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2025 MINNESOTA SUPREME COURT UPDATE

Overview & Introductions

Solicitor General Liz Kramer

OVERVIEW

Consistent makeup all year

Collegiality

Smaller proportion dissents

But… slower and some DIGs

Public law focus

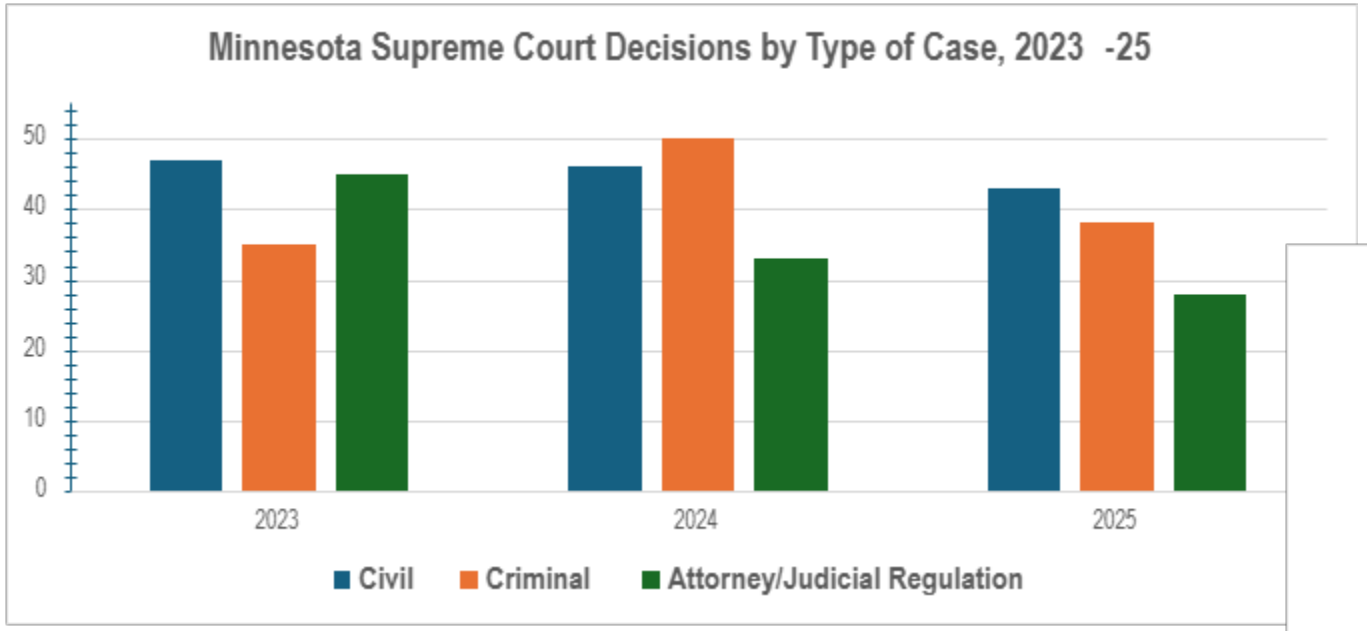
84% of cases have a government party

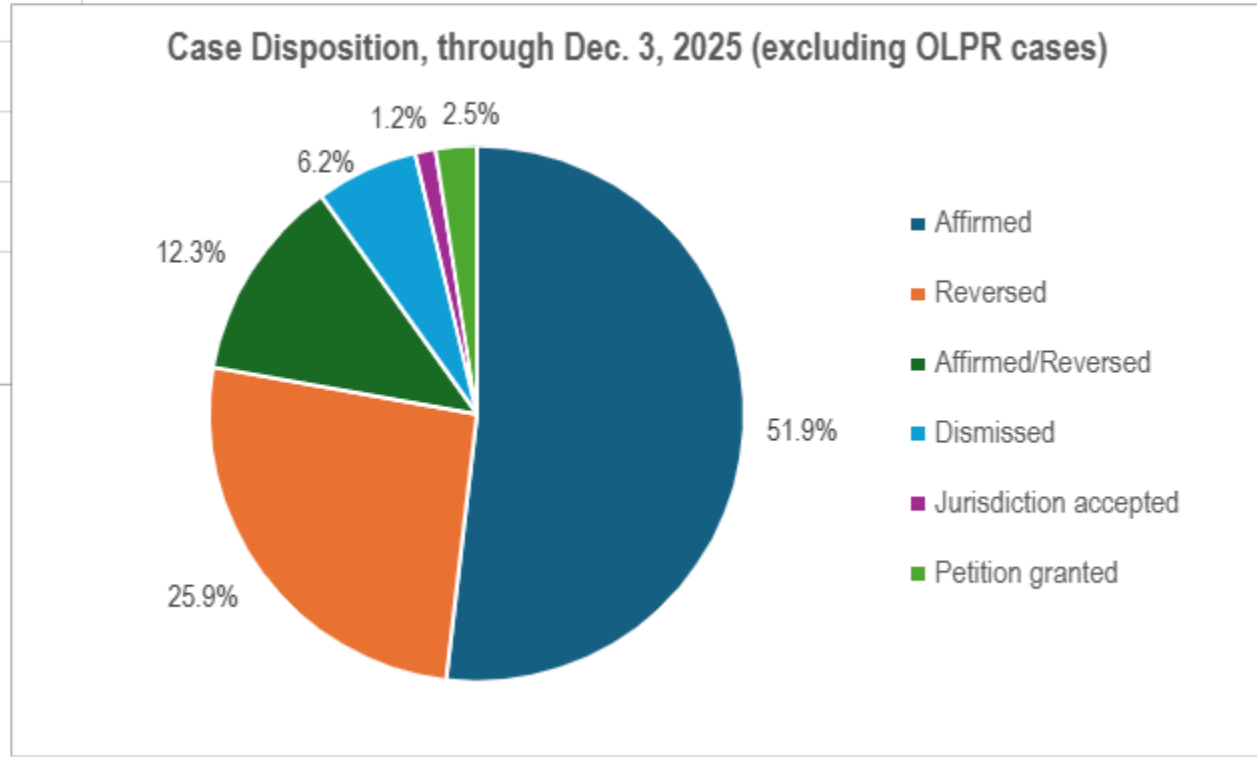
(78% if exclude OLPR)

OVERVIEW

Year	Opinions	Dissents
2025	79 (to date)	3 (4%)
2024	94	10 (11%)
2023	92	23 (25%)
2022	64	15 (23%)

OVERVIEW


Minnesota Supreme Court Decisions by Type of Case, 2023 -25
50
40
30
20
10
0
2023
2024
2025
Civil
Criminal
Attorney/Judicial Regulation


Case Disposition, through Dec. 3, 2025 (excluding OLPR cases)
1.2%
2.5%
6.2%
12.3%
51.9%
25.9%
Affirmed
Reversed
Affirmed/Reversed
Dismissed
Jurisdiction accepted
Petition granted

INTRODUCTIONS

Liz Kramer

Christy Hall

Aaron Winter

Madeleine DeMeules

Pete Farrell

Christy Hall

- *Simon v. Demuth*
  - Meaning of quorum in Minnesota Constitution
- *Doe 601 v. Best Academy*
  - Discretionary-function exception to municipal tort liability
- *State v. Plancarte*
  - "lewd" exposure does not include exposure of breasts
- *State v. Paulson*
  - Statutory venue requirement is not an element of the offense

Simon v. Demuth, 17 N.W.3d 753 (Minn. 2025)

