Foreword

Sam Hanson

Follow this and additional works at: http://open.mitchellhamline.edu/wmlr

Recommended Citation
Hanson, Sam (2006) "Foreword," William Mitchell Law Review: Vol. 32: Iss. 4, Article 15.
Available at: http://open.mitchellhamline.edu/wmlr/vol32/iss4/15
FOREWORD

The Honorable Sam Hanson†

It is with great pleasure that I accept the invitation to introduce this volume of the William Mitchell Law Review, focusing on decisions of the Minnesota Supreme Court for the 2004-2005 term. For the outside world, the most notable events of the term may have been the change in the composition of the court, with the departures of Justice Gilbert and Chief Justice Blatz, the arrivals of Justice Barry Anderson and Justice Gildea, and the elevation of Russell Anderson to Chief Justice. These changes in composition made life very interesting, but to those of us on the inside of the court, they are perhaps secondary to the frequently expressed perception that the cases we considered this term were increasingly complex and difficult. The cases chosen for comment in this issue provide strong evidence that this was a valid perception.

The first evidence came in the flood of cases spawned by Blakely v. Washington, 542 U.S. 296 (2004), in which the U.S. Supreme Court announced in broad terms important constitutional principles affecting criminal sentencing procedure, but then left unanswered many questions concerning the implications of those principles. Two of the decisions reviewed in this issue, State v. Leja, 684 N.W.2d 442 (Minn. 2004), and State v. Shattuck, 704 N.W.2d 131 (Minn. 2005), mark the transition into the post-Blakely world. Leja represents one of the last cases to be decided under the pre-Blakely jurisprudence concerning the Minnesota Sentencing Guidelines and Shattuck is the first case to apply Blakely to those Guidelines.

Further evidence of the perception of complex and difficult cases this term was provided by the number of cases in which the court was asked to recognize certain rights under the Minnesota Constitution that may not exist under the U.S. Constitution. Two of the decisions reviewed in this issue demonstrate how those requests may arise in widely differing contexts. Thus, in State v. Carter, 697 N.W.2d 199 (Minn. 2005), the court was asked to

† Associate Justice, Minnesota Supreme Court.
declare that a person’s right of privacy in a self-storage unit is greater under the Minnesota Constitution than it might necessarily be under the U.S. Constitution. In *Johnson v. City of Minneapolis* 667 N.W.2d 109 (Minn. 2003), the court was asked to declare that a person’s right to just compensation for the taking of private property for public purposes might also be greater under the Minnesota Constitution than it might necessarily be under the U.S. Constitution.

A third category includes those cases where the court is required to determine the limits on private actions imposed by principles of public policy. Two of the decisions reviewed in this issue are representative of this category. In *Yang v. Voyagaire Houseboats, Inc.*, 701 N.W.2d 783 (Minn. 2005), the court was asked to declare an exculpatory clause in a houseboat lease void as being in violation of public policy. In *Juelpch v. Yamazaki Mazak Optonics Corp.* 682 N.W.2d 565 (Minn. 2004), the court was ultimately asked to determine whether the reach of the long arm statute imposing personal jurisdiction on a Japanese manufacturer offends “traditional notions of fair play and substantial justice.”

A fourth category includes those cases where the court is asked to recognize or expand a duty of care to reflect the realities of a changing world. In *Radke v. County of Freeborn*, 694 N.W.2d 788 (Minn. 2005), the court addressed whether child protection workers owed a special duty to an abused child under the Child Abuse Reporting Act. Meanwhile, in *Anderson v. State Department of Natural Resources*, 693 N.W.2d 181 (Minn. 2005), the court addressed whether a property owner owed a duty to foraging bees that were known to come on the property.

Finally, having exhausted my ability to find a fifth category, I commend your attention to *Travertine Corp. v. Lexington-Silverwood*, 683 N.W.2d 267 (Minn. 2004). Here the court was asked to adopt interpretive rules of the *Restatement (Second) of Contracts* that, arguably, differed from the court’s well-established contract precedent. So, you see, there may be complexity and difficulty even in areas of the law that are thought to be settled.

My congratulations to the staff of the *William Mitchell Law Review* for continuing this tradition of reviewing recent cases of the Minnesota Supreme Court, and for their selection of a truly representative group of cases to review.