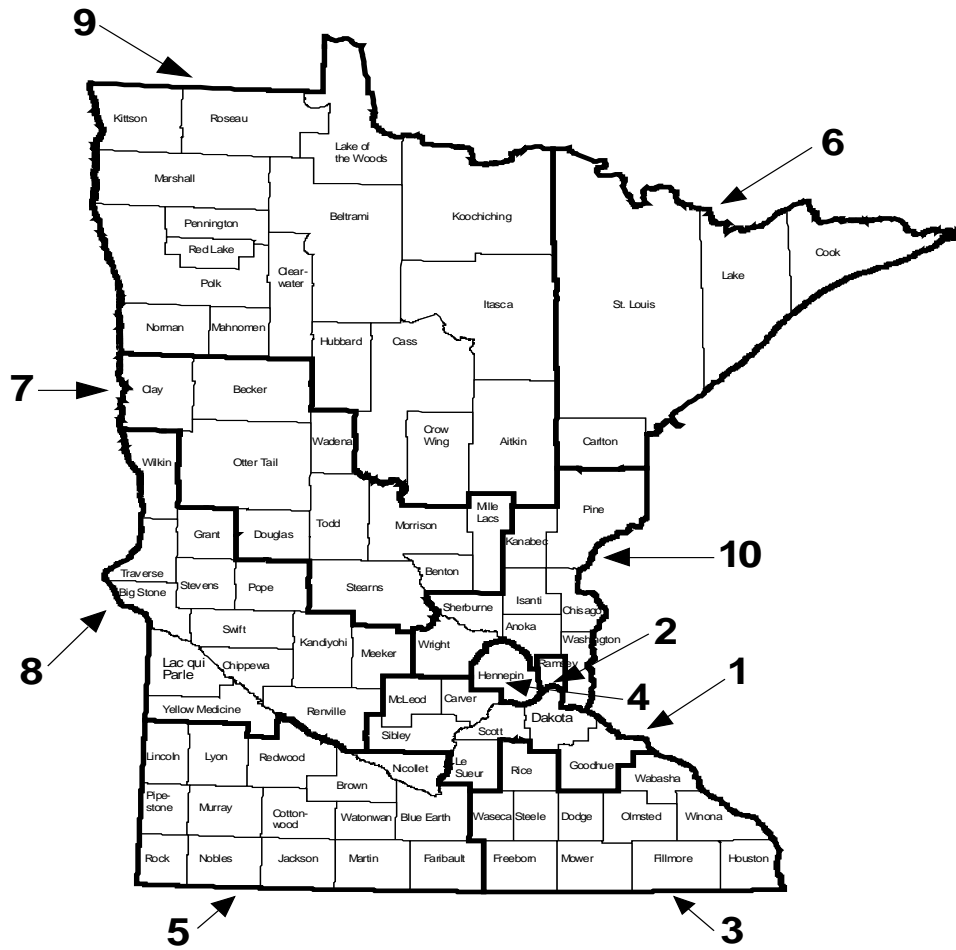
Case type	Description
Criminal	Government prosecution of an individual for an alleged violation of a statute or ordinance with a possible penalty of imprisonment or fine
Civil	Disputes between individuals, businesses, groups, or government bodies based on a claim that the violation of a statute, enforceable private instrument (e.g., contract, deed, will), or common law right (e.g., negligence action) caused some harm

Case type	Description
	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	Administration of decedents' estates and supervision of guardianship and commitment proceedings
Juvenile	Proceedings to determine whether a child is in need of protective services (CHIPS) or delinquent
Family	Marriage dissolution, parentage, child custody, support, and parenting time
Treatment Courts	Approach used to address offenders' behavior to reduce recidivism in certain types of cases (e.g., drug court, mental health court, truancy court, and domestic violence court). Judges work closely with key justice partners to monitor defendants using problem-solving strategies that may include: frequent court appearances, regular substance testing, treatment, extended probation, and staggered sentencing.

