

# STATE OF MINNESOTA

## Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

February 10, 2012

The Honorable Michelle L. Fischbach  
President of the Senate  
226 State Capitol  
St. Paul, Minnesota 55155

Dear Madam President:

With this letter, I am vetoing and returning Chapter 118, SF 149, which addresses the unrelated topics of conciliation court claim limits and class actions appeals. These provisions are not consistent with the court's recommendations for effectively addressing small claims, represent legislative meddling with court procedures best handled by the judiciary, and do not address legitimate problems in Minnesota.

A recent study by the National Center for State Courts revealed that 72% of the civil case load in Minnesota is consumed by small claims and contract matters, while civil tort claims represent less than 3% of the cases. The Legislature should be addressing the areas of the court that consume the bulk of its workload. Unfortunately, this legislation misses that mark.

The Minnesota Supreme Court Civil Justice Task Force recently rejected the change in conciliation court claim levels contained in Section 1, because it would not have a significant impact on the courts' workloads. Additionally, the Task Force did not recommend the change in consumer credit cases contained in Section 1, and does not recommend making changes to this type of claim without significant changes regarding the evidence required for such matters. The Legislature has completely ignored the findings of the courts.

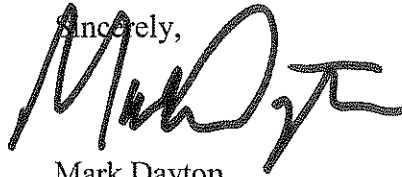
Furthermore, Section 2 is an attempt by the Legislature to control the internal workings of the court and its processes. Legislatively mandating specific interlocutory appeals in class action cases and staying the discovery process while an appeal is pending blur the separation of powers between the branches of government. The courts are in the best position to determine interim appeal processes, and they are correctly in control of procedures for the discovery of evidence.

The House author of this legislation indicated that there were only eight cases last year where this provision would be applicable – and not a single case without merit. The bill would not create jobs; rather it would set a dangerous precedent. I am certainly

The Honorable Michelle L. Fischbach  
February 10, 2012  
Page 2

willing to consider reforms that will assist our courts with their workload and address real problems within our justice system. Such an endeavor must involve our courts and their expertise in these matters. This legislation does not, and I will not sign it into law.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Dayton". The signature is stylized and cursive, with a large initial "M" and "D".

Mark Dayton  
Governor

cc: Senator David H. Senjem, Senate Majority Leader  
Senator Thomas M. Bakk, Senate Minority Leader  
Senator Julianne E. Ortman  
Representative Kurt Zellers, Speaker of the House  
Representative Paul Thissen, House Minority Leader  
Representative Doug Wardlow  
The Honorable Mark Ritchie, Secretary of State  
Mr. Cal R. Ludeman, Secretary of the Senate  
Mr. Albin A. Mathiowetz, Chief Clerk of the House of Representatives