

JUDICIAL DEPARTMENT

CHAPTER 480

SUPREME COURT

Sec.	
480.01	Justices; terms
480.013	Terminology of references to chief judge and associate judges
480.02	Special terms
480.03	Pending cases continued
480.04	Writs; process
480.05	Power; rules
480.051	Regulate pleading, practice and procedure
480.052	Advisory committee
480.053	Recommendations by judicial council
480.054	Distribution of proposed rules; hearing
480.055	Rules not in conflict
480.056	Present laws effective until modified
480.057	Promulgation
480.058	Right reserved
480.059	Criminal actions, pleadings, practice and procedure
480.06	Decisions
480.07	Clerk; bond, assistants, records
480.08	Marshal
480.09	State library
480.10	Janitor

Sec.	
480.11	Reporter
480.12	Minnesota Reports; printing, sale, and distribution
480.13	Court administrator office created; appointment, term, salary
480.14	Appointment, compensation of employees; court administrator, employees not to practice law
480.15	Powers and duties
480.16	Distribution of work of courts; duty of judges to comply with chief justice's direction
480.17	Judges, clerks, other officers, to comply with requests of court administrator
480.18	Annual conference of judges; judge's expenses
480.19	Application to supreme, district, inferior courts
480.20	Application to substitution of probate judges
480.21	Resigned judges, appointment as commissioners

NOTE: For Rules of the Supreme Court, see Appendix 6.

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, Sections 484.52, 484.33, and the judges of municipal courts, pursuant to chapter 488, 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; 1961 c 560 s 38]

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]

480.059 CRIMINAL ACTIONS, PLEADINGS, PRACTICE AND PROCEDURE. Subdivision 1. **Rules and regulations.** The supreme court shall have the power to regulate the pleadings, practice, procedure, and the forms thereof in criminal actions in all courts of this state, by rules promulgated by it from time to time. Such rules shall not abridge, enlarge, or modify the substantive rights of any person.

Subd. 2. **Advisory committee.** Before any such rules are adopted the supreme court shall appoint an advisory committee consisting of eight lawyers licensed to practice law in the state and at least two judges of the district court and one judge of a court exercising municipal court jurisdiction to assist the court in considering and preparing such rules.

Subd. 3. **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 chapter 483, may at any time make recommendations to the court concerning such rules.

Subd. 4. **Distribution of proposed rules; hearing.** Before any such rule is adopted, the supreme court shall distribute copies of the proposed rule to the judiciary and attorneys 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, or a professional judicial organization 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.

Subd. 5. **Rules not in conflict.** Any court, other than the supreme court, may adopt rules of court governing its practice; but such rules shall not conflict with the rules promulgated by the supreme court.

Subd. 6. **Promulgation.** (1) **Effective date of rules; publication.** All rules promulgated under this section 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.

(2) **Printing, publishing and distributing.** The commissioner of administration shall print, publish and distribute copies thereof to the judiciary and attorneys and as required by law.

Subd. 7. **Effect upon statutes.** Nothing herein contained shall be deemed to grant the supreme court power to amend or modify any statute.

Subd. 8. **Right reserved.** This section 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.

[1971 c 250 s 1-8]

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 justices of the supreme court shall appoint a state law librarian to serve at their pleasure. He shall give bond to the state in an amount not less than \$2,000, to be approved by the chief justice, conditioned for the faithful performance of his official duties. Subject to the approval of the justices, he may appoint an assistant librarian 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; 1965 c. 45 s. 67*] (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, 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 an appropriate printed volume, 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 s 84, 85, 86; 1965 c 722 s 1] (147, 148, 149)

480.12 MINNESOTA REPORTS; PRINTING, SALE, AND DISTRIBUTION. The report of such decisions shall be printed and bound in form, style, quality, and in such numbers as the court shall direct.

The commissioner of administration under appropriate specifications approved by the court and in accordance with its directions shall enter into a contract for the continued publication of such bound volumes with a contractor selected in substantial conformance with the laws governing the printing and binding of other state publications; except that the form of the contract and the duration of any such contract shall be determined by the court.

Except as otherwise herein provided the bound volumes shall be sold by the commissioner of administration at not to exceed the maximum price per volume set by the court. The commissioner of administration shall distribute without cost bound volumes to such institutions and public offices as the court may direct. Such distribution without cost of bound volumes shall include the following:

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

(2) One to the clerk of the supreme court, two to the supreme court reporter, and one to the court administrator;

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

(4) 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;

(5) One to the department of labor and industry.

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

(6) 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;

(7) To the state university, as many as the court shall certify will be necessary for its use and for exchanges with other universities and colleges;

(8) 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 commissioner shall determine the reasonable expense incurred in handling, and distributing the bound volumes which he sells or which he distributes without cost. The unexpended balances of any appropriation to the supreme court for publishing Minnesota Reports shall be used to reimburse the commissioner for such reasonable expenses, and the amount of such reimbursement shall be credited to the central services revolving fund in the state treasury. If the unexpended bal-

ances of such an appropriation is insufficient therefor, the commissioner shall deduct the remainder of these expenses from receipts from the sale of bound volumes and deposit such deductions to the credit of central services revolving fund. He shall deposit the balance of the receipts to the credit of the general fund in the state treasury.

