

COUNCIL OF APPELLATE LAWYERS

STATE APPELLATE COURT STRUCTURE

STATE: Minnesota	PERSON SUBMITTING REPORT: Mary R. Vasaly
FIRST LEVEL OF APPELLATE COURT	
Court's name	Minnesota Court of Appeals
Total number of judges	16
Number on panels for oral argument	Three
Jurisdiction discretionary or mandatory	Mandatory
If discretionary, standard (e.g. "important to the jurisprudence of the state")	N/A
Jurisdiction (criminal, civil, or both)	Both. The court has jurisdiction to decide appeals from all final decisions of the trial courts, other than the conciliation courts (which are appealed to the district court), except that it does 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 (which are appealed directly to the Supreme Court). The court has jurisdiction of interlocutory appeals. It also has jurisdiction to issue writ of certiorari to all agencies, public corporations and public officials, except the tax court and the workers' compensation court of appeals. These last courts have separate appellate courts. The court of appeals review the validity of administrative rules and the decisions of administrative agencies in contested cases. The court of appeals does not determine attorney discipline matters.
Oral argument discretionary or allowed as of right	Allowed unless no request for argument made, party fails to file a timely brief, parties agree to waive argument or court decides in its discretion that argument is unnecessary because issue has been authoritatively settled or oral argument wouldn't aid decision-making process. The discretionary authority to deny argument is rarely exercises.
Geographical coverage - number of	One Court of Appeals covering entire state.

courts and whether their coverage is statewide or district-wide	
<p>Opinions published -- some, all, or none (if some, estimate percentage)</p> <p>Note whether unpublished opinions may be cited, and if so, whether they are binding or merely persuasive.</p>	<p>The decision of the court must be written in the form of a published opinion, unpublished opinion, or an order opinion. The court of appeals publishes only those decisions that: (1) establish a new rule of law; (2) overrule a previous court of appeals' decision not reviewed by the supreme court; (3) provide important procedural guidelines in interpreting statutes or administrative rules; (4) involve a significant legal issue; or (5) would significantly aid in the administration of justice. Unpublished opinions and order opinions are not precedential except as law of the case, res judicata or collateral estoppel but may be cited if the party citing the unpublished opinion provides a full and correct copy to all other counsel at least 48 hours before its use in any pretrial conference, hearing, or trial. If cited in a brief or memorandum of law, a copy of the unpublished opinion must be provided to all other counsel at the time the brief or memorandum is served, and other counsel may respond.</p>
Bound by precedent of which other courts	Bound by precedent of Minnesota Supreme Court. Although not entirely clear, published decisions of one panel of the Court of Appeals bind other panels of that court.
Opinions are binding precedent on which other courts	Published opinions are binding in the district courts and on other Court of Appeals panels
Other unique characteristics of the system	The court does not sit "en banc" in any case. The court does not allow petitions for rehearing.

SECOND LEVEL OF APPELLATE COURT

Name	Minnesota Supreme Court
Total number of justices	Seven
Number who sit on oral argument panel	All
Jurisdiction (criminal, civil or both)	Both
Jurisdiction discretionary or mandatory; if discretionary, give standard (e.g., “important to the jurisdiction”)	<p>Discretionary review of decisions of the Court of Appeals. Review may be granted only where (a) the question presented is an important one upon which the Supreme Court should rule; or (b) the Court of Appeals has ruled on the constitutionality of a statute; or (c) the lower courts have so far departed from the accepted and usual course of justice as to call for an exercise of the supreme Court’s supervisory powers; or (d) a decision by the Supreme Court will help develop, clarify, or harmonize the law; and (1) the case calls for the application of a new principle or policy; or (2) the resolution of the question presented has possible statewide impact; or (3) the question is likely to recur unless resolved by the Supreme Court.</p> <p>Appeal mandatory from legislative or statewide election contests or criminal appeals in cases in which the defendant has been convicted of murder in the first degree.</p> <p>Review by certiorari from Worker’s Compensation Court of Appeals where lower court’s decision (1) does not conform with statute; or, (2) the workers’ compensation court of appeals committed any other error of law; or (3) the findings of fact and order were unsupported by substantial evidence in view of the entire record as submitted.</p> <p>Review by certiorari from Tax Court.</p> <p>Direct appeal from disciplinary</p>

	decisions.
Opinions published -- some, all, or none (if some, estimate percentage) Note if unpublished opinions may be cited, and if so, whether they are binding precedent or merely persuasive.	Generally all published. The court has occasionally issued summary affirmances without opinion but these are rare.
Geographical coverage -- if divided into districts, give number of districts and whether their coverage is statewide or only district-wide.	Entire state
Bound by precedent from which other courts	Prior Supreme Court opinions only
Opinions are binding precedent on which other courts	Court of Appeals, Tax Court, Worker's Compensation Court of Appeals, District Courts
Other unique characteristics of the system	Court will sometimes grant petition for accelerated review, taking case directly that would normally be heard by the Court of Appeals. Court sits en bank in almost all cases.
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