State Judicial Districts Map

There are ten judicial districts within Minnesota and they are numbered as shown in the following map. 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. [Minn. Stat. § 2.722](#), subdivision 2

The supreme court determines where judges have their chambers (offices). [Minn. Stat. § 480.22](#)



The legislature determines the total number of judges in each district. As of 2019, the districts have the following number of district court judges:

District	Number of Judges
First	36
Second	26
Third	23
Fourth	60
Fifth	16
Sixth	15
Seventh	30
Eighth	11
Ninth	24
Tenth	45

[Minn. Stat. § 2.722](#), subd. 1

Relationship between the Legislature and Judiciary

The legislative and judicial branches are co-equal. The legislature has the power to make laws, but the courts have the power to interpret those laws. When lawsuits involve statutes, courts try to determine and enforce the legislature's intent, unless the statutes are found to violate the state or federal constitution. In addition, the judiciary has substantial control over its operations. While the legislature can establish substantive rights, the courts have almost complete control over their own procedures. However, 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 Size can vary from seven to nine members Retired justices and court of appeals or district judges can be authorized to serve on it temporarily Art. VI, §§ 2, 10	Can be established by statute (Minn. Stat. § 480A.01) Size and jurisdiction can be set by statute, but it cannot have jurisdiction over the supreme court District judges can be authorized to serve on it temporarily Art. VI, § 2	Cannot be abolished by statute District judge's office cannot be abolished during his or her term District judge must live in the district where he or she serves There must be a district court clerk in every county 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, §§ 1, 4, 13	Can be created or abolished by statute Art. VI, § 1 Judges' qualifications can be set by statute Art. VI, § 5
*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 "learned in the law" (this has been interpreted to require admission to, or the right to be admitted to, the practice of law in Minnesota) ([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](#))

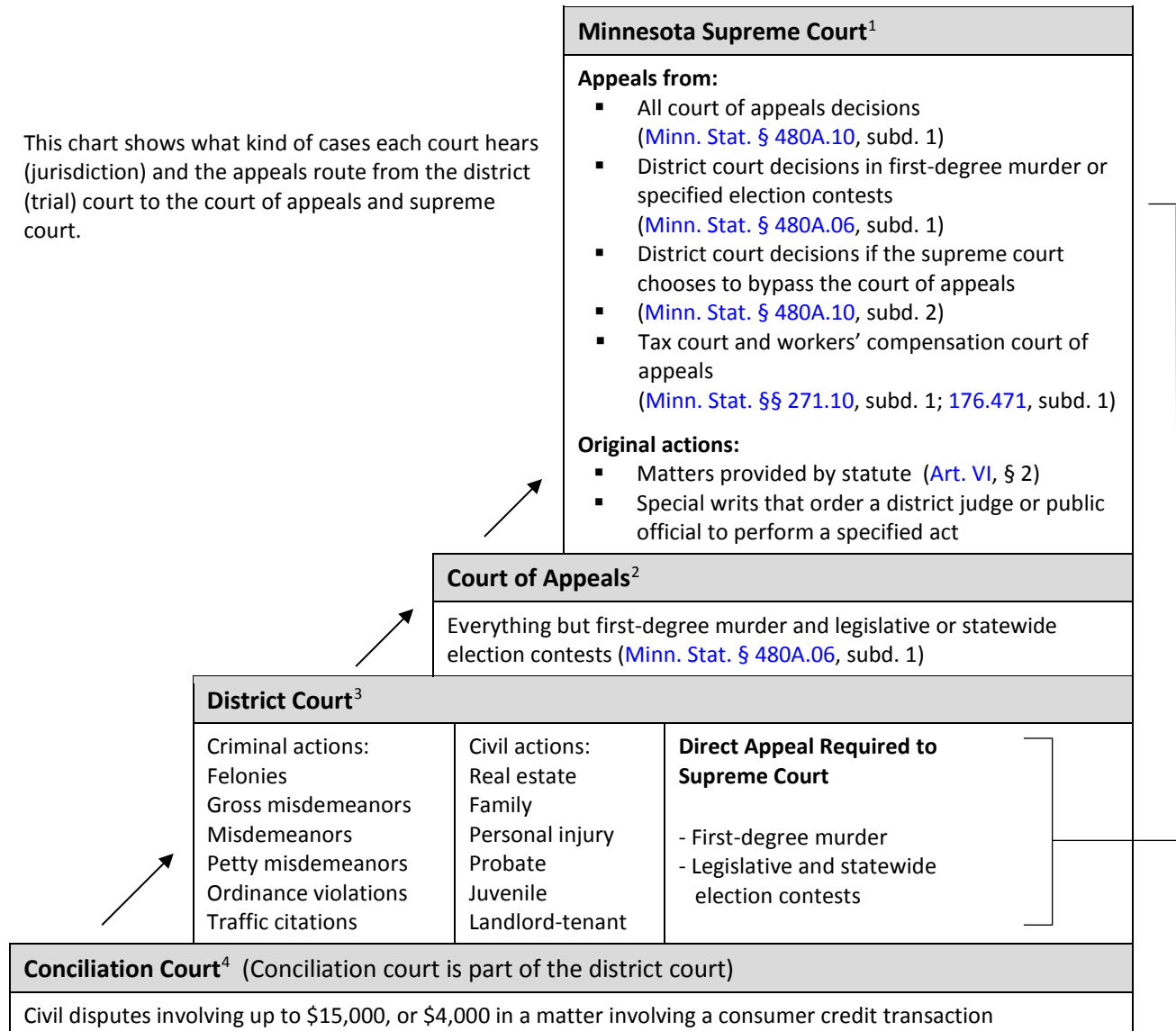
In the event of a vacancy, the governor fills the vacancy by appointment; the appointee then runs at the first general election held more than one year later. ([Art. VI, § 8](#))

