

Hear it From the Judge

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Coleman & Franken to the Supreme Court

The Trial Court phase of the senate recount trial is complete and the Minnesota Supreme Court will consider the matter in June. This may be a good time to consider the Minnesota appellate courts.

Minnesota has two appellate courts – the Court of Appeals and the Supreme Court. The Court of Appeals consists of 19 judges. The Court of Appeals was created in 1983 as an “error correcting” Court. This means this Court provides Minnesota citizens with prompt and deliberate review of all final decisions of the Trial Court. The purpose in creating this intermediate appellate court is to allow greater time for the Supreme Court to address difficult constitutional and public policy cases.

The Court of Appeals completes approximately 2,400 appeals each year (compared to approximately 2 million Trial Court cases annually filed). These decisions are the final ruling in about 95% of the cases. These cases are handled very expeditiously. All decisions are made within 90 days of an oral argument.

Eight of the Court of Appeals judges are appointed from the eight Minnesota congressional districts. The other judges are appointed as at-large members. The judges sit in three-judge panels and travel throughout Minnesota to hear oral arguments.

The Supreme Court of Minnesota consists of seven members and is considered the Court of final resort in Minnesota. This is because, once the Supreme Court issues an opinion, it is a final opinion. This decision will often have long lasting effect on policy issues of the State. Because these decisions are so important, the Supreme Court considers only approximately 5% of the cases which were first heard in the Court of Appeals.

The Supreme Court considers approximately 900 cases per year. Approximately 1 in 8 review requests are granted by the Supreme Court. These cases will come most commonly from the Court of Appeals, though a small percentage may also come from the Worker’s Compensation Court of Appeals, Tax Court, Lawyer’s Professional Responsibility Board, and the Board of Judicial Standards.

One exception to the rule that cases come to the Supreme Court from these lower Courts, is an election contest. That is the reason that the Supreme Court directly received the

Coleman/Franken election case once that case was decided by a three Judge District Court panel. The other exception is first degree murder cases which are automatically appealed to the Supreme Court. In these exceptional cases, the Supreme Court must hear the case.

Though the Supreme Court consists of seven members, only five of its members will consider the Coleman/Franken election case. That is because Chief Justice Eric Magnuson and Justice Barry Anderson sat on the election canvassing board which first reviewed the senate election contest last fall.

We have many opportunities to learn about our judicial system by reading the news and now we have a classic example of that to learn of our appellate court system as we continue to watch the senate election recount proceeding unfold.