

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3007

02/11/2020 Authored by Moller, O'Neill, Becker-Finn, Lesch and Scott
The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division
02/24/2020 Adoption of Report: Placed on the General Register
Read for the Second Time

- 1.1 A bill for an act
- 1.2 relating to courts; modifying criteria for publishing court of appeals opinions;
- 1.3 amending Minnesota Statutes 2018, section 480A.08, subdivision 3.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. Minnesota Statutes 2018, section 480A.08, subdivision 3, is amended to read:
- 1.6 Subd. 3. **Decisions.** (a) A decision shall be rendered in every case within 90 days after
- 1.7 oral argument or after the final submission of briefs or memoranda by the parties, whichever
- 1.8 is later. The chief justice or the chief judge may waive the 90-day limitation for any
- 1.9 proceeding before the court of appeals for good cause shown. In every case, the decision
- 1.10 of the court, including any written opinion containing a summary of the case and a statement
- 1.11 of the reasons for its decision, shall be indexed and made readily available.
- 1.12 (b) The decision of the court need not include a written opinion. A statement of the
- 1.13 decision without a written opinion must not be officially published and must not be cited
- 1.14 as precedent, except as law of the case, res judicata, or collateral estoppel.
- 1.15 ~~(c) The court of appeals may publish only those decisions that:~~
- 1.16 ~~(1) establish a new rule of law;~~
- 1.17 ~~(2) overrule a previous court of appeals' decision not reviewed by the supreme court;~~
- 1.18 ~~(3) provide important procedural guidelines in interpreting statutes or administrative~~
- 1.19 ~~rules;~~
- 1.20 ~~(4) involve a significant legal issue; or~~
- 1.21 ~~(5) would significantly aid in the administration of justice.~~

2.1 ~~Unpublished opinions of the court of appeals are not precedential. Unpublished opinions~~
2.2 ~~must not be cited unless the party citing the unpublished opinion provides a full and correct~~
2.3 ~~copy to all other counsel at least 48 hours before its use in any pretrial conference, hearing,~~
2.4 ~~or trial. If cited in a brief or memorandum of law, a copy of the unpublished opinion must~~
2.5 ~~be provided to all other counsel at the time the brief or memorandum is served, and other~~
2.6 ~~counsel may respond.~~

2.7 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to cases
2.8 filed at the Minnesota Court of Appeals on or after that date.