The Quorum Question

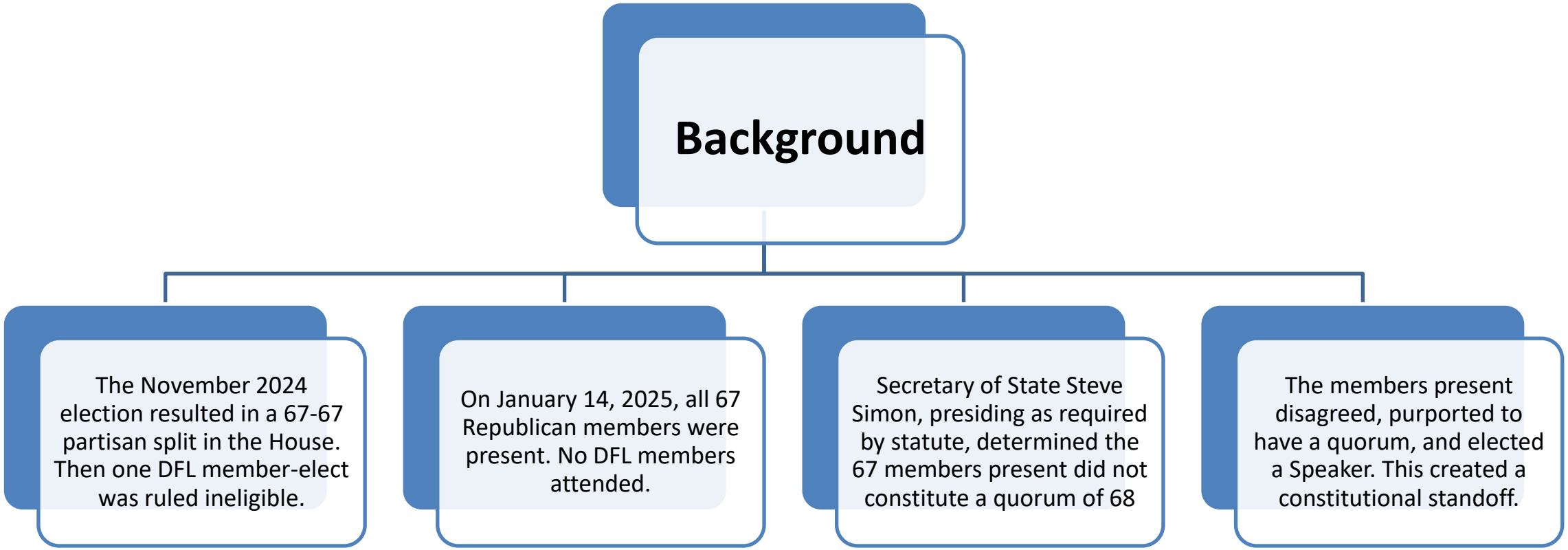
Does the Minnesota Constitution's quorum clause—"[a] majority of each house constitutes a quorum"—require a majority of all possible seats or a majority of currently seated members?

The Court's Answer

"The quorum clause in Article IV, Section 13, of the Minnesota Constitution requires a majority of the total number of seats of which each house may consist to constitute a quorum."

The Bottom Line: With the House of Representatives composed of 134 seats by law, a quorum is 68 members. The presence of 67 members was insufficient to transact business.

Simon v. Demuth, cont'd



Simon v. Demuth, cont'd

The Court's Reasoning

- The Court adopted a straightforward reading of the Constitution.
- Article IV, § 13 requires a "majority of each house."
- Article IV, § 2 states the "number of members who compose the … house" is "prescribed by law."
- Minn. Stat. § 2.021 prescribes that number as 134
- Therefore, a quorum is a majority of 134, which is 68. The presence of vacancies does not reduce this number.

Why it Matters: Affirms the judiciary's role in interpreting constitutional mandates

Doe 601 v. Best Academy, 17 N.W.3d 464 (Minn. 2025)

The Immunity Question
Is a public school's "hiring decision" automatically a "discretionary function"—a policy-level decision shielded from tort liability—or must the school prove it actually balanced policy considerations?

The Court's Answer

A municipality's "hiring decision" is not categorically immune. The government entity bears the burden of proving that the challenged conduct involved a conscious balancing of "competing economic, social, political, and financial considerations."

The Background: A charter school hired Aaron Hjermstad as a teacher. His previous school had not renewed his contract following a sexual abuse allegation. During the hiring process, the school failed to ensure his application was complete ("reason for leaving" was blank), obtain reference letters, and contact listed references. Hjermstad later sexually abused a student, Minor Doe 601.

Doe 601 v. Best Academy, cont'd

The Court's Reasoning

- The purpose of immunity is to protect *policymaking* decisions from judicial second-guessing, not to shield day-to-day *operational* negligence.
- The "critical inquiry is whether the conduct involved a balancing of policy objectives."
- Best Academy produced no evidence that its failure to follow its own hiring protocols (like calling references) was the result of a deliberate policy choice. In fact, the evidence suggested a breakdown in operational procedure.
- A government entity cannot escape liability simply by labeling a negligent act a "hiring decision."

Why it Matters: This is a major clarification of municipal tort liability and government immunity.

State v. Plancarte, 20 N.W.3d 30 (Minn. 2025)

The Question
To violate the indecent exposure statute, which prohibits "willfully and lewdly" exposing one's "body, or the private parts thereof," what does the word "lewdly" require the state to prove?

The Court's Answer

"To 'lewdly' expose oneself… a person must engage in conduct of a sexual nature." Mere exposure of the body, without more, is not sufficient.

