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APPEALS TO THE NEW MINNESOTA COURT FOREWORD

THE HONORABLE DOUGLAS K. AMDAHL†

For many years, the Minnesota Supreme Court worked under an oppressive caseload. Statistics alone illustrate the tremendous pressure on the state's highest court. In 1973, an effort was made to resolve the difficulty by increasing the number of Minnesota Supreme Court Justices from seven to nine.¹ That year, 686 matters were filed in the supreme court. By 1981, the number of appellate matters pending before the court had nearly doubled to approximately 1400, and in 1982 the number increased to almost 1800. The Minnesota Supreme Court was so burdened that appellate review was likely to be insubstantial or virtually nonexistent in many cases;² the court was forced to decide a significant number of cases summarily. Although the supreme court disposed of nearly ninety percent of its cases in 1982, the backlog was rapidly growing.

The supreme court's staggering caseload led state courts and many citizen groups, including the 1981 Citizens Conference on the Courts, to urge creation of an intermediate court of appeals. In 1981, this *Review* provided a forum for discussion and analysis of a new court's cost and benefit to Minnesota.³

The Minnesota Legislature also recognized the problems arising from the increasing caseload of the Minnesota Supreme Court. It enacted legislation that permitted a constitutional amendment empowering the legislature to create an intermediate court of appeals to be placed on the November 1982 voters' ballot.⁴ Eighty percent of the ballots cast concerning the amendment favored the creation of the new appellate court.

† Chief Justice of the Minnesota Supreme Court.

1. See Act of May 24, 1973, ch. 726, § 1, 1973 Minn. Laws 2133, 2134 (codified at MINN. STAT. § 480.01 (1982)) (increasing the number of associate justices from six to eight).

2. See Harmon & Lang, *A Needs Analysis of an Intermediate Appellate Court*, 7 WM. MITCHELL L. REV. 51, 79 (1981).

3. *Symposium on an Intermediate Appellate Court in Minnesota*, 7 WM. MITCHELL L. REV. 41 (1981).

4. See Court of Appeals Act, ch. 501, 1982 Minn. Laws 569.

The 1983 Legislature responded quickly to the constitutional amendment by enacting the law creating the new court.⁵ The legislature also passed a housekeeping bill to amend other statutes relating to court matters and to accommodate the provisions of the Court of Appeals Act.

Filings with the new court began on August 1, 1983. At that time, the supreme court had a backlog of 1126 cases. The Act did not transfer pending supreme court or district court panel cases to the appeals court. The three-judge district court panels, which heard appeals from the county and municipal courts, retained jurisdiction of cases appealed to them before August 1. All appeals filed on or after August 1, less a few statutory exceptions,⁶ will be decided by the court of appeals.

Although persons aggrieved by the action of the appeals court may seek review in the supreme court, we expect that more than ninety percent of the cases filed in the new court will be finally terminated there. Additionally, before decision in the appeals court, the supreme court may on its own motion, on the motion of counsel, or on request of the appeals court, transfer appeals court cases to the supreme court. We believe that persons appearing before our courts are entitled to one appeal. We also believe, however, that very few cases merit a second appeal. The cases reaching the supreme court on motion will, of course, be those of constitutional import, of statewide legal significance, and seemingly requiring a change in existing law.

From August 1, 1983 to April 1, 1984, 1184 matters were filed with the appeals court. Four hundred and forty-one, or approximately thirty-seven percent of those matters, were disposed of by the six judges then sitting. The court is fulfilling its promise to issue written decisions in all cases and to grant oral argument when requested. Furthermore, the court is meeting the statutory requirement of deciding cases within ninety days after submission. In oral argument cases, the median disposition time from the date of filing to decision is 144 days. In cases without oral argument, the median time is 123 days.

The new Minnesota Court of Appeals is already meeting the community's expectations. The traveling three-judge panels make

5. *See id.* §§ 3-25, 1982 Minn. Laws at 570-81 (codified at MINN. STAT. §§ 480A.01-.11 (1982) and scattered sections).

6. *See Larson, Jurisdiction of the Minnesota Court of Appeals*, 10 WM. MITCHELL L. REV. 627, 639-40 (1984).

appellate review in this state geographically accessible. The panels will sit regularly in Anoka, Bemidji, Willmar, St. Cloud, Moorhead, New Ulm, Rochester, Shakopee, Duluth, Hibbing, Minneapolis, and St. Paul. The new court also permits more litigants to appeal. Finally, the new court, as a trial error correcting court, allows the Minnesota Supreme Court to give cases its full consideration. This facilitates the supreme court's policymaking and law-making functions.

The two court of appeals articles in this Tenth Anniversary Volume of the *William Mitchell Law Review* critically examine the new appellate court and its function. David Larson focuses on the jurisdictional changes in appellate review resulting from the new court. Samuel Hanson considers the effect of the new court of appeals on agency action. Their insights and analyses should benefit practitioners who are familiarizing themselves with the new appellate court.