Rules of Court Procedure: Legislative-Judicial Interaction

In general, the legislature has the authority to establish substantive rights while the judicial branch has full control over its own procedural rules. If a law influences the outcome of a case, it is substantive. The courts determine whether a law is substantive or procedural.

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.



¹ The supreme court has the power to accept or reject an appeal from the court of appeals.

² The court of appeals must review all final decision of the district court appealed by a party to the case.

³ 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.

⁴ 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](#)

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	Judges
<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>(Minn. Stat. §§ 271.01, subds. 1 and 1a; 271.20; 15A.083, subd. 5)</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: 15 percent of a workers' compensation judge of the Office of Administrative Hearings salary, except that the chief judge's salary is 107 percent of that amount</p> <p>(Minn. Stat. §§ 175A.01; 175A.02; 15A.083, subd. 5)</p>
Jurisdiction	Jurisdiction
<p>Statewide</p> <p>Noncriminal tax cases only</p> <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 <p>(Minn. Stat. § 271.01, subd. 5)</p>	<p>Statewide</p> <p>Workers' compensation cases</p> <ul style="list-style-type: none"> ▪ Appealed from compensation hearings ▪ Transferred from district court <p>(Minn. Stat. § 175A.01, subd. 5)</p>
Appeals	Appeals
<p>Go directly to the supreme court</p> <p>(Minn. Stat. § 271.10, subd. 1)</p>	<p>Go directly to the supreme court</p> <p>(Minn. Stat. § 176.471)</p>
Offices	Offices
<p>St. Paul</p> <p>(Minn. Stat. § 271.04)</p>	<p>St. Paul, separate from Department of Labor and Industry</p> <p>(Minn. Stat. § 175A.04)</p>

Tax Court	Workers' Compensation Court of Appeals
Hearing Locations	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. Hearings 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>(Minn. Stat. § 271.04)</p>	<p>In St. Paul or elsewhere in the state (Minn. Stat. § 175A.04)</p>

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 parties can appeal those cases.

Cases Originating in State Trial Court

The first appeal is to the court of appeals and/or Minnesota Supreme Court ([see page 7](#))
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, six senior judges, and nine magistrate judges serve in Minnesota
Federal courthouses are located in Minneapolis, St. Paul, Fergus Falls, and Duluth

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

Court Personnel and Operations

This section describes the personnel who work in the judicial branch and how the work is funded. It includes information on:

- judges;
- para-judicial officers;
- judicial administration;
- court fees, fines, and surcharges; and
- court system funding.

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 (Minn. Stat. § 480A.05)	Specified by statute but can be changed by the supreme court (Minn. Stat. §§ 2.722, subd. 1; 480.22)
Number	Chief justice and six associates (Minn. Stat. §§ 480.01-480.011)	Chief judge and 18 associate judges (Minn. Stat. §§ 480A.01, subd. 2; 480A.03)	286 (Minn. Stat. § 2.722, subd. 1)
Qualifications	Learned in the law (Art. VI, § 5) Eligible voter, age 21 (Art. VII, § 6)	Learned in the law (Art. VI, § 5) Eligible voter, age 21 (Art. VII, § 6)	Learned in the law (Art. VI, § 5) Eligible voter, age 21 (Art. VII, § 6)
Selection	All judicial positions are elected every six years with supreme court and court of appeals elections being statewide and district court judges elected by the district they serve; 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 (Minn. Stat. § 2.722, subd. 4)		
Salary	Chief justice - \$199,375 Associates - \$181,251	Chief judge - \$179,323 Associates - \$170,787	Chief judge - \$168,337 Associates - \$160,323
Decisions	No deadline	Must file within 90 days or have salary withheld. An opinion may be published	Must file within 90 days or have salary withheld

