

# **The Minnesota Court of Appeals**

***What you should  
know about the state's  
intermediate appellate court.***

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## **MINNESOTA COURT OF APPEALS: A NATIONAL MODEL**

The Minnesota Court of Appeals, which began November 1, 1983, provides the citizens of Minnesota with prompt and deliberate review of all final decisions of the trial courts, state agencies and local governments.

Exceptions, which go directly to the Minnesota Supreme Court, are appeals from the Minnesota Tax Court, the Minnesota Workers' Compensation Court of Appeals, first-degree murder cases and statewide election contests.

As the error-correcting court, the Court of Appeals handles most of the appeals, which allows the Minnesota Supreme Court to spend time resolving difficult constitutional and public policy cases.

Court of Appeals' decisions are the final ruling in about 95 percent of the 2,000 to 2,400 appeals filed every year. Typically, about five percent of the court's decisions are accepted by the Minnesota Supreme Court for further review.

The Court of Appeals issues a published or an unpublished or an order opinion on each case it considers. In addition, each judge participates in about 300 cases each year. The judges also share responsibility for hundreds of special term opinions and orders on motions and petitions filed with the court.

The court reviews appeals in a timely manner. By law, the court must issue a decision within 90 days after oral arguments. If no oral argument is held a decision is due within 90 days of the case's scheduled conference date. This deadline is the shortest imposed on any appellate court in the nation. The court expedites decisions on child custody cases, mental health commitments and other matters in which the parties request accelerated response.

As part of the court's effort to expedite justice and to make access to the appellate system less burdensome and expensive, the court's 19 judges sit in three-judge panels and travel to locations throughout Minnesota to hear oral arguments. All oral arguments are open to the public.

With the assistance of a computerized case management system, the court monitors the progress of every appeal to ensure that there are no unnecessary delays in processing cases or releasing decisions. The court demonstrates the value of aggressive, hands-on management of its cases. Other states frequently look to Minnesota as a model for case processing and delay reduction.

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## **A CASE ON APPEAL - WHAT YOU SHOULD KNOW**

The Minnesota Court of Appeals hears appeals or reviews cases from all Minnesota district courts. About 2,000 appeals are filed in this court each year. The court handled these cases in several ways; for example, some resulted in lengthy, published decisions while others were resolved with a brief decision or order opinion.

The following information answers the most commonly asked questions about the Minnesota Court of Appeals.

### **What Does it Mean to Appeal?**

- There is an automatic right to appeal a trial court decision to the Minnesota Court of Appeals.
- Appeals may be filed after a judgment in the trial courts of Minnesota.
- An appeal is an attempt to change the decision made by the trial court or by the administrative agency.
- Appealing a case is not re-trying it. Appeal courts focus on legal errors made during the trial, not on rehearing the facts of the case. This is not a new trial or new hearing.
- To appeal a legal or procedural error made during the trial or hearing, the issue usually must have been raised in the trial court or before the administrative agency.

### **What Steps are Involved in an Appeal?**

The Minnesota Court of Appeals follows established rules and procedures. Before a case can be appealed, a final decision must have been issued by the trial court or administrative agency.

### **What is a Brief?**

In most circumstances a brief must be filed. A brief explains in writing why the case is being appealed. The brief includes facts appearing in the court's record, plus any law -- statutes, court decisions, regulations -- that may apply.

### **What Happens During Appeal Hearings?**

- Once briefs are filed by both sides, the case will be placed on the court's calendar and a date will be set for a hearing.
- The court provides the parties the opportunity to have oral argument if the parties request it. Sometimes the parties decide oral argument is not necessary and the case is decided based on their written briefs submitted to the court.
- If oral argument is requested, the court has rules which must be followed.

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**REMEMBER:**

- There is no jury in appellate cases. A panel of three judges will listen to both sides, review the records and briefs, and make a decision.
- Witnesses are not presented.
- In most cases, the attorneys will be given 15 minutes to explain the case and make their argument. Appellant's attorney may use five minutes to rebut the other party's presentation.
- An appellate judge usually asks questions during the attorneys' presentation.

**How Do I Hear About a Decision and What Does it Mean?**

- The judges who hear the case prepare a written decision. The written decision is mailed to the attorneys and released to the media via the court's website ([www.mncourts.gov](http://www.mncourts.gov)).
- One party is either granted what was requested, or the case is sent back (remanded) to the trial court or administrative agency for a new hearing or new finding.
- The other party may consider other alternatives available to them. One option is to ask the Minnesota Supreme Court to review the case.