STATE OF MINNESOTA

IN SUPREME COURT

CX-84-2136

ORDER FOR HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CONCILIATION COURT RULES

IT IS HEREBY ORDERED that a hearing be had before this Court in the Capitol Courtroom of the Minnesota Supreme Court, on March 4, 1993 at 9:00 a.m., to consider the recommendation of the Supreme Court Advisory Committee on Conciliation Court Rules to amend the Conciliation Court Rules and to propose relevant legislation. A copy of the proposed amendments and legislative proposals are annexed to this order.

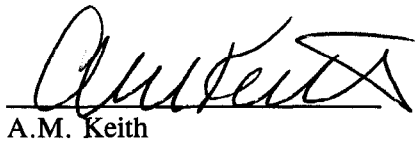
IT IS FURTHER ORDERED that:

1. All persons, including members of the Bench and Bar, desiring to present written statements concerning the subject matter of this hearing, but who do not wish to make an oral presentation at the hearing, shall file 12 copies of such statement with Frederick Grittner, Clerk of the Appellate Courts, 245 Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota 55155, on or before March 1, 1993 and

2. All persons desiring to make an oral presentation at the hearing shall file 12 copies of the material to be so presented with the aforesaid Clerk together with 12 copies of a request to make an oral presentation. Such statements and requests shall be filed on or before March 1, 1993.

Dated: January 14, 1993

BY THE COURT:



A.M. Keith
Chief Justice

# Groveland Financial Corporation

*25 Groveland Terrace Minneapolis, Minnesota 55403 612-377-1583*


February 23, 1993



Frederick Grittner
Clerk of the Appellate Courts
245 Judicial Center
25 Constitution Ave.
St. Paul, MN 55155

RE: Proposed Changes in the State's Conciliation Courts.

Dear Mr. Grittner:

This letter shall constitute a Written Statement in opposition to the proposal to increase the jurisdictional limits of the Conciliation Courts to $6,000.00 in 1993 and $7,500.00 in 1994. I am enclosing twelve (12) copies of this letter and requesting that you file same for consideration by the Honorable Justices of the State Supreme Court in connection with this matter.


*Affiliated Companies:*

***Dairy Farm Leasing Company***
*612-377-1489*

***Minnesota Leasing***
*612-374-3494*

***Premier Leasing Company***
*612-377-1585*

***Tank Leasing Service***
*Minn. 612-377-1504*
*Wisc. 414-731-4517*


I am an in house attorney for a privately held corporation. The nature of my practice occasionally brings me into Conciliation Court to pursue the collection of receivables or to defend against claims asserted against the corporation. As a business, we are fully cognizant of the costs of litigation and the advantages of resolving disputes whenever possible. I have found Conciliation Court an appropriate and satisfactory forum for resolving simple matters where the monetary amounts are relatively small. However, as the jurisdictional limits have risen, I have personally noticed an increase in the number of frivolous claims asserted in Conciliation Court. For these matters, I have found Conciliation Court to be frustrating, inappropriate and woefully inadequate. For the most part, these matters end up in District Court on appeal where the claims are either dismissed or the Defendant prevails on a legal defense at trial.


*Fax 612-377-8822*


It has been my experience, that Conciliation Courts, particularly in Hennepin and Ramsey Counties, are frequently crowded and that the parties have less than five (5) minutes to present their respective cases. In most matters, the referee appears to favor the Plaintiff and decisions appear to be based upon first impressions rather than deliberation upon the facts and the law.

In my opinion, for claims of $2,500.00 or less, this is a reasonable compromise. However, as the jurisdictional

limit has increased to allow claims of $5,000.00, this is unacceptable. I believe the current system encourages Plaintiffs to view the process like gambling, with a modest wager in the form of a nominal filing fee.

As a result, I am opposed to further increases in the jurisdictional limits of Conciliation Court unless certain procedural safeguards are adopted to ensure the integrity of the process and a party's right to reasonable notice of the claims asserted against them and an opportunity to appear and fully defend against such claims. This might mean personal service, limited discovery and short letter briefs on the legal issues.

Sincerely,

David R. Witte
Corporate Counsel

Enclosures

DRW0320/efl

# District Court of Minnesota

THIRD JUDICIAL DISTRICT

GERARD W. RING
JUDGE OF DISTRICT COURT

OLMSTED COUNTY COURTHOUSE
ROCHESTER, MINNESOTA 55902
TELEPHONE (507) 285-8243

March 1, 1993



FRED GRITTNER
CLERK OF APPELLATE COURTS
MINNESOTA JUDICIAL CENTER
25 CONSTITUTION AVENUE
ST PAUL MN 55155-6102

Dear Mr. Grittner:

Enclosed please find eight copies of the proposed additions to Title VI of the General Rules of Practice - Conciliation Court Rules and a copy of part of my letter to the Honorable Terri Stoneburner.

Sincerely,

Gerard Ring

Gerard Ring
Judge of District Court

PROPOSED ADDITIONS TO: TITLE VI OF THE GENERAL RULES OF PRACTICE -- CONCILIATION COURT RULES

Rule 509 Counterclaim

(b) Bad Faith Costs. A claim for costs may be asserted if the defendant does not assert any other counterclaim, and asserts that the plaintiff's claim does not have a legal basis and is filed solely to harass the defendant.

Rule 516 Costs and Disbursements

(a) Ordinary.

(b) Bad Faith. If the defendant prevails after having asserted a counterclaim for bad faith costs only, and if the trial judge finds that the plaintiff did proceed in bad faith, the defendant may be awarded up to $100.00 costs in addition to any other costs that may otherwise be awarded to that defendant. In addition the judge may order that for a period of time specified, not to exceed three years, the plaintiff must submit any proposed conciliation court claims to a judge of the court for review before a summons will be issued. In reviewing the claim the judge shall use the criteria which would apply to a motion to dismiss for failure to state a claim under Rule 12.02 (e) of the Rules of Civil Procedure.

COMMENTS

The reason for the proposed addition to the rules is contained in the copy of the attached letter to Judge Stoneburner.

Under the proposal the plaintiff would be put on notice of a claim for bad faith costs. Presumably the finding of bad faith would be entered with great caution. It, like the judge's finding of failure to state a cause of action under proposed Rule 516 (b), would be appealable as all other judgments.

Copy

# District Court of Minnesota
THIRD JUDICIAL DISTRICT

GERARD W. RING
JUDGE OF DISTRICT COURT

OLMSTED COUNTY COURTHOUSE
ROCHESTER, MINNESOTA 55902
TELEPHONE (507) 285-8243

February 5, 1993

THE HONORABLE TERRI J. STONEBURNER
NICOLETTE COUNTY COURTHOUSE
NEW ULM MN 56073

Re: Proposed conciliation court rules

Dear Judge Stoneburner:

I apologize for being so late in writing to you about the proposed conciliation court rules. I recognize that you gave us plenty of time to review these and provide input before this draft was prepared. However, we have been swamped here and I just kept putting it on the back corner of the desk as something I would get to in the future. I guess the future is now here.

There were a number of things I would have been inclined to encourage you to incorporate into the rules. However, I believe there is one essential addition. For various reasons which I will attempt to set out in this letter, I believe that there must be some sort of sanctions available to the judge in conciliation court.

Litigation in the district courts is pretty much controlled by the attorneys for the litigants under the supervision of the trial judge. There are no such controls in the pro se world of conciliation court. An attorney who misuses the district courts or uses the court to harass that party can be subject to sanctions. Within the past year I personally imposed a $3,500 sanction on an attorney for such conduct. In addition, the attorney is subject to sanctions by the Lawyer's Professional Responsibility Board. However, pro se litigants are not subject to such sanctions in the conciliation courts. For the price of a filing fee, you can hale anybody into conciliation court that you choose. The worst that happens in such a case is that you are out the filing fee. In the meantime the opposing party is required to appear in court at whatever cost and inconvenience that may entail, and is advised by the judge that the law provides no remedy other than dismissal of the claim against him or her.

While it is true that the vast majority of claims in conciliation court are brought in good faith, there are a number which are clearly not. This is particularly apparent to me at this time because we have a very litigious person in our community who repeatedly files claims in this conciliation court as well as other courts of this state. For example, at the present time she has at least two matters now pending which will be coming up shortly. One of those matters involves a suit against the gas company and a heating contractor. In addition she has named nine other defendants which include three lawyers, three police officers, an FBI agent, the Rochester Post Master and myself. Obviously none of us had anything to do with any possible claim she might have for a furnace malfunction. Her claims are virtually impossible to decipher. For example, the claim against the Post Master is that he is "controlling my mail and providing information to Doug Dose to harass me and ask for ransom." Against the FBI agent it is, "Reported involvement of administration of Olmsted County Judge Morse of kidnapping Marryan Pourzandvakil and robbery by police." The claim against me is, "Misconduct at court for eleven years and delay of the process of law."

There is no such thing as a motion for judgment on the pleadings or other remedies short of appearing at court. As a result, I must make myself available on the date in question and the district must provide a judge from outside of the district to preside at the hearing. Naturally, the defendants always are successful in these cases but the plaintiff turns around and files new claims for another date. There is now pending a case involving another of the judges of this court and as you can tell from the proceeding in which I am a defendant, Judge Morse is also likely to become a defendant shortly.

I am not opposed to pro se litigation. There certainly is a proper place for such proceedings to resolve disputes. However, when such litigation is conducted in bad faith there must be some sanction or means of protecting those people who are harassed by that procedure. This particular litigant has been involved with our courts for several years now. She was the subject of two commitment proceedings, one of which was dismissed by the judge and the second was continued with an agreement that she would seek voluntary treatment. However, she is basically a borderline mental problem and normally is able to avoid commitment.

There are two possible protections which the conciliation court could offer to potential defendants from plaintiffs such as this. There could be a provision for an award of costs in the event a judge finds bad faith on the part of the plaintiff. I would think those costs should perhaps be capped at $100 rather than the $50 normally permitted. While in many cases people who misuse the system will be judgment proof, there are clearly some who are not and the $100 penalty for bad faith or abuse of the system does not seem unreasonable to me.

# Minnesota League of Credit Unions

2788 East 82nd Street • Bloomington, Minnesota 55425 • Phone (612) 854-3071 • Wats 1-800-792-1034


March 1, 1993



Frederick Grittner
Clerk of the Appellate Court
245 Judicial Center
25 Constitution Avenue
St. Paul, MN 55155

Dear Mr. Grittner:

The Minnesota League of Credit Unions, on behalf of over 200 credit unions, hereby requests an opportunity to make an oral presentation at the March 4, 1993 hearing regarding the amendments to the Conciliation Court Rules.

There will be no written material to be presented to the Court. Instead, there will be oral testimony given by credit union managers and employees. If written material is necessary, please contact me immediately.

If you have any questions or concerns regarding this presentation, please contact me at 612/854-3071.

Sincerely,

Deno Sterzinger Howard

Deno Sterzinger Howard
Staff Attorney

DSH:jlw

1/29


# WARREN E. LITYNSKI

Judge of District Court
Nicollet County Courthouse
P.O. Box 496
St. Peter, Minnesota
56082

From Mankato
(507) 345-1327
or
1-800-247-5044

(507) 931-6800
Fax #
(507) 931-4278




**M E M O**

**TO:** Minnesota Supreme Court

**FROM:** Honorable Warren E. Litynski

**DATE:** January 28, 1993

**RE:** Proposed Amendments to Conciliation Court Rules

Honorable Justices of the Minnesota Supreme Court:

I would like you to consider this written statement regarding the proposed amendments to the Conciliation Court Rules. I do not wish to make an oral presentation.

Rule 514 provides that the Court Administrator shall mail to each party a notice of the order for judgment, which notice shall state the last day for removing the cause to District Court; i.e., appeal. In Nicollet County, the Court Administrator's Office has on more than one occasion miscalculated the time. In one case this resulted in an untimely appeal and a dismissal.

I suggest that the Court Administrator not insert the date. There are too many chances for error. What happens if the date is wrong, and an appeal is subsequently dismissed. Can the Court Administrator be sued for giving inaccurate legal advice? I suggest that in lieu of the date, a statement be included in the judgment that either party has 20 days to appeal.

Next, Rule 521 indicates the method for appeal to District Court. The time period for appeal is 20 days, unless the Court Administrator's notice is mailed, in which case the time for appeal is extended to 23 days. Since Rule 514 provides that the Court Administrator give notice of judgment by mail, why not simply change the time period under Rule 521 to 23 days and state that Rule 6.05 of the Minnesota Rules of Civil Procedure is not applicable. I think it makes no sense to specify 20 days when in actuality the time allowed for appeal will be 23 days.

Thank you for your consideration of these suggestions.

W.E.L.

# GACKLE, JOHNSON, RODENBURG & TRADER

ATTORNEYS AT LAW
107 ROBERTS STREET - P.O. BOX 2427
FARGO, NORTH DAKOTA 58108
TEL. (701) 235-6411
FAX. (701) 235-6678

BRUCE D. JOHNSON
CLIFTON G. RODENBURG**
KEITH J. TRADER
ROGER W. GACKLE (OF COUNSEL)*
*ALSO ADMITTED MINN.
**ALSO ADMITTED MINN., MONT., NEB., S.D. & WISC.

MINNESOTA MAILING ADDRESS:
P.O. BOX 1014
MOORHEAD, MINNESOTA 56561


February 23, 1993

Mr. Frederick Grittner
Clerk of the Appellate Courts
245 Judicial Center
25 Constitution Avenue
St. Paul, Minnesota 55155



Re: Recommendations of the Supreme Court Committee on Conciliation Court Rules

I am presenting this written statement in lieu of an oral presentation regarding the above.

One of the key issues identified in the report concerns the monetary jurisdictional limit. I am in favor of raising the limits as recommended by the committee and in fact believe it should eventually be raised to $10,000. With attorney's fees running around $100-$150 an hour, a dispute must be worth at least $10,000 before it becomes cost-effective to hire a lawyer.

From what I have read, Paul Onkka, who has lobbied before the Legislature as a legal services attorney, has stated that the higher jurisdictional limit will adversely impact low-income debtors by permitting "collectors" to bring in more and larger claims. I would expect that to be true. However, protection of low income debtors from garnishment or levy should be through exemption laws. Minnesota law is very liberal in this regard. Debtors should not receive any special exemption from decrees of the court declaring them legally responsible for their debts.

If Mr. Onkka is using the term "collectors" to refer to "collection agencies," then instead of criticizing the jurisdictional limits of the court, he should instead be questioning the wisdom of allowing collection agencies to take claims on assignment and using conciliation court to litigate these claims in the collection agencies' names. To my way of thinking, this is the practice of law. A collection agency may even litigate a personal injury claim in small claims court on a contingency fee basis.

