CHAPTER 480A

COURT OF APPEALS

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480A.01 COURT OF APPEALS.

Subdivision 1. **One court.** There shall be one court of appeals.

Subd. 2. **Temporary number of judges.** On November 1, 1983, the court of appeals shall consist of six judges. On April 1, 1984, an additional six judges shall be added.

Subd. 3. **Establishing number of judges.** By January 15, 1985, the state court administrator shall certify to the governor, the president of the senate, and the speaker of the house, the number of appeals filed in the court of appeals in 1984. By January 15 of the odd year, the state court administrator shall certify to the governor, the president of the senate, and the speaker of the house the average number of appeals filed in the court of appeals in each of the preceding two calendar years.

History: *1982 c 501 s 3; 1983 c 247 s 168; 1983 c 301 s 216; 1990 c 594 art 1 s 75*

480A.02 SELECTION OF JUDGES.

Subdivision 1. **Oath.** Before entering upon the duties of office, each judge shall take and subscribe an oath in the form prescribed by law for judicial officers.

Subd. 2. **Election.** Each judge shall be elected at the general election for a term of six years, beginning on the first Monday of the January next following the election and until a successor qualifies. Vacancies occurring between general elections shall be filled by appointment, as prescribed in the constitution.

Subd. 3. **Eligibility.** By January 1, 1984, one seat on the court shall be designated for each congressional district. Only persons who have resided in that congressional district for at least one year shall be eligible for election or appointment to that seat. A judge who is elected or appointed to a congressional district seat shall continue to be eligible for that seat without regard to any subsequent change of residence. All other seats shall be without restriction as to residence.

Subd. 4. **Statewide elections.** All judges shall be subject to statewide election, whether they serve in at-large or congressional district seats.

Subd. 5. **Designation of judges.** After each reapportionment, the chief judge shall designate a judge for each of the new congressional districts. The chief judge shall first redesignate the incumbent judges serving for the old congressional districts. If only one of them was, at the time of original election or appointment, resident at a place within a new congressional district, that judge shall be designated as serving for that district. If two or more of them were residents at the time of initial election or appointment in places which are within the same new congressional district, the judge whose district was in the opinion of the chief judge most substantially related to the new district shall be designated as serving for the new district and the other shall be designated as serving at large. If there is then any new congressional district for which there is no

designated judge, but there is an incumbent at-large judge who was resident within that territory at the time of initial election or appointment, that judge, or the senior of them, if there is more than one, shall be assigned to the district seat. If there then remains any new congressional district for which there is no designated judge, there shall be no judge designated to serve from that district until the next at-large vacancy arising by death, retirement, resignation, or removal, which shall be filled by appointment of a person from that congressional district.

Subd. 6. **Effect of redesignation.** The redesignation of judges by reason of reapportionment shall not affect the term of office of any individual judge.

Subd. 7. **Compensation; travel expenses.** (a) The salary of a judge of the court of appeals shall be as provided by section 15A.082. Except as provided in paragraph (b), travel expenses shall be paid by the state in the same manner and amount as provided for judges of the district court in section 484.54.

(b) For any judge of the court of appeals whose permanent place of residence is more than 50 miles from the judge's permanent chambers in St. Paul, in addition to travel expenses provided in paragraph (a), the judge shall be reimbursed for the following expenses during the judge's term of service on the court of appeals:

(1) housing expenses in an amount prescribed by judicial council policy, but not less than $1,000 per month; and

(2) mileage for travel from the judge's permanent place of residence to and from the judge's permanent chambers charged at the current United States Internal Revenue Service reimbursement rate.

Reimbursable expenses under this paragraph shall be paid by the state in the same manner as provided for judges of the district court in section 484.54, subdivision 3.

(c) Paragraph (b) expires June 30, 2019.

History: *1982 c 501 s 4; 1983 c 247 s 169; 1986 c 444; 1989 c 209 art 1 s 39; 2013 c 86 art 3 s 9*

480A.03 CHIEF JUDGE.

Subdivision 1. **Election; term; removal.** The governor shall designate one of the judges of the court of appeals to be chief judge for a term of three years. Vacancies in the office of chief judge shall be filled for the remainder of the unexpired term.