[*R L s 87; 1927 c 379 s 1; 1937 c 81 s 1; 1965 c 722 s 2; Ex1967 c 1 s 6; 1969 c 399 s 49; 1971 c 81 s 2*] (150)

480.13 COURT ADMINISTRATOR OFFICE CREATED; APPOINTMENT, TERM, SALARY. There is hereby created a state office to be known as the office of court administrator, the holder of which office shall be appointed by the supreme court, shall be paid a salary as fixed by said court, and shall hold office at the pleasure of the supreme court.

[*1963 c 758 s 1; 1971 c 81 s 1*]

480.14 APPOINTMENT, COMPENSATION OF EMPLOYEES; COURT ADMINISTRATOR, EMPLOYEES NOT TO PRACTICE LAW. The court administrator, with the approval of the chief justice of the supreme court of this state, shall appoint and fix the compensation of such employees as are necessary to enable him to perform the power and duties vested in him. During his term of office or employment, neither the court administrator nor any employee shall engage directly or indirectly in the practice of law in this state.

[*1963 c 758 s 2; 1971 c 81 s 2*]

480.15 POWERS AND DUTIES. Subdivision 1. The court administrator shall, under the supervision and direction of the chief justice, have the powers and duties prescribed by this section.

Subd. 2. The court administrator shall examine the administrative methods and systems employed in the offices of the judges, clerks, reporters, and employees of the courts and make recommendations, through the chief justice for the improvement of the same.

Subd. 3. The court administrator shall examine the state of dockets of the courts and determine the need for assistance by any court.

Subd. 4. The court administrator shall make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance.

Subd. 5. The court administrator shall collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice and to the respective houses of the legislature to the end that proper action may be taken in respect thereto.

Subd. 6. The court administrator shall prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto.

Subd. 7. The court administrator shall collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith.

Subd. 8. The court administrator shall obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to the supreme court of this state and to the respective houses of the legislature.

Subd. 9. The court administrator shall formulate and submit to the judicial council of this state and to the respective houses of the legislature recommendations of policies for the improvement of the judicial system.

Subd. 10. The court administrator shall submit annually, as of February 1, to the chief justice and the judicial council, a report of the activities of the court administrator's office for the preceding calendar year.

Subd. 11. The court administrator shall attend to such other matters consistent with the powers delegated herein as may be assigned by the supreme court of this state.

[*1963 c 758 s 3; 1971 c 81 s 2*]

480.16 DISTRIBUTION OF WORK OF COURTS; DUTY OF JUDGES TO COMPLY WITH CHIEF JUSTICE'S DIRECTION. The chief justice shall consider all recommendations of the court administrator for the assignment of

judges, and, in his discretion, direct any judge whose calendar, in the judgment of the chief justice, will permit, to hold court in any county or district where need therefor exists, to the end that the courts of this state shall function with maximum efficiency, and that the work of other courts shall be equitably distributed. The supreme court may provide by rule for the enforcement of this section and section 480.17.

[1963 c 758 s 4; 1971 c 81 s 2]

480.17 JUDGES, CLERKS, OTHER OFFICERS, TO COMPLY WITH REQUESTS OF COURT ADMINISTRATOR. The judges and clerks of the courts and all other officers, state and local, shall comply with all requests made by the court administrator after approval by the chief justice, for information and statistical data bearing on the state of the dockets of such courts and such other information as may reflect the business transacted by them and the expenditure of public moneys for the maintenance and operation of the judicial system.

[1963 c 758 s 5; 1971 c 81 s 2]

480.18 ANNUAL CONFERENCE OF JUDGES; JUDGE'S EXPENSES. The supreme court of this state may provide by rule or special order for the holding in this state of an annual conference of the judges of the courts of record of this state, and of members of the respective judiciary committees of the legislature, and of invited members of the bar, for the consideration of matters relating to judicial business, the improvement of the judicial system, and the administration of justice. Each judge attending such annual judicial conference shall be entitled to be reimbursed for his necessary expenses to be paid from state appropriations made for the purposes of sections 480.13 to 480.20.

[1963 c 758 s 6]

480.19 APPLICATION TO SUPREME, DISTRICT, INFERIOR COURTS. Sections 480.13 to 480.20 shall apply to the following courts: The supreme court, the district courts, and, when and to the extent so ordered by the supreme court, to the probate, municipal, and justice courts.

[1963 c 758 s 7]

480.20 APPLICATION TO SUBSTITUTION OF PROBATE JUDGES. The provisions of sections 480.13 to 480.20 shall in no way be construed to impair the authority and manner of substitution of probate judges provided in Minnesota Statutes 1961, Section 525.051.

[1963 c 758 s 8]

480.21 RESIGNED JUDGES, APPOINTMENT AS COMMISSIONERS. Subdivision 1. The supreme court may appoint any resigned judge of the supreme court, who is not engaged in the practice of law, as a commissioner of that court to aid and assist in the performance of such of its duties as may be assigned to him with his consent.

Subd. 2. Such a resigned judge who has been appointed and serves as a commissioner shall be paid the sum of \$35 and actual expenses for each day spent in the performance of his duties as such commissioner, said payment to be made in the same manner as payment of salaries for supreme court judges on certification by the chief judge.

[1963 c 760 s 1]