I would also recommend that the rules provide for an execution to be issued by the conciliation court against personal property only. This would streamline the system which currently requires a judgment creditor to docket a transcript of the judgment in

district court before obtaining an execution. Many creditors do not understand that a satisfaction of judgment must be filed in district court after a transcribed judgment has been satisfied. So allowing an execution to be issued out of conciliation court would also alleviate the problem of "satisfied" judgments showing up on credit reports and real estate abstracts as "unsatisfied."

Finally, I agree that a thorough brochure should be prepared to assist people using the conciliation courts. The public especially does not understand the post-judgment process to enforce satisfaction of judgments, and court personnel does little to encourage the use of well-documented procedures. I would also recommend that a seminar be given every year for conciliation court personnel to educate them on how they may be helpful to first-time filers. A few minutes of counseling can help people see that conciliation court can really produce a tangible result.

Sincerely,

GACKLE, JOHNSON, RODENBURG & TRADER

Clifton Rodenburg

Clifton Rodenburg

CR:rl

# Court Administrator

NORMAN COUNTY
NINTH JUDICIAL DISTRICT
ADA, MINNESOTA 56510

GORDON K. BAHNER
P. O. BOX 272
TELEPHONE: (218) 784-7131

February 24, 1993



Frederick Grittner
Clerk of Appellate Courts
245 Judicial Center
25 Constitution Avenue
St. Paul, MN 55155

RE: Resolution of Judges of the Ninth Judicial District

Dear Mr. Grittner:

Pursuant to the Order dated January 14, 1993 of Chief Justice A.M. Keith, please find enclosed 12 copies of the said Resolution passed by the Judges of the Ninth District concerning the jurisdictional limits of conciliation court.

Sincerely,

Gordon K. Bahner

Gordon K. Bahner
Court Administrator

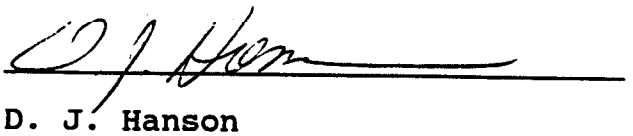
RESOLUTION

OF THE JUDGES OF THE

NINTH JUDICIAL DISTRICT

The Judges of the Ninth Judicial District approved the following resolution on January 29, 1993:

> BE IT RESOLVED that the Judges of the Ninth Judicial District oppose any increase from the current $5,000 jurisdictional limit of the conciliation court.

By: 

D. J. Hanson
Judicial District Administrator
Ninth Judicial District

Dated: January 29, 1993

# MSBA

**Minnesota State Bar Association**

514 Nicollet Mall
Suite 300
Minneapolis, MN 55402

*Telephone*
612-333-1183
*In-state*
1-800-882-MSBA
*Facsimile*
612-333-4927





February 26, 1993

Fred Grittner
Clerk of the Appellate Courts
245 Judicial Center
25 Constitution Avenue
St. Paul, MN 55155

Dear Mr. Grittner:

On behalf of the Legal Assistance to the Disadvantaged (LAD) Committee of the Minnesota State Bar Association, I request the opportunity to make an oral presentation about the Report of the Advisory Committee on Conciliation Court Rules on March 4, 1993. I will present the position of the LAD Committee. The Committee's position does not represent the view or action of the entire MSBA.

Enclosed are 12 copies of this request to appear and 12 copies of a brief statement by the LAD Committee.

Please let me know if you have any questions.

Sincerely yours,

Edward Q. Cassidy, Chair
Legal Assistance to the Disadvantaged Committee

Enclosures

# MSBA



**Minnesota State Bar Association**

514 Nicollet Mall
Suite 300
Minneapolis, MN 55402

*Telephone*
612-333-1183
*In-state*
1-800-882-MSBA
*Facsimile*
612-333-4927



February 26, 1993

TO: The Justices of the Minnesota Supreme Court

FROM: Ed Cassidy, Chair
Legal Assistance to the Disadvantaged Committee
Minnesota State Bar Association

RE: Report of the Advisory Committee on Conciliation Court Rules

The Legal Assistance to the Disadvantaged (LAD) Committee of the Minnesota State Bar Association has reviewed conciliation court issues, particularly the jurisdictional limits, for a number of years. In 1989, the MSBA supported a LAD Committee recommendation to increase conciliation court jurisdictional limits from $2,000 to $3,000 but not to $5,000. The MSBA did not take a position in 1992 when the legislature raised the limit to $5,000 effective July 1, 1992, with additional increases to $6,000 in 1993 and $7,500 in 1994. The LAD Committee did informally recommend that the MSBA urge the legislature to wait to raise jurisdictional limits until the Advisory Committee completed its work.

This year the LAD Committee supports the Advisory Committee recommendation opposing any increase in conciliation court jurisdictional limits over $5,000. The LAD Committee further recommends that the mandatory removal penalty be waived for people who meet the in forma pauperis standards in Minn. Stat. 563.01. These positions are the action of the committee and do not represent the view or action of the entire MSBA.

As the Advisory Committee report notes, Minnesota already has one of the highest jurisdictional amounts in the United States for conciliation court. The present $5,000 monetary limit represents a 150% increase over the past seven years. The scheduled increases for 1993 and 1994 would represent a 257% increase over nine years.

The vast majority of cases in conciliation court are brought by business against consumers and homeowners, many of whom are low-income. Raising the limits would increase the number of creditor suits in a forum where debtors, by definition, are unrepresented. The conciliation court process is very informal. As the limit goes up, the appropriateness of such informality is questionable. Also, those on our committee with consumer law experience

question the ability of debtors to raise affirmative defenses, for example, under Truth in Lending or the Fair Debt Collection Practices Acts in the conciliation court process. Generally, the only assistance available to low-income plaintiffs and defendants in conciliation court matters is brief advice through some volunteer attorney programs and a few conciliation court advocacy projects, and limited information from conciliation court clerks.

If the jurisdictional limit were raised further, information services and training for referees, judges and individual litigants would need to be expanded, including information about defenses. Also, more information would need to be available to individual litigants. Currently, so many cases are docketed that only approximately 10 minutes can be spent on a conciliation court case. This would be exacerbated as limits go up, more cases are brought, and the complexity of the cases increases.

In the past when the committee discussed jurisdictional limits, an argument in support of higher limits was to permit people, whose claims were slightly over the limits, to use the conciliation court process without reducing the amount of their claims. This argument was far more forceful when the limit was $2,000, as the kind of cases most often mentioned were a tenant with a claim for damages beyond an unreturned security deposit or small automobile accident claims.

The committee is concerned that the Advisory Committee report recommends continuing language enacted in 1992 that requires that if the removing party does not improve the result by $500 or 50% over the conciliation court outcome in cases removed/appealed to district court, an automatic $250 penalty is imposed. We recommend that the penalty be waived for people who meet the <u>in forma pauperis</u> standards in Minn. Stat. 563.01.

The penalty provision poses problems. First, how to compute when the mandatory penalty applies is not at all clear. Second, and more important, the penalty is disproportionate for low income people.

For a person whose sole income is a $203/month general assistance grant or for a single parent with one child on a $437/month AFDC grant, the mere possibility of a $250 penalty is enough to discourage <u>any</u> appeal. The amount has a disparate impact on people at low income levels compared to businesses and/or to middle and upper income people. The Advisory Committee report states that the penalty provision

> has had the desired impact of reducing unnecessary appeals, and it prevents potential abuses by parties who might otherwise appeal simply to pressure the other party into a settlement in order to avoid the cost and intimidation of a district court proceeding.

Many low income people are already intimidated about going into district court. The economic impact on a low income person of child care, transportation and missed work costs to go to district court provides sufficient disincentive without adding the potential for a penalty. Committee members' experience is that it is not low-income parties who threaten removal to district court but rather businesses, especially if they lose in conciliation court. In some cases where low-income people have lost in conciliation court and consulted legal aid or volunteer attorneys, it is difficult to advise them about whether to appeal/remove to district court. It is impossible to know the basis for the conciliation court decision. Also, the entire amount in question may be less than $250 and often is less than $500, but to that low-income person the amount may be the difference between being homeless or not, for example, where a security deposit is concerned.

We appreciate the opportunity to present our views to the Court and would be glad to provide additional information as requested.

# LEGAL SERVICES ADVOCACY PROJECT

726 Minnesota Building
46 East Fourth Street
St. Paul, Minnesota 55101
(612) 222-3749 Fax: (612) 228-9450





February 26, 1993

Frederick Grittner
Clerk of the Appellate Courts
245 Judicial Center
25 Constitution Avenue
St. Paul, MN 55155

Dear Mr. Grittner,

On behalf of the Legal Aid Society of Minneapolis, Galen Robinson, managing attorney of the Southside office, requests the opportunity to make an oral presentation about the Report of the Advisory Committee on Conciliation Court Rules on March 4, 1993. Mr. Robinson's presentation will represent the viewpoints of most, if not all, Legal Aid offices in Minnesota as well as that of the Legal Services Advocacy Project. Because of other commitments, I will not be able to appear personally before the Court on behalf of the Legal Services Advocacy Project.

Enclosed are 12 copies of Mr. Robinson's request to appear and 12 copies of a statement written jointly by the Legal Services Advocacy Project and the Legal Aid Society of Minneapolis.

Please let us know if you have any questions. Mr. Robinson can be reached at 827-3774; I can be reached at 222-3749. Thank you for your time.

Sincerely,

Roseann S. Eshbach

Roseann S. Eshbach

Enclosure

# LEGAL SERVICES ADVOCACY PROJECT

726 Minnesota Building
46 East Fourth Street
St. Paul, Minnesota 55101
(612) 222-3749 Fax: (612) 228-9450



To: The Justices of the Minnesota Supreme Court

From: Roseann S. Eshbach, Legal Services Advocacy Project, and Galen Robinson, Legal Aid Society of Minneapolis

Re: Report of the Advisory Committee on Conciliation Court

Date: February 26, 1993

The Legal Services Advocacy Project, which advocates on behalf of all Legal Aid clients in Minnesota, as well as the various Legal Aid offices throughout the state have concerned themselves with conciliation court issues for a number of years. This year, the primary focus of our concern is on the following issues: 1) maintaining the jurisdictional limits at $5,000; 2) the need for written findings; and 3) changing the nature of the mandatory removal penalty for non-prevailing parties.

I. Monetary jurisdictional limits:

It is very important that conciliation court remains a forum that provides litigants with the opportunity to resolve matters in an informal, simple, and unintimidating atmosphere. For this reasons, the Legal Services Advocacy Project and the individual Legal Aid offices throughout Minnesota support the Advisory Committee's recommendation to maintain jurisdictional limits at the current $5,000 level. In fact, the Legal Services Advocacy Project has been lobbying diligently on behalf of the Advisory Committee's Proposed Legislation at the Capitol this session so as to block the scheduled monetary jurisdiction increase to $6,000 on July 1, 1993. The bills, HF 591 (Dawkins) and SF 532 (Finn), were introduced on the floor of both houses on February 25, 1993. Both bills were referred to their respective Judiciary Committees; hearings should be scheduled in the next few weeks. We urge the Court to adopt the Advisory Committee's recommendation prior to the higher jurisdictional limits taking effect on July 1, 1993.

There are many reasons to support maintaining jurisdictional limits at the current $5,000 level. We will briefly highlight some of them.

1. Minnesota has one of the highest jurisdictional amounts for conciliation court in the United States. The present limit represents a 150 percent increase over the past seven years. The scheduled increases for 1993 and 1994 would represent a 257 percent increase over nine years.

2. Most cases in conciliation court are brought by businesses against consumers and homeowners. The majority of these defendants appear unrepresented by counsel and many are low-income. As a result, these defendants are not likely to have the ability or knowledge to raise affirmative defenses, such as under the Truth in Lending or Fair Debt Collection Practices acts, the conciliation court process. For this reason, it is imperative that the dollar amounts at stake for the people not be so high as to put them at an unfair disadvantage.

3. Generally, the only legal assistance available to low-income people in conciliation court matters is brief advice through volunteer attorney programs and from conciliation court clerks who can provide very limited information. If the jurisdictional limits are raised further, more information, including information about defenses, would have to be made to individual litigants.

4. As monetary jurisdiction increases, so does the complexity of the cases. With the increase in complexity, there constantly exists a tension as to whether more formalities, such as pretrial discovery, evidentiary standards, and written findings are needed. However, to implement these formalities would change the fundamental informal nature of conciliation court. In addition, the formalities would put an extra burden on court resources at a time when budgets are being cut.

5. Currently, so many cases are docketed in conciliation court that referees can spend only about 10 minutes per case. This problem would be exacerbated if the jurisdictional limits were raised because more cases would be brought and the complexity of the cases would increase.

6. Given the information nature of conciliation court, it is not surprising that services of process is also informal, namely by mail. In this mobile society, it is not unusual for mail not to reach the addressee. Because of this, the court may enter a default judgment against the debtor when the individual fails to appear. Consequently, the debtor may first become aware of the judgement when wages are garnished or other credit is rejected because of the outstanding judgment. Although this risk exists no matter what the jurisdictional limits are, the risk increases in proportion to the monetary jurisdiction of the courts.

7. Approximately one-third of all conciliation court cases in Minnesota result in default judgments. In these cases, the court has no means of ascertaining whether the defendant actually received notice of the case. The potential for abuse is great. Indeed, the only way to avoid it is to require personal service; however, this precaution would be costly and would increase the difficulty of processing a conciliation court case.

For all these reasons, we think it is in the best interest of all Minnesota citizens to maintain monetary jurisdiction at the current $5,000 level. Again, we urge the Court to adopt the Advisory Committee's recommendation on this issue.

II. Need for written findings:

The Advisory Committee has suggested in its Proposed Rule 512(e) that "[w]ritten findings of fact of conclusions of law shall not be required." The Committee is against the requirement of written findings because it believes written explanations may influence the outcome of an appeal/removal of a conciliation court case.

Despite the Committee's reasoning, we believe it is essential that conciliation court judges and referees provide written findings of fact to support their orders. Without written findings, it is virtually impossible for attorneys, let alone litigants, to assess whether an appeal is warranted. This is particularly important given the Committee's position supporting the $250 mandatory costs assessed against unsuccessful litigants on appeal/removal to district court. Because these costs are so high, it is imperative that the litigant be able to weight properly whether to risk filing an appeal/removal. Indeed, a litigant cannot make an informed decision without understanding the underlying reasons for the conciliation court judgment.

For these reasons, we urge the Court to disregard the Committee's recommendation on this matter. Instead, we urge the Court to adopt a rule that requires written findings in all conciliation court decisions.

III. Mandatory removal costs:

The Advisory Committee has a valid concern in its desire to reduce the number of frivolous and bad faith appeals/removals to the district courts. These appeals/removals can only foster a spirit of antagonism between parties rather than one of conciliation. Such actions are contrary to the very definition and purpose of conciliation courts: "a court which proposes terms of adjustment, so as to avoid litigation." Black's Law Dictionary (5th

ed.) 321. For these reasons, some form of appeal/removal penalty is a good idea; but the Court should use its discretion in assessing it against non-prevailing parties.