The chief judge may be reappointed. If the chief judge ceases to be a judge of the court of appeals, the office of chief judge also becomes vacant.

Subd. 2. **Administrative authority.** The chief judge, subject to the authority of the chief justice, shall exercise general administrative authority over the court. The chief judge shall make assignments of judges to serve on the panels of the court and shall designate the places at which the panels will hear arguments.

History: *1982 c 501 s 5*

480A.04 CLERK OF COURT.

The clerk of the appellate courts shall serve as clerk of the supreme court and the court of appeals. The state court administrator may direct the district administrators and clerks of court to provide facilities and support services for the court of appeals.

History: *1982 c 501 s 6; 1983 c 247 s 170*

480A.05 CHAMBERS.

The judges of the court shall maintain their permanent chambers at St. Paul.

History: *1982 c 501 s 7*

480A.06 JURISDICTION.

Subdivision 1. **Final decisions.** The court of appeals has jurisdiction of appeals from all final decisions of the trial courts, other than the conciliation courts, of the state of Minnesota, except that it shall not have jurisdiction of appeals in legislative or statewide election contests or criminal appeals in cases in which the defendant has been convicted of murder in the first degree.

Subd. 2. **Interlocutory decisions.** The court of appeals shall have jurisdiction of interlocutory appeals and other matters as may be prescribed in the Rules of Appellate Procedure.

Subd. 3. **Certiorari review.** The court of appeals shall have jurisdiction to issue writs of certiorari to all agencies, public corporations and public officials, except the Tax Court and the Workers' Compensation Court of Appeals. The court of appeals shall have jurisdiction to review decisions of the commissioner of employment and economic development, pursuant to section 268.105.

Subd. 4. **Administrative review.** The court of appeals shall have jurisdiction to review on the record the validity of administrative rules, as provided in sections 14.44 and 14.45, and the decisions of administrative agencies in contested cases, as provided in sections 14.63 to 14.69.

Subd. 5. **Ancillary jurisdiction.** The court of appeals shall have jurisdiction to issue all writs and orders necessary in aid of its jurisdiction with respect to cases pending before it and for the enforcement of its judgments or orders.

History: *1982 c 424 s 130; 1982 c 501 s 8; 1983 c 247 s 171; 1985 c 165 s 1; 1Sp1985 c 14 art 9 s 75; 1987 c 200 s 3; 1994 c 483 s 1; 1996 c 305 art 1 s 110; 2004 c 206 s 52*

480A.07 TRANSFER OF CASES.

In any case in which the court determines that further findings of fact are required, the court shall transfer the case to the appropriate district court, which shall have jurisdiction to hear and determine it. Appeal may be taken to the court of appeals as in other cases.

History: *1982 c 501 s 9*

480A.08 DECISION OF THE COURT.

Subdivision 1. **Decision of cases.** Each case shall be submitted to a panel of at least three judges. The decision of a majority of the judges to which it is submitted shall be the decision of the court.

Subd. 2. **Assignment of judges to panels.** In assigning judges to panels, the chief judge shall rotate assignments, so that as nearly as practicable, each judge serves a proportionate time with every other judge. The chief judge shall also rotate assignments to various locations for hearings.

Subd. 3. **Decisions.** (a) A decision shall be rendered in every case within 90 days after oral argument or after the final submission of briefs or memoranda by the parties, whichever is later. The chief justice or the chief judge may waive the 90-day limitation for any proceeding before the court of appeals for good cause shown. In every case, the decision of the court, including any written opinion containing a summary of the case and a statement of the reasons for its decision, shall be indexed and made readily available.

(b) The decision of the court need not include a written opinion. A statement of the decision without a written opinion must not be officially published and must not be cited as precedent, except as law of the case, res judicata, or collateral estoppel.

Subd. 4. **Interlocutory matters.** The Rules of Appellate Procedure may provide for the decision of interlocutory or procedural matters by a single judge.

History: *1982 c 501 s 10; 1983 c 247 s 172; 1987 c 404 s 182; 1989 c 335 art 1 s 256; 2020 c 82 s 3*

480A.09 PLACE OF HEARING ORAL ARGUMENT.