	Supreme Court	Court of Appeals	District Court
		only if it meets one of five specified criteria Unpublished opinions are not precedential ⁵ (Minn. Stat. § 480A.08)	(Minn. Stat. § 546.27)
Travel Expenses	Set by Judicial Council policy (Minn. Stat. §§ 480.01, subd. 2; 484.54)	Set by Judicial Council policy (Minn. Stat. § 484.54)	Set by Judicial Council policy (Minn. Stat. § 484.54)
Flexible Assignment	Not applicable	Judge can be temporarily assigned to serve on the supreme court (Art. VI, § 2; Minn. Stat. § 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; Minn. Stat. § 2.724, subs. 1 and 2; 484.69, subd. 3)
Retirement	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 (Minn. Stat. §§ 2.724, subd. 3; 484.61; 490.125-490.126)		
Chief Justice (supreme court)	Selection: Separate constitutional office (Art. VI, § 2)	Selection: Separate statutory office, designated by the governor for three-year term (Minn. Stat. § 480A.03, subd. 1)	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 (Minn. Stat. § 484.69, subd. 1)
Chief Judge (other courts)	Duties: Administrative head of the judicial branch (Minn. Stat. § 2.724)	Duties: Administrative head of the court of appeals; assigns judges and cases to panels for decision (Minn. Stat. § 480A.03, subd. 2)	Duties: Administrative head of the trial courts in the district; assigns judges to serve in locations throughout the district (Minn. Stat. § 484.69)

⁵ State statute requires any party citing an unpublished opinion to provide other counsel a copy of the opinion, but appellate court rules state the copies only need to be given to self-represented litigants unless another attorney requests a copy. (§ 480A.08; Rule 4 of the Special Rules of Practice for the Minnesota Court of Appeals)

Para-Judicial Officers

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

	Referees	Traffic/Hearing Officers
Qualifications	Must be learned in the law; referees in probate court must be attorneys (Minn. Stat. §§ 260.031; 484.70, subd. 1; 525.10)	Not attorneys
Appointments	By chief judge to serve at the pleasure of the district judges (Minn. Stat. §§ 260.031; 484.70; 525.10)	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 (Minn. Stat. §§ 15A.083, subd. 6; 480.181)	Paid by county
Service location	District courts in Ramsey, Hennepin, and St. Louis counties	District Courts in Dakota, Hennepin, Ramsey, and Washington counties
Powers	Referees function as judges, but their findings and orders must be confirmed by a judge (Minn. Stat. §§ 484.70, subd. 7; 525.102)	Reduce or settle minor traffic charges through agreements with prosecuting jurisdictions
Duties	Vary in each county Examples include family, juvenile, housing, probate, and conciliation cases. (Minn. Stat. §§ 260.031; 484.013; 484.65; 484.70)	Offer continuances for dismissal Process parking tags and uncontested tenant evictions

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.

Supreme Court and Court of Appeals Operations

These individuals help the justices and appellate judges dispose of the courts' caseloads.

	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 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

Bodies Created by Statute and Supervised by the Supreme Court

The State Law Library, the Board on Judicial Standards, and the Legal Services Advisory Committee 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
Created By	Constitution and statute (Art. VI, § 2; Minn. Stat. § 480.09)	Statute (Minn. Stat. ch. 490A)	Statute (Minn. Stat. § 480.242, subds. 1 and 2)
Organization	Librarian appointed by the justices, pursuant to statute	Membership includes: 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 Executive secretary appointed by the board; salary range is 85 percent of the maximum salary for an administrative law judge	Membership includes: seven attorneys familiar with legal aid, two citizens, two persons eligible to be clients; all appointed by the supreme court
Purpose and Duties	Used by the supreme court, attorney general, legislature, and public	Recommend censure, suspension, removal, or retirement of a judge for: <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 	Award grants to legal services programs serving low-income clients Grant funding sources: <ul style="list-style-type: none"> ▪ funds appropriated by legislature for civil legal services ▪ portion of attorney registration fee ▪ IOLTA revenue (interest on lawyer trust accounts) ▪ statewide cy pres endowment

The supreme court created various boards to regulate the legal profession, pursuant to its inherent power over attorneys. These boards include the Board of Law Examiners, the Board of Continuing Education, the Lawyers Professional Responsibility Board, and the Client Security Board.