However, the mandatory nature of the appeal/removal penalty is a harsh over-reaction to the problem. First, the penalty works against good faith removals as well as frivolous/bad faith removals. Even though a person may receive a favorable decision at district court, if the judgment does not exceed the conciliation court judgment by a margin of fifty percent or $500 (whichever is less), then the person is <u>not</u> considered the "prevailing" party and will be assessed a mandatory penalty of $250.

The $250 mandatory penalty to the non-prevailing removing party is sufficient to make a party of modest income decide not to pursue a more favorable decision at district court even though the facts and issues are such that any judge would deem the appeal has merit. For a low-income person, however, the penalty fee imposes an insurmountable obstacle to seeking the justice due him or her. For many of these people, the $250 penalty may be more than the person's monthly income (ie: General Assistance and Work Readiness recipients receive $203 in monthly benefits). Because of these income restraints, many low-income people do not have the luxury of filing an appeal to district court, even though complete justice may not have been served at conciliation court. Again, the penalty operates as a chilling factor even for those whose appeals otherwise would be deemed to have merit.

Second, the mandatory appeal/removal penalty is contrary to the de novo district court proceedings upon removal of a case from conciliation court. Rule 521(a) provides that causes may be removed to district court for "trial de novo" (new trial). As such, the case is supposed to be tried anew, without regard to the outcome in conciliation court. Furthermore, the Advisory Committee argues strongly against the use of written explanations for conciliation court decisions because they may influence the outcome of an appeal/removal of a conciliation court case." Nevertheless, Rules 524 (b)-(c) require the district court judge to determine whether the removing party did significantly better at district court than he or she did at conciliation court before it can be determined whether the removing party "prevailed" in district court. Strictly interpreted, these Rules require that significant weight be given to the outcome in conciliation court. This is in direct opposition to the very definition of de novo review.

Third, the definition of "prevailing party" must be simplified so that individuals considering an appeal can understand its meaning. Otherwise, even with the added warning on the Form UCF-9 (Judgment and Notice of Judgment), litigants often do not understand when the penalty applies.

Fourth, if the Court refuses to consider making the

appeal/removal penalty discretionary as requested above, we urge the Court to consider two other alternative approaches:

1. the Court should waive the penalty for those litigants who meet the In Forma Pauperis standards in Minnesota Statutes §563.01; or

2. the Court should devise a sliding penalty standard based upon either the amount in controversy or the percentage of improvement in the outcome on appeal.

If the Court chooses to implement one of the sliding penalty alternative approaches, here is how they would work:

A sliding penalty tied to the amount in controversy would affect the "non-prevailing parties" in the following manner:

1. $50 penalty for amounts under $1,000;
2. $100 penalty for amounts under $2,000;
3. $150 penalty for amounts under $3,000;
4. $200 penalty for amounts under $4,000; and
5. $250 penalty for all other amounts.

A sliding penalty based on the percentage of improvement in district court would affect the removing party in the following manner:

1. $0 penalty for litigants who improve their conciliation court judgment by at least 50 percent;

2. $50 penalty for litigants who improve their conciliation court judgment by at least 40 percent;

3. $100 penalty for litigants who improve their conciliation court judgment by at least 30 percent;

4. $150 penalty for litigants who improve their conciliation court judgment by at least 20 percent;

5. $200 penalty for litigants who improve their conciliation court judgment by at least 10 percent; and

6. $250 penalty for litigants who improve their conciliation court judgment by less than 10 percent.

Regardless of which of the above sliding penalty alternatives the Court would choose, a litigant should never be required to improve their conciliation court judgment by more than $500, which is in current law, to avoid having to pay a penalty.

Although these sliding penalty standards do not inform the litigant of the likelihood of success, these alternative

suggestions at least do not penalize parties as much as the current law, provided the litigants improve their conciliation court judgment (prevailed in district court in some way) somewhat. Lastly, these alternatives are much more fair and will have less of a chilling effect on meritorious appeals than the current law.

STATE OF MINNESOTA

IN SUPREME COURT

CX-84-2136



In Re: Supreme Court Advisory Committee
on Conciliation Court Rules

---

Supplemental Report of Minnesota Supreme Court
Advisory Committee on Conciliation Court Rules
And Request to Participate in Hearing

March 1, 1993

## REQUEST TO PARTICIPATE IN HEARING

The Advisory Committee respectfully requests that the following individuals be permitted to address the Court on the subjects indicated:

| | |
|---|---|
| Honorable Terry J. Stoneburner, Advisory Committee Chair | Introduction and Overview of Advisory Committee Efforts |
| Michael B. Johnson, Advisory Committee Staff | Review of Report |
| Joseph E. Gockowski, Court Administrator, Ramsey County | Forms |

## SUPPLEMENTAL COMMENTS

The Advisory Committee has reviewed the materials submitted by certain individuals and received by Supreme Court as of 12:00 noon, Monday, March 1, 1993. The Advisory Committee has also received additional materials that have not been filled with the Court, and these are attached to this Supplemental Report. As a convenience

to the Court, a summary of the Advisory Committee's action on the issues raised in these submissions is set forth below:

**Comments of Hon. Warren E. Litinski (filed 1-29-93)**

The Advisory Committee considered Judge Litinski's suggestion that R. Civ. P. 6.05 be made inapplicable to the removal/appeal time period and that the necessary three days simply be added to the time period. Judge Litinski argues that court administrators are incapable of accurately computing the time periods as is required under the Advisory Committee's proposal. The Advisory Committee determined that any difficulty administrators may have had in calculating the time period has been significantly reduced by the extensive commentary regarding computation of time set forth following proposed Minn.Gen.R.Prac. 503.

**Comments of Hon. Gerard Ring (attached)**

Judge Ring suggests that conciliation court judges should be authorized to impose monetary sanctions ($100) when the court finds that a litigant has acted in bad faith in bringing an action, and that judges also be given the discretion to prohibit future claims by the litigant except when approved by the court. Although at least one state (Missouri) has such a rule for small claims court, the Advisory Committee rejected the rule on the grounds that such instances are relatively uncommon, district court procedures can be used to accomplish the desired results if necessary, and the Advisory Committee did not want to encourage broad use of such

sanctions. Additional examples of abuses and the manner in which they were resolved are described in a March 1, 1993, report from Ramsey County Court Administration entitled "Abuse of the Conciliation Court System As Observed By the Conciliation Court Staff" (see copy attached to this Supplemental Report).

Judge Ring also suggests that parties seeking to reopen a case be required to establishing a meritorious defense as is required in district court. The Advisory Committee rejected this approach because of the summary nature of proceedings in conciliation court. The Advisory Committee does, however, propose a due diligence requirement once the removal/appeal period expires, and recognizes that district court procedures will be applicable once a conciliation court judgement has been transcribed to district court (see Advisory Committee Report, footnote 57, and proposed Gen.R.Prac. 520).

**Comments of Ramsey County Court Administration (attached)**

This March 1, 1993 Report is entitled "Abuse of the Conciliation Court System As Observed By the Conciliation Court Staff." It represents a summary of some of the abuses of conciliation court process that were brought to the attention of the Advisory Committee and supports the Advisory Committee's proposal for maintaining monetary jurisdictional limits at the current $5,000 level.

**Comments of Clifton Rodenburg (filed Feb. 25, 1993)**

Attorney Rodenburg recommends increasing the limits of conciliation court to $10,000 because that is approximately the point at which it becomes cost effective for a party to hire an attorney. Mr. Rodenburg incorrectly states that the Advisory Committee recommends an increase in the monetary jurisdictional limits of conciliation court. The Committee opposes any increase for the reasons indicated in the Advisory Committee Report (pp. 1-10) and in the additional materials submitted by: Hon. Margaret Shaw Johnson (attached); MSBA Legal Assistance to the Disadvantaged (LAD) Committee (filed 3-1-93); Comments of David Witte, Groveland Financial Services (filed 2-24-93); Comments of Legal Services Advocacy Project & Minneapolis Legal Aid Society (filed 3-1-93); and Resolution of the Ninth Judicial District (filed 2-26-93).

Mr. Rodenburg also suggest that the rules should permit the conciliation court to issue writs of execution against personal property because . The Advisory Committee's proposed legislation incorporates a process designed to accomplish this (see section 1, subdivision 5; Advisory Committee Report, p. 8., footnote 23 and accompanying text).

Finally, Mr. Rodenburg agrees that a thorough brochure should be prepared and suggests that annual seminars be sponsored to educate administrators about conciliation court. The Advisory Committee Report is replete with admonitions regarding education of all court personnel, and it is assumed that once new rules and

statutes are in place, the Supreme Court Continuing Education Office will make appropriate plans.

**Comments of David Witte, Groveland Financial Services (filed 2-24-93)** Corporate Counsel Mr. Witte comments that monetary jurisdictional limits should not be increased above the current $5,000 level unless more time is granted for hearing such cases and certain procedural safeguards are adopted, including personal service, limited discovery, and short letter briefs. Mr. Witte agrees that the current procedure is adequate for small claims (i.e. under $2,500), but for larger claims it is more like gambling with plaintiffs making a modest wager in the form of filing fees. Mr. Witte also indicates that he has witnessed an increase in frivolous claims as the monetary jurisdiction has increased. The Advisory Committee predicted that as the monetary limit increases, proposals for more procedural safeguards would be made and that the potential for abuse would also increase (see Advisory Committee Report, pp. 1-10).

**Comments of MSBA LAD Committee (filed 3-1-93)**

The MSBA LAD Committee supports the Advisory Committee's position regarding monetary jurisdictional limits but suggests that the mandatory appeal/removal penalty be waived when the penalized person meets the standard set forth in Minnesota Statutes, section 563.01, for *in forma pauperis* relief. The Advisory Committee recognized that the legislature has indicated a strong commitment

to continue this statutory provision, the statute has had the desired effect of reducing the number of appeals, and it prevents potential abuses by parties with the financial ability to extend the litigation (advisory Committee Report, pp. 20-21). The Advisory Committee discussion did reveal, however, that some courts do exercise some discretion in administering the penalty in part because it is so ambiguously drafted and difficult to apply.

**Comments of Legal Services Advocacy Project & Minneapolis Legal Aid Society (filed 3-1-93)** Legal Aid offices support the Advisory Committee's position regarding monetary jurisdictional limits but suggests that: (1) that written findings be required in all cases; and (2) the mandatory appeal/removal penalty be modified by waiver when the penalized person meets the standard set forth in Minnesota Statutes, section 563.01, for *in forma pauperis* relief, or that the penalty be determined according to a sliding scale. Legal Aid offices argue that written findings are necessary to a proper determination on the appeal/removal issue and may help avoid unnecessary appeals, and that the appeal/removal penalty acts as a total ban on appeals for low income individuals. As indicated above, the Advisory Committee recognized the legislature's strong commitment to continue this statutory provision, the statute has had the desired effect of reducing the number of appeals, and it prevents potential abuses by parties with the financial ability to extend the litigation (advisory Committee Report, pp. 20-21). The

Advisory Committee discussion did recognize, however, that there are some difficulties in interpreting the statute.

**Comments of Hon. Margaret Shaw Johnson (attached)**

Judge Johnson's correspondence illustrates the problems created by increased monetary jurisdiction and supports the Advisory Committee's position in this issue.

**Resolution of the Ninth Judicial District (filed 2-26-93)**

The judges of the Ninth Judicial District oppose any increase in the monetary jurisdictional limit, and this is consistent with the Advisory Committee's proposal.

**Proposed Legislation: Senate File 532 and House File 591 (cover pages attached)** These bills contain the Advisory Committee's proposals and were introduced at the request of the Legal Services Advocacy Project (see Comments of Legal Services Advocacy Project & Minneapolis Legal Aid Society (filed 3-1-93).

**Proposed Legislation: Senate File 107 (full copy attached)**

This bill was introduced by Senators Kelly, Belanger, and Cohen. Although it is patterned after the Advisory Committee's proposal, is contains significantly different proposals, including:

(1) $6,000 monetary jurisdictional limit effective July 1, 1993, and increases to $7,500 on July 1, 1994, and $10,000 on July 1, 1995 [section 2, subd. 3; section 5];

(2) requires personal service for any claim in excess of $3,000 [section 2, subd. 3];

(3) permits filings to be made in any county, with burden on administrators to determine proper county for filing purposes [section 3, subd. 2];

(4) permits corporations, partnerships, and associations to be represented by non-attorney in district court [section 3, subd. 4]; and

(5) authorizes appointment of referees in all counties [section 4, subd. 1].

The Advisory Committee's positions on these are:

(1) strongly oppose any increase in the monetary jurisdiction of the court [Report, pp. 1-10];

(2) personal service was viewed as too expensive and should be avoided if possible [Report, p. 2];

(3) parties must bear the responsibility for filing papers in the correct county and should not be permitted to meet a deadline by filing in the improper county, which will create problems of timely transmission to the appropriate court [Report, footnote 40];

(4) Advisory Committee took no position but noted that this is contrary to decision in *Nicolett Restoration, Inc. v. Turnham,* 486 N.W.2d 753 (Minn. 1992) [Report, p. 20 and footnotes 36, 39, and 53]; and

(5) The advisory Committee recommends retaining the status quo with respect to referees because changes would have broad

ramifications for the entire trial court system [Report, p. 23].

Dated: March 1, 1993

Respectfully Submitted,

MINNESOTA SUPREME COURT ADVISORY COMMITTEE ON CONCILIATION COURT RULES

District Court of Minnesota
THIRD JUDICIAL DISTRICT

GERARD W. RING
JUDGE OF DISTRICT COURT

OLMSTED COUNTY COURTHOUSE
ROCHESTER, MINNESOTA 55902
TELEPHONE (507) 285-8243

February 5, 1993

THE HONORABLE TERRI J. STONEBURNER
NICOLETTE COUNTY COURTHOUSE
NEW ULM MN 56073

Re: Proposed conciliation court rules

Dear Judge Stoneburner:

I apologize for being so late in writing to you about the proposed conciliation court rules. I recognize that you gave us plenty of time to review these and provide input before this draft was prepared. However, we have been swamped here and I just kept putting it on the back corner of the desk as something I would get to in the future. I guess the future is now here.

There were a number of things I would have been inclined to encourage you to incorporate into the rules. However, I believe there is one essential addition. For various reasons which I will attempt to set out in this letter, I believe that there must be some sort of sanctions available to the judge in conciliation court.

Litigation in the district courts is pretty much controlled by the attorneys for the litigants under the supervision of the trial judge. There are no such controls in the pro se world of conciliation court. An attorney who misuses the district courts or uses the court to harass that party can be subject to sanctions. Within the past year I personally imposed a $3,500 sanction on an attorney for such conduct. In addition, the attorney is subject to sanctions by the Lawyer's Professional Responsibility Board. However, pro se litigants are not subject to such sanctions in the conciliation courts. For the price of a filing fee, you can hale anybody into conciliation court that you choose. The worst that happens in such a case is that you are out the filing fee. In the meantime the opposing party is required to appear in court at whatever cost and inconvenience that may entail, and is advised by the judge that the law provides no remedy other than dismissal of the claim against him or her.