The Background: On July 28, 2021, police received a report of a woman, Plancarte, walking in a gas station parking lot with her breasts exposed. She was arrested and charged. The district court found her guilty, despite noting she "was not engaged in any type of overt public sexual activity or sexual contact with others."

State v. Plancarte, cont'd

The Court's Reasoning

- The Court found the word "lewdly" ambiguous, with several reasonable dictionary meanings ("obscene," "lustful," "indecent," "of a sexual nature").
- **Constitutional Avoidance**: To avoid being unconstitutionally vague, the Court rejected definitions like "indecent" or "lustful," which are subjective and risk being arbitrary or discriminatory.
- **Statutory Context**: The Court distinguished "lewdly" from "obscene," which has a specific, higher legal standard, indicating the legislature intended different meanings.
- The Court concluded that "conduct of a sexual nature" was the only interpretation that was both reasonable and constitutionally sound.

State v. Plancarte, cont'd

Why It Matters

- The ruling narrows the indecent exposure statute, requiring prosecutors to prove an accompanying sexual act or intent, not just nudity.
- It provides a clear standard that protects against arbitrary enforcement based on stereotypes or subjective offense.
- A concurrence by Justice Hennesy questioned whether female breasts are "private parts" at all under the statute, signaling that the legal and constitutional debates surrounding this issue are not over.

State v. Paulson, 22 N.W.3d 144 (Minn. 2025)

A Question of Place

For a guilty plea to be valid, must the factual basis establish the statutory venue requirement—that the crime occurred in the county of prosecution?

The Court's Answer

No. "The statutory venue requirement… is not an element of an offense." A guilty plea can be accurate even if the factual basis does not establish venue, as long as it establishes the defendant's substantive culpability for the crime."

State v. Paulson, cont'd

Background

Matthew Paulson was charged in Anoka County for kidnapping a minor. Paulson entered an Alford plea (maintaining innocence but acknowledging the state would likely convict him). The factual basis established that the crime largely occurred in Isanti County. Paulson appealed, arguing his plea was invalid because the facts did not establish venue in Anoka County.

At oral argument, Justice Moore: "I'm trying to get out of my head the 8 and a half years I told juries in district court that the State had to prove, beyond a reasonable doubt, venue. [And motions for judgments of acquittals, and prosecution trainings.] This does seem like a fairly significant change in district court practice."

State v. Paulson, cont'd

The Court's Reasoning

- The purpose of a guilty plea's "accuracy requirement" is to protect a defendant from pleading guilty to a crime for which they are not substantively culpable.
- A venue violation does not negate guilt or innocence; it relates to the proper location for a trial.
- Reviewed recent U.S. Supreme Court precedent holding that a failure to prove venue requirement from the U.S. Constitution beyond a reasonable doubt does not bar retrial under the Double Jeopardy Clause.
- Venue is a procedural right that can be asserted in a pre-trial motion (as Paulson did for some initial charges) or waived.

Aaron Winter

- *State v. Vagle*
  - ghost guns
- *Hoskin v. Krsnak*
  - complaint does not need to allege facts to rebut potential affirmative defense
- *Hook & Ladder Apartments, L.P. v. Nalewaja*
  - landlord waiver of right to evict by accepting rent
- *In re Trust of Johnson*
  - appealability of interlocutory order under MRAP 103.03(b)

State v. Vagle, 24 N.W.3d 481 (Minn. 2025)

- Defendant pulled over in possession of a “ghost gun” Glock 19
- “Ghost gun” is a firearm that is homemade or home-assembled using non-serialized parts
- Typical firearms are serialized; often traceable through manufacturer and seller records
- Legal issue is whether a “ghost gun” violates Minn. Stat. § 609.667(3)

State v. Vagle, cont'd

- Minn. Stat. § 609.667 states in its entirety:

"Whoever commits any of the following acts may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both:

(1) obliterates, removes, changes, or alters the serial number or other identification of a firearm;

(2) receives or possesses a firearm, the serial number or other identification of which has been obliterated, removed, changed, or altered; or

(3) receives or possesses a firearm that is not identified by a serial number.

As used in this section, 'serial number or other identification' means the serial number and other information required under United States Code, title 26, section 5842, for the identification of firearms."

