

JUDICIAL DEPARTMENT

CHAPTER 480

SUPREME COURT

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480.01 JUSTICES; TERMS. The supreme court shall consist of one chief justice and six associate justices, who shall hold one term of court each year, at the seat of government, commencing on the first Tuesday after the first Monday in January, with such continuations or adjournments thereof during the year as may be necessary for the dispatch of the business coming before the court. When the chief justice of the court shall be absent from the state, or shall be, for any reason, incapacitated from acting as such, the associate justice present within the state and not incapacitated who shall have served the longest time, or when there are two or more associate justices of equal terms of service, then the associate justice, whom the chief justice shall designate as senior associate justice as such, shall have and exercise all the powers, duties, and functions of the chief justice during his absence or incapacity and shall be, during such absence or incapacity, the presiding justice of the court.

[*R. L. s. 69; 1919 c. 96 s. 1*] (129)

480.013 TERMINOLOGY OF REFERENCES TO CHIEF JUDGE AND ASSOCIATE JUDGES. In construing and interpreting constitutional provisions, statutes, legal instruments, records, decisions, or legal process applicable or pertaining to, or emanating from the supreme court of the State of Minnesota, the terms chief justice and associate justice or associate justices shall be construed as synonymous with, and as equivalent in meaning to, the terms chief judge and associate judge or associate judges as those terms are used in Article VI of the Constitution of the State of Minnesota.

[*1957 c 41 s 1*]

480.02 SPECIAL TERMS. Special terms may be held whenever the court shall so direct, but three weeks' published notice of the order appointing the same shall be given at the seat of government. Any term may be continued from time to time by orders announced in court and entered in the minutes. Any three justices may hold the court and exercise its powers. Unless three shall attend at the time for opening court, those present, or, if all be absent, the clerk, shall adjourn the court until the following day; but, if three justices be absent for six consecutive days, the court shall stand adjourned without day.

[*R. L. s. 70*] (130)

480.03 PENDING CASES CONTINUED. Whenever a term is adjourned, or there is a failure for any reason to hold a term at the appointed time, all causes then on the calendar, and all writs, recognizances, appeals, and proceedings taken or made returnable to the court at such term shall stand over to, and be heard at, the general or special term next ensuing, as if no such adjournment or failure had occurred.

[*R. L. s. 71*] (131)

480.04 WRITS; PROCESS. The court shall have power to issue to all courts of inferior jurisdiction and to all corporations and individuals, writs of error, certiorari, mandamus, prohibition, quo warranto and all other writs and processes, whether especially provided for by statute or not, that are necessary to the execution of the laws and the furtherance of justice. It shall be always open for the issuance

and return of such writs and processes and for the hearing and determination of all matters involved therein and for the entry in its minutes of such orders as may from time to time be necessary to carry out the power and authority conferred upon it by law, subject to such regulations as it may prescribe. Any justice of the court, either in vacation or in term, may order the writ or process to issue and prescribe as to its service and return.

[*R. L. s. 72; 1917 c. 408 s. 1*] (132)

480.05 POWER; RULES. The supreme court shall have all the authority necessary for carrying into execution its judgments and determinations, and for the exercise of its jurisdiction as the supreme judicial tribunal of the state, agreeable to the usages and principles of law. Such court shall prescribe, and from time to time may amend and modify, rules of practice therein and also rules governing the examination and admission to practice of attorneys at law and rules governing their conduct in the practice of their profession, and rules concerning the presentation, hearing, and determination of accusations against attorneys at law not inconsistent with law, and may provide for the publication thereof at the cost of the state.

[*R. L. s. 73; 1921 c. 297 s. 1*] (133)

480.051 REGULATE PLEADING, PRACTICE AND PROCEDURE. The supreme court of this state shall have the power to regulate the pleadings, practice, procedure, and the forms thereof in civil actions in all courts of this state, other than the probate courts, by rules promulgated by it from time to time. Such rules shall not abridge, enlarge, or modify the substantive rights of any litigant.

[*1947 c 498 s 1*]

480.052 ADVISORY COMMITTEE. Before any rules are adopted the supreme court shall appoint an advisory committee consisting of eight members of the bar of the state and at least two judges of the district courts and one judge of a municipal court to assist the court in considering and preparing such rules as it may adopt.

[*1947 c 498 s 2*]

480.053 RECOMMENDATIONS BY JUDICIAL COUNCIL. The judicial council, upon the request of the supreme court or upon its own initiative in accordance with the provisions of Minnesota Statutes 1945, Chapter 483, may at any time make recommendations to the court for its consideration concerning rules of pleading, practice, procedure and the forms thereof in civil actions.