While it is true that the vast majority of claims in conciliation court are brought in good faith, there are a number which are clearly not. This is particularly apparent to me at this time because we have a very litigious person in our community who repeatedly files claims in this conciliation court as well as other courts of this state. For example, at the present time she has at least two matters now pending which will be coming up shortly. One of those matters involves a suit against the gas company and a heating contractor. In addition she has named nine other defendants which include three lawyers, three police officers, an FBI agent, the Rochester Post Master and myself. Obviously none of us had anything to do with any possible claim she might have for a furnace malfunction. Her claims are virtually impossible to decipher. For example, the claim against the Post Master is that he is "controlling my mail and providing information to Doug Dose to harass me and ask for ransom." Against the FBI agent it is, "Reported involvement of administration of Olmsted County Judge Morse of kidnapping Marryan Pourzandvakil and robbery by police." The claim against me is, "Misconduct at court for eleven years and delay of the process of law."

There is no such thing as a motion for judgment on the pleadings or other remedies short of appearing at court. As a result, I must make myself available on the date in question and the district must provide a judge from outside of the district to preside at the hearing. Naturally, the defendants always are successful in these cases but the plaintiff turns around and files new claims for another date. There is now pending a case involving another of the judges of this court and as you can tell from the proceeding in which I am a defendant, Judge Morse is also likely to become a defendant shortly.

I am not opposed to pro se litigation. There certainly is a proper place for such proceedings to resolve disputes. However, when such litigation is conducted in bad faith there must be some sanction or means of protecting those people who are harassed by that procedure. This particular litigant has been involved with our courts for several years now. She was the subject of two commitment proceedings, one of which was dismissed by the judge and the second was continued with an agreement that she would seek voluntary treatment.

There are two possible protections which the conciliation court could offer to potential defendants from plaintiffs such as this. There could be a provision for an award of costs in the event a judge finds bad faith on the part of the plaintiff. I would think those costs should perhaps be capped at $100 rather than the $50 normally permitted. While in many cases people who misuse the system will be judgment proof, there are clearly some who are not and the $100 penalty for bad faith or abuse of the system does not seem unreasonable to me.

Secondly, after a penalty is assessed, the judge should have discretion to enter an order limiting the filing of new claims. The judge could require all future claims by the plaintiff to be screened by a judge of the court before any defendants would be summoned to the courthouse. It would be a sort of probable cause type of proceeding.

A second feature that I believe should be added relates to requests to reopen defaults. In addition to the requirements set forth in Rule 520, there should be a requirement that the party seeking to reopen any default set forth the basis for the claim or the defense that they will be asserting.

Again it is true that in most cases there will be a legitimate claim or defense. However, on occasion the litigant who seeks to reopen has no legal defense to the action and is only looking to get a judgment released. The most egregious case that I am aware of occurred some years ago in this county. A car dealership had a whole series of small claims judgments which were vacated at the request of the owner on the ground that he had not received the notices of the defaults. However, during the time between the vacation of the judgments and the new trial date, he managed to finish closing up business, selling his assets and left the state. Obviously, there is no protection from a true con artist or crook, however, a judgment should not be vacated unless a party can show the judge there is a pretty good reason to do so. This would parallel the requirement in district courts for setting aside defaults or vacating judgments.

I would appreciate hearing from you on these matters if you have the time to do so. You may have discussed either or both of these concepts during the course of your proceedings and there may be good reasons which I am unaware of for not having such provisions in the rules. Again, I apologize for being so late with these suggestions, but I believe that having the authority and ability to deal with frivolous claims is an essential part of any court procedure which relies on pro se litigants. I really am not trying to make your life difficult, it just looks that way. Thanks.

Sincerely,

Gerard Ring
Judge of District Court

RAMSEY COUNTY
DISTRICT COURT

1215 Court House, St. Paul, Minnesota 55102-1652
(612) 298-5211

JOSEPH E. GOCKOWSKI
Court Administrator

March 1, 1993

**ABUSE OF THE CONCILIATION COURT SYSTEM
AS OBSERVED BY THE CONCILIATION COURT STAFF**

As in any conciliation court system the staff that process these cases become most familiar with the customers that use this court. Through their familiarity, they can spot abuses where parties are using the court system to harass, intimidate and frustrate their victims. In this process the perpetrator is using the court and its staff as tools in carrying out their scheme, thus creating a negative image of the court system when the victims are being summoned to court for some totally ridiculous issue. This type of abuse is becoming more evident as the monetary amounts have been increasing.

We have three examples that we would like to share with the Court. In each case it appears on the surface to be initiated as a genuine case but later turns into a form of harassment for the defendants and abuse of the court process.

In the first example the plaintiff presents himself as a credit manager and filed claims in conciliation court on out of state defendants. As we studied the matter, it was discovered he was using several small claim courts and defendants were paying off because they were nuisance claims. Eventually the Federal authorities changed and prosecuted him for violations of the ICC Codes. See attachment item #1.

Example number two (2) In this case the plaintiff starts filing claims for rent dating back to December of 1986. He lives in Chicago and doesn't appear for the trial dates causing the defendant to take time off work on numerous occasions to appear in court. When he receives notice that the case is dismissed he sends in a reopening fee to activate it again and cause it to be scheduled for another trial date. He filed nine (9) of these cases, all for the jurisdictional amount of $4,000 dollars at the time, causing the defendant a lot of stress and lost time from work. The defendant became extremely frustrated and feared losing her job because of the amount of time lost due to court appearances that she had to attend in order to protect herself from frivolous judgments. It was then recommended to her to file a Harassment

case and see if that would solve the problem. A Harassment Restraining Order was issued on July 24, 1992, restraining the plaintiff from filing any conciliation court claims against the defendant or any claims against her in Ramsey County other than in the Family Court.

Example number three (3), is a case where a college files a Harassment petition and obtained a Temporary Restraining Order prohibiting the respondent from trespassing on their property. She in turn filed six (6) claims in conciliation court for the now jurisdictional amount of $5,000 dollars each against the parties in the Harassment petition. These cases are set for trial on March 19, 1993, so we do not have a conclusion to them at this time. Copies of the claims are attached as item #3.

These are only a few of the more current cases that come to mind where the Conciliation Court and its staff are being used as tools by devious individuals.

JEG:sjj

attachments

Item # 1

# FILED

JUN 0 5 1991
JE GOCKOWSKI
COURT ADMINISTRATOR
By _____ Deputy

STATE OF MINNESOTA DISTRICT COURT

COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT

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**ORDER VACATING JUDGMENTS AND DISMISSING CLAIMS AND COMPLAINTS AND ENJOINING FUTURE SERVICE AND FILING**

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[redacted],
a MN Corp., P.O. Box 731
Lakeland Shores, MN 55043,

Plaintiff, Court File No. [redacted]

v.

[redacted],
[redacted], Route 315
Pittston, PA 18640,

Defendant.

---

[redacted]
P.O. Box 93
Hudson, WI 54016,

Plaintiff, Court File No. [redacted]

v.

[redacted]
c/o [redacted]
3070 Longlake Rd.
Roseville, MN 55113

Defendant.

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Item #1

This matter was heard by the undersigned on May 8, 1991, pursuant to the Order to Show Cause dated April 10, 1991, and filed on April 12, 1991.

Mr. [redacted], a/k/a [redacted], was personally present before the Court and appeared pro se. No appearances were made by or on behalf of any other parties named in any of the above-captioned matters.

Upon all of the files, records and proceedings herein, the Court now makes the following:

**ORDER**

1. All judgments filed or entered or docketed in Ramsey County Conciliation Court or the District Court of the Second Judicial District as a result of claims or complaints initiated in Ramsey County Conciliation Court are hereby ordered vacated in all of the above-captioned matters.

2. All claims and complaints filed in Ramsey County Conciliation Court or in the District Court of the Second Judicial District by or on behalf of the plaintiffs in all of the above-captioned matters are hereby ordered dismissed.

3. [redacted], a/k/a [redacted] is hereby enjoined from serving or filing any pleading or claim or complaint in any Conciliation Court or in any District Court in any of the Ten Judicial Districts for the State of Minnesota on behalf of any other person or corporation until such time as he is licensed to practice as an attorney at law in the State of Minnesota.

Item #1

4. The attached Memorandum is incorporated herein by reference.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: June 5, 1991

BY THE COURT:

GEORGE O. PETERSEN
Judge of District Court
Second Judicial District

Sept. #1

# M E M O R A N D U M

Mr. [redacted] a/k [redacted] is not an attorney at law licensed to practice in the State of Minnesota. In all of the above-captioned matters, he has been the "claimant" on behalf of the plaintiffs and has styled himself as the "Credit Manager" of all of the plaintiffs, some of whom are characterized as corporations and some of whom are not.

In none of the above-captioned matters were documents filed to identify any corporation appearing as a plaintiff as either a Minnesota corporation or a foreign corporation. No documentation was filed in any of the above-captioned matters to confirm that a foreign corporation appearing as a claimant-plaintiff had a certificate of authority to maintain such an action within the State of Minnesota pursuant to Minn. Stat. c. 303.

In none of the above-captioned cases, where plaintiffs were not identified as being corporations, were certificates of assumed name filed with the Court to document proper filing with the Secretary of State pursuant to Minn. Stat. c. 333.

In addition to a lack of demonstrated authority to conduct business in Minnesota and/or maintain an action in the Courts of Minnesota in all of the above matters, seven of those cases involve defendants who were not only not residents of

Ramsey County but were not residents of the State of Minnesota. The Conciliation Court of Ramsey County, the Second Judicial District, was without jurisdiction to entertain claims against said defendants. The territorial jurisdiction of the Conciliation Court is coterminous with the boundary lines of Ramsey County, and in said Court jurisdiction cannot be secured by use of long-arm statutes. In addition, the pleadings in those claims allege insufficient grounds upon which that Court would have jurisdiction over the subject matter of said claims.

On the face of these files and the procedural history contained therein, plaintiffs failed to document their right to maintain an action in the courts of this state as Minnesota corporations or as properly registered foreign corporations or as businesses with properly certified and filed assumed names. For those reasons, all of the above matters must be vacated and dismissed. In addition, the seven cases referred to above which were brought against non-resident defendants must be vacated and dismissed on the basis of lack of jurisdiction over both the person and the subject matter.

This Court, in addition to the above-captioned files, has available to it in the Administrator's records of the District Court for the Second Judicial District, evidence of other attempted filings by Mr. [redacted] as Credit Manager on behalf of one or more of the above-named plaintiffs using a Hudson, Wisconsin address seeking to file claims against twenty different non-resident defendants for collection efforts similar to those set forth in the above-captioned cases. In none of

those matters was the foreign corporation documented as properly doing business in the State of Minnesota and properly maintaining an action at law in the Courts of Minnesota. In all of those cases Mr. [redacted] filed the claim as Credit Manager and not as attorney. In all of those cases, the defendants were non-residents of both Ramsey County and the State of Minnesota. All of those twenty claims were rejected for filing.

When this sequence of events was discovered, the cases that had been submitted for filing were rejected as described above. Those cases which had already been tried and gone to judgment were made the subject of the Order to Show Cause herein and this Order. Other cases similar to these which were in progress, that is, accepted for filing and assigned for trial, were assigned for trial in the ususal course.

It is necessary to assure that the powers of this Court are not improperly used, whether by inadvertence, error or excusable neglect, that Mr. [redacted] be restrained from continuing in the future his collection efforts as he has attempted in the past. It is necessary to protect the proper court processes and members of the public who might otherwise be subject to such attempted collection efforts that this Court control service and filing of court documents when a practice such as that described herein has been found by the Court to exist. It is for these reasons that the restaining order is issued against Mr. [redacted]

Item #1

A violation of the injunction ordered against Mr. [redacted] offers the exposure of contempt of court proceedings.

G.O.P.

Statement of Claim and Summons

# State of Minnesota

## Conciliation Court

COUNTY OF RAMSEY

NO. [redacted]

PLAINTIFF #1

NAME AND ADDRESS

[redacted]
P.O. BOX 16653
CHICAGO, IL. 60616

PLAINTIFF #2

NAME AND ADDRESS

DEFENDANT #1

[redacted]
732 DAYTON
ST. PAUL, MN. 55104

DEFENDANT #2

STATEMENT OF CLAIM

Name [redacted] Title OWNER

being duly sworn says that he is the plaintiff above named; that the defendant is at least 18 years old; that the defendant is not now in the Military Service; that the defendant is a resident of RAMSEY County; and alleges that the defendant is indebted to the plaintiff in the amount of $ 4,000, plus $ 18 filing fee, totalling $ 4018.00, plus disbursements, by reason of the following facts:

RENT OWED FOR [redacted] RESIDING AT 1001 IGLEHART 12/86 [redacted]

NOTARY STAMP OR COURT SEAL

SUBSCRIBED AND SWORN BEFORE ME ON: DATE 1-17-93

SIGNATURE

THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE [redacted]

TELEPHONE

DO NOT WRITE BELOW THIS LINE

SUMMONS NOTICE OF HEARING

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT

You are hereby summoned to appear at the hearing of the above entitled case at 1:15 PM m., on March 6, 1992 at Room 1115 Courthouse 15 W. Kellogg ST. Paul, MN

DATE PLACE

Dated: _____ at 298-6811, Minnesota J.E. Gockowski, Court Administrator

Deputy RMB

FAILURE TO APPEAR

**Failure of the defendant to appear in Court may result in a default judgment being entered against him. Failure of the plaintiff to appear my result in dismissal of the action or a default judgment being entered in favor of the defendant on any counter-claim which has been interposed.** 21

ORIGINAL

REV. 12/90

6/30/92: Reopening Ch 13785 Mailed Ltr

Statement of Claim and Summons

# State of Minnesota

## Conciliation Court

COUNTY OF RAMSEY

NO. [redacted]

NO.

