

## CHAPTER 484

### DISTRICT COURTS

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#### 484.01 JURISDICTION.

Subdivision 1. **General.** The district courts shall have original jurisdiction in the following cases:

- (1) all civil actions within their respective districts;

- (2) in all cases of crime committed or triable therein;
- (3) in all special proceedings not exclusively cognizable by some other court or tribunal;
- (4) in law and equity for the administration of estates of deceased persons and all guardianship and incompetency proceedings;
- (5) the jurisdiction of a juvenile court as provided in chapter 260;
- (6) proceedings for the management of the property of persons who have disappeared, and actions relating thereto, as provided in chapter 578; and
- (7) in all other cases wherein such jurisdiction is especially conferred upon them by law.

They shall also have appellate jurisdiction in every case in which an appeal thereto is allowed by law from any other court, officer, or body.

**Subd. 2. Civil service reviews.** Notwithstanding any law to the contrary, the district court has jurisdiction to review a final decision or order of a civil service commission or board upon the petition of an employee or appointing authority in any first-class city. The employee and appointing authority have standing to seek judicial review in all these cases. Review of the decision or order may be had by securing issuance of a writ of certiorari within 60 days after the date of mailing notice of the decision to the party applying for the writ. To the extent possible, the provisions of rules 110, 111, and 115 of the Rules of Civil Appellate Procedure govern the procedures to be followed. Each reference in those rules to the court of appeals, the trial court, the trial court administrator, and the notice of appeal must be read, where appropriate, as a reference to the district court, the body whose decision is to be reviewed, to the administrator, clerk, or secretary of that body, and to the writ of certiorari, respectively. This subdivision does not alter or amend the application of sections 197.455 and 197.46, relating to veterans preference.

**History:** (154) RL s 90; 1993 c 152 s 1; 2006 c 260 art 5 s 16; 2012 c 143 art 3 s 38

#### **484.011 PROBATE COURT.**

The district court shall also be a probate court.

**History:** 1982 c 398 s 3; 2006 c 260 art 5 s 17

#### **484.012 COURT ADMINISTRATOR OF PROBATE COURT, SECOND JUDICIAL DISTRICT.**

The judicial district administrator in the Second Judicial District may appoint a court administrator of the Probate Court for the district subject to the approval of the chief judge and assistant chief judge who shall serve at the pleasure of the judges of the district, and who shall be supervised by the judicial district administrator.

**History:** 1982 c 398 s 23; 1Sp1986 c 3 art 1 s 82; 2006 c 260 art 5 s 18; 2008 c 277 art 1 s 88

#### **484.013 HOUSING CALENDAR CONSOLIDATION PROGRAM.**

Subdivision 1. **Establishment.** (a) A program is established in the Second and Fourth Judicial Districts to consolidate the hearing and determination of matters related to residential rental housing and to ensure continuity and consistency in the disposition of cases.

(b) Outside the Second and Fourth Judicial Districts, a district court may establish the program described in paragraph (a) in counties that it specifies in the district.

Subd. 2. **Jurisdiction.** The housing calendar program may consolidate the hearing and determination of all proceedings under chapter 504B; criminal and civil proceedings related to violations of any state, county or city health, safety, housing, building, fire prevention or housing maintenance code; escrow of rent proceedings; and actions for rent abatement. A proceeding under sections 504B.281 to 504B.371 may not be delayed because of the consolidation of matters under the housing calendar program.

The program must provide for the consolidation of landlord-tenant damage actions and actions for rent at the request of either party. A court may not consolidate claims unless the plaintiff has met the applicable jurisdictional and procedural requirements for each cause of action. A request for consolidation of claims by the plaintiff does not require mandatory joinder of defendant's claims, and a defendant is not barred from raising those claims at another time or forum.

Subd. 3. **Referee.** The chief judge of district court may appoint a referee for the housing calendar program. The referee must be learned in the law. The referee must be compensated according to the same scale used for other referees in the district court. Section 484.70, subdivision 6, does not apply to the housing calendar program.

Subd. 4. **Referee duties.** The duties and powers of the referee in the housing calendar program are as follows:

(1) to hear and report all matters within the jurisdiction of the housing calendar program and as may be directed to the referee by the chief judge; and

(2) to recommend findings of fact, conclusions of law, temporary and interim orders, and final orders for judgment.

All recommended orders and findings of the referee are subject to confirmation by a judge.

Subd. 5. **Transmittal of court file.** Upon the conclusion of the hearing in each case, the referee shall transmit to the district court judge, the court file together with the referee's recommended findings and orders in writing. The recommended findings and orders of the referee become the findings and orders of the court when confirmed by the district court judge. The order of the court is proof of the confirmation.

Subd. 6. **Confirmation of referee orders.** Review of a recommended order or finding of the referee by a district court judge may be had by notice served and filed within ten days of effective notice of the recommended order or finding. The notice of review must specify the grounds for the review and the specific provisions of the recommended findings or orders disputed, and the district court judge, upon receipt of the notice of review, shall set a time and place for the review hearing.

Subd. 7. **Procedures.** The chief judge of the district must establish procedures for the implementation of the program, including designation of a location for the hearings. The chief judge may also appoint other staff as necessary for the program.

Subd. 8. [Repealed, 2006 c 260 art 5 s 54]

**History:** 1993 c 265 s 6; 1993 c 317 s 16; 1999 c 199 art 2 s 20; 1999 c 216 art 6 s 16,17; 2014 c 205 s 1

#### **484.014 HOUSING RECORDS; EXPUNGEMENT OF EVICTION INFORMATION.**

Subdivision 1. **Definitions.** For the purpose of this section, the following terms have the meanings given:

(1) "expungement" means the removal of evidence of the court file's existence from the publicly accessible records;

(2) "eviction case" means an action brought under sections 504B.281 to 504B.371; and

(3) "court file" means the court file created when an eviction case is filed with the court.

**Subd. 2. Discretionary expungement.** The court may order expungement of an eviction case court file only upon motion of a defendant and decision by the court, if the court finds that the plaintiff's case is sufficiently without basis in fact or law, which may include lack of jurisdiction over the case, that expungement is clearly in the interests of justice and those interests are not outweighed by the public's interest in knowing about the record.

**Subd. 3. Mandatory expungement.** The court shall order expungement of an eviction case commenced solely on the grounds provided in section 504B.285, subdivision 1, clause (1), if the court finds that the defendant occupied real property that was subject to contract for deed cancellation or mortgage foreclosure and:

(1) the time for contract cancellation or foreclosure redemption has expired and the defendant vacated the property prior to commencement of the eviction action; or

(2) the defendant was a tenant during the contract cancellation or foreclosure redemption period and did not receive a notice under section 504B.285, subdivision 1a, 1b, or 1c, to vacate on a date prior to commencement of the eviction case.

**History:** 1999 c 199 art 1 s 74; 1999 c 229 s 1; 2008 c 174 s 1; 2010 c 315 s 1

**484.015** [Repealed, 1998 c 254 art 2 s 56]

#### **484.02 CONCURRENT JURISDICTION; BOUNDARY WATERS.**

For the purposes of exercising the concurrent jurisdiction of the courts of this state in civil and criminal cases arising upon rivers or other waters which constitute a common boundary to this and any adjoining state, the counties bordering upon such waters shall be deemed to include so much of the area thereof as would be included if the boundary lines of such counties were produced in the direction of their approach and extended to the opposite shore.

**History:** (155) RL s 91

#### **484.03 WRITS.**

Such courts shall have power to issue writs of injunction, ne exeat, certiorari, habeas corpus, mandamus, quo warranto, and all other writs, processes, and orders necessary to the complete exercise of the jurisdiction vested in them by law, including writs for the abatement of a nuisance. Any judge thereof may order the issuance of such writs, and direct as to their service and return.

**History:** (156) RL s 92

#### **484.04 TESTING WRITS.**

Every writ or process issuing from a court of record shall be tested in the name of the presiding judge, be signed by the court administrator and sealed with the seal of the court, be dated on the day of its issue, and before delivery to the officer for service shall be endorsed by the court administrator with the name of

the attorney or other person procuring the same; and, when no other time is fixed by law or authorized by the rules of practice, it shall be made returnable on the first day of the next succeeding term.

**History:** (157) *RL s 93; 1Sp1986 c 3 art 1 s 82*

**484.05** [Repealed, 1977 c 432 s 49]

**484.06 JUDGE NOT TO PRACTICE LAW.**

No judge of the district court shall practice as an attorney or counselor at law except in cases in which the judge is a party in interest, nor shall the judge receive any fees for legal or judicial services other than as prescribed by law; nor shall the judge be a partner of any practicing attorney in the business of the practicing attorney's profession.

**History:** (159) *RL s 95; 1986 c 444*

**484.065 CONFLICTS OF INTEREST; CERTIFICATE OF COMPLIANCE.**

Subdivision 1. **Practice of law prohibited.** A judge of the district court shall devote full time to the performance of duties and shall not practice as an attorney or counselor at law, nor be a partner of any practicing attorney in the business of the practicing attorney's profession, and the judge shall not engage in any business activities that will tend to interfere with or appear to conflict with the judge's judicial duties.

Subd. 2. **Salary payment.** No part of the salary of a judge of the district court shall be paid unless the voucher therefor be accompanied by a certificate of the judge indicating compliance with this section.