[*1947 c 498 s 3*]

480.054 DISTRIBUTION OF PROPOSED RULES; HEARING. Before any rule for the district or municipal courts is adopted, the supreme court shall distribute copies of the proposed rule to the bench and bar of the state for their consideration and suggestions and give due consideration to such suggestions as they may submit to the court. The Minnesota State Bar Association, the District Court Judges Association or the Municipal Court Judges Association may file with the court a petition specifying their suggestions concerning any existing or proposed rule and requesting a hearing thereon. The court shall thereupon grant a hearing thereon within six months after the filing of the petition.

[*1947 c 498 s 4*]

480.055 RULES NOT IN CONFLICT. Subdivision 1. **Other courts.** Any court, other than the supreme court, may adopt rules of court governing its practice; the judges of district courts, pursuant to Minnesota Statutes 1945, Sections 484.52, 484.33, and the judges of municipal courts, pursuant to Minnesota Statutes 1945, Section 488.16, may adopt rules not in conflict with the rules promulgated by the supreme court.

Subd. 2. **Bureaus.** Sections 480.051 to 480.058 shall not affect the power of any other statutory body to make rules governing its practice.

[*1947 c 498 s 5*]

480.056 PRESENT LAWS EFFECTIVE UNTIL MODIFIED. All present laws relating to pleading, practice, and procedure, excepting those applying to the probate courts, shall be effective as rules of court until modified or superseded by subsequent court rule, and upon the adoption of any rule pursuant to this act such laws, in so far as they are in conflict therewith, shall thereafter be of no further force and effect.

[*1947 c 498 s 6*]

480.057 PROMULGATION. Subdivision 1. **Effective date of rules; publication.** All rules promulgated under sections 480.051 to 480.058 shall be effective at a time fixed by the court and shall be published in the appendix to the official reports of the supreme court and shall be bound therewith.

Subd. 2. **Index; printing, publishing and distributing.** The revisor of statutes shall index and the commissioner of administration shall print, publish, and distribute copies thereof to the bench and bar and as required by law.

[1947 c 498 s 7]

480.058 RIGHT RESERVED. Sections 480.051 to 480.058 shall not abridge the right of the legislature to enact, modify, or repeal any statute or modify or repeal any rule of the supreme court adopted pursuant thereto.

[1947 c 498 s 8]

480.06 DECISIONS. In all cases decided by the court, it shall give its decision in writing, and file the same with the clerk, together with headnotes, briefly stating the points decided. A copy of such headnotes shall be furnished by the clerk, without charge, to such proprietors of daily newspapers as may desire them for free publication. Decisions may be rendered and judgments entered thereon in vacation as well as in term.

[R. L. s. 74] (134)

480.07 CLERK; BOND, ASSISTANTS, RECORDS. The clerk of the supreme court shall give bond to the state in the sum of \$1,000, to be approved by the governor, conditioned for the faithful discharge of his official duties. He may employ, from time to time, necessary stenographic and other clerical office help for whose compensation legislative appropriation shall have been made. The justices of the supreme court may appoint a deputy clerk for the discharge of the duties of the office in the absence of the clerk or his inability to act, and such other duties as shall be assigned to him by the clerk or the court. The deputy so appointed shall take the usual oath of office and give bond to the state in the sum of \$1,000, to be approved by the court, and conditioned for the faithful discharge of his duties. He shall serve during the pleasure of the court.

The clerk shall keep such dockets, journals, and other records, and perform such duties appropriate to his office as the supreme court may by its rules prescribe. He shall provide, at the cost of the state, all books, stationery, furniture, postage, and supplies necessary for the proper transaction of the business of the court.

[R. L. ss. 75, 76; 1921 c. 46 s. 1] (138, 139)

480.08 MARSHAL. A marshal of the supreme court may be appointed by the justices thereof to act during their pleasure. His qualifications, duties, and powers shall be such as the court may prescribe conformably to the laws.

[R. L. s. 77] (140)

480.09 STATE LIBRARY. Subdivision 1. The state library shall be maintained in the capitol and shall be under the supervision of the justices of the supreme court. Notwithstanding Minnesota Statutes, Section 16.02 or any other act inconsistent herewith or acts amendatory thereof or supplementary thereto, they shall direct the purchases of books, pamphlets, and documents therefor and the sales and exchanges therefrom upon such terms and conditions as they may deem just and proper. They may authorize the transfer of books and documents to the University of Minnesota or any department thereof, or to any state agency. They shall adopt rules for the government of the library and the management of its affairs, and prescribe penalties for the violation thereof.

Subd. 2. The state librarian shall be appointed by the governor for a term of two years and until his successor qualifies. He shall give bond to the state in an amount not less than \$2,000, to be approved by the governor, conditioned for the faithful performance of his official duties. Subject to the approval of the justices, he may appoint an assistant librarian to serve during his term, who shall perform his duties when he is absent or disabled, and, subject to the approval of the justices, he may employ necessary assistants.