PLAINTIFF #1

[redacted]
P.O. BOX 16653
CHICAGO, IL. 60616

PLAINTIFF #2

NAME AND ADDRESS

DEFENDANT #1

[redacted]
732 DAYTON
ST. PAUL, MN. 55104

DEFENDANT #2

STATEMENT OF CLAIM

Name [redacted] Title

being duly sworn says that he is the plaintiff above named; that the defendant is at least 18 years old; that the defendant is not now in the Military Service; that the defendant is a resident of Ramsey County; and alleges that the defendant is indebted to the plaintiff in the amount of $ 4000, plus $ 18 filing fee, totalling $ 4018, plus disbursements, by reason of the following facts:

NON PAYMENT OF RENT OWED FOR 1-86

1001 Iglehart
St Paul MN 55104

FILED
Court Administrator
JAN 30 1992
J.E. GOCKOWSKI
By _____ Deputy

DO NOT WRITE BELOW THIS LINE

NOTARY STAMP OR COURT SEAL
" OFFICIAL SEAL "
ROBERT T. KRADLE
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 6/26/94

SUBSCRIBED AND SWORN BEFORE ME ON:
DATE JANUARY 28 1992
Robert T. Kradle
SIGNATURE

THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE
SIGNATURE [redacted]
TELEPHONE NONE

SUMMONS NOTICE OF HEARING

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT

You are hereby summoned to appear at the hearing of the above entitled case at 1:15 PM m., on May 1, 1992 7-10:00 Room 1115 Courthouse 15 W. Kellogg St. Paul, MN
DATE PLACE

J.E. Gockowski, Court Administrator

Dated: _____ at 298-6811, Minnesota Deputy RMB

FAILURE TO APPEAR

**Failure of the defendant to appear in Court may result in a default judgment being entered against him. Failure of the plaintiff to appear my result in dismissal of the action or a default judgment being entered in favor of the defendant on any counter-claim which has been interposed.**

ORIGINAL

REV. 12/90

Statement of Claim and Summons

4/30/92 Reopening Ck# 12786 mailed Bx

# State of Minnesota — Conciliation Court

COUNTY OF RAMSEY

NO. [redacted]

| PLAINTIFF #1 | PLAINTIFF #2 |
|---|---|
| NAME AND ADDRESS [redacted] P.O. BOX 16653 CHICAGO, IL. 60666 | NAME AND ADDRESS |
| **DEFENDANT #1** | **DEFENDANT #2** |
| [redacted] 732 Ogden St. PAUL, MN. 55104 | |

STATEMENT OF CLAIM

Name [redacted] Title

being duly sworn says that he is the plaintiff above named; that the defendant is at least 18 years old; that the defendant is not now in the Military Service; that the defendant is a resident of County; and alleges that the defendant is indebted to the plaintiff in the amount of $ 400.00, plus $ 18 filing fee, totalling $ 418.00, plus disbursements, by reason of the following facts:

RENT FOR 12/85

FILED
Court Administrator
JAN 30 1992
J.E. GOCKOWSKI
By _____ Deputy

1001 Iglehart
St Paul MN 55104

DO NOT WRITE BELOW THIS LINE

NOTARY STAMP OR COURT SEAL: " OFFICIAL SEAL " ROBERT T. KRADLE NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 6/26/94

SUBSCRIBED AND SWORN BEFORE ME ON: DATE JANUARY 28, 1992 Robert T. Kradle SIGNATURE

THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE SIGNATURE [redacted] TELEPHONE 4076

SUMMONS NOTICE OF HEARING

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT

You are hereby summoned to appear at the hearing of the above entitled case at 1:15 PM m., on MAY 1, 1992 7-10-92 DATE at Room 1115 Courthouse 15 W. Kellogg St. Paul, MN PLACE

Dated: _____ at 298-6811, Minnesota J.E. Gockowski, Court Administrator Deputy RMB

FAILURE TO APPEAR

**Failure of the defendant to appear in Court may result in a default judgment being entered against him. Failure of the plaintiff to appear my result in dismissal of the action or a default judgment being entered in favor of the defendant on any counter-claim which has been interposed.**

ORIGINAL

REV. 12/90

MAR 01 '93 03:53PM 1/30/92 Reopening Ck# 13783 Mailed Bac P.14 # 2

Statement of Claim and Summons

# State of Minnesota — Conciliation Court

COUNTY OF RAMSEY

NO. [redacted]

PLAINTIFF #1 — NAME AND ADDRESS

[redacted]
P.O. BOX 16653
CHICAGO, IL. 60646

PLAINTIFF #2 — NAME AND ADDRESS

DEFENDANT #1

[redacted]
732 DAYTON
ST. PAUL, MN 55104

DEFENDANT #2

FILED
Court Administrator
FEB 26 1992
J.E. GOCKOWSKI
By _____ Deputy

STATEMENT OF CLAIM

Name [redacted] Title _____

being duly sworn says that he is the plaintiff above named; that the defendant is at least 18 years old; that the defendant is not now in the Military Service; that the defendant is a resident of RAMSEY County; and alleges that the defendant is indebted to the plaintiff in the amount of $ 4000.00, plus $ 18 filing fee, totalling $ 4018.00, plus disbursements, by reason of the following facts:

RENT FOR MARCH 1986

FOR 1001 Eglehart
St Paul MN 55104

NOTARY STAMP OR COURT SEAL
" OFFICIAL SEAL "
ROBERT T. KRADLE
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 6/26/94

SUBSCRIBED AND SWORN BEFORE ME ON:
DATE JANUARY 28, 1992
Robert T. Kradle
SIGNATURE

THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE
SIGNATURE [redacted]
TELEPHONE (NONE)

DO NOT WRITE BELOW THIS LINE

SUMMONS NOTICE OF HEARING

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT

You are hereby summoned to appear at the hearing of the above entitled case at 1:15 P.M. m., on May 1 1992 DATE, at Room 1115 Courthouse- 15 W Kellogg Blvd St Paul PLACE

7-10-92

J.E. Gockowski, Court Administrator

Dated: _____ at 298-6811 Minnesota Deputy _____ dp

FAILURE TO APPEAR

Failure of the defendant to appear in Court may result in a default judgment being entered against him. Failure of the plaintiff to appear my result in dismissal of the action or a default judgment being entered in favor of the defendant on any counter-claim which has been interposed.

ORIGINAL

REV. 12/90

MAR 01 '93 03:53PM 6/30/92 Reopening Ck# 13714 Mailed Bac P.15 # 2

Statement of Claim and Summons

# State of Minnesota

## Conciliation Court

COUNTY OF RAMSEY

NO. [redacted]

PLAINTIFF #1

NAME AND ADDRESS

[redacted]
P.O. BOX 16653
CHICAGO, IL. 60616

PLAINTIFF #2

NAME AND ADDRESS

DEFENDANT #1

[redacted]
732 DAYTON
ST. PAUL, MN. 55104

DEFENDANT #2

FILED
Court Administrator
FEB 26 1992
J.E. GOCKOWSKI
By _____ Deputy

STATEMENT OF CLAIM

Name [redacted] Title _____

being duly sworn says that he is the plaintiff above named; that the defendant is at least 18 years old; that the defendant is not now in the Military Service; that the defendant is a resident of RAMSEY County; and alleges that the defendant is indebted to the plaintiff in the amount of $ 4000.00, plus $ 18 filing fee, totalling $ 4018.00, plus disbursements, by reason of the following facts:

RENT FOR FEBRUARY 1986

1001 Iglehart
St Paul MN 55104

NOTARY STAMP OR COURT SEAL

OFFICIAL SEAL
ROBERT T. KRADLE
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 6/26/94

SUBSCRIBED AND SWORN BEFORE ME ON:
DATE JANUARY 28, 1992
Robert T. Kradle
SIGNATURE

THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE
SIGNATURE [redacted]
TELEPHONE ( ) None

DO NOT WRITE BELOW THIS LINE

SUMMONS NOTICE OF HEARING

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT

You are hereby summoned to appear at the hearing of the above entitled case at 1:15 P.M. m., on May 1, 1992 DATE, at room 1115 Courthouse 15 W Kellogg Blvd St PAul PLACE

7-10-92

Dated: _____ at 298-6811, Minnesota J.E. Gockowski, Court Administrator Deputy dp

FAILURE TO APPEAR

**Failure of the defendant to appear in Court may result in a default judgment being entered against him. Failure of the plaintiff to appear may result in dismissal of the action or a default judgment being entered in favor of the defendant on any counter-claim which has been interposed.**

ORIGINAL

REV. 12/90

Statement of Claim and Summons

# State of Minnesota

## Conciliation Court

COUNTY OF RAMSEY

NO. [redacted]

| PLAINTIFF #1 | PLAINTIFF #2 |
|---|---|
| NAME AND ADDRESS [redacted] P.O. BOX 4410 CHICAGO, IL. 60680-4410 | NAME AND ADDRESS |
| **DEFENDANT #1** | **DEFENDANT #2** |
| [redacted] 732 DAYTON ST. PAUL, MN. 55104 | |

Name [redacted] Title

**STATEMENT OF CLAIM:** being duly sworn says that he is the plaintiff above named; that the defendant is at least 18 years old; that the defendant is not now in the Military Service; that the defendant is a resident of Ramsey County; and alleges that the defendant is indebted to the plaintiff in the amount of $4,000, plus $18 filing fee, totalling $4018, plus disbursements, by reason of the following facts:

RENT FOR MAY 1986 AT 1001 IGLEHART

COUNTERCLAIM FILED

NOTARY STAMP OR COURT SEAL: "OFFICIAL SEAL" ROBERT T. KRADLE NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 6/26/94

SUBSCRIBED AND SWORN BEFORE ME ON: DATE 3/26/92 Robert T. Kradle SIGNATURE

THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. SIGNATURE [redacted] TELEPHONE [redacted]

DO NOT WRITE BELOW THIS LINE

**SUMMONS NOTICE OF HEARING:**

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT

You are hereby summoned to appear at the hearing of the above entitled case at 1:15 P m. on July 10, 1992. at Rm. 1115 Courthouse, 15 W. Kellogg Blvd., St. Paul, MN. PLACE

J.E. Gockowski, Court Administrator

Dated: at 298-6811, Minnesota Deputy mr

**FAILURE TO APPEAR:**

**Failure of the defendant to appear in Court may result in a default judgment being entered against him. Failure of the plaintiff to appear my result in dismissal of the action or a default judgment being entered in favor of the defendant on any counter-claim which has been interposed.**

ORIGINAL

REV. 12/90

Statement of Claim and Summons

# State of Minnesota

**Conciliation Court** [redacted] **NO.**

COUNTY OF RAMSEY _____ NO. [redacted]

DFD #1

NAME AND ADDRESS

[redacted]
732 Dayton Ave
St. Paul Mn. 55104

PLAINTIFF #2

NAME AND ADDRESS

P/n DEFENDANT #1

[redacted]
P.O. Box 4410
Chicago IL. 60680-4410

DEFENDANT #2

FILED
COURT ADMINISTRATOR
JUN 04 1992
J.E. OCKOWSKI
BY _____ DEPUTY

STATEMENT OF CLAIM

Name [redacted] Title _____

being duly sworn says that he is the plaintiff above named; that the defendant is at least 18 years old; that the defendant is not now in the Military Service; that the defendant is a resident of _____ County; and alleges that the defendant is indebted to the plaintiff in the amount of $ 4000, plus $ 18.00 filing fee, totalling $ 4018, plus disbursements, by reason of the following facts:

For Credit Card Fraud, stress Harassement & lost of income
12-22-89

**COUNTERCLAIM FILED**

NOTARY STAMP OR COURT SEAL

SUBSCRIBED AND SWORN BEFORE ME ON: DATE 6/4/92

RMB SIGNATURE

THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE [redacted]

TELEPHONE 612-593-1647

DO NOT WRITE BELOW THIS LINE

SUMMONS NOTICE OF HEARING

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT

You are hereby summoned to appear at the hearing of the above entitled case at 1:15 P.M. m. on July 10, 1992 DATE, at Rm 1115 Courthouse 15 W KEllogg Blvd St PAul, MN PLACE

J.E. Gockowski, Court Administrator _____

Dated: _____ at 298-6811, Minnesota Deputy _____ dp

FAILURE TO APPEAR

**Failure of the defendant to appear in Court may result in a default judgment being entered against him. Failure of the plaintiff to appear my result in dismissal of the action or a default judgment being entered in favor of the defendant on any counter-claim which has been interposed.**

ORIGINAL

REV. 12/90

Statement of Claim and Summons

# State of Minnesota

## Conciliation Court

COUNTY OF RAMSEY

NO. [redacted]

PLAINTIFF #1 — NAME AND ADDRESS

[redacted]
P.O. BOX 4410
CHICAGO, IL. 60680

PLAINTIFF #2 — NAME AND ADDRESS

DEFENDANT #1

[redacted]
732 DAYTON
ST. PAUL, MN. 55104

DEFENDANT #2

STATEMENT OF CLAIM:

Name _____ Title _____

being duly sworn says that he is the plaintiff above named; that the defendant is at least 18 years old; that the defendant is not now in the Military Service; that the defendant is a resident of RAMSEY County; and alleges that the defendant is indebted to the plaintiff in the amount of $ 4000.00, plus $ 16 filing fee, totalling $ 4016, plus disbursements, by reason of the following facts:

RENT FOR APRIL 1986 AT 1001 ECKHART

NOTARY STAMP OR COURT SEAL

" OFFICIAL SEAL "
ROBERT T. KRADLE
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 6/26/94

SUBSCRIBED AND SWORN BEFORE ME ON:
DATE 3/26/92
Robert T. Kradle
SIGNATURE

THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE
SIGNATURE [redacted]
TELEPHONE [redacted]

DO NOT WRITE BELOW THIS LINE

SUMMONS NOTICE OF HEARING

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT

You are hereby summoned to appear at the hearing of the above entitled case at 1:15 P. m. on July 10, 1992 (DATE), at Rm. 1115 Courthouse, 15 W. Kellogg Blvd., St. Paul, MN. (PLACE)

J.E. Gockowski, Court Administrator _____

Dated: _____ at 298-6811, Minnesota Deputy mr

FAILURE TO APPEAR

Failure of the defendant to appear in Court may result in a default judgment being entered against him. Failure of the plaintiff to appear my result in dismissal of the action or a default judgment being entered in favor of the defendant on any counter-claim which has been interposed. 10

ORIGINAL

REV. 12/90

JULY 10, 1992 PM 2:

Statement of Claim and Summons

# State of Minnesota

## Conciliation Court

COUNTY OF RAMSEY

NO. [redacted]

PLAINTIFF #1 — NAME AND ADDRESS [redacted]
P.O. BOX 16653
CHICAGO, IL. 60616

PLAINTIFF #2 — NAME AND ADDRESS

DEFENDANT #1 — [redacted]
732 DAYTON
ST. PAUL, MN. 55104

DEFENDANT #2

STATEMENT OF CLAIM

Name [redacted] Title

being duly sworn says that he is the plaintiff above named; that the defendant is at least 18 years old; that the defendant is not now in the Military Service; that the defendant is a resident of _____ County; and alleges that the defendant is indebted to the plaintiff in the amount of $ 4000, plus $ 18 filing fee, totalling $ 4018, plus disbursements, by reason of the following facts:

RENT FOR JUNE 1986

1001 Iglehart
St Paul MN 55104

NOTARY STAMP OR COURT SEAL: "OFFICIAL SEAL" ROBERT T. KRAPLE NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 6/26/94

SUBSCRIBED AND SWORN BEFORE ME ON: DATE 3/26/92 Robert T. Krapl SIGNATURE

THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. SIGNATURE [redacted] TELEPHONE [redacted]

DO NOT WRITE BELOW THIS LINE

SUMMONS NOTICE OF HEARING

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT

You are hereby summoned to appear at the hearing of the above entitled case at 1:15 PM m., on July 10, 1992 DATE, at Room 1044 Courthouse 15 W. Kellogg St. P-al, MN PLACE

Dated: _____ at 298-6811, Minnesota J.E. Gockowski, Court Administrator Deputy RMB

FAILURE TO APPEAR

**Failure of the defendant to appear in Court may result in a default judgment being entered against him. Failure of the plaintiff to appear my result in dismissal of the action or a default judgment being entered in favor of the defendant on any counter-claim which has been interposed.** 5

ORIGINAL

REV. 12/90

CIVIL Court Form 5 M.S. 609.748

**State of Minnesota** — **District Court**

COUNTY: RAMSEY

JUDICIAL DISTRICT: SECOND

CASE NO.: [redacted]

## HARASSMENT RESTRAINING ORDER

Name and address of Petitioner

[redacted]
732 Dayton
St. Paul, MN 55104
Date of Birth

vs.