	Board of Law Examiners	Board of Continuing Legal Education	Lawyers Professional Responsibility Board	Client Security Board
Members	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 district court judge. The remaining members are lawyers. All serve without compensation	Fourteen lawyers and nine nonlawyers appointed by the supreme court to serve without compensation	Five lawyers appointed by the supreme court and two other citizens appointed by the court
Funding	Bar application and attorney license fees	Annual levy on attorneys, CLE filing charges, and course accreditation application fees	Attorney license fees	Restitution and subrogation of claims paid; gifts; special assessment on attorneys and judges, as needed Deposited in a special revenue fund and appropriated to pay expenses and claims (Minn. Stat. § 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 involuntary “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	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

Independent Bodies in the Judicial Branch

Part of the Judicial Branch but not Subject to Supreme Court Authority

The legislature created two entities by statute, made them part of the judicial branch, and specifically exempted them from the authority of the supreme court. These entities are the Board of Public Defense and the State Guardian Ad Litem Board.

The Board of Public Defense is not subject to the authority of the supreme court to avoid any conflict of interest, since the state public defender handles cases before the court.

Board of Public Defense		
Created By	Members (Minn. Stat. § 611.215, subd. 1)	Duties (Minn. Stat. §§ 611.215; 611.23-611.27)
Statute (Minn. Stat. § 611.215)	<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 members must be 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 postconviction 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 offices of the second and fourth judicial district with the Ramsey County Board and the Hennepin County Board (Employees hired before January 1, 1999, are county employees; those hired after are state employees)</p>

The legislature also established the Guardian Ad Litem (GAL) Board in statute in the judicial branch but did not subject the board to the administrative control of the judiciary.

The GAL program advocates for the best interest of children, minor parents, and incompetent adults in juvenile and family court cases. Prior to 2010, GAL employees and volunteers made recommendations to, and were supervised by, the court. The legislature created an independent board to eliminate any conflict of interest.

State Guardian Ad Litem Board		
Created By	Members (Minn. Stat. § 480.35, subd. 1)	Duties (Minn. Stat. § 480.35, subds. 2,3)
Statute (Minn. Stat. § 480.35)	<p>Seven members (none of whom may be an active judge or registered lobbyist)</p> <p>The supreme court appoints three members (two attorneys and one public member), one of which must have former GAL experience</p> <p>The governor appoints four members</p>	<p>Appoint a program administrator to carry out administrative functions and implement standards and policies for the program's operation</p> <p>Establish and adopt program standards, policies, and procedures consistent with applicable rules and laws</p> <p>Recommend a budget and establish procedures for funding distribution to GAL programs</p>

State Court Administrator

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

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

Judicial Council

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

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

Local Trial Court Administrative Staff

Local trial court administrative staff includes district administrators, court administrators, probate registrars, court reporters, and district court law clerks. These individuals work in the judicial districts and counties to administer the trial courts.

District Administrators	
Office	Created by statute (Minn. Stat. § 484.68)
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
Number/Qualifications	One per judicial district; in Hennepin and Ramsey counts, the district administrator assumes the duties of the court administrator (Minn. Stat. § 484.66)
Duties	<ul style="list-style-type: none"> ▪ Assist the chief judge in administrative duties ▪ Supervise court employees ▪ Collect data on courts in the district ▪ In Hennepin and Ramsey counties, also perform court administrator duties (Minn. Stat. §§ 484.66; 484.68)
Salary	Set by the chief judge under the judicial branch compensation plan

