

FOREWORD

The Honorable Sam Hanson[†]

I am pleased that the *William Mitchell Law Review* has decided to continue its tradition of dedicating one issue of each annual volume to *Recent Decisions of the Minnesota Supreme Court*. The articles contained in the *Recent Decisions* issue are always well-written. Many have been authored by leading Minnesota practitioners. Additionally, the student case note section provides an opportunity for the most talented writers of the *Law Review* staff to be published for the first time.

This issue reviews many of our significant decisions from the 2002-03 term, which was my first on the court. In the course of this term, I realized how much it is true that the work of a supreme court justice is essentially the work of a writer. And I relearned an old truth, that good legal writing—that which is confident, concise and coherent—is the product of clear thinking. Much as I might wish for an easier way, for analytical shortcuts or techniques to finesse the really hard questions, each opinion of the court requires, in the end, that the author get to the bottom of the matter. Fortunately, we are guided in the process by the teachings of our precedents, the focus provided by vigorous advocacy, the objective evaluation of the arguments by capable law clerks, and the collegial exchange and testing of ideas that begin at conference and continue until the last justice has signed off on the opinion.

In addition to intellectual rigor, I hope our decisions reflect the respectful collaboration that goes into them. I have been impressed with the camaraderie of the court and, as importantly, that of the court's staff, who approach their jobs with the highest dedication and professionalism. It is an honor to work with so many talented and motivated people.

The decisions selected for this issue are both interesting and significant. With certain exceptions,¹ supreme court review of all cases

[†] Associate Justice, Minnesota Supreme Court.

1. These exceptions are: (1) direct appeal from a trial court's final judgment of conviction in first-degree murder cases, *see* MINN. R. CRIM. P. 29.02, subd 1; and (2) direct appeal to the supreme court for attorneys disciplined by a panel of the Lawyers Professional Responsibility Board, *see* Rule 9(m), Rules on Lawyers Professional Responsibility. Final decisions of the workers' compensation court of appeals and of the tax court are also reviewable by the issuance of a writ of certiorari by the supreme court. *See* MINN. R. CIV. APP. P. 116.

is discretionary. Minnesota Rule of Civil Appellate Procedure 117, subdivision 2, sets forth the criteria generally considered by the court in determining whether to grant a petition to further review a case:

- (a) the question presented is an important one upon which the Supreme Court should rule; or
- (b) the Court of Appeals has ruled on the constitutionality of a statute; or
- (c) the lower courts have so far departed from the accepted and usual course of justice as to call for an exercise of the Supreme Court's supervisory powers; or
- (d) a decision by the Supreme Court will help develop, clarify, or harmonize the law; and
 - (1) the case calls for the application of a new principle or policy; or
 - (2) the resolution of the question presented has possible statewide impact; or
 - (3) the question is likely to recur unless resolved by the Supreme Court.

Thus, each of the decisions of our court tends to have a significant impact on Minnesota jurisprudence. A critical review of these decisions in one convenient forum provides an invaluable reference tool for judges, practitioners, professors, and students. No other publication performs such an important service to the Minnesota legal community.

In general, the *William Mitchell Law Review* provides solid persuasive authority for the guidance of our nation's courts. A recent Westlaw search indicates that in its thirty years of existence, the *Law Review* has been cited in 441 separate court opinions, with 282 of these citations appearing in Minnesota state court decisions. To date, our court has cited the *Law Review* on 154 occasions.

I graduated from William Mitchell in 1965, eight years before the *Law Review* was founded, so I obviously did not have the opportunity to serve on the *Law Review*. But many of my recent and current law clerks have been chosen from among the editorial ranks of the *Law Review*, so I have been able to observe firsthand how valuable that experience is. The skills developed and honed while serving on the *Law Review* are critical to the functioning of our court: exhaustive research, critical reasoning, scrupulous attention to factual detail, perfect citation form, and perhaps most important of all—teamwork.

My congratulations to the editors and staff of the 2002-03 *Law Review* for the *Recent Decisions* issue.