Name and address of Respondent

[redacted]
P.O. Box 16653
Chicago, Ill 60616
Date of Birth

The above entitled matter was heard by the undersigned Judge of District Court on July 24, 1992
Date

Appearances:

- ☑ Petitioner
- ☐ Petitioner's Attorney
- ☐ Respondent
- ☐ Respondent's Attorney
- ☐ Other

Based upon the records and proceedings, the Court finds that there are reasonable grounds to believe that the Respondent has engaged in harassment by committing the following acts:

- ☐ made uninvited visits to the Petitioner as follows:
- ☐ made harassing phone calls to the Petitioner as follows:
- ☐ made threats to the Petitioner as follows:
- ☐ exhibited assaultive behavior to the Petitioner as follows:
- ☐ called the Petitioner abusive names as follows:

___ Certified copy or original - Return to Court Administrator with Affidavit of Service attached
___ Copy for Petitioner
___ Copy for file until original returned
___ Copy for Sheriff
___ Copy for Respondent
___ Copy for Local Police Department
___ Other:



Approved by Conference of Chief Judges: 2/15/91

Revised:

WHITE - COURT, YELLOW - PETITIONER, Pink - RESPONDENT, GOLDENROD - LAW ENFORCEMENT

Civil Court Form 6 M.S.609.748

☐ damaged Petitioner's property as follows: _____

_____

☐ broke into and entered the Petitioner's residence as follows: _____

_____

☐ stole property from the Petitioner as follows: _____

_____

☐ took pictures of the Petitioner without permission of the Petitioner as follows: _____

_____

☑ Other filing numerous conciliation court claims (in excess of 10) against petitioner without intent to prosecute them but for the purpose of harrassing petitioner by forcing her to take time off from work to defend them.

IT IS HEREBY ORDERED:

1. Respondent shall have no contact with Petitioner and/or Petitioner's minor child or ward and shall cease or avoid the harassment of them.

**NOTICE**

The following specific conduct will constitute a violation of this order: uninvited visits to the Petitioner, harassing phone calls to the Petitioner, threats to the Petitioner, assaultive behavior to the Petitioner, calling the Petitioner abusive names, damaging Petitioner's property, breaking into and entering the Petitioner's residence, stealing property from the Petitioner, taking pictures of the Petitioner without permission of the Petitioner and filing any conciliation court claims against petitioner or any claims against petitioner in Ramsey County other than in the Family Court.

2. This restraining order shall remain in effect until 7/24/94. DATE (Not to exceed two years)

3. The Court Administrator shall send a copy of this Restraining Order to the following law enforcement agency, St Paul Police & District Court Clerk which has jurisdiction over the residence of the applicant.

Violation of this order is a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to $700 or both.

A peace officer must arrest without warrant and take into custody the respondent if the peace officer has probable cause to believe the person has violated this order.

Date: July 24, 1992

Referee

Date: July 24, 1992

Kenneth J. Fitzpatrick

Judge of District Court



Approved by Conference of Chief Judges: 2/15/91 Revised: _____

WHITE - COURT, YELLOW - PETITIONER, PINK - RESPONDENT, GOLDENROD - LAW ENFORCEMENT

Item # 3

1.

FILED
Court Administrator

JAN 28 1993

J.E. GOSKOWSKI
By _____ Deputy

CASE TYPE: OTHER CIVIL

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

---

[redacted],

Civil No. [redacted]

Plaintiff,

vs.

NOTICE OF MOTION
AND MOTION

mot 120-302

[redacted]

Defendant.

---

PLEASE TAKE NOTICE that the undersigned will move the above Court for an Order granting the [redacted] a Temporary Restraining Order prohibiting the defendant from trespassing on the plaintiff's property or contacting the faculty, administrators or employees of the plaintiff in person or by telephone. This motion will made on January 28, 1993, at 1:30 p.m., or as soon thereafter as counsel may be heard, at the Ramsey County Courthouse, 15 West Kellogg Street, St. Paul, Minnesota.

Dated: January 27, 1993

[redacted]

[redacted], #51937
[redacted], #223475
2200 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402

Attorneys for Plaintiff [redacted]

01/28/93 RM1215
MGG14051.WPS

#0203#
0002BOP MOTION 60.00
0002BUP LIBRARY 10.00
0002B2P SUPR CRT 20.00
0002E8P SS-SRC 5.80
0002B4P STATE CS 25.00
CHECK 120.00
362 CLERK#
10864000 13:28

(14)

FILED
Court Administrator
FEB 11 1993
J.E. ROCKOWSKI
By _____ Deputy

CASE TYPE: OTHER CIVIL

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

---

[redacted]

Civil File No. [redacted]

Plaintiff,

v.

TEMPORARY INJUNCTION ORDER

[redacted]

Defendant.

---

The above-entitled matter came on for a hearing on February 9, 1993 before the undersigned Judge of the District Court on a Motion by the plaintiff for a Temporary Injunction. The defendant was served with notice of the hearing on January 28, 1993. At the hearing, counsel for the plaintiff also requested the Court to find the defendant in contempt of court for repeated violations of the Court's Temporary Restraining Order dated January 28, 1993 and to issue a warrant requiring the defendant to be taken into custody for contempt of court. The plaintiff further requested the Court to order an evaluation of the defendant's mental condition pursuant to Minn. R. Crim. P. 20 once the defendant is taken into custody.

[redacted], Esq. and [redacted] Esq. appeared for the plaintiff; no one appeared for the defendant at the hearing although earlier in the day a woman appeared at the Judge's chamber and left a letter for the Court which was signed [redacted] Based upon all the files,

Item # 3

records and proceedings herein, and the Court being fully advised of the premises:

IT IS HEREBY ORDERED,

(1) That the defendant shall not trespass on any property of the plaintiff, including but not limited to the campus and buildings of the [redacted] located at [redacted] Avenue, St. Paul, Minnesota;

(2) That the defendant shall not contact either in person or by telephone any faculty, administrator or employee of the [redacted]

(3) That the defendant is found to be in contempt of court for repeated violations of the Court's Temporary Restraining Order dated January 28, 1993; and

(4) That a warrant issue requiring the defendant to be taken into custody for contempt of court for violating the Temporary Restraining Order dated January 28, 1993; and

(5) That the defendant's mental condition be evaluated pursuant to Minn. R. Crim. P. 20 once the defendant is taken into custody.

Dated: February 11, 1993

BY THE COURT:

The Honorable Edward S. Wilson
Judge of District Court

MG014613.WPS

Statement of Claim and Summons

# State of Minnesota — Conciliation Court

COUNTY OF RAMSEY

NO. [redacted]

PLAINTIFF #1: [redacted]
1608-A Fusts
Lauderdale, MN 55108

PLAINTIFF #2:

NAME AND ADDRESS
FILED
Court Administrator
JAN 28 1993
J. E. GOCKOWSKI
By _____ Deputy

DEFENDANT #1: [redacted]
Como, St Paul MN 55108

DEFENDANT #2: [redacted]
St Paul MN 55108

STATEMENT OF CLAIM

Nam[redacted] Title [redacted]

being duly sworn says that ___ he is the plaintiff above named; that the defendant is at least 18 years old; that the defendant is not now in the Military Service; that the defendant is a resident of Lauderdale County; and alleges that the defendant is indebted to the plaintiff in the amount of $ 500.00, plus $ 15 filing fee, totalling $ 515.00, plus disbursements, by reason of the following facts:

For failure to respect the confidentiality of telephone messages kept in the centralized voice mail system at LATS. I shall no idea that messages I as anyone else left on anyone's voice mail at LATS could be recovered in this manner. I have not reviewed the content of these messages but I challenge the right of LATS to retain copies of any messages. Of the matters that are highly confidential are recorded at a hearing especially I am shocked that LATS violated my confidentiality

NOTARY STAMP OR COURT SEAL

SUBSCRIBED AND SWORN BEFORE ME ON DATE 1-29-93

SIGNATURE

THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE [redacted]

TELEPHONE [redacted]

DO NOT WRITE BELOW THIS LINE

## THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT

SUMMONS NOTICE OF HEARING

You are hereby summoned to appear at the hearing of the above entitled case at 9:00 A.M. m., on Mar 19, ~~1992~~ 93 (DATE), at Room 151 A Courthouse 15 W Kellogg St. Paul (PLACE)

J.E. Gockowski, Court Administrator

Dated: _____ at _____, Minnesota Deputy 298-6811 dp

FAILURE TO APPEAR

**Failure of the defendant to appear in Court may result in a default judgment being entered against him. Failure of the plaintiff to appear may result in dismissal of the action or a default judgment being entered in favor of the defendant on any counter-claim which has been interposed.**

ORIGINAL

Printed on Recycled Paper. REV. 12/90

Item # 3

Statement of Claim and Summons

# State of Minnesota — Conciliation Court

COUNTY OF RAMSEY

NO. [redacted]

PLAINTIFF #1 — NAME AND ADDRESS

[redacted]
1608-A Eustis #302
Lauderdale MN 55108

PLAINTIFF #2 — NAME AND ADDRESS

FILED
Court Administrator
JAN 28 1993
J.E. GOCKOWSKI
By _____ Deputy

DEFENDANT #1

[redacted]
LNTS
2481 Como
St Paul MN 55108

DEFENDANT #2

[redacted]
2481 Como
St Paul MN 55108

STATEMENT OF CLAIM

Name [redacted] Title Committee on Response RLCH

being duly sworn says that ~~I~~ he is the plaintiff above named; that the defendant is at least 18 years old; that the defendant is not now in the Military Service; that the defendant is a ~~resident of~~ Ramsey Co. County; and alleges that the defendant is indebted to the plaintiff in the amount of $ 500.00, plus $ 18 filing fee, totalling $ 518.00, plus disbursements, by reason of the following facts:

For permitting recorded messages to be recorded and be presented in a January 28, 1993 hearing regarding a proposed preliminary temporary injunction forbidding me to enter the premises that awarded me my MOV on May 24, 1992 in violation of confidentiality rules required at all premises of all denominations

DO NOT WRITE BELOW THIS LINE

NOTARY STAMP OR COURT SEAL

SUBSCRIBED AND SWORN BEFORE ME ON DATE 1-29-93

SIGNATURE

THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE [redacted]

TELEPHONE [redacted]

SUMMONS NOTICE OF HEARING

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT

You are hereby summoned to appear at the hearing of the above entitled case at 9:00 A.M. ~~March 19, 1993~~ m., on Mar 19, 1993 DATE, at Room 151 A Courthouse 15 W Kellogg PLACE St. Paul

J.E. Gockowski, Court Administrator

Dated: _____ at _____, Minnesota Deputy 298-6811 dp

FAILURE TO APPEAR

**Failure of the defendant to appear in Court may result in a default judgment being entered against him. Failure of the plaintiff to appear may result in dismissal of the action or a default judgment being entered in favor of the defendant on any counter-claim which has been interposed.**

ORIGINAL

Printed on Recycled Paper REV. 12/90

Item # 3

Statement of Claim and Summons

# State of Minnesota — Conciliation Court

COUNTY OF RAMSEY

NO. [redacted]

PLAINTIFF #1: [redacted]
1602-A Eustis #302
Lauderdale, MN 55108

PLAINTIFF #2:
NAME AND ADDRESS
FILED
Court Administrator
JAN 28 1993
J. E. GOCKOWSKI
By _____ Deputy

DEFENDANT #1: [redacted]
LNTS
2481 Como
St Paul MN 55108

DEFENDANT #2: [redacted]
2481 Como
St Paul, MN 55108
Community Liaison Director

STATEMENT OF CLAIM

Name [redacted] Title ELCH

being duly sworn says that he is the plaintiff above named; that the defendant is at least 18 years old; that the defendant is not now in the Military Service; that the defendant is a resident of Ramsey County; and alleges that the defendant is indebted to the plaintiff in the amount of $ 500.00, plus $ 18 filing fee, totalling $ 518.00, plus disbursements, by reason of the following facts:

For failure to provide appropriate security at LNTS

DO NOT WRITE BELOW THIS LINE

NOTARY STAMP OR COUNTY SEAL

SUBSCRIBED AND SWORN BEFORE ME ON
DATE 1-29-93
SIGNATURE

THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO
SIGNATURE [redacted]
TELEPHONE [redacted]

SUMMONS NOTICE OF HEARING

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT

You are hereby summoned to appear at the hearing of the above entitled case at 9:00 A m., on
~~MARCH~~ DATE 1993, 3-19, at Room 151 A Courthouse PLACE 15 W Kellogg St Paul

Dated: Mar 19, 1993 at _____, Minnesota J.E. Gockowski, Court Administrator
Deputy 298-6811 dp

FAILURE TO APPEAR

**Failure of the defendant to appear in Court may result in a default judgment being entered against him. Failure of the plaintiff to appear may result in dismissal of the action or a default judgment being entered in favor of the defendant on any counter-claim which has been interposed.**

ORIGINAL

Printed on Recycled Paper REV. 12/90

Statement of Claim and Summons

# State of Minnesota — Conciliation Court

COUNTY OF RAMSEY

NO. [redacted]

PLAINTIFF #1 — NAME AND ADDRESS

[redacted]
1608-A Eustis
Lauderdale, MN 55108

PLAINTIFF #2 — NAME AND ADDRESS

FILED
Court Administrator
JAN 25 1993
J. E. GOCKOWSKI
By _____ Deputy

DEFENDANT #1

[redacted]
1441 Huntingvalley Rd
St Paul, MN 55108

DEFENDANT #2

[redacted]
2481 Como
St Paul, MN 55108

STATEMENT OF CLAIM

Name [redacted] Title Elect

being duly sworn says that he is the plaintiff above named; that the defendant is at least 18 years old; that the defendant is not now in the Military Service; that the defendant is a resident of Ramsey County; and alleges that the defendant is indebted to the plaintiff in the amount of $5,000, plus $15.00 filing fee, totalling $5015.00, plus disbursements, by reason of the following facts:

See attachments
I was illegally evicted from my apartments at 1608 A-Eustis apt #302 January 19, 1993 was the date of the eviction
My personal belongings were moved into a storage unit rented to [redacted] who is not related to me
Contract

DO NOT WRITE BELOW THIS LINE

NOTARY STAMP OR COURT SEAL

SUBSCRIBED AND SWORN BEFORE ME ON
DATE 1-25-93
SIGNATURE

THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE
SIGNATURE [redacted]
TELEPHONE [redacted]

SUMMONS NOTICE OF HEARING

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT

You are hereby summoned to appear at the hearing of the above entitled case at 9:00 A.M. m., on Mar 19, 1993 (DATE), at Room 151 A Courthouse 15 W Kellogg St. Paul (PLACE)

J.E. Gockowski, Court Administrator

Dated: _____ at _____, Minnesota Deputy _____ 298-6811 dp

FAILURE TO APPEAR

**Failure of the defendant to appear in Court may result in a default judgment being entered against him. Failure of the plaintiff to appear may result in dismissal of the action or a default judgment being entered in favor of the defendant on any counter-claim which has been interposed.**

ORIGINAL

Printed on Recycled Paper REV. 12/90

Statement of Claim and Summons

# State of Minnesota — Conciliation Court

COUNTY OF RAMSEY

NO. [redacted]

| PLAINTIFF #1 | PLAINTIFF #2 |
|---|---|
| NAME AND ADDRESS [redacted] 1608-A Eustis # 302 Lauderdale, MN 55113 | NAME AND ADDRESS FILED Court Administrator JAN 25 1993 J. E. GOCKOWSKI By Deputy |
| DEFENDANT #1 [redacted] 805 Myer St Lauderdale, MN 55113 641-0553 | DEFENDANT #2 The Rev. Dr. and [redacted] 60 Seymour S.E. Minneapolis, MN 378-2448 |

Name [redacted] Title [redacted]

STATEMENT OF CLAIM

being duly sworn says that he is the plaintiff above named; that the defendant is at least 18 years old; that the defendant is not now in the Military Service; that the defendant is a resident of Ramsey County; and alleges that the defendant is indebted to the plaintiff in the amount of $ 5,000.00, plus $ 18 filing fee, totalling $ 5,018.00, plus disbursements, by reason of the following facts:

[redacted] stole my personal property all of my apartment at 1608-A Eustis # 302. [redacted] runs and is the Director of the Global Mission Institute housed in House #18 on the campus at LPTS - my residence prior which [redacted] forceful eviction: me, December 9, 1992; [redacted] did nothing to help me in December or on the date of my most recent forceful eviction and [redacted] is the former [redacted]

NOTARY STAMP OR COURT SEAL

SUBSCRIBED AND SWORN BEFORE ME ON DATE 1/25/93 SIGNATURE

THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. SIGNATURE [redacted] TELEPHONE 646-6339

DO NOT WRITE BELOW THIS LINE

SUMMONS NOTICE OF HEARING

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT

You are hereby summoned to appear at the hearing of the above entitled case at at 9:00 A.M. m., on Mar 19, 1993 (DATE), at Room 151 A Courthouse 15 W Kellogg St. Paul MN (PLACE)

J.E. Gockowski, Court Administrator

Dated: _____ at _____; Minnesota Deputy 298-6811 dp

FAILURE TO APPEAR

**Failure of the defendant to appear in Court may result in a default judgment being entered against him. Failure of the plaintiff to appear may result in dismissal of the action or a default judgment being entered in favor of the defendant on any counter-claim which has been interposed.**

ORIGINAL

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Item #3

Statement of Claim and Summons

# State of Minnesota — Conciliation Court

COUNTY OF RAMSEY

NO. [redacted]

PLAINTIFF #1 — NAME AND ADDRESS

[redacted]
1608-A Eustis
Lauderdale MN 55108

PLAINTIFF #2 — NAME AND ADDRESS

FILED
Court Administrator
JAN 25 1993
J. E. GOCKOWSKI
By _____ Deputy

DEFENDANT #1

[redacted]
2352 Sioux Crct
New Brighton
LNTS GH 1010 644-3207

DEFENDANT #2

[redacted]
1145 Dunlap
St Paul MN 55108
644-5984

STATEMENT OF CLAIM

Name [redacted] Title Committee on Discipline

being duly sworn says that he is the plaintiff above named; that the defendant is at least 18 years old; that the defendant is not now in the Military Service; that the defendant is a resident of Ramsey Co. County; and alleges that the defendant is indebted to the plaintiff in the amount of $ 5000.00, plus $ 15 filing fee, totalling $ 5,015.00, plus disbursements, by reason of the following facts:

For forcefully entering me twice since late November from student housing at LNTS.

A homicide report was accepted by the St Paul Police when I reported to them under MN LA 145.4. That homicide report was against the Rev. Rob [redacted]

NOTARY STAMP OR COURT SEAL

SUBSCRIBED AND SWORN BEFORE ME ON DATE 1/25/93

[redacted] SIGNATURE

THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE [redacted]

SIGNATURE [redacted]

TELEPHONE 645-0329

DO NOT WRITE BELOW THIS LINE

SUMMONS NOTICE OF HEARING

THE STATE OF MINNESOTA TO THE ABOVE NAMED DEFENDANT

You are hereby summoned to appear at the hearing of the above entitled case at 9:00 A.M. m. on Mar 19, 1993 DATE, at Room 151 A Courthouse 15 W Kellogg St Paul PLACE

J.E. Gockowski, Court Administrator

Dated: _____ at _____, Minnesota Deputy 298-6811 dp

FAILURE TO APPEAR

**Failure of the defendant to appear in Court may result in a default judgment being entered against him. Failure of the plaintiff to appear may result in dismissal of the action or a default judgment being entered in favor of the defendant on any counter-claim which has been interposed.**

ORIGINAL

Printed on Recycled Paper REV. 12/90

STATE OF MINNESOTA
DISTRICT COURT OF MINNESOTA
THIRD JUDICIAL DISTRICT

CHAMBERS OF
MARGARET SHAW JOHNSON
WINONA COUNTY COURTHOUSE
WINONA, MN 55987
(507) 457-6375

February 17, 1993

Senator Harold R. Finn
321 State Capitol
St. Paul, Minnesota 55155

Re: Conciliation Court jurisdictional limits

Dear Senator Finn:

This letter is to express my deep concern about what I understand is a bill which has been introduced which would raise the Conciliation Court jurisdictional limit to $10,000. The law as it stands now is that on July 1, 1993 the limit is raised to $6,000 and on July 1, 1994 the limit would raise to $7,500.

As a District Court judge for the Third Judicial District in southeastern Minnesota, I regularly preside over Conciliation Court cases. I handle Conciliation Court in Winona County and often in Olmsted County in Rochester, Minnesota. Occasionally, I hear Conciliation Court cases in Wabasha and in Caledonia as well. I have a considerable amount of experience in this area, and I feel I am well qualified to give an educated opinion as to appropriate jurisdictional limits in these cases.

Conciliation Court is intended to provide a forum for citizens to litigate their disputes with a minimum of expense and formality. The procedures we use in Conciliation Court reflect this intention. We do not allow attorneys to represent clients in Conciliation Court absent special circumstances and by leave of the Court. The formalistic rules used in regular District Court actions are relaxed. There are relaxed procedures for introducing exhibits and for questioning witnesses. Because of the great volume of cases we hear in Conciliation Court, we can only afford the parties in any given case a few minutes to present their claims.

Approximately once a month in Rochester I hear Conciliation Court cases from 9:00 in the morning until 4:00 or 5:00 in the afternoon. I may hear as many as fifty cases in one day. This equates to about eight and a half minutes per case, if it were possible to equalize the time given each case, which it is not. In Winona County, upon reviewing the calendar for February 8, 1993, I see that I was scheduled to hear thirty-seven Conciliation Court cases between 1:30 and 2:05. This allows less than one minute per case.

It is true that not all Conciliation Court cases are contested. Some of the cases proceed by default, with one of the parties, usually the defendant,

not appearing at all. Of course it is possible to dispose ot those cases very quickly. It may be that the impetus for raising the jurisdictional limit comes from collection agencies who want an expedient method to bring cases to judgment. It may be their experience that a large percentage of the Conciliation Court cases go by default and that therefore there should be no problem with doing many cases in a short period of time or with the relaxed rules of Conciliation Court. I can assure you, however, that many many Conciliation Court cases are contested. They don't involve just collections cases. As the jurisdictional limit increases we see a greater variety in kinds of cases coming before the Conciliation Court and a greater complexity of issues. We are seeing personal injury actions, accident cases, contract cases, landlord tenant cases, and there is even the potential for medical malpractice cases to appear in Conciliation Court. These cases demand far greater consideration and attention than we are able to give them in Conciliation Court. There is simply no time in Conciliation Court to do much more than place the parties under oath and give them a brief minute or two to explain their positions. People can only feel drastically letdown when they come, as they often do, prepared to present witness testimony and to bring reams of documents before the Court to support a claim only to be told there is simply no time to go through all of that and that they will have to sum up their case very quickly. Ten thousand dollars in controversy simply deserves more consideration than we can give in Conciliation Court. Those cases must appropriately be heard in District Court where rules of of evidence safeguard the presentation of the case and lead to more considered results.

In conclusion, I urge you to support legislation which would keep the Conciliation Court jurisdictional limit much lower than $10,000. It is my understanding that the majority of the members on the Supreme Court Advisory Committee on Conciliation Court rules recommended a bill that would hold the jurisdictional limit at $5,000. I would urge you to support such a proposal, and I believe that even $5,000 is very high for Conciliation Court cases. The expedited procedures work very well for cases involving a few hundred dollars. The method and the result is far less satisfactory with such large amounts in controversy.

Yours truly,

Margaret Shaw Johnson
Judge of District Court

cc: Chief Justice A. M. "Sandy" Keith
Minnesota Judicial Center
25 Constitution Avenue
St. Paul, MN 55155

Mike Johnson, Esq.
Suite 120
Minnesota Judicial Center
25 Constitution Avenue
St. Paul, Minnesota 55155

Senators Finn, Betzold, Knutson, Reichgott and Berglin introduced--

S. F. No. 532 Referred to the Committee on Judiciary

A bill for an act

relating to courts; conciliation court; adopting one body of law to govern conciliation courts; proposing coding for new law as Minnesota Statutes, chapter 491A; repealing Minnesota Statutes 1992, sections 487.30; 488A.12; 488A.13; 488A.14; 488A.15; 488A.16; 488A.17; 488A.29; 488A.30; 488A.31; 488A.32; 488A.33; and 488A.34; and Laws 1992, chapter 591, section 21.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [491A.01] [ESTABLISHMENT; POWERS; JURISDICTION.]

Subdivision 1. [ESTABLISHMENT.] The district court in each county shall establish a conciliation court division with the jurisdiction and powers set forth in this chapter.

Subd. 2. [POWERS; ISSUANCE OF PROCESS.] The conciliation court has all powers, and may issue process as necessary or proper to carry out the purposes of this chapter. No writ of execution or garnishment summons may be issued out of conciliation court.

Subd. 3. [JURISDICTION; GENERAL.] Except as provided in subdivisions 4 and 5, the conciliation court has jurisdiction to hear, conciliate, try, and determine civil claims if the amount of money or property which is the subject matter of the claim does not exceed $5,000. Except as otherwise provided in this subdivision and subdivisions 5 to 10, the territorial jurisdiction of conciliation court shall be coextensive with the county in which the court is established. The summons in a

Introduced by Dawkins, Murphy, McGuire, Blatz and Orenstein

H.F. No. 591

February 25, 1993
Referred to the Committee on JUDICIARY.

Companion S.F. No. ___

A bill for an act

relating to courts; conciliation court; adopting one body of law to govern conciliation courts; proposing coding for new law as Minnesota Statutes, chapter 491A; repealing Minnesota Statutes 1992, sections 487.30; 488A.12; 488A.13; 488A.14; 488A.15; 488A.16; 488A.17; 488A.29; 488A.30; 488A.31; 488A.32; 488A.33; and 488A.34; and Laws 1992, chapter 591, section 21.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [491A.01] [ESTABLISHMENT; POWERS; JURISDICTION.]

Subdivision 1. [ESTABLISHMENT.] The district court in each county shall establish a conciliation court division with the jurisdiction and powers set forth in this chapter.

Subd. 2. [POWERS; ISSUANCE OF PROCESS.] The conciliation court has all powers, and may issue process as necessary or proper to carry out the purposes of this chapter. No writ of execution or garnishment summons may be issued out of conciliation court.

Subd. 3. [JURISDICTION; GENERAL.] Except as provided in subdivisions 4 and 5, the conciliation court has jurisdiction to hear, conciliate, try, and determine civil claims if the amount of money or property which is the subject matter of the claim does not exceed $5,000. Except as otherwise provided in this subdivision and subdivisions 5 to 10, the territorial jurisdiction of conciliation court shall be coextensive with the county in which the court is established. The summons in a

Senators Kelly, Belanger and Cohen introduced--

S. F. No. 107 Referred to the Committee on Judiciary

A bill for an act

relating to courts; merging conciliation court statutes for all judicial districts into one statute; amending Minnesota Statutes 1992, section 481.02, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 488B; repealing Minnesota Statutes 1992, sections 487.30; 488A.12; 488A.13; 488A.14; 488A.15; 488A.16; 488A.17; 488A.29; 488A.30; 488A.31; 488A.32; 488A.33; and 488A.34.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1992, section 481.02, subdivision 3, is amended to read:

Subd. 3. [PERMITTED ACTIONS.] The provisions of this section shall not prohibit:

(1) any person from drawing, without charge, any document to which the person, an employer of the person, a firm of which the person is a member, or a corporation whose officer or employee the person is, is a party, except another's will or testamentary disposition or instrument of trust serving purposes similar to those of a will;

(2) a person from drawing a will for another in an emergency if the imminence of death leaves insufficient time to have it drawn and its execution supervised by a licensed attorney-at-law;

(3) any insurance company from causing to be defended, or from offering to cause to be defended through lawyers of its selection, the insureds in policies issued or to be issued by

it, in accordance with the terms of the policies;

(4) a licensed attorney-at-law from acting for several common-carrier corporations or any of its subsidiaries pursuant to arrangement between the corporations;

(5) any bona fide labor organization from giving legal advice to its members in matters arising out of their employment;

(6) any person from conferring or cooperating with a licensed attorney-at-law of another in preparing any legal document, if the attorney is not, directly or indirectly, in the employ of the person or of any person, firm, or corporation represented by the person;

(7) any licensed attorney-at-law of Minnesota, who is an officer or employee of a corporation, from drawing, for or without compensation, any document to which the corporation is a party or in which it is interested personally or in a representative capacity, except wills or testamentary dispositions or instruments of trust serving purposes similar to those of a will, but any charge made for the legal work connected with preparing and drawing the document shall not exceed the amount paid to and received and retained by the attorney, and the attorney shall not, directly or indirectly, rebate the fee to or divide the fee with the corporation;