Subdivision 1. **Appeals.** Oral argument in appeals from trial courts shall be heard:

(a) In appeals from trial courts in Hennepin and Ramsey Counties, at a session of the court of appeals in Hennepin or Ramsey County.

(b) In appeals from trial courts in other counties, at a session of the court of appeals in the judicial district in which the county is located.

Subd. 2. **Certiorari.** Oral arguments on writs of certiorari to review decisions of the unemployment law judges in the Department of Employment and Economic Development shall be heard as provided in this subdivision:

(1) if the applicant for benefits is a real party in interest in the proceedings and resides in Hennepin or Ramsey County, in one of those counties;

(2) if the applicant for benefits is a real party in interest in the proceedings and resides elsewhere in the state, in the judicial district of the applicant's residence;

(3) otherwise, at a place as designated by the appellate administrator.

Subd. 3. **Validity of rules.** Oral arguments on petitions to review the validity of administrative rules pursuant to section 14.44 shall be in Hennepin or Ramsey County.

Subd. 4. **Petitions for review.** Oral arguments on petitions to review decisions of administrative agencies in contested cases, pursuant to sections 14.63 to 14.68 shall be heard:

(1) if the petitioner resides outside of Hennepin and Ramsey Counties, but within Minnesota, either at the session of the court of appeals in Hennepin or Ramsey County, or at a session of the court of appeals in the judicial district in which the petitioner resides, as designated by the petitioner in the petition for review;

(2) if the petitioner resides in Hennepin or Ramsey Counties, or outside of Minnesota, at a session of the court of appeals in Hennepin or Ramsey County.

Subd. 5. **Other cases.** In all other cases, any oral argument shall be heard at a session of the court in Hennepin or Ramsey County.

Subd. 6. **Change of place of hearing.** By agreement of the parties and with the approval of the appellate administrator, a case may be heard at a location other than that provided in this section. The Rules of Appellate Procedure may provide for change of the place of hearing upon motion of any party and a showing of good cause.

Subd. 7. **Cases without oral argument.** The Rules of Appellate Procedure may provide for the submission of certain cases or classes of cases without oral arguments.

History: *1982 c 424 s 130; 1982 c 501 s 11; 1Sp1985 c 14 art 9 s 75; 1994 c 483 s 1; 2004 c 206 s 52; 2015 c 21 art 1 s 93*

480A.10 FURTHER REVIEW IN SUPREME COURT.

Subdivision 1. **After decision in court of appeals.** The supreme court may grant further review of any decision of the court of appeals upon the petition of any party. In determining whether to grant such a petition, the supreme court should take into consideration whether the question presented is an important one upon which the court has not, but should rule, whether the court of appeals has held a statute to be unconstitutional, whether the court of appeals has decided a question in direct conflict with an applicable precedent of the supreme court, or whether the lower courts have so far departed from the accepted and usual course of justice as to call for an exercise of the court's supervisory powers. The supreme court shall issue its decision whether to grant a petition for review within 60 days of the date the petition is filed.

Subd. 2. **Before decision in court of appeals.** (a) The supreme court may grant accelerated review of any case pending in the court of appeals upon the petition of any party. The supreme court shall establish rules for petitions. The petition should be granted only upon a showing that the case is of such imperative public importance as to justify the deviation from normal appellate processes and to require immediate settlement in the supreme court. Making a petition for accelerated review does not stay proceedings or extend time in the court of appeals. If accelerated review is granted, the case shall be transferred to the supreme court without decision in the court of appeals.

(b) Upon its own motion or upon the certification of the court of appeals, the supreme court may provide for accelerated review of any case if (1) the question presented is an important one upon which the court has not, but should rule, (2) the lower courts have held a statute to be unconstitutional, or (3) the lower courts have so far departed from the accepted and usual course of justice as to call for an exercise of the court's supervisory powers.

Subd. 3. **Rules.** The Rules of Appellate Procedure shall prescribe the form for petitions for further or accelerated review, and the time for filing them.

History: *1982 c 501 s 12*

480A.11 RULES.

The supreme court may adopt Rules of Appellate Procedure governing the proceedings before itself and before the court of appeals and regulating appellate practice. The court of appeals may adopt supplementary rules not in conflict with the Rules of Appellate Procedure.

History: *1982 c 501 s 13*