**History:** *Ex1971 c 32 s 23; 1986 c 444*

**484.07 COURT NOT OPEN SUNDAY; EXCEPTION.**

No court shall be opened on Sunday for any purpose other than to receive a verdict, give additional instructions to or discharge a jury; but this provision shall not prevent a judge of such court from exercising jurisdiction in any case where it is necessary for the preservation of the peace, the sanctity of the day, or the arrest and commitment of an offender.

**History:** (160) *RL s 96; 1915 c 38 s 1*

**484.08 DISTRICT COURTS TO BE OPEN AT ALL TIMES; TERMS.**

The district courts of the state shall be deemed open at all times, except on legal holidays and Sundays. The terms of the district courts shall be continuous.

**History:** (161) *1923 c 412 s 1; 1977 c 432 s 10*

**484.09** [Repealed, 1977 c 432 s 49]

**484.10** [Repealed, 1977 c 432 s 49]

**484.11** [Repealed, 1977 c 432 s 49]

**484.12** [Repealed, 1977 c 432 s 49]

**484.13** MS 1957 [Renumbered 484.11]

**484.13** MS 1976 [Repealed, 1977 c 432 s 49]

- 484.14** MS 1957 [Renumbered 484.13]  
**484.14** MS 1976 [Repealed, 1977 c 432 s 49]  
**484.15** [Repealed, 1977 c 432 s 49]  
**484.16** MS 1957 [Renumbered 484.09]  
**484.16** MS 1976 [Repealed, 1977 c 432 s 49]  
**484.17** MS 1957 [Renumbered 484.13]  
**484.17** MS 1976 [Repealed, 1977 c 432 s 49]  
**484.18** MS 1957 [Renumbered 484.11]  
**484.18** MS 1976 [Repealed, 1977 c 432 s 49]  
**484.19** [Renumbered 484.14]  
**484.20** MS 1957 [Renumbered 484.16, subds 3,5,6,7,9,11,14]  
**484.21** MS 1957 [Renumbered 484.13, subds 4,10,12,13,15]  
**484.22** MS 1957 [Renumbered 484.17, subds 9,12,13,14,15,16,17,18]  
**484.23** MS 1957 [Renumbered 484.17, subds 2-8,10,11]  
**484.24** MS 1957 [Renumbered 484.16, subds 2,4,8,10,12,13]  
**484.25** MS 1957 [Renumbered 484.13, subds 5,6,9]  
**484.26** MS 1957 [Renumbered 484.18, subds 2,4,7,9]  
**484.27** MS 1957 [Renumbered 484.18, subds 3,5,6,8]  
**484.28** [Repealed, 1977 c 432 s 49]  
**484.29** [Repealed, 1977 c 432 s 49]  
**484.30 ADJOURNED AND SPECIAL TERMS.**

The judges of each district may adjourn court from time to time during any term thereof, and may appoint special terms for the trial of issues of law and fact, and, when necessary, direct petit juries to be drawn therefor. They may also appoint special terms for the hearing of all matters except issues of fact, the order for which shall be filed with the court administrator, and a copy posted in the court administrator's office for three weeks prior to the term.

**History:** (178) RL s 99; 1979 c 233 s 4; 1984 c 543 s 68; 1986 c 444; 1Sp1986 c 3 art 1 s 82

**484.31 NONATTENDANCE OF JUDGE; ADJOURNMENT.**

If the judge fails to attend on the day appointed for holding court, the sheriff or court administrator may open court and adjourn the same from day to day; but, if the judge does not appear by 4:00 p.m. of the third day, one of said officers shall adjourn the term without day, and dismiss the jurors; provided, that such court administrator or sheriff, upon the direction of the judge, and without the judge's presence, may adjourn any

general or special term to a day certain, in which case the jurors, if any, shall attend on such day without further notice.

**History:** (179) *RL s 100; 1986 c 444; 1Sp1986 c 3 art 1 s 82*

#### **484.32 FAILURE TO HOLD TERM NOT TO AFFECT WRITS.**

When any term of court is not held, all persons bound by recognizance or otherwise to appear thereat shall appear at the next general term thereof held in the county, or, if a special term be sooner held for the trial of civil and criminal causes, then at such special term. If the time for holding any such term be changed by adjournment or otherwise, all persons so bound shall appear at the term as changed. No process, proceeding, or writ shall abate or be discontinued by reason of any alteration in the time or place of holding court, or of any vacancy or change in the office of judge.

**History:** (180) *RL s 101*

#### **484.33 RULES OF PRACTICE.**

The judges of the district court shall assemble annually, at such time and place as may be designated in a call for such meeting given by the district judge of the state longest in continuous service, to revise the General Rules of Practice in such courts, for which purpose any 18 of them shall constitute a quorum. When so assembled, such judges may revise and amend such rules as they deem expedient, conformably to law, and the same shall take effect from and after the publication thereof. Such rules, as the same shall be so revised and amended from time to time, shall govern all the district courts of the state; but, in furtherance of justice, they may be relaxed or modified in any case, or a party relieved from the effect thereof, on such terms as may be just. Any other proper business pertaining to the judiciary may also be transacted.

**History:** (182) *RL s 104; 1919 c 33*

**484.34** [Repealed, 1977 c 432 s 49]

#### **484.35 TEMPORARY COURTHOUSES.**

When the courthouse or place provided for holding court in any county is destroyed or becomes unsafe or unfit for the purpose, or if no courthouse be provided, the judges may designate a convenient place at the county seat for temporary use as such.

**History:** (181) *RL s 102*

#### **484.36 TERMS FOR NATURALIZATION.**

The judges may hold general or special terms of the court for the purpose of hearing applications for naturalization, in any place designated by them in the several counties of their respective districts.

**History:** (181) *RL s 102*

**484.37** [Repealed, 1961 c 561 s 17]

**484.38** [Repealed, 1961 c 561 s 17]

**484.39** [Repealed, 1961 c 561 s 17]

**484.40** [Repealed, 1961 c 561 s 17]

**484.41** [Repealed, 1961 c 561 s 17]

**484.42** [Repealed, 1961 c 561 s 17]

**484.43** [Repealed, 1961 c 561 s 17]

**484.44 DEPUTY SHERIFF AND COURT ADMINISTRATOR; ST. LOUIS COUNTY.**

There shall be at all times a chief deputy sheriff of St. Louis County and a chief deputy court administrator of the district court of St. Louis County and such other deputies as may be necessary, resident at the city of Virginia, or the city of Ely, or the city of Hibbing, and their appointment shall be made in the same manner as other deputy sheriffs and deputy clerks of the district court in said county. The salaries of such deputies shall be fixed and paid in the same manner as other such deputies. The office of said deputy sheriff at Virginia, Hibbing, and Ely shall not in any sense be considered or deemed the office of the sheriff for any purpose except the performance of duties relating solely to proceedings tried or to be tried at said places; but the office of the deputy court administrator at said places shall be equally deemed the office of the court administrator of court for all purposes except the filing of papers in actions or proceedings to be tried at Duluth. Marriage licenses and naturalization papers may be issued by said deputy court administrator.

**History:** (166) 1909 c 126; 1911 c 368 s 1; 1915 c 93; 1915 c 371; 1917 c 255 s 2; 1921 c 284 s 1; 1931 c 160 s 1; 1973 c 123 art 5 s 7; 1986 c 444; 1Sp1986 c 3 art 1 s 82

**484.45 COURTHOUSE; JAIL; EXPENSES; ST. LOUIS COUNTY.**

It is hereby made the duty of the board of county commissioners of the county of St. Louis to furnish and maintain adequate accommodations for the holding of terms of the district court at the city of Hibbing, and the city of Virginia, proper offices for these deputies and a proper place for the confinement and maintenance of the prisoners at the city of Hibbing and the city of Virginia.

The county shall reimburse the county attorney and assistants for their traveling expenses actually and necessarily incurred in the performance of their respective official duties.

**History:** (167) 1909 c 126; 1911 c 368; 1915 c 371 s 1; 1917 c 255 s 1; 1973 c 123 art 5 s 7; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 2006 c 260 art 5 s 19

**484.46 JURORS; ST. LOUIS COUNTY.**

Grand and petit jurors for each of these general terms shall be selected, drawn, and summoned in the same manner in all respects as for the general terms of the court held at the county seat of the county, except when in the discretion of the court there will be no necessity of drawing a grand jury or a petit jury, the court may enter its order directing that no grand jury or petit jury be summoned for the particular term therein mentioned.

**History:** (168) 1909 c 126; 1911 c 368; 1915 c 93

**484.47** [Repealed, 1977 c 432 s 49]

**484.471** [Renumbered 484.63]

**484.48 TRIAL OF CRIMINAL CASES; ST. LOUIS COUNTY.**

A person bound over to the grand jury, charged with a criminal offense, shall be tried at the place of holding regular terms of the district court which is nearest to the court binding the party over, except as otherwise provided in this section; and a criminal offense committed in a city, town, or unorganized territory



shall be tried at the place of holding the regular term of the district court which is nearest to the city, town or place where the offense is committed.

When the offense is committed nearer to Virginia or Hibbing than to the county seat, the party committing the offense shall be tried at Virginia or Hibbing.