(8) any person or corporation from drawing, for or without a fee, farm or house leases, notes, mortgages, chattel mortgages, bills of sale, deeds, assignments, satisfactions, or any other conveyances except testamentary dispositions and instruments of trust;

(9) a licensed attorney-at-law of Minnesota from rendering to a corporation legal services to itself at the expense of one or more of its bona fide principal stockholders by whom the attorney is employed and by whom no compensation is, directly or indirectly, received for the services;

(10) any person or corporation engaged in the business of making collections from engaging or turning over to an attorney-at-law for the purpose of instituting and conducting

suit or making proof of claim of a creditor in any case in which the attorney-at-law receives the entire compensation for the work;

(11) any regularly established farm journal or newspaper, devoted to general news, from publishing a department of legal questions and answers to them, made by a licensed attorney-at-law, if no answer is accompanied or at any time preceded or followed by any charge for it, any disclosure of any name of the maker of any answer, any recommendation of or reference to any one to furnish legal advice or services, or by any legal advice or service for the periodical or any one connected with it or suggested by it, directly or indirectly;

(12) any authorized management agent of an owner of rental property used for residential purposes, whether the management agent is a natural person, corporation, partnership, limited partnership, or any other business entity, from commencing, maintaining, conducting, or defending in its own behalf any action in any court in this state to recover or retain possession of the property, except that the provision of this clause does not authorize a person who is not a licensed attorney-at-law to conduct a jury trial or to appear before a district court or the court of appeals or supreme court pursuant to an appeal;

(13) any person from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any court of this state pursuant to the provisions of section 566.175 or sections 566.18 to 566.35 or from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any court of this state for the recovery of rental property used for residential purposes pursuant to the provisions of section 566.02 or 566.03, subdivision 1, except that the provision of this clause does not authorize a person who is not a licensed attorney-at-law to conduct a jury trial or to appear before a district court or the court of appeals or supreme court pursuant to an appeal, and provided that, except for a nonprofit corporation, a person who

is not a licensed attorney-at-law shall not charge or collect a separate fee for services rendered pursuant to this clause;

(14) the delivery of legal services by a specialized legal assistant in accordance with a specialty license issued by the supreme court before July 1, 1995;

(15) the sole shareholder of a corporation from appearing on behalf of the corporation in court; or

(16) an officer, shareholder, director, partner, or employee from appearing on behalf of a corporation, partnership, sole proprietorship, or association in conciliation court in accordance with section ~~487.30, subdivision 4a~~ 3, or in district court in an action that was removed from conciliation court.

Sec. 2. [488B.01] [CONCILIATION COURTS; ESTABLISHMENT; POWERS; JURISDICTION.]

Subdivision 1. [ESTABLISHMENT.] The district court in each county shall establish a conciliation court division with the jurisdiction and powers set forth in this chapter.

Subd. 2. [POWERS; ISSUE OF PROCESS.] The conciliation court has all powers and may issue process as necessary or proper to carry out the purposes of this chapter. A writ of execution or garnishment summons may not be issued out of conciliation court.

Subd. 3. [JURISDICTION; GENERAL; SERVICE OF SUMMONS.] (a) Except as provided in subdivision 4, the conciliation court has jurisdiction to hear, conciliate, try, and determine civil claims if the amount of money or property that is the subject matter of the claim does not exceed $6,000. Except as otherwise provided in subdivisions 6 to 10, the territorial jurisdiction of the conciliation court is coextensive with the county in which the court is established.

(b) Except as otherwise provided in this paragraph, the court administrator shall serve the summons in a conciliation court action by mail. If the defendant's address as shown on the complaint is outside the state, if the amount of the claim exceeds $3,000, or upon the request of the plaintiff, the court administrator shall forward the summons to the plaintiff who

shall cause it to be served personally on the defendant in the manner prescribed by law and file proof of service with the court administrator.

Subd. 4. [JURISDICTION; EXCLUSIONS.] The conciliation court does not have jurisdiction over the following:

(1) actions involving title to real estate, including actions to determine boundary lines;

(2) actions involving claims of defamation by libel or slander;

(3) actions for specific performance, except to the extent authorized in subdivision 5;

(4) actions brought or defended on behalf of a class;

(5) actions requesting or involving prejudgment remedies;

(6) actions involving injunctive relief, except to the extent authorized in subdivision 5;

(7) actions under chapter 256, 257, 259, 260, 518, 518A, 518B, 518C, 524, or 525;

(8) actions where jurisdiction is vested exclusively in another court or division of district court; or

(9) actions for unlawful detainer.

Subd. 5. [JURISDICTION; PERSONAL PROPERTY.] If the controversy concerns the ownership or possession of personal property the value of which does not exceed the jurisdictional limit, the conciliation court has jurisdiction to determine the ownership and possession of the property and direct any party to deliver the property to another party. Notwithstanding any other law to the contrary, once the judgment becomes final, it is enforceable by the sheriff of the county in which the property is located without further legal process. The sheriff is authorized to effect repossession of the property according to law including, but not limited to:

(1) entry upon the premises for the purpose of demanding the property, ascertaining whether the property is present, or taking possession of the property; and

(2) causing the building or enclosure where the property is located to be broken open and the property taken, and if

necessary to that end, the sheriff may call the power of the county to the sheriff's aid.

If the defendant is not physically present at the time of entry by the sheriff, a copy of the judgment must be served upon any person in possession of the property and the repossession affected in that manner. After taking possession of the property, the sheriff shall turn the property over to the plaintiff.

Subd. 6. [JURISDICTION; STUDENT LOANS.] The conciliation court has jurisdiction to determine a civil action commenced by a plaintiff educational institution including, but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of the county, if:

(1) the student loan or loans were originally awarded in the county in which the conciliation court is located;

(2) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and

(3) the notice states that the educational institution may commence a conciliation court action in the county where the loan was awarded to recover the amount of the loan.

Subd. 7. [JURISDICTION; FOREIGN DEFENDANTS.] (a) The conciliation court has jurisdiction to determine a civil action commenced against a foreign corporation doing business in this state: (1) in the county where the corporation's registered agent is located; (2) in the county where the cause of action arises, if the corporation has a place of business in that county; or, (3) if the corporation does not appoint or maintain a registered agent in this state, in the county in which the plaintiff resides.

(b) In the case of a nonresident other than a foreign corporation, if this state has jurisdiction under section

543.19, a conciliation court action may be commenced against the nonresident in the county in which the plaintiff resides.

Subd. 8. [JURISDICTION; MULTIPLE DEFENDANTS.] The conciliation court has jurisdiction to determine a civil action commenced against two or more defendants in the county in which one or more of the defendants resides. Counterclaims may be commenced in the county where the original action was commenced.

Subd. 9. [JURISDICTION; RENTAL PROPERTY.] The conciliation court has jurisdiction to determine an action commenced under section 504.20 for the recovery of a deposit on rental property, or under section 504.245, 504.255, or 504.26, in the county in which the rental property is located.

Subd. 10. [JURISDICTION; DISHONORED CHECKS.] The conciliation court has jurisdiction to determine a civil action commenced by a plaintiff who is a resident of the county to recover the amount of a dishonored check issued in the county, even though the defendant or defendants are not residents of the county, if the notice of nonpayment or dishonor described in section 609.535, subdivision 3, is sent to the maker or drawer as specified in that section and the notice states that the payee or holder of the check may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This subdivision does not apply to a check that has been dishonored by a stop-payment order.

Sec. 3. [488B.02] [CONCILIATION COURT PROCEDURE.]

Subdivision 1. [PROCEDURE; RULES; FORMS.] The determination of claims in conciliation court must be without jury trial and by a simple and informal procedure. Conciliation court proceedings may not be reported. The supreme court shall promulgate rules governing pleading, practice, and procedure for conciliation court and a uniform complaint and counterclaim form. The supreme court shall provide for the preparation of a statewide instructional brochure that contains a glossary, procedural flow chart, and information on how to file a claim, appearances in court, pretrial mediation and dispute resolution,

how to collect a judgment, defendant's rights, and other information that the supreme court finds helpful to benefit the public.

Subd. 2. [ASSISTANCE TO LITIGANTS.] Under the supervision of the conciliation court judges, the court administrator shall explain to the litigants the procedures and functions of the conciliation court and shall assist them in filling out forms and pleadings necessary for the presentation of their claims or counterclaims. The uniform complaint and counterclaim forms must be accepted by any court administrator and must be forwarded together with the entire filing fee, if any, to the court administrator of the appropriate conciliation court where the matter will be heard. The court administrator shall assist judgment creditors and judgment debtors in the preparation of the forms necessary to obtain satisfaction of a final judgment. The performance of duties described in this subdivision does not constitute the practice of law for purposes of section 481.02, subdivision 8.

Subd. 3. [FEES.] The court administrator shall charge and collect a fee established under section 357.022, together with applicable law library fees established by law, from every plaintiff and every party when the first paper for that party is filed in any conciliation court action. The rules promulgated by the supreme court must provide for commencement of an action without payment of fees when a litigant who is a natural person is unable to pay the fees, provided that if the litigant prevails on a claim or counterclaim, the fees must be paid to the court administrator out of any money recovered by the litigant.

Subd. 4. [REPRESENTATION.] (a) The parties shall appear in person, unless otherwise authorized by the court, and may be represented by an attorney admitted to practice law before the courts of this state. An attorney representing a party in conciliation court may participate in the hearing to the extent and in the manner the judge considers helpful.

(b) A corporation, partnership, sole proprietorship, or

association may be represented in conciliation court or settle a claim by an officer or partner, or may appoint an employee to appear or act on its behalf. In the case of an employee, an authorized power of attorney, corporate authorization resolution, corporate bylaw or other evidence of authority acceptable to the court must be filed with the claim or presented at the hearing. This paragraph also applies to a district court action that was removed from conciliation court.

Subd. 5. [INSTALLMENT PAYMENTS.] A judgment may provide for satisfaction by payments in installments in amounts and at times, not exceeding one year for the last installment, as the judge determines to be just and reasonable. If an installment is not paid when due, the entire balance of the judgment becomes immediately due and payable.

Subd. 6. [APPEAL BY REMOVAL TO DISTRICT COURT FOR TRIAL DE NOVO; NOTICE OF COSTS.] The rules promulgated by the supreme court must provide for a right of appeal from the decision of the conciliation court by removal to the district court for a trial de novo. The notice of order for judgment must contain a statement that if the removing party does not prevail in district court as provided in subdivision 7, the opposing party will be awarded an additional $250 as costs.

Subd. 7. [MANDATORY COSTS IN DISTRICT COURT.] (a) For purposes of this subdivision, "removing party" means the first party who serves or files a demand for removal. "Opposing party" means any party as to whom the removing party seeks a reversal in whole or in part.

(b) If the removing party prevails in district court, the removing party may recover costs from the opposing party as though the action were commenced in district court. If the removing party does not prevail, the court shall award the opposing party an additional $250 as costs.

(c) For purposes of this subdivision, the removing party prevails in district court if:

(1) the removing party recovers at least $500 or 50 percent of the amount or value of property that the removing party

requested on removal, whichever is less, when the removing party was denied any recovery in conciliation court;

(2) the opposing party does not recover any amount or any property from the removing party in district court when the opposing party recovered some amount or some property in conciliation court;

(3) the removing party recovers an amount or value of property in district court that exceeds the amount or value of property that the removing party recovered in conciliation court by at least $500 or 50 percent, whichever is less; or

(4) the amount or value of property that the opposing party recovers from the removing party in district court is reduced from the amount or value of property that the opposing party recovered in conciliation court by at least $500 or 50 percent, whichever is less.

(d) Costs or disbursements in conciliation court or district court are not considered in determining whether there was a recovery by either party in either court or in determining the difference in recovery under this subdivision.

Subd. 8. [APPEAL FROM DISTRICT COURT.] Decisions of the district court on removal from a conciliation court determination on the merits may be appealed to the court of appeals as in other civil actions.

Subd. 9. [JUDGMENT DEBTOR DISCLOSURE.] Unless the parties have otherwise agreed, if a conciliation court judgment or a judgment of district court on removal from conciliation court has been docketed in district court for at least 30 days and the judgment is not satisfied, the district court in the county in which the judgment originated shall, upon request of the judgment creditor, order the judgment debtor to mail to the judgment creditor information regarding the nature, amount, identity, and location of all the debtor's assets, liabilities, and personal earnings. The information must be provided on a form prescribed by the supreme court, and must be sufficiently detailed to enable the judgment creditor to obtain satisfaction of the judgment by way of execution on nonexempt assets and

earnings of the judgment debtor. The disclosure order must contain a notice that failure to complete the form and mail it to the judgment creditor within ten days after service of the order may result in a citation for civil contempt of court. Cash bail posted as a result of being cited for civil contempt of court order under this section must be ordered payable to the creditor to satisfy the judgment, either partially or fully.

Sec. 4. [488B.03] [JUDGES; ADMINISTRATORS; REPORTERS; SUPPLIES.]

Subdivision 1. [JUDGES; REFEREES.] The judges of district court shall serve as judges of conciliation court. In each judicial district, a majority of the judges of the district shall establish qualifications for the office, specify the duties and length of service of referees, and fix their compensation not to exceed an amount per day determined by the chief judge of the judicial district.

Subd. 2. [ADMINISTRATOR.] The court administrator of the district court shall serve as the court administrator of conciliation court. The court administrator shall account for and pay over to the appropriate official all fees received by the court administrator.

Subd. 3. [COURT REPORTER.] Each court reporter appointed by a judge of district court shall, at the request of the judge, assist that judge in performing the judge's duties as conciliation court judge. A court reporter may not take official notes of any trial or proceeding in conciliation court.

Subd. 4. [QUARTERS; SUPPLIES.] The county in which the court is established shall provide suitable quarters for the court. Except as otherwise provided by law, all expenses for necessary blanks, stationery, books, furniture, furnishings, and other supplies for the use of the court and the officers of the court must be included in the budget for the court administrator's office provided by the county board pursuant to section 485.018, subdivision 6.

Sec. 5. [CONCILIATION COURT JURISDICTION AMOUNTS.]

Subdivision 1. [INCREASE IN LIMITS.] The conciliation

court jurisdictional limit contained in section 1, subdivision 3, increases to $7,500 July 1, 1994, and $10,000 on July 1, 1995.

Subd. 2. [REVISOR INSTRUCTION.] The revisor of statutes shall make the changes in the jurisdictional amounts provided in subdivision 1 in Minnesota Statutes 1994, and subsequent editions of the statutes.

Sec. 6. [REPEALER.]

Minnesota Statutes 1992, sections 487.30; 488A.12; 488A.13; 488A.14; 488A.15; 488A.16; 488A.17; 488A.29; 488A.30; 488A.31; 488A.32; 488A.33; and 488A.34, are repealed.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective July 1, 1993.