State v. Vagle, cont'd

- 26 U.S.C. § 5842(a) says:

"Each manufacturer and importer and anyone making a firearm shall identify each firearm, other than a destructive device, manufactured, imported, or made by a serial number which may not be readily removed, obliterated, or altered, the name of the manufacturer, importer, or maker, and such other identification as the Secretary may by regulations prescribe."

- 5-2 majority holds that the statute:

"criminalizes the possession of a firearm that is not identified by a serial number only if federal law requires that a serial number be stamped, engraved, cast, or otherwise conspicuously placed on the firearm." *Vagle*, 24 N.W.3d at 482.

State v. Vagle, cont'd

- The Court summarizes the State's argument:

  "The State argues that it is a crime under section 609.667(3) to possess a firearm without a serial number even if federal law does not require that the firearm have a serial number. The text of section 609.667(3) does not qualify the term 'serial number' in any way and does not expressly limit the term to serial numbers required under federal law." *Vagle*, 24 N.W.3d at 487-88.

- Majority says it is "not convinced," goes on to say section 609.667(3) incorporates the federal definition of serial number because:
  - State doesn't offer a reasonable explanation of what "serial number" otherwise means, since Minnesota has no serial number assignment system
  - Dictionary definition insufficient because "untethered to any additional standard"; the term must instead have a "specialized, technical meaning"
- The majority says the State's reading is unreasonable, apparently pre-ambiguity

State v. Vagle, cont'd

- Notably, section 609.667(3) would seem to still illegalize possession of a non-serialized firearm even when incorporating the federal definition of a serial number:

  Section 609.667(3) would read that it is a crime to "receive[] or possess[] a firearm that is not identified by a [serial number which may not be readily removed, obliterated, or altered]."

- The majority goes on to examine:
  - Legislative history
  - Common understanding of section 609.667(3) since its passage in 1994
  - Contrary holding would illegalize possession of many pre-1968 firearms not required by law to have serial numbers upon manufacture

State v. Vagle, cont'd

Practice Consequences

- *Vagle* implies a Court moving towards Justice Thissen's approach to statutory interpretation, review:
  - When Rules Get in the Way of Reason: One judge's view of legislative interpretation

    https://cdn.ymaws.com/mcaa-mn.org/resource/resmgr/files/mcaa_news/J_Thissen_article_in_Bench_a.pdf
  - How judges read statutes: And how to write them so they won't be misinterpreted

    https://www.lrl.mn.gov/archive/minutes/senate/2024/jud/20240221/Jud_20240221_Bench-Bar-Judge-Statute-article.pdf
- Justices Hudson and Procaccini, in dissent, advocate the longstanding pre/post-ambiguity textual analysis

Hoskin v. Krsnak, 25 N.W.3d 398 (Minn. 2025)

- Plaintiff and Defendant alleged to be longtime business partners
- Co-venture Interstate Parking Company ("IPC") needed to apply for a loan to survive, requiring Defendant's cooperation in loan process
- Defendant allegedly threatened to undermine loan process unless Plaintiff sold certain unrelated business interests to him at less than the price allegedly agreed upon previously
- Plaintiff says he signed transfer agreements relating to those business interests to avoid jeopardizing loan because his "'financial and other interests would be irreparably harmed if IPC failed'"; then sued to make the transfer agreements unenforceable
- Defendant moved to dismiss because the transfer agreements contain releases; COA affirmed dismissal because complaint did not allege facts invalidating the releases

Hoskin v. Krsnak, cont'd

- Issue is "whether a plaintiff's complaint must include facts sufficient to rebut a potential affirmative defense." *Hoskin*, 25 N.W.3d at 404
- The Court says no, 6-0 (Justice Gaïtas took no part)
- The Court reiterates its notice pleading standard that:
  - "A claim is sufficient against a motion to dismiss for failure to state a claim if it is possible on any evidence which might be produced, consistent with the pleader's theory, to grant the relief demanded." *Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 603 (Minn. 2014)
  - Reflects "a preference for non-technical, broad-brush pleadings." *Id*. at 604-05.
- The Court overrules two code pleading cases to the extent they suggest a plaintiff must anticipate affirmative defenses and plead facts rebutting them:
  - *Zimmerman v. Benz*, 202 N.W. 272 (Minn. 1925) and *Wallner v. Schmitz*, 57 N.W.2d 821 (Minn. 1953)