**History:** (170) 1909 c 126; 1911 c 368; 1915 c 93 s 5; 1973 c 123 art 5 s 7; 1979 c 39 s 1

#### **484.49 TRIAL OF ACTIONS; ST. LOUIS COUNTY.**

All civil actions brought in the district court of the county against any person or persons, firm, or corporation residing in the county, shall be tried, heard, and determined at the place of holding regular or adjourned terms of the district court which is nearest, by the usual route of travel, to the residence of the defendant or defendants, or the majority thereof, unless the place of trial shall be waived by the defendant or defendants; and, for the purpose of determining the place of residence of domestic corporations, such a corporation shall be considered as residing at any place where it has an office, resident agent, or business place; provided that if none of the parties shall reside or be found in the state, or the defendant be a foreign corporation, the action shall be begun and tried in the place designated in the summons.

**History:** (171) 1909 c 126; 1911 c 368; 1921 c 302 s 2

#### **484.50 SUMMONS; PLACE OF TRIAL; ST. LOUIS COUNTY.**

A party wishing to have an appeal from an order of the public utilities commission, an election contest, a lien foreclosure, or a civil cause or proceeding of a kind commenced or appealed by a party in the court, tried in the city of Virginia shall, in the summons, notice of appeal in a matter, or other jurisdictional instrument issued, in addition to the usual provisions, print, stamp, or write thereon the words, "to be tried at the city of Virginia," and a party wishing a matter commenced or appealed by a party in the court tried at the city of Hibbing shall, in the summons, notice of appeal in a matter, or other jurisdictional instrument issued, in addition to the usual provisions, print, stamp, or write thereon the words, "to be tried at the city of Hibbing," and in a case where a summons, notice of appeal in a matter, or other jurisdictional instrument contains a specification, the case shall be tried at the city of Virginia, or the city of Hibbing, as the case may be, unless the defendant shall have the place of trial fixed in the manner specified in this section.

If the place of trial designated is not the proper place of trial, as specified in sections 484.44 to 484.52, the cause shall nevertheless be tried in a place, unless the defendant, in an answer in addition to the other allegations of defense, shall plead the location of the defendant's residence, and demand that the action be tried at the place of holding the court nearest the defendant's residence, as provided in this section; and in a case where the answer of the defendant pleads the place of residence and makes a demand of place of trial, the plaintiff, in reply, may admit or deny the allegations of residence, and if the allegations of residence are not expressly denied, the case shall be tried at the place demanded by the defendant, and if the allegations of residence are denied, the place of trial shall be determined by the court on motion.

If there are several defendants, residing at different places in a county, the trial shall be at the place in which the majority of the defendants unite in demanding, or if the numbers are equal, at the place nearest the residence of the majority of the defendants.

The venue of an action may be changed from one of these places to another, by order of the court, in the following cases:

- (1) upon written consent of the parties;

(2) when it appears, on motion, that a party has been made a defendant for the purpose of preventing a change of venue as provided in this section;

(3) when an impartial trial cannot be held in the place where the action is pending; or

(4) when the convenience of witnesses and the ends of justice would be promoted by the change.

Application for a change under clause (2), (3), or (4), shall be made by motion which shall be returnable and heard at the place of commencement of the action.

**History:** (172) 1909 c 126; 1911 c 368; 1915 c 93; 1921 c 302 s 3; 1931 c 195 s 1; 1971 c 25 s 67; 1973 c 123 art 5 s 7; 1979 c 39 s 2; 1986 c 444; 1Sp2001 c 4 art 6 s 75

#### **484.51 PAPERS WHERE FILED; ST. LOUIS COUNTY.**

After the place of trial of any cause is determined, as provided in sections 484.44 to 484.52, all papers, orders and documents pertaining to all causes to be tried at Virginia and filed in court shall be filed and be kept on file at the court administrator's office in the city of Virginia, and all causes to be tried in Hibbing and all papers, orders and documents pertaining thereto shall be filed and be kept on file at the court administrator's office in the city of Hibbing.

In all actions tried at the city of Virginia or the city of Hibbing, the court administrator, as soon as final judgment is entered, shall forthwith cause such judgment to be docketed in the court administrator's office at the county seat; and when so docketed the same shall become a lien on real estate and have the same effect as judgments entered in causes tried at the county seat.

In all actions tried at the city of Virginia or the city of Hibbing, involving the title of real estate, upon final judgment being entered, all the papers in said cause shall be filed in the court administrator's office at the county seat and the final judgment or decree recorded therein, and a certified copy of all papers in the case shall be made by the court administrator and retained at the court administrator's office in the city of Virginia or in the court administrator's office in the city of Hibbing where the action was originally tried, without additional charge to the parties to said action.

**History:** (173) 1909 c 126; 1911 c 368; 1915 c 93; 1917 c 255 s 3; 1973 c 123 art 5 s 7; 1986 c 444; 1Sp1986 c 3 art 1 s 82

#### **484.52 RULES.**

The judges of the district court shall have full power and authority to make all such rules and orders as are necessary to carry out the provisions of sections 484.44 to 484.52.

**History:** (174) 1909 c 126; 1911 c 368; 1985 c 248 s 70

**484.53** [Repealed, 1969 c 549 s 4]

#### **484.54 EXPENSES OF JUDGES.**

Subdivision 1. **Travel and subsistence.** Except as provided in subdivision 2, judges shall be compensated for travel and subsistence expenses in the same manner and amount as provided in the plan adopted by the commissioner of management and budget pursuant to section 43A.18, subdivision 3. Additionally, judges of the district court shall be reimbursed for all sums, not reimbursed by counties, they shall necessarily hereafter pay out for only the following purposes: telephone tolls, postage, expressage, stationery, including printed letterheads and envelopes for official business; tuition, travel and subsistence for attending educational

programs except that no expense shall be paid to satisfy continuing legal education requirements, attendance at which is approved by the supreme court.

Subd. 2. **Expense payments.** A judge shall be paid travel and subsistence expenses for travel from the judge's place of residence to and from the judge's permanent chambers only for a period of two years as provided by Judicial Council policy.

Subd. 3. **Reimbursement filings.** Each judge claiming reimbursement for allowable expenses may file with the supreme court monthly and shall file not later than 90 days after the expenses are incurred, an itemized statement, verified by the judge, of all allowable expenses actually paid by the judge. All statements shall be audited by the supreme court and, if approved by the supreme court, shall be paid from appropriations for this purpose.

**History:** (209) 1913 c 466 s 1; 1921 c 249; 1959 c 158 s 31; 1971 c 5 s 1; Ex1971 c 32 s 20; 1973 c 492 s 14; 1975 c 204 s 85; 1976 c 231 s 33; 1977 c 432 s 11; 1979 c 333 s 104; 1981 c 210 s 52; 1986 c 444; 1989 c 335 art 1 s 257; 2006 c 260 art 5 s 20; 2007 c 54 art 5 s 9; 2008 c 204 s 42; 2009 c 101 art 2 s 109

#### **484.545 LAW CLERKS.**

Subdivision 1. **Law clerk appointments.** Each district judge may appoint a competent law clerk.

Subd. 2. [Repealed, 2006 c 260 art 5 s 54]

Subd. 3. [Repealed, 2006 c 260 art 5 s 54]

Subd. 4. **Law clerks; no tenure.** All law clerks in every judicial district, shall serve without tenure at the pleasure of the appointing judge or judges.

**History:** 1975 c 385 s 1; 1978 c 750 s 1; 1980 c 598 s 1; 1981 c 303 s 4,5; 1984 c 654 art 2 s 131; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1987 c 377 s 7; 1989 c 335 art 3 s 16,17; 2006 c 260 art 5 s 21

#### **484.546 SUPERSEDED LAWS.**

Any other law not repealed by Laws 1975, chapter 385, section 3 that provides for the employment of law clerks by district judges in judicial districts other than the Second and Fourth is superseded only to the extent it provides fewer clerks than provided by section 484.545.

**History:** 1975 c 385 s 2

**484.55** [Repealed, 2006 c 260 art 5 s 54]

#### **484.61 RETIRED DISTRICT COURT JUDGES, ASSIGNMENTS.**

Upon the retirement of any judge of the district court under the provisions of chapter 490, the retired judge may be appointed and assigned to hear any cause properly assignable to a judge of the district court and act thereon with full powers of a judge of the district court pursuant to section 2.724 with the retired judge's consent.

**History:** 1957 c 678 s 1; 1974 c 417 s 2; 1981 c 224 s 213; 1986 c 444

#### **484.62 COMPENSATION AND REPORTER.**

When a retired judge undertakes such service, the retired judge shall be provided with a reporter, selected by the retired judge, at the expense of the state, and with a deputy court administrator, bailiff, if the judge

deems a bailiff necessary, and a courtroom or hearing room for the purpose of holding court or hearings, to be paid for by the county in which the service is rendered and shall receive pay and expenses in the amount and manner provided by law for judges serving on the court to which the retired judge is assigned, less the amount of retirement pay which the judge is receiving, said payment to be made in the same manner as the payment of salaries for judges of the district court, on certification by the chief judge of the judicial district or by the chief justice of the Supreme Court of the state of Minnesota. A deputy court administrator may act as bailiff when called to do so for the purposes of this section. A retired judge who solemnizes a marriage while not assigned under section 484.61 is not entitled to the compensation provided by this section.