Court Administrators (formerly district court clerks)	
Office	Created by constitution (Art. VI, § 13) (formerly district court clerks)
Appointment	Appointed by a majority of the district court judges; can be removed by the district judges (Art. VI, § 13 ; Minn. Stat. § 485.01)
Number/Qualifications	54: One each for Hennepin and Ramsey counties; 52 administrators serving remaining 85 counties; cannot practice law in the county where he or she is court administrator (Minn. Stat. § 485.01)
Duties	<ul style="list-style-type: none"> ▪ 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 (Minn. Stat. §§ 485.018, subd. 5; 485.06-485.10; 485.13)
Salary	Set by the district administrator under the judicial branch compensation plan

Probate Registrars	
Position	Probate judge or person designated by the court (Minn. Stat. § 524.1-307)
Number	One in each county but not always a stand-alone position
Qualifications	No qualifications set by law
Duties	Administer informal probate (Minn. Stat. §§ 524.1-307; 524.3-101–524.3-311)
Salary	Paid by the state

Court Reporters	
Position	Chosen by each district judge (Minn. Stat. § 486.01)
Number	Each trial judge is authorized one reporter (Minn. Stat. § 486.01)
Qualifications	Statute authorizes the supreme court to set minimum competence standards (Minn. Stat. § 486.02)
Duties	Make a stenographic record of proceedings (Minn. Stat. § 486.02) Furnish transcripts: <ul style="list-style-type: none"> ▪ at the judge’s request ▪ for any interested party on payment of a fee (Minn. Stat. §§ 486.03; 486.06)
Salary	Individual salaries are set by the district administrator within the range established in judicial branch personnel rules (Minn. Stat. §§ 486.05, 480.181) All court reporters gain additional income by charging parties for transcripts and are reimbursed for travel (Minn. Stat. §§ 486.05-486.06)

District Court Law Clerks	
Position	Appointed by the district judges to serve at their pleasure (Minn. Stat. § 484.545)
Number	Each judge has one law clerk assist him or her (Minn. Stat. § 484.545)
Qualifications	No qualifications set by law; in practice clerks are typically law students or recent graduates
Duties	Perform legal research
Salary	Salary set under the judicial branch compensation plan (Minn. Stat. § 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. In certain cases, multiple fees may apply.

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, 2019.

Type of Charge	Amount	Fund Recipient
Civil Actions		
District court civil action filing fee (each party) (Minn. Stat. § 357.021, subds. 2, 4, and 5)	\$285 Plaintiff civil action filing \$285 Defendant civil action filing \$100 Trial by jury (requesting party)	State general fund
Conciliation court filing fee each party (Minn. Stat. §§ 357.022*; 491A.02, subd. 3)	\$65 for each party	State general fund
Removal of conciliation court case to district court (Minn. Stat. §§ 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"> ▪ filing ▪ satisfaction (Minn. Stat. § 514.70)	\$5 \$5	County general fund
Marriage dissolution fee (each party) (Minn. Stat. §§ 357.021, subds. 1a and 2; 116L.96; 518.005, subd. 6)*	\$315	State general fund - \$285 Displaced homemaker program - \$30
Various documents (Minn. Stat. §§ 357.021, subd. 2; 357.33; 548.30; 259.52)	Certified copy of any document from civil or criminal proceeding (\$14) Uncertified copy of any document from a civil or criminal proceeding (\$8) Issuing subpoena (\$16 per name) Filing a motion or response in civil, family, and guardianship cases (excluding child support) (\$100) Issuing execution and filing return, writ of attachment, injunction, habeas corpus, mandamus, quo	State general fund

Type of Charge	Amount	Fund Recipient
	<p>warranto, certiorari, or any other writ (\$55)</p> <p>Issuing a judgment transcript or filing a transcript of judgment from another court (\$40)</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)</p> <p>Filing and indexing a trade name, recording basic science certificates or certificate of physicians, osteopaths, chiropractors, veterinarians, or optometrists (\$5)</p> <p>Filing partial, final, or annual account or trusteeships (\$55)</p> <p>Recording a notary commission (\$20)</p>	
Depositing a will to be kept by the court (Minn. Stat. § 357.021, subd. 2)	\$27	State general fund
Filing a motion (or response) for modification of child support (set by supreme court order) (Minn. Stat. §§ 357.02, subds. 1a and 2; 485.018, subd. 5)	\$50	\$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
Probate Court		
Probate court fees (Minn. Stat. §§ 525.033*; 525.031)	Fees the same as those for district court civil proceedings and copies listed above	State general fund
Criminal Matters		
Bail forfeitures (Minn. Stat. §§ 484.83; 484.843; 485.018, subd. 5; 629.53)	Varies (set by court)	Portions of forfeited bail are paid to victims. Following a conviction, a court may order that posted bail be applied to any fines the court imposed on the individual Abandoned bail is forwarded to the state general fund and may be