Hoskin v. Krsnak, cont'd

- Contrary holding would "require a potentially long, complex statement with allegations that not only set forth the plaintiff's legal claims but also anticipate and rebut the defendant's affirmative defenses—defenses that the defendant may never choose to assert." *Hoskin*, 25 N.W.3d at 407
- The Court also notes that even federal court, with its heightened "plausibility" pleading standard, does not require a plaintiff to preemptively rebut affirmative defenses in the complaint. *Id*. at 408-09 and 409 n.8
- The issue then becomes whether Plaintiff "pleaded himself out of court" by unwittingly establishing an irrebuttable affirmative defense in his pleadings and the documents referenced therein

Hoskin v. Krsnak, cont'd

Practice Consequences

- Plaintiffs should evaluate likely available affirmative defenses and avoid including factual matter tending to establish them
- Pleading oneself out of court is a general risk as well
- As a legal matter, less is more in a complaint

Hook & Ladder Apartments L.P. v. Nalewaia, 25 N.W.3d 867

- Hook & Ladder, a landlord, received housing assistance payments directly from Minneapolis Public Housing Authority paying Appellant's rent in full
- Appellant broke into building utility room to reconnect electricity, violating her lease
- MPHA made rent payments for two months, and Hook & Ladder does not contest it accepted the payments
- Hook & Ladder filed eviction complaint thereafter
- The opinion evidences the Court's approach to policy evaluation necessary for expansion or retention of common law doctrine

Hook & Ladder, cont'd

- Issue is whether "common law doctrine of waiver by acceptance of rent, which bars a landlord from evicting tenants for a past breach of lease if the landlord accepts rent with knowledge of the breach," applies to rental payments made by public housing agencies on tenants' behalf.
  - Landlord's objective actions matter, not subjective intent
- A 1995 Court of Appeals case held it does not. *Westminster Corp. v. Anderson*, 536 N.W.2d 340, 343 (Minn. App. 1995)
- The Court overrules *Westminster*, 6-0 (Justice Gaïtas took no part)
- General policy underlying the waiver-by acceptance doctrine (Hook & Ladder, 25 N.W.3d at 873:
  - "[T]he acceptance of rent 'affirm[s] the lessee to have lawful possession.'"
  - The doctrine "ensures that a landlord initiates eviction proceedings in a timely manner rather than retaining a tenant's material breach for use at the landlord's most advantageous moment."
  - "When a tenant's breach harms or disturbs other tenants, the other tenants benefit from a system that requires a landlord to act quickly."
  - "If a tenant repeats their harmful conduct, a landlord is free to bring a new eviction action."

Hook & Ladder, cont'd

- The Court discusses the policy reasons supporting overruling *Westminster* (*Hook and Ladder*, 25 N.W.3d 875-80):
  - *Westminster* is wrong that housing assistance payments are not "rent," nor does that matter
  - *Westminster* is wrong that rent payments not supported by public housing funds are thereby paid by the tenant
  - *Westminster* is wrong that housing assistance payments always flow to the unit, rather than the tenant, nor does that matter
  - Westminster did not support its assertion that "including public housing tenancies in the waiver-by-acceptance doctrine would 'effectively defeat HUD's interest in the development and availability of economically mixed housing.'"
  - Affirmatively, the Minnesota Human Rights Act make it state policy to secure "freedom from discrimination . . . in housing and real property because of . . . status with regard to public assistance." Minn. Stat. § 363A.02, subd. 1(a)(2).

Hook & Ladder, cont'd

Practice Consequences

- If a landlord wants to evict upon learning of a grounds for eviction, do not accept (as opposed to receive) rent
  - "A landlord who receives a payment from a tenant or a public housing agency and takes no further action has accepted the payment for the purpose of the waiver-by-acceptance doctrine." *Hook & Ladder*, 25 N.W.3d at 879.
  - "But a landlord may take steps promptly upon receipt of payment to avoid acceptance," to be evaluated as a question of fact under the totality of the circumstances. *Id*. The Court identifies as some relevant factors whether landlord:
    - Told tenant the rent is not accepted
    - Attempted to return the funds
    - Segregated the rental payments at issue
    - Placed the funds in escrow
    - Refrained from using the payment
- More generally, support and rebut wide-ranging policy arguments when a common law doctrine is at issue

In re: Trust of Johnson, 25 N.W.3d 880 (Minn. 2025)

- Interlocutory court order: (1) requires trustee to restore certain real property to two family trusts and (2) removes that trustee from the trusts, appointing a successor trustee.
- Issue is appealability of either of these directives under Minn. R. Civ. App. P. 103.03(b)
- Minn. R. Civ. App. P. 103.03:

"An appeal may be taken to the Court of Appeals . . . (b) from an order which grants, refuses, dissolves or refuses to dissolve, an injunction."