**History:** 1957 c 678 s 2; 1969 c 1139 s 86; 1971 c 948 s 1; 1977 c 432 s 12; 1978 c 793 s 77; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1987 c 377 s 8; 1989 c 335 art 3 s 18; 1992 c 464 art 1 s 56

**484.63** [Repealed, 1983 c 247 s 219]

#### **484.64 FAMILY COURT DIVISION; SECOND JUDICIAL DISTRICT.**

Subdivision 1. **Ramsey County Family Court Division.** In the Second Judicial District a family court division of the district court is hereby created to be presided over by a district court judge to be appointed by the chief judge of the district court to serve for a term of one year. The judges appointed to said office shall be designated as the judge of the family court division.

Subd. 2. **Jurisdiction.** The district court judge, family court division, shall hear and determine all matters involving divorce, annulment or legal separation, including proceedings for civil contempt for violations of orders issued in such proceedings. In addition, that judge shall hear and determine paternity actions, reciprocal enforcement of support actions and criminal nonsupport cases.

Subd. 3. **Chambers and supplies.** The Board of County Commissioners of Ramsey County shall provide suitable chambers and courtroom space and bailiffs, together with necessary library supplies and other expenses necessary. The state shall provide referees, court reporters, law clerks, and guardian ad litem program coordinators and staff.

Subd. 4. **Disability; assignment of another judge.** In cases of absence, sickness or other disability which prevents said judge from performing duties, the chief judge of the district court of the Second Judicial District may designate or assign one or more of the other judges of the district court to perform the duties of the district court judge, family court division. The chief judge of the district court may assign one or more family court matters to another judge of said judicial district for hearing and determination.

Subd. 5. **Judge designated.** The judge of the family court division may be designated in writing by the chief judge of the district court of the Second Judicial District to the regular or ordinary duties of a judge of the district court without thereby affecting the term of office to which such judge was appointed.

**History:** Ex1967 c 22 s 2-6; 1969 c 9 s 88; Ex1971 c 7 s 1; 1978 c 772 s 62; 1986 c 444; 1989 c 335 art 3 s 19; 1999 c 216 art 7 s 28; 2006 c 260 art 5 s 22

#### **484.65 FAMILY COURT DIVISION; FOURTH JUDICIAL DISTRICT.**

Subdivision 1. **Presiding judge.** In the Fourth Judicial District, a Family Court Division of the district court is hereby created to be presided over by a district court judge appointed by the chief judge of the judicial district to serve for a term not exceeding six years. The judge appointed to this office shall be designated as the district court judge, Family Court Division. No judge may be appointed to serve consecutive terms as the district court judge, Family Court Division.

Subd. 2. **Assignment of matters.** Said district court judge shall hear and determine all family matters assigned by the chief judge of the Fourth Judicial District with the approval of the majority of the judges of said district.

Subd. 3. **Space; personnel; supplies.** The Board of County Commissioners of Hennepin County shall provide suitable chambers and courtroom space and bailiffs, together with necessary library supplies and other expenses necessary. The state shall provide referees, court reporters, law clerks, and guardian ad litem program coordinators and staff.

Subd. 4. **Vacancy.** In cases of vacancy in the office, or if work load, absence, sickness or other disability prevents a judge from fully performing duties, the chief judge of the district court of the Fourth Judicial District may orally or in writing designate or assign one or more of the other judges of the district court to perform or assist in the performance of the duties of the district court judge, family court division.

Subd. 5. **Ordinary duties.** The district court judge, family court division, may be designated in writing by the chief judge of the district court of the Fourth Judicial District to the regular or ordinary duties of a judge of the district court.

Subd. 6. **Filling vacancies.** Vacancies in the office of district court judge, family court division, shall be filled in the manner prescribed by law for the filling of vacancies in the office of other judges of the district court.

Subd. 7. **Referees; appointment.** The district court judge, family court division, may, with the consent and approval of the judges of the district court of the Fourth Judicial District, appoint one or more suitable persons to act as referees. Such referees shall be learned in the law and shall hold office at the pleasure of the judges of the district court.

Subd. 8. **Referees; duties.** The duties and powers of referees in the family court division shall be as follows:

(1) hear and report all matters within the jurisdiction of the district court judge, family court division, as may be directed to the referee by said judge;

(2) recommend findings of fact, conclusions of law, temporary and interim orders, and final orders for judgment.

Subd. 9. **Referees; appeal.** All recommended orders and findings of a referee shall be subject to confirmation by said district court judge. Fourth Judicial District Family Court referee orders and decrees may be appealed directly to the court of appeals in the same manner as judicial orders and decrees. The time for appealing an appealable referee order runs from service by any party of written notice of the filing of the confirmed order.

Subd. 10. **Referees; findings and orders.** Upon the conclusion of the hearing in each case, the referee shall transmit to said district court judge the court file together with the referee's recommended findings and orders in writing. The recommended findings and orders of a referee become the findings and orders of the court when confirmed by said judge. The order of the court shall be proof of such confirmation.

**History:** *Ex1971 c 7 s 2; 1977 c 432 s 14,15; 1981 c 292 s 3; 1983 c 370 s 2-4; 1986 c 444; 1989 c 335 art 3 s 20,21; 1999 c 216 art 7 s 29; 2006 c 260 art 5 s 23; 2006 c 280 s 8*

**484.66 DISTRICT ADMINISTRATOR; FOURTH JUDICIAL DISTRICT.**

Subdivision 1. **District administrator; court administrator duties.** In the county of Hennepin, the district administrator shall assume the statutory duties of the court administrator of district court.

Subd. 2. **Transfer of duties.** The duties, functions and responsibilities which have been heretofore and which may be hereafter required by statute or law to be performed by the court administrator of district court shall be performed by the district administrator, who shall be appointed pursuant to section 484.68.

The district administrator, subject to the approval of a majority of the judges of the district court in the Fourth Judicial District, shall have the authority to initiate and direct any reorganization, consolidation, reallocation or delegation of such duties, functions or responsibilities for the purpose of promoting efficiency in county government, and may make such other administrative changes as are deemed necessary for this purpose. Such reorganization, reallocation or delegation, or other administrative change or transfer shall not diminish, prohibit or avoid those specific duties required by statute or law to be performed by the court administrator of district court.

**History:** 1974 c 212 s 1,2; 1977 c 432 s 16; 1Sp1986 c 3 art 1 s 82; 1998 c 254 art 2 s 57

**484.67** [Repealed, 1981 c 272 s 7]

**484.68 DISTRICT ADMINISTRATOR.**

Subdivision 1. **Appointment.** The chief judge of the judicial district in each judicial district shall appoint a single district administrator, subject to the approval of the supreme court, with the advice of the judges of the judicial district.

The district administrator shall serve at the pleasure of a majority of the judges of the judicial district.

Subd. 2. **Staff.** The district administrator shall have such deputies, assistants and staff as the judges of the judicial district deem necessary to perform the duties of the office.

Subd. 3. **Duties.** The district administrator shall:

(1) assist the chief judge in the performance of administrative duties;

(2) manage the administrative affairs of the courts of the judicial district;

(3) supervise the court administrators and other support personnel who serve in the courts of the judicial district and court reporters as agreed upon with the collective bargaining representative. Court reporters who serve in the courts of the judicial district and are appointed by individual judges shall remain under the supervision of the judge who appointed them and serve at their pleasure;

(4) comply with the requests of the state court administrator for statistical or other information relating to the courts of the judicial district;

(5) with the approval of the chief judge, determine the needs of the judges of the district for office equipment necessary for the effective administration of justice and develop a plan to make the equipment available to the judges of the district; the plan must be submitted to the state court administrator for approval and determination of eligibility for state funding under section 480.15, subdivision 12; and

(6) perform any additional duties that are assigned by law or by the rules of court.

Subd. 4. **Secretary.** The district administrator shall serve as secretary for meetings of the judges of the judicial district.

Subd. 5. **Budget for office.** The office budget of the district administrator shall be paid by the state. The budget must include sufficient money for the staff authorized by this section and other staff and expenses authorized under law. A county shall provide office facilities for the district administrator.

Subd. 6. [Repealed, 1986 c 464 s 3]

Subd. 7. [Repealed, 2006 c 260 art 5 s 54]

Subd. 8. **Retirement.** A member of the Public Employees Retirement Association appointed as district administrator pursuant to this chapter, shall remain a member of the fund unless the member elects, within 12 months of the appointment, to be covered by the Minnesota State Retirement System. If a district court administrator elects retirement coverage by the Minnesota State Retirement System pursuant to this subdivision, that coverage shall commence with first day of the first payroll period occurring after the election. No person shall receive credit for more than one month of service from the affected retirement funds for the month in which the change in retirement coverage is elected.

