

## 24.11 REVIEW BY THE MINNESOTA SUPREME COURT

The statute provides that “[a]ny party to proceedings under section 14.44, including the agency, may appeal an adverse decision of the Court of Appeals to the Supreme Court as in other civil cases.”<sup>1</sup> Only someone who was a party to the pre-enforcement challenge proceeding before the court of appeals is entitled to seek further appellate review, since the statute speaks of an “appeal . . . as in other civil cases.” Although the statute could be read to provide or appeal as a matter of right to the supreme court, the appellate rules provide that “[r]eview of any decision of the Court of Appeals is discretionary with the Supreme Court.”<sup>2</sup> or that the aggrieved party has only a right to petition the supreme court for further review. Presumably a petition for further review is intended.

The supreme court will make its own independent review of the agency's record without particular deference to the decision of the court of appeals.<sup>3</sup>

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<sup>1</sup> MINN. STAT. § 14.45 (2014); *Minn. League of Credit Unions v. Minn. Dep’t of Commerce*, 486 N.W.2d 399 (Minn. 1992); *In re Assessment Issued to Leisure Hills Health Care Ctr.*, 518 N.W.2d 71, 74 (Minn. Ct. App. 1994) (granting petition for further review of decision of court of appeals and stayed the appeal panel’s order pending a decision).

<sup>2</sup> MINN. R. CIV. APP. P. 117, subd. 2.

<sup>3</sup> See Samuel L. Hanson, *The Court of Appeals and Judicial Review of Agency Action*, 10 WM. MITCHELL L. REV. 645, 660-61 (1984); cf. *Reserve Mining Co. v. Herbst*, 256 N.W.2d 808, 824 (Minn. 1977).