Type of Charge	Amount	Fund Recipient
		<p>returned to a county if the county incurs costs of extradition or transport in connection with the person who posted the bail</p> <p>In Hennepin County, abandoned bail in nonfelony cases in excess of \$2,500 goes to the municipality in which the violation occurred</p>
<p>Criminal fines (Minn. Stat. § 484.85)</p>	<p>Varies (set by court subject to maximum amount authorized in law)</p>	<p>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 and all fees and costs collected are credited to the state general fund</p>
<p>(Minn. Stat. § 484.841)</p>		<p>Hennepin: 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</p>
<p>(Minn. Stat. § 484.90, subd. 6)</p>		<p>Other Counties: Each political subdivision in a county keeps all parking fines where no warrant was issued. Two-thirds of all other fines are paid to the political subdivision where the crime was committed. The remaining one-third is credited to the state general fund</p>
<p>(Minn. Stat. § 574.34)</p>		<p>All Counties: Fines not specifically appropriated by law are to be paid to the state treasury and credited to the state general fund</p> <p>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</p>
<p>Minimum fines on certain criminal offenses (Minn. Stat. § 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</p>	<p>70 percent to drug abuse prevention or intervention programs in the county where the controlled substance crime was</p>

Type of Charge	Amount	Fund Recipient
	conduct, and controlled substance offenses	committed; 30 percent to the state general fund (if county has no such program, 100 percent to the state general fund); otherwise, 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 such program, 100 percent to state general fund)
Other minimum fines (Minn. Stat. § 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	Distributed in the same way as criminal fines generally
Criminal and traffic surcharges on all criminal offenses and petty misdemeanors (Minn. Stat. § 357.021 , subds. 6 and 7)	<p>\$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. The surcharge is not imposed for administrative citations but is imposed on a person who enters a traffic diversion program</p> <p>For parking violations, there is a \$12-surcharge that goes to the state general fund</p> <p>In Ramsey County, an additional \$1-surcharge goes to the petty misdemeanor diversion program</p>	<p>The first \$25 is distributed as follows:</p> <ul style="list-style-type: none"> ▪ 99 percent to the state general fund (\$24.75) ▪ 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 (\$.25) <p>The remaining \$50 is credited to the state general fund</p>
DWI chemical dependency assessment (Minn. Stat. § 169A.284)	\$25 plus cost of assessment; \$5-surcharge on certain repeat offenders	State general fund receives \$25 and the \$5-surcharge, if any; the assessment costs are paid directly to service provider
DWI penalty assessment for a blood alcohol concentration (BAC) of .16 percent or more (Minn. Stat. § 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
Violations of compulsory school attendance	Petty misdemeanor fine level	School district where the offense was committed

Type of Charge	Amount	Fund Recipient
(Minn. Stat. § 120A.34)		
School officer or teacher who fails to perform instructional duties (Minn. Stat. § 120A.32)	Up to \$10-fine	School district where the offense was committed
Prostitution penalty assessment (Minn. Stat. § 609.3241)	\$750-\$1,000, depending on offense The court imposes the assessment on anyone convicted of certain offenses related to prostitution and human trafficking	The assessment is distributed between law enforcement, prosecution, and crime victim organizations to combat sexual exploitation of youth
Public defender co-payment (Minn. Stat. § 611.17)	\$75 – may be waived or reduced by the court	State general fund
Game and Fish		
Game and fish fines, forfeited bail (Minn. Stat. § 97A.065)	Varies	State general fund
Fee to replace unlawfully killed wild animals (Minn. Stat. §§ 97A.341; 97A.065, subd. 5)	Set by judge	Game and fish fund in the state treasury
	Motor Vehicle	
Speed limit surcharge for driving 20 mph or more over the speed limit, or for speeding in a work or school zone or when passing emergency vehicle (Minn. Stat. § 169.14)	Not less than \$25 and not more than the amount of the fine imposed	State general fund
Use of wireless communication device (Minn. Stat. § 169.475)	First offense: set by the Judicial Council (currently \$50) Second offense: \$275	State general fund
Seat belt penalty (Minn. Stat. § 169.686, subds. 1 and 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 (Minn. Stat. § 169.685)	Up to a \$50 fine A court may waive or reduce the fine if the person provides proof of	Fines are credited to the Minnesota child passenger restraint and education account