**History:** 1977 c 432 s 17; 1978 c 793 s 78-80; 1981 c 224 s 214; 1983 c 299 s 30; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1987 c 404 s 184,185; 1989 c 335 art 3 s 22; 2006 c 260 art 5 s 24; 2011 c 116 art 1 s 5

#### 484.69 CHIEF JUDGE.

Subdivision 1. **Election; term; removal.** The judges of the district court resident in each of the judicial districts shall meet and elect from among their number a single chief judge and an assistant chief judge. The chief judge and the assistant chief judge shall serve a term of two years beginning July 1 of the year in which they are elected. No judge may serve as chief judge or assistant chief judge for more than two consecutive two-year terms, except as provided in subdivision 1a. For the term beginning July 1, 1991, and after that, the chief judge and assistant chief judge in the odd-numbered judicial district shall be elected to a term of two years. For the term beginning July 1, 1991, the chief judge and assistant chief judge in the even-numbered judicial districts shall be elected to a term of one year. For the term beginning July 1, 1992, and after that, the chief judge and assistant chief judge in the even-numbered judicial districts shall be elected to a term of two years.

The seniority of judges and rotation of the position of chief judge or assistant chief judge shall not be criteria for the election of the chief judge or the assistant chief judge.

A chief judge or assistant chief judge may be removed for cause as chief judge or assistant chief judge by the chief justice of the supreme court, or by a majority of the judges of the judicial district.

Subd. 1a. [Repealed, 2008 c 277 art 1 s 98]

Subd. 2. [Repealed, 1990 c 553 s 15]

Subd. 3. **Administrative authority.** In each judicial district, the chief judge, subject to the authority of the chief justice, shall exercise general administrative authority over the courts within the judicial district. The chief judge shall make assignments of judges to serve on the courts within the judicial district, and assignments may be made without the consent of the judges affected. The chief judge may assign any judge of any court within the judicial district to hear any matter in any court of the judicial district. When a judge of a court is assigned to another court the judge is vested with the powers of a judge of the court of assignment. A judge may not be assigned to hear matters outside the judge's judicial district pursuant to this subdivision.

Subd. 4. **Semiannual meetings; judicial conference.** The chief judges shall meet at least semiannually to consider problems relating to judicial business and administration. After consultation with the judges of their respective districts the chief judges shall prepare in conference and submit to the chief justice of the supreme court a suggested agenda for the judicial conference held pursuant to section 480.18.

Subd. 5. **Judges' meetings.** The chief judge shall convene a conference at least semiannually of all judges of the judicial district to consider administrative matters and rules of court and to provide advice and counsel to the chief judge.

**History:** 1977 c 432 s 45; 1986 c 444; 1990 c 553 s 1,2

#### **484.70 REFEREE POSITIONS, RULES.**

Subdivision 1. **Appointment.** The chief judge of the judicial district may appoint one or more suitable persons to act as referees. Referees shall hold office at the pleasure of the judges of the district court and shall be learned in the law, except that persons holding the office of referee on January 1, 1983, may continue to serve under the terms and conditions of their appointment. All referees are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3, and are not limited to assignment to family, probate, juvenile or special term court.

Subd. 2. [Repealed, 1981 c 272 s 7]

Subd. 3. [Repealed, 1981 c 272 s 7]

Subd. 4. [Repealed, 1981 c 272 s 7]

Subd. 5. [Repealed, 1981 c 272 s 7]

Subd. 6. **Objection to referee.** No referee may hear a contested trial, hearing, motion or petition if a party or attorney for a party objects in writing to the assignment of a referee to hear the matter. The court shall by rule, specify the time within which an objection must be filed.

Subd. 7. **Referee duties.** The duties and powers of referees shall be as follows:

(a) Hear and report all matters assigned by the chief judge.

(b) Recommend findings of fact, conclusions of law, temporary and interim orders, and final orders for judgment.

All recommended orders and findings of a referee shall be subject to confirmation by a judge.

(c) Upon the conclusion of the hearing in each case, the referee shall transmit to a judge the court file together with recommended findings and orders in writing. The recommended findings and orders of a referee become the findings and orders of the court when confirmed by a judge. The order of the court shall be proof of such confirmation, and also of the fact that the matter was duly referred to the referees.

(d) Review of any recommended order or finding of a referee by a judge may be by notice served and filed within ten days of effective notice of the recommended order or finding. The notice of review shall specify the grounds for review and the specific provisions of the recommended findings or orders disputed, and the court, upon receipt of a notice of review, shall set a time and place for a review hearing.

(e) All orders and findings recommended by a referee become an effective order when countersigned by a judge and remain effective during the pendency of a review, including a remand to the referee, unless a judge:



- (1) expressly stays the effect of the order;
- (2) changes the order during the pendency of the review; or
- (3) changes or vacates the order upon completion of the review.

(f) Notwithstanding paragraphs (d) and (e), referee orders and decrees in probate or civil commitment court proceedings, if appealed, must be appealed directly to the court of appeals, in the same manner as judicial orders and decrees.

**History:** 1977 c 432 s 48; 1978 c 750 s 2; 1979 c 318 s 1; 1980 c 580 s 21; 1981 c 272 s 3-5; 1Sp1981 c 4 art 3 s 3,4; art 4 s 26; 1982 c 609 s 1; 1983 c 370 s 5; 1988 c 582 s 1; 1999 c 196 art 1 s 1; 2017 c 95 art 2 s 10

**484.701** [Repealed, 1983 c 370 s 6]

**484.702 EXPEDITED CHILD SUPPORT HEARING PROCESS.**

Subdivision 1. **Creation; scope.** (a) The supreme court shall create an expedited child support hearing process to establish, modify, and enforce child support; and enforce maintenance, if combined with child support. The process must be designed to handle child support and paternity matters in compliance with federal law.

(b) All proceedings establishing, modifying, or enforcing support orders; and enforcing maintenance orders, if combined with a support proceeding, must be conducted in the expedited process if the case is a IV-D case. Cases that are not IV-D cases may not be conducted in the expedited process.

(c) This section does not prevent a party, upon timely notice to the public authority, from commencing an action or bringing a motion in district court for the establishment, modification, or enforcement of support, or enforcement of maintenance orders if combined with a support proceeding, where additional issues involving domestic abuse, establishment or modification of custody or visitation, or property issues exist as noticed by the complaint, motion, counter motion, or counter action.

(d) At the option of the county, the expedited process may include contempt actions or actions to establish parentage.

(e) The expedited process should meet the following goals:

- (1) be streamlined and uniform statewide and result in timely and consistent issuance of orders;
- (2) be accessible to the parties without the need for an attorney and minimize litigation;
- (3) be a cost-effective use of limited financial resources; and
- (4) comply with applicable federal law.

(f) For purposes of this section, "IV-D case" has the meaning given in section 518A.26, subdivision 10.

Subd. 2. **Administration.** (a) The state court administrator shall provide for the administration of the expedited child support hearing process in each judicial district.

(b) Until June 30, 2000, the Office of Administrative Hearings and the state court administrator may enter into contracts to provide one or more administrative law judges to serve as child support magistrates and for administrative and case management support. The title to all personal property used in the administrative child support process mutually agreed upon by the Office of Administrative Hearings and

the Office of the State Court Administrator must be transferred to the state court administrator for use in the expedited child support process.

Subd. 3. **Appointment of child support magistrates.** The chief judge of each judicial district may appoint one or more suitable persons to act as child support magistrates for the expedited child support hearing process, with the confirmation of the supreme court. A child support magistrate appointed to serve in the expedited child support process, whether hired on a full-time, part-time, or contract basis, is a judicial officer under section 43A.02, subdivision 25, and is an employee of the state under section 3.732 for purposes of section 3.736 only.

Subd. 4. **Training and qualifications of child support magistrates.** The supreme court may:

- (1) provide training for individuals who serve as child support magistrates for the expedited child support hearing process;
- (2) establish minimum qualifications for child support magistrates; and
- (3) establish a policy for evaluating and removing child support magistrates.

Subd. 5. **Rules.** The supreme court shall adopt rules to implement the expedited child support hearing process under this section.

Subd. 6. **Expedited child support process.** Hearings and proceedings conducted in the expedited child support process under this section may be reported by use of electronic recording equipment provided that the equipment meets the minimum standards established by the state court administrator. Electronic recording equipment must be operated and monitored by a person who meets the minimum qualifications established by the state court administrator.

**History:** 1999 c 196 art 1 s 2; 2005 c 164 s 29; 1Sp2005 c 7 s 28; 2006 c 260 art 5 s 25; 2017 c 95 art 2 s 11

#### **484.71 TRIAL OF CIVIL AND CRIMINAL ACTIONS; ST. LOUIS COUNTY.**

The district court may, if it deems it necessary, designate some place other than Duluth, Hibbing or Virginia to conduct terms of court.

There may be maintained in the city of Ely suitable facilities for the conduct of terms of court.

The expenses of holding terms of court in places other than Duluth, Hibbing or Virginia shall be paid by the county board. The district court shall not designate any place other than Duluth, Hibbing or Virginia to hold terms of court unless suitable facilities are available.

**History:** 1979 c 39 s 3

#### **484.72 ELECTRONIC RECORDING OF COURT PROCEEDINGS.**

Subdivision 1. **Authorization.** Except as provided in subdivision 4, electronic recording equipment may be used to record court proceedings in lieu of a court reporter. However, at the request of any party to any proceedings, the court may, in its discretion, require a competent stenographer who meets minimum qualifications promulgated by the supreme court, to make a complete stenographic record of the proceedings.

Subd. 2. **Appointment of operator, costs and payment.** The court shall have the authority to appoint a person or persons to operate and monitor electronic recording equipment. The person or persons may be paid on a salary basis, on a contract basis, or such other basis as the court deems appropriate.