Subd. 3. The librarian shall

- (1) have charge of the library rooms and property,
- (2) under the direction of the justices attend to all purchases, exchanges, transfers, and sales,

(3) enforce the rules prescribed for the government of the library and the management of its affairs,

(4) collect all damages from injury to or retention of library property and all fines imposed for violation of the rules,

(5) effect exchanges of any books, documents, journals, maps, pamphlets, and reports delivered to the state library by any department, agency, or official of the state in accordance with the provisions of section 15.18.

(6) keep a detailed chronological record of all purchases, exchanges, transfers, and sales and of all additions to the library by gift, purchase, or exchange, respectively,

(7) keep an account of all amounts collected as damages or fines or from other sources, and of all expenditures.

Subd. 4. The records and accounts of the library shall be open to public inspection and shall be transferred to the successor of the librarian.

Subd. 5. All moneys collected shall be paid into the state treasury and shall be added to the current appropriation for the library.

Subd. 6. All official publications of the United States and of other states and countries, which are received for the use of this state by any officer thereof, shall be sent to the state library forthwith.

[*R. L. s 78, 79, 80, 81, 82; 1947 c 365 s 4; 1951 c 3 s 1; 1955 c 89 s 1*] (*141, 142, 143, 144, 145*)

480.10 JANITOR. The justices may appoint, and at pleasure remove, a janitor, who shall have care of the court-room, the rooms of the clerk and justices of the court, and of the state library, and perform such other duties as the justices may require.

[*R. L. s. 83*] (*146*)

480.11 REPORTER. Subdivision 1. **Bond; files.** The reporter of its decisions, appointed by the supreme court, shall give bond to the state in the sum of \$500.00, to be approved by the governor, conditioned for the faithful discharge of his duties. He shall be entitled to the possession, for a reasonable time, of the files of the court in all cases decided.

Subd. 2. **Cases; citations.** He shall accurately report all such cases, noting concisely the points decided, with a statement of the facts as shown by the record, unless the same are fully stated in the opinion; the names of counsel, with the points made and authorities cited, as fully as he deems necessary; and the opinions rendered by the justices. All references in such opinions to former decisions of the court which have been published in the *Northwestern Reporter* shall also cite the volume and page of such reporter where the same appear; and, if the opinion reported has been published in said reporter, the volume and page of such publication shall be cited.

Subd. 3. **Publication; copyright.** Within 90 days after the filing of a sufficient number of decisions to make a printed volume of 600 pages, and sooner if practicable, the reporter shall deliver the manuscript of his report of such cases to the contractor for the publication thereof. As soon as the same is put in type, he shall read and correct the printer's proof, and furnish to the contractor an index, a table of cases, and other matter necessary to complete the volume. He shall have no pecuniary interest in such reports, which shall be copyrighted by the secretary of state in trust for the people.

[*R. L. ss. 84, 85, 86*] (*147, 148, 149*)

480.12 PRINTING MINNESOTA REPORTS. The reports of such decisions shall be printed and bound in style and quality to be approved by the court, contain at least 600 pages of four and one-half inches in width, and be equal in quality of paper and binding to the best of those heretofore published.

The commissioner of administration, under appropriate specifications to be approved by the court, from time to time and for designated periods not exceeding ten years, shall enter into a contract, in form and manner approved by the court, for the continued publication of such bound volumes, with suitable provisions requiring the publisher at all times to keep the published volumes on sale at a designated place within the state at a specified maximum price per volume, and specifying the number of such volumes to be sold and delivered to the state for dis-

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tribution as herein directed. The volumes purchased by the state under the provisions of such contract shall be delivered to the secretary of state and distributed as follows:

(1) One to each judge of the district, probate, and municipal courts of the state, and to each justice and the reporter of the supreme court;

(2) To the attorney general, one volume for each set of reports in use in the department;

(3) One to each clerk of the district court, for the use of the court when in session, and otherwise for the use of officials and citizens of the county;

(4) One to the industrial commission.

All of the foregoing shall remain the property of the state and delivered to the successors in office of the officials named.

(5) Three to the clerk of the United States circuit court of appeals for the eighth circuit, one to be kept for the use of the judges at each of its places of meeting;

(6) 100 to the state university, to be used in exchanges or otherwise for the benefit of its law library;

(7) To the state library, as many as the court shall certify to be necessary for the use of the library and for exchanges with other law libraries.

The copies not disposed of hereunder shall remain in the custody of the secretary of state.

[*R. L. s. 87; 1927 c. 379 s. 1; 1937 c. 81 s. 1*] (150)