Type of Charge	Amount	Fund Recipient
	purchasing a child restraint system within 14 days	
State patrol traffic offenses (Minn. Stat. § 299D.03 , subd. 5)	Varies (set by court subject to maximum amount authorized in law)	<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 state general fund ▪ Out of the remaining five-eighths: (1) \$1,000,000 to the Minnesota grade crossing safety account; and (2) the remainder 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 state general fund; ▪ One-third goes to the municipality prosecuting the offense; and ▪ One-third goes to the state to be distributed as shown above <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 state general fund; and <p>Five-eighths goes to the state treasurer for the Highway User Tax Distribution Fund</p>
Violations of law on correct weights and measures (Minn. Stat. §§ 239.28-239.38 ; 239.46)	Varies (set by court subject to maximum amount in law)	School fund of the county where the action is brought
Vehicle overload violations (Minn. Stat. §§ 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, state</p>

Type of Charge	Amount	Fund Recipient
		general fund, and the governmental unit that brought the action
Juvenile		
Juvenile court fines (Minn. Stat. § 260B.198, subd. 1, cl. (6))	Up to \$1,000	State general fund
	Other	
Boat and water safety violations (Minn. Stat. § 86B.705)	Varies (set by court subject to maximum amount in law)	One-half to state general fund One-half to state water recreation account
Law libraries (Minn. Stat. §§ 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 and petty misdemeanor 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) (Minn. Stat. § 357.08)	\$550	State general fund
Fee for accelerated supreme court review (Minn. Stat. § 357.08)	\$100 (in addition to regular appellate filing fee)	State general fund
Respondent filing notice of review (Minn. Stat. § 357.08)	\$100	State general fund
Software sales (Minn. Stat. § 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
Tax court appeal fee (Minn. Stat. §§ 271.02; 271.06, subd. 4; 357.021, subd. 2, cl. (1))	\$285; \$150 for small claims	State general fund
Entry of a workers' compensation default in payments (Minn. Stat. §§ 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)	Set by court administrator; not to exceed conciliation court filing fee	State general fund

Type of Charge	Amount	Fund Recipient
(Minn. Stat. §§ 572.41; 357.021, subd. 1a)		
Filing a foreign judgment (Minn. Stat. §§ 548.30; 357.021, subd. 1a)	Same as civil action filing fee (\$285) (If judgment is not greater than conciliation court jurisdictional limit, the fee is the same as conciliation court filing fee: \$65)	State general fund
Civil penalty for violation of pet dealer law (Minn. Stat. § 325F.792)	Up to \$1,000 per violation	Prosecuting jurisdiction
County parking facility violations (Minn. Stat. § 373.26)	Misdemeanor fine (Up to \$1,000)	County treasury general fund
County ordinance violations (Minn. Stat. §§ 375.55; 394.37)	Varies	County treasury general fund
*Base fee before adding the law library fee and technology fee (see page 27)		

Court System Funding

The legislature provided the majority of funding for the courts from the state general fund, but certain facility costs remain the responsibility of the counties. (Minn. Stat. § 484.77). Fees charged to users supplement that funding, but the fees 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 whether the state or the counties provide funding for the area.

Funding

State Responsibility	County Responsibility
Supreme court operations	Capital outlay
Court of appeals operations	Facility costs and operating expenses
State court administrator's office	
State law library	
Office of the public defender	
Salaries and benefits for district judges, referees, judicial officers, court reporters, law clerks	
District administrators staff	
Court administrators and employees	

State Responsibility	County Responsibility
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

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 seeking 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 that 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: 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:

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.

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.

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.

Learned in the Law: In the Minnesota Constitution and statutes, a phrase interpreted to mean a person admitted, or entitled to be admitted, to practice law in Minnesota. The requirement that judges be “learned in the law” means they must be lawyers 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.

Payable Offense: Offenses for which a person may choose to pay the listed fine in lieu of making a court appearance. The Judicial Council annually reviews and approves the offenses that may be payable, including all petty misdemeanors and certain misdemeanors.

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.