Subd. 3. **Specification for electronic recording equipment; qualifications for operator.** For the purpose of this section the state court administrator shall promulgate specifications for acceptable electronic recording equipment used to record court proceedings and minimum qualifications for the persons who operate and monitor the equipment.

Subd. 4. **Limitations on use of electronic recording equipment.** A competent stenographer who meets minimum qualifications promulgated by the supreme court, shall make a complete stenographic record of the following court proceedings:

(1) Felony and gross misdemeanor offenses, except arraignments and first appearance in district court as specified in rule 8 of the Rules of Criminal Procedure.

(2) District court jury trials.

(3) Contested district court trials and fact-finding hearings. Where required by statute or court rule, electronic recording equipment may be used in addition to the services of a competent stenographer.

Subd. 5. **Malfunction of electronic recording.** If, when electronic recording equipment is used, a malfunction occurs in the recording process so that the recording is incomplete, the court may declare a mistrial if the malfunction is discovered during the trial. If the malfunction is discovered in the course of preparing a transcript after a verdict has been entered, the court may grant a new trial upon motion of any party.

Subd. 6. **Expedited child support process.** Notwithstanding subdivisions 1 and 4, hearings and proceedings conducted in the expedited child support process under section 484.702 may be reported by use of electronic recording equipment provided that the equipment meets the minimum standards promulgated by the state court administrator. Electronic recording equipment must be operated and monitored by a person who meets the minimum qualifications promulgated by the state court administrator.

**History:** 1981 c 303 s 1; 1999 c 196 art 1 s 3

#### 484.73 JUDICIAL ARBITRATION.

Subdivision 1. **Authorization.** A majority of the judges of a judicial district may authorize the establishment of a system of mandatory, nonbinding arbitration within the district to assist the court in disposing of any controversy existing between two parties which is the subject of a civil action.

Subd. 2. **Exclusions.** Judicial arbitration may not be used to dispose of matters relating to civil commitment, matters within the juvenile court jurisdiction involving children in need of protection or services or delinquency, matters involving termination of parental rights under sections 260C.301 to 260C.328, or matters arising under sections 518B.01, 626.557, or 144.651 to 144.652.

Subd. 3. **Rules.** Rules governing pleadings, practice, procedure, jurisdiction, and forms for judicial arbitration shall be promulgated by a majority of the judges in the district, subject to the approval of the supreme court. The Uniform Arbitration Act shall not be construed to apply to arbitration under this section except as otherwise provided in the rules of the judicial district.

Subd. 4. **Fee on request for trial after arbitration.** Upon making a request for trial, the moving party shall, unless permitted to proceed in forma pauperis, pay to the court administrator a fee of \$100.

**History:** 1984 c 634 s 1; 1988 c 673 s 39; 1991 c 345 art 1 s 102; 1999 c 139 art 4 s 2; 2016 c 135 art 2 s 1

**484.74 ALTERNATIVE DISPUTE RESOLUTION.**

Subdivision 1. **Authorization.** In litigation involving an amount in excess of \$7,500 in controversy, the presiding judge may, by order, direct the parties to enter nonbinding alternative dispute resolution. Alternatives may include private trials, neutral expert fact-finding, mediation, minitrials, and other forms of alternative dispute resolution. The guidelines for the various alternatives must be established by the presiding judge and must emphasize early and inexpensive exchange of information and case evaluation in order to facilitate settlement.

Subd. 2. **Neutral; appointment; removal.** The judge shall appoint an impartial third-party neutral to conduct all proceedings held under subdivision 1. A party may file with the judge within five days of the notice of appointment of a neutral and serve on all other parties to the action a notice to remove the neutral. Upon receipt of the notice to remove, the judge shall assign another neutral. After a party has once disqualified a neutral as a matter of right, a substitute neutral may be disqualified by the party only by making an affirmative showing of prejudice to the judge.

Subd. 2a. **Consensual special magistrates.** In addition to the alternatives under subdivision 1, in cases where the amount in controversy exceeds \$50,000, and with the consent of all of the parties, the presiding judge may submit to the parties a list of retired judges or qualified attorneys who are available to serve as special magistrates for binding proceedings under this subdivision. If the parties agree on selection of a person from the list, the presiding judge may appoint, by order, the person as a special magistrate. The special magistrate may preside over any pretrial and trial matters as determined by the presiding judge. If there is a right to a jury trial, the special magistrate shall conduct the jury trial pursuant to the rules of court and shall use the jury pool of the county in which the action is venued. The presiding judge may adopt the rulings and findings of the special magistrate and the results of any jury trial without modification. The parties have a right to appeal from the presiding judge's rulings and findings and from the jury verdict as in other civil matters.

Subject to chapter 563, the special magistrate's fees and expenses must be borne by the parties on a basis determined to be fair and equitable by the presiding judge, upon recommendation by the special magistrate. The special magistrate may assess costs against a party for failure to comply with rules or orders, or for litigation that is frivolous or brought in bad faith.

Subd. 3. **Fees.** Subject to chapter 563, the neutral's fees and expenses must be borne by the parties on a basis determined to be fair and equitable by the presiding judge.

Subd. 4. **Application.** This section applies only to the Second and Fourth Judicial Districts, which will serve as pilot projects to evaluate the effectiveness of alternative forms of resolving commercial and personal injury disputes.

**History:** 1987 c 404 s 186; 1989 c 229 s 1,2; 1990 c 360 s 1; 1993 c 192 s 96; 1993 c 340 s 18; 1994 c 636 art 6 s 24

**484.75** [Repealed, 2006 c 260 art 5 s 54]

**484.76 ALTERNATIVE DISPUTE RESOLUTION PROGRAM.**

Subdivision 1. **General.** The supreme court shall establish a statewide alternative dispute resolution program for the resolution of civil cases filed with the courts. The supreme court shall adopt rules governing practice, procedure, and jurisdiction for alternative dispute resolution programs established under this section. Except for matters involving family law the rules shall require the use of nonbinding alternative dispute

resolution processes in all civil cases, except for good cause shown by the presiding judge, and must provide an equitable means for the payment of fees and expenses for the use of alternative dispute resolution processes.

Subd. 2. **Scope.** Alternative dispute resolution methods provided for under the rules must include arbitration, private trials, neutral expert fact-finding, mediation, minitrials, consensual special magistrates including retired judges and qualified attorneys to serve as special magistrates for binding proceedings with a right of appeal, and any other methods developed by the supreme court. The methods provided must be nonbinding unless otherwise agreed to in a valid agreement between the parties. Alternative dispute resolution may not be required in guardianship, conservatorship, or civil commitment matters; or in matters arising under section 144.651, 144.652, 518B.01, or 626.557.

**History:** 1991 c 321 s 4; 1993 c 192 s 97; 1993 c 340 s 19; 2009 c 163 art 2 s 38

#### **484.77 FACILITIES.**

The county board in each county shall provide suitable facilities for court purposes at the county seat, or at other locations agreed upon by the district court and the county. The county shall also be responsible for the costs of renting, maintaining, operating, remodeling, insuring, and renovating those facilities occupied by the court. The county board and the district court must mutually agree upon relocation, renovation, new construction, and remodeling decisions related to court facility needs. The state court administrator shall convene court and county representatives who shall develop written model guidelines for facilities that may be adopted in each county.

**History:** 1Sp2001 c 5 art 5 s 16

#### **484.78 COMBINED JURISDICTION PROGRAM.**

Notwithstanding sections 260.031, subdivision 4, and 484.70, subdivisions 6 and 7, the Second and Fourth Judicial Districts may assign related family, probate, and juvenile court matters, other than delinquency proceedings, to a single judge or referee.

**History:** 2002 c 242 s 1

#### **484.79 FAMILY VIOLENCE COORDINATING COUNCILS.**

Subdivision 1. **Establishment; purpose.** A judicial district may establish a Family Violence Coordinating Council for the purpose of promoting innovative efforts to deal with family violence issues. A coordinating council shall establish and promote interdisciplinary programs and initiatives to coordinate public and private legal and social services and law enforcement, prosecutorial, and judicial activities.

Subd. 2. **Membership.** The chief judge shall appoint the members of a Family Violence Coordinating Council. Members must include representatives of the following groups:

- (1) judges, court administrators, and probation authorities;
- (2) domestic abuse advocates and others who provide social services to adult and child victims of domestic abuse and perpetrators of domestic abuse;
- (3) health care and mental health care providers;
- (4) law enforcement and prosecutors;
- (5) public defenders and legal aid;

- (6) educators and child protection workers; and
- (7) public officials and other public organizations.

Subd. 3. **Plan.** A Family Violence Coordinating Council shall develop a plan for coordinating activities of its membership relating to family violence issues and improving activities and services, including:

- (1) interdisciplinary training and systemic approaches to family violence issues;
- (2) identification of current weaknesses in the system and areas where additional resources are needed, and ways to improve those components;
- (3) promoting public and private partnerships in the delivery of services and the use of volunteer services;
- (4) identification of differences in approaches and needs in different demographic populations;
- (5) developing protocols for investigation and prosecution of domestic abuse, including issues related to victim cooperation and interviewing and investigative techniques;
- (6) coordination of city and county prosecutorial efforts, including standards for referral of cases, coordinated prosecutions, and cross-deputization of prosecutors;
- (7) evaluation of dismissal, conviction, and sentencing levels and practices and relationship to reported incidents of domestic abuse, cases investigated and prosecuted, and severity of abuse; and
- (8) coordination of family, juvenile, and criminal court proceedings involving family violence issues.

Subd. 4. **Evaluation.** A family violence coordinating council shall develop a system for evaluating the effectiveness of its initiatives and programs in improving the coordination of activities and delivery of services and shall focus on identifiable goals and outcomes. An evaluation must include data components as well as input from individuals involved in family violence activities and services, victims, and perpetrators.

**History:** 1997 c 239 art 2 s 12

#### **484.80 LOCATION OF TRIAL RULE.**

If a municipality is located in more than one county or district, the county in which the city hall of the municipality is located determines the county or district in which the municipality shall be deemed located for the purposes of this chapter provided, however, that the municipality by ordinance enacted may designate, for those purposes, some other county or district in which a part of the municipality is located.

**History:** 2006 c 260 art 5 s 26

#### **484.81 PLEADING; PRACTICE; PROCEDURE.**

Subdivision 1. **General.** Pleading, practice, procedure, and forms in civil actions shall be governed by Rules of Civil Procedure which shall be adopted by the supreme court.

Subd. 2. **Court rules.** The court may adopt rules governing pleading, practice, procedure, and forms for civil actions which are not inconsistent with the provisions of governing statutes.

**History:** 2006 c 260 art 5 s 27

**484.82 MISDEMEANOR OFFENSES.**

A person who receives a misdemeanor citation shall proceed as follows: when a fine is not paid, the person charged must appear before the court at the time specified in the citation. If appearance before a misdemeanor bureau is designated in the citation, the person charged must appear within the time specified in the citation and arrange a date for arraignment in the district court.

**History:** 2006 c 260 art 5 s 28

**484.83 REINSTATEMENT OF FORFEITED SUMS.**

Subdivision 1. **Abandonment of fees.** All sums deposited with the court administrator to cover fees shall be deemed abandoned if the fees are not disbursed or the services covered by the fees are not performed and the person entitled to refund of the fees does not file a written demand for refund with the court administrator within six months from the date of trial, dismissal, or striking of the cause as to jury fees and from the date of deposit as to other fees.

Subd. 2. **Bail forfeitures.** Any bail not forfeited by court order shall be deemed abandoned and forfeited if the person entitled to refund does not file a written demand for refund with the court administrator within six months from the date when the person became entitled to the refund.

Subd. 3. **Reinstated forfeited sums.** A district court judge may order any sums forfeited to be reinstated and the commissioner of management and budget shall then refund accordingly. The commissioner of management and budget shall reimburse the court administrator if the court administrator refunds the deposit upon a judge's order and obtains a receipt to be used as a voucher.

**History:** 2006 c 260 art 5 s 29; 2007 c 54 art 5 s 10; 2009 c 101 art 2 s 109

**484.84** MS 2006 [Expired, 2006 c 260 art 5 s 30]

**484.841 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS; HENNEPIN COUNTY DISTRICT COURT.**

Subdivision 1. **Disposition of fines, fees, and other money; accounts.** (a) Except as otherwise provided within this subdivision, and except as otherwise provided by law, the court administrator shall pay all fines and penalties collected by the court administrator, all fees collected by the court administrator for court administrator's services, all sums forfeited to the court as provided in this subdivision, and all other money received by the court administrator to the subdivision of government entitled to it as follows on or before the 20th day after the last day of the month in which the money was collected. Eighty percent of all fines and penalties collected during the previous month shall be paid to the treasurer of the municipality or subdivision of government where the crime was committed. The remainder of the fines and penalties shall be credited to the general fund of the state. In all cases in which the county attorney had charge of the prosecution, all fines and penalties shall be credited to the state general fund.

(b) The court administrator shall identify the name of the municipality or other subdivision of government where the offense was committed and the total amount of fines or penalties collected for each municipality or other subdivision of government, for the county, or for the state.

(c) Amounts represented by checks issued by the court administrator or received by the court administrator which have not cleared by the end of the month may be shown on the monthly account as having been paid or received, subject to adjustment on later monthly accounts.

(d) The court administrator may receive negotiable instruments in payment of fines, penalties, fees or other obligations as conditional payments, and is not held accountable for this until collection in cash is made and then only to the extent of the net collection after deduction of the necessary expense of collection.

**Subd. 2. Fees payable to administrator.** (a) The civil fees payable to the administrator for services are the same in amount as the fees then payable to the District Court of Hennepin County for like services. Library and filing fees are not required of the defendant in an eviction action. The fees payable to the administrator for all other services of the administrator or the court shall be fixed by rules promulgated by a majority of the judges.

(b) Fees are payable to the administrator in advance.

(c) Judgments will be entered only upon written application.

**History:** 2006 c 260 art 5 s 31

#### **484.843 ABANDONMENT OF NONFELONY BAIL; DISPOSITION OF FORFEITED SUMS; FOURTH JUDICIAL DISTRICT.**

**Subdivision 1. Abandonment of deposits and bail.** (a) Any bail deposited with the court administrator of the Fourth Judicial District on a nonfelony case and not forfeited by court order shall be deemed abandoned and forfeited if the person entitled to refund does not file a written demand for refund with the court administrator within six months from the date when the person became entitled to the refund.

(b) Any judge may order any sums so forfeited under paragraph (a) to be reinstated for cause and the court administrator shall then refund accordingly. The receipting municipality or subdivision of government shall reimburse the court administrator if the court administrator refunds the deposit upon such an order and obtains a receipt to be used as a voucher.

**Subd. 2. Disposition of forfeited sums.** All sums collected on any bail, bond, or recognizance forfeited by court order or under subdivision 1, paragraph (a), for the Fourth Judicial District on a nonfelony case shall be paid to Hennepin County to be applied to the support of the law library of the county. The receipt of the county treasurer to the court administrator shall be a sufficient voucher. When the sums so forfeited, minus refunds, during any calendar year equal \$2,500, all sums in excess of that amount shall be paid to the municipality or subdivision of government in which the violation occurred. The payments shall be made periodically but not before six months from the date of the order for forfeiture. During that six-month period, but not thereafter, any judge may set aside the forfeiture order upon proper showing of cause. No obligation to pay sums so ordered forfeited exists unless the forfeiture is not set aside within the six-month period. For the purpose of determining when the \$2,500 shall have accrued to the county law library, the final forfeiture shall be deemed to occur at the end of the six-month period.

**History:** 2007 c 54 art 5 s 11

#### **484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY; ACCOUNTS; RAMSEY COUNTY DISTRICT COURT.**

(a) In all cases prosecuted in Ramsey County District Court by an attorney for a municipality or subdivision of government within Ramsey County for violation of a statute; an ordinance; or a charter provision, rule, or regulation of a city; all fines, penalties, and forfeitures collected by the court administrator shall be deposited in the state treasury and distributed according to this paragraph. Except where a different disposition is provided by section 299D.03, subdivision 5, or other law, on or before the last day of each



month, the court shall pay over all fines, penalties, and forfeitures collected by the court administrator during the previous month as follows:

(1) for offenses committed within the city of St. Paul, two-thirds paid to the treasurer of the city of St. Paul and one-third credited to the state general fund; and

(2) for offenses committed within any other municipality or subdivision of government within Ramsey County, one-half paid to the treasurer of the municipality or subdivision of government and one-half credited to the state general fund.

All other fines, penalties, and forfeitures collected by the district court shall be distributed by the courts as provided by law.

(b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a) when:

(1) a city contracts with the county attorney for prosecutorial services under section 484.87, subdivision 3; or

(2) the attorney general provides assistance to the city attorney under section 484.87, subdivision 5.

**History:** 2006 c 260 art 5 s 32; 2009 c 83 art 2 s 29

#### 484.86 COURT DIVISIONS.

Subdivision 1. **Authority.** Subject to the provisions of section 244.19 and rules of the supreme court, a court may establish a probate division, a family court division, juvenile division, and a civil and criminal division which shall include a conciliation court, and may establish within the civil and criminal division a traffic and ordinance violations bureau.

Subd. 2. **Establishment.** The court may establish, consistent with rule 23 of the Rules of Criminal Procedure, misdemeanor violations bureaus at the places it determines.

**History:** 2006 c 260 art 5 s 33

#### 484.87 PLEADING, PRACTICE, PROCEDURE, AND FORMS IN CRIMINAL PROCEEDINGS.

Subdivision 1. **Right to jury trial.** In any prosecution brought in a district court in which conviction of the defendant for the offense charged could result in imprisonment, the defendant has the right to a jury trial.

Subd. 2. **Prosecuting attorneys in Hennepin and Ramsey Counties.** In the counties of Hennepin and Ramsey, except as otherwise provided in this subdivision and section 388.051, subdivision 2, the attorney of the municipality in which the violation is alleged to have occurred has charge of the prosecution of all violations of the state laws, including violations which are gross misdemeanors, and municipal charter provisions, ordinances, rules, and regulations triable in the district court, and shall prepare complaints for the violations. The county attorney has charge of the prosecution of a violation triable in district court and shall prepare a complaint for the violation:

(1) if the county attorney is specifically designated by law as the prosecutor for the particular violation charged; or

(2) if the alleged violation is of state law and is alleged to have occurred in a municipality or other subdivision of government whose population according to the most recent federal decennial census is less than 2,500 and whose governing body, or the town board in the case of a town, has accepted this clause by

majority vote, and if the defendant is cited or arrested by a member of the staff of the sheriff of Hennepin County or by a member of the State Patrol.

Clause (2) shall not apply to a municipality or other subdivision of government whose population according to the most recent federal decennial census is 2,500 or more, regardless of whether or not it has previously accepted clause (2).

**Subd. 3. Prosecuting attorneys.** Except as provided in subdivision 2 and as otherwise provided by law, violations of state law that are petty misdemeanors or misdemeanors must be prosecuted by the attorney of the statutory or home rule charter city where the violation is alleged to have occurred, if the city has a population greater than 600. If a city has a population of 600 or less, it may, by resolution of the city council, and with the approval of the board of county commissioners, give the duty to the county attorney. In cities of the first, second, and third class, gross misdemeanor violations of sections 609.52, 609.535, 609.595, 609.631, and 609.821 must be prosecuted by the attorney of the city where the violation is alleged to have occurred. The statutory or home rule charter city may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense. All other petty misdemeanors, misdemeanors, and gross misdemeanors must be prosecuted by the county attorney of the county in which the alleged violation occurred. All violations of a municipal ordinance, charter provision, rule, or regulation must be prosecuted by the attorney for the governmental unit that promulgated the municipal ordinance, charter provision, rule, or regulation, regardless of its population, or by the county attorney with whom it has contracted to prosecute these matters.

In the counties of Anoka, Carver, Dakota, Scott, and Washington, violations of state law that are petty misdemeanors, misdemeanors, or gross misdemeanors except as provided in section 388.051, subdivision 2, must be prosecuted by the attorney of the statutory or home rule charter city where the violation is alleged to have occurred. The statutory or home rule charter city may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense. All other petty misdemeanors, misdemeanors, or gross misdemeanors must be prosecuted by the county attorney of the county in which the alleged violation occurred. All violations of a municipal ordinance, charter provision, rule, or regulation must be prosecuted by the attorney for the governmental unit that promulgated the municipal ordinance, charter provision, rule, or regulation or by the county attorney with whom it has contracted to prosecute these matters.

**Subd. 4. Presumption of innocence; conviction of lowest degree.** In an action or proceeding charging a violation of an ordinance of any subdivision of government in Hennepin County, if such ordinance is the same or substantially the same as a state law, the provisions of section 611.02 shall apply.

**Subd. 5. Assistance of attorney general.** An attorney for a statutory or home rule charter city in the metropolitan area, as defined in section 473.121, subdivision 2, may request, and the attorney general may provide, assistance in prosecuting nonfelony violations of section 609.66, subdivision 1; 609.666; 624.713, subdivision 2; 624.7131, subdivision 11; 624.7132, subdivision 15; 624.714, subdivision 1a or 10; 624.7162, subdivision 3; or 624.7181, subdivision 2.

**History:** 2006 c 260 art 5 s 34; 2016 c 158 art 1 s 196

#### **484.88 COUNTY ATTORNEY AS PROSECUTOR; NOTICE TO COUNTY.**

A municipality or other subdivision of government seeking to use the county attorney for violations enumerated in section 484.87, subdivision 2, shall notify the county board of its intention to use the services of the county attorney at least 60 days prior to the adoption of the board's annual budget each year. A

municipality may enter into an agreement with the county board and the county attorney to provide prosecution services for any criminal offense on a case-by-case basis.

**History:** 2006 c 260 art 5 s 35

#### **484.89 ORDER FOR PRISON RELEASE.**

When a person is confined to the Hennepin County Adult Correctional Facility and a fine is remitted or a sentence is stayed or suspended, the person released on parole, or the release of the person secured by payment of the fine in default of which the person was committed, the prisoner shall not be released except upon order of the court. A written transcript of such order signed by the court administrator and under the court's seal shall be furnished to the superintendent of the Hennepin County Adult Correctional Facility. All cost of confinement or imprisonment in any jail or correctional facility shall be paid by the municipality or subdivision of government in Hennepin County in which the violation occurred, except that the county shall pay all costs of confinement or imprisonment incurred as a result of a prosecution of a gross misdemeanor.

**History:** 2006 c 260 art 5 s 36

#### **484.90 FEES PAYABLE TO COURT ADMINISTRATOR.**

Subdivision 1. [Repealed, 2009 c 83 art 2 s 50]

Subd. 2. [Repealed, 2009 c 83 art 2 s 50]

Subd. 3. [Repealed, 2009 c 83 art 2 s 50]

Subd. 4. **Fines paid by check.** Amounts represented by checks issued by the court administrator or received by the court administrator which have not cleared by the end of the month may be shown on the monthly account as having been paid or received, subject to adjustment on later monthly accounts.

Subd. 5. **Checks.** The court administrator may receive checks in payment of fines, penalties, fees or other obligations as conditional payments, and is not held accountable therefor until collection in cash is made and then only to the extent of the net collection after deduction of the necessary expense of collection.

Subd. 6. **Allocation.** (a) In all cases prosecuted in district court by an attorney for a municipality or other subdivision of government within the county for violations of state statute, or of an ordinance; or charter provision, rule, or regulation of a city; all fines, penalties, and forfeitures collected shall be deposited in the state treasury and distributed according to this paragraph. For the purpose of this section, the county attorney shall be considered the attorney for any town in which a violation occurs. Except where a different disposition is provided by section 299D.03, subdivision 5, 484.841, 484.85, or other law, on or before the last day of each month, the courts shall pay over all fines, penalties, and forfeitures collected by the court administrator during the previous month as follows:

(1) 100 percent of all fines or penalties for parking violations for which complaints and warrants have not been issued to the treasurer of the city or town in which the offense was committed; and

(2) two-thirds of all other fines to the treasurer of the city or town in which the offense was committed and one-third credited to the state general fund.

All other fines, penalties, and forfeitures collected by the court administrator shall be distributed by the courts as provided by law.

(b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a) when:

(1) a city contracts with the county attorney for prosecutorial services under section 484.87, subdivision 3;

(2) a city has a population of 600 or less and has given the duty to prosecute cases to the county attorney under section 484.87; or

(3) the attorney general provides assistance to the county attorney as permitted by law.

**History:** 2006 c 260 art 5 s 37; 2009 c 83 art 2 s 30; 2009 c 101 art 2 s 109; 2014 c 275 art 1 s 124; 2016 c 189 art 4 s 13

#### **484.91 MISDEMEANOR VIOLATIONS BUREAUS; HENNEPIN COUNTY.**

Subdivision 1. **Establishment.** Misdemeanor violations bureaus in the Fourth Judicial District shall be established in locations designated by a majority of the judges of the court.

Subd. 2. **Supervision.** The court shall supervise and the court administrator shall operate the misdemeanor violations bureaus in accordance with rule 23 of the Rules of Criminal Procedure. Subject to approval by a majority of the judges, the court administrator shall assign one or more deputy court administrators to discharge and perform the duties of the bureau.

Subd. 3. **Uniform traffic ticket.** The Hennepin County Board may alter by deletion or addition the uniform traffic ticket, provided in section 169.99, in such manner as it deems advisable for use in Hennepin County.

Subd. 4. **Procedure by person receiving misdemeanor citation.** A person who receives a misdemeanor or petty misdemeanor citation shall proceed as follows:

(a) If a fine for the violation may be paid at the bureau without appearance before a judge, the person charged may pay the fine in person or by mail to the bureau within the time specified in the citation. Payment of the fine shall be deemed to be the entry of a plea of guilty to the violation charged and a consent to the imposition of a sentence for the violation in the amount of the fine paid. A receipt shall be issued to evidence the payment and the receipt shall be satisfaction for the violation charged in that citation.

(b) When a fine is not paid, the person charged must appear at a bureau within the time specified in the citation, state whether the person desires to enter a plea of guilty or not guilty, arrange for a date for arraignment in court, and appear in court for arraignment on the date set by the bureaus.

**History:** 2006 c 260 art 5 s 38; 2009 c 59 art 3 s 2; 2009 c 83 art 2 s 31

#### **484.92 ADDITIONAL EMPLOYEES.**

Subdivision 1. **Bailiffs.** The sheriff of a county shall furnish to the district court deputies to serve as bailiffs within the county as the court may request. The county board may, with the approval of the chief judge of the district, contract with any municipality, upon terms agreed upon, for the services of police officers of the municipality to act as bailiffs in the county district court.

Nothing contained herein shall be construed to limit the authority of the court to employ probation officers with the powers and duties prescribed in section 244.19.

Subd. 2. **Transcription of court proceedings.** Electronic recording equipment may be used for the purposes of Laws 1971, chapter 951, to record court proceedings in lieu of a court reporter. However, at the request of any party to any proceedings the court may in its discretion require the proceedings to be recorded

by a competent court reporter who shall perform such additional duties as the court directs. The salary of a reporter shall be set in accordance with the procedure provided by sections 486.05 and 486.06.

**History:** *2006 c 260 art 5 s 39*