- Compare with federal 28 U.S.C. § 1292:

"(a) . . . the courts of appeals shall have jurisdiction of appeals from (1) Interlocutory orders of the district courts . . . granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions."

In re: Trust of Johnson, cont'd

- The federal approach to interlocutory injunction appeals:
  - What is an injunction?

"[A]n equitable decree compelling obedience under the threat of contempt." *Int'l Longshoremen's Ass'n, Local 1291 v. Philadelphia Marine Trade Ass'n*, 389 U.S. 64, 75 (1967).

  - Express grants of injunctive relief, typically preliminary injunctions, are appealable under 28 U.S.C. § 1292(a)(1)
  - For orders not nominally granting or refusing an injunction, "a litigant must show more than that the order has the practical effect of refusing an injunction. Because § 1292(a)(1) was intended to carve out only a limited exception to the final-judgment rule, we have construed the statute narrowly to ensure that appeal as of right under § 1292(a)(1) will be available only in circumstances where an appeal will further the statutory purpose of 'permit[ting] litigants to effectually challenge interlocutory orders of serious, perhaps irreparable, consequence.'" *Carson v. American Brands, Inc.*, 450 U.S. 79, 84 (1981).
  - This standard expressly acknowledges some orders constitute injunctions but simply are not *appealable* injunctions

In re: Trust of Johnson, cont'd

- The Court's 7-0 approach:
  - Seems to concede that all orders constituting an injunction or denial thereof are appealable, but then extensively narrows what constitutes an injunction
- "Injunctions may be equitable or statutory." *Johnson*, 25 N.W.3d at 888-89.
  - "To obtain an equitable injunction, a party must establish that the available legal remedy is inadequate and that an injunction is necessary to prevent great and irreparable harm."
    - The Court suggests that the *Dahlberg* factors applicable to *temporary* injunctions are a feature of equitable injunctions
  - "Separately, statutory injunctions are provided for by statute, and '[t]he conditions that must be met to grant a statutory injunction are determined by the text of the statute authorizing the injunction.'"
- "Injunctions may also be preventative or mandatory."
  - "A preventative injunction *prohibits* a party from acting and *preserves the status quo* until the district court determines the respective rights of the parties."
  - "On the other hand, 'a mandatory injunction *requires a party to act*, which sometimes may change the status of the parties, but still very often with the goal and effect of *restoring the original status quo.*'"
    - The Court says "in either instance, 'the preservation or restoration of the status quo ... is generally a key feature of injunctions.'"

In re: Trust of Johnson, cont'd

- "Evaluating those considerations, we conclude that the district court's July 2024 order [requiring restoration of real property to the trust] is not the functional equivalent of an injunction," for two reasons. *Id*. at 889-90.
  - First, the opposing party "did not expressly seek an injunction in their petition filed under the Trust Code."
  - Second, "the district court did not analyze the petition as a request for injunctive relief."
- Here the consideration of the underlying merits weighs in favor of the order as an injunction, but it still isn't one because it disrupts rather than preserves the status quo. *Id*. at 890.
- The legislature also did not call trustee removal injunctive. *Id*.
- The Court says the same considerations render Johnson's removal as trustee non-injunctive. *Id*. at 892-93.

In re: Trust of Johnson, cont'd

Practice Consequences

- Be mindful of consequences under Minn. R. Civ. P. 65
- As a party either seeking, or resisting, an interlocutory order granting relief meeting the federal definition of an injunction, decide early your client's interest in appealing success or failure
- If potentially interested in appealing, request consideration under *Dahlberg* and nominally as an injunction
- Try to phrase your position as preserving the status quo

Madeleine DeMeules

- *In re Civil Commitment of Swope*
  - court-appointed counsel in extraordinary writ proceedings
- *State v. Weeks*
  - jury pools
- *Cooper v. USA Powerlifting*
  - protection of transgender people under the MHRA
- *McBee v. Team Indus., Inc.*
  - evidence from unemployment proceedings may be admissible at trial

In re Commitment of Swope, 26 N.W.3d 275 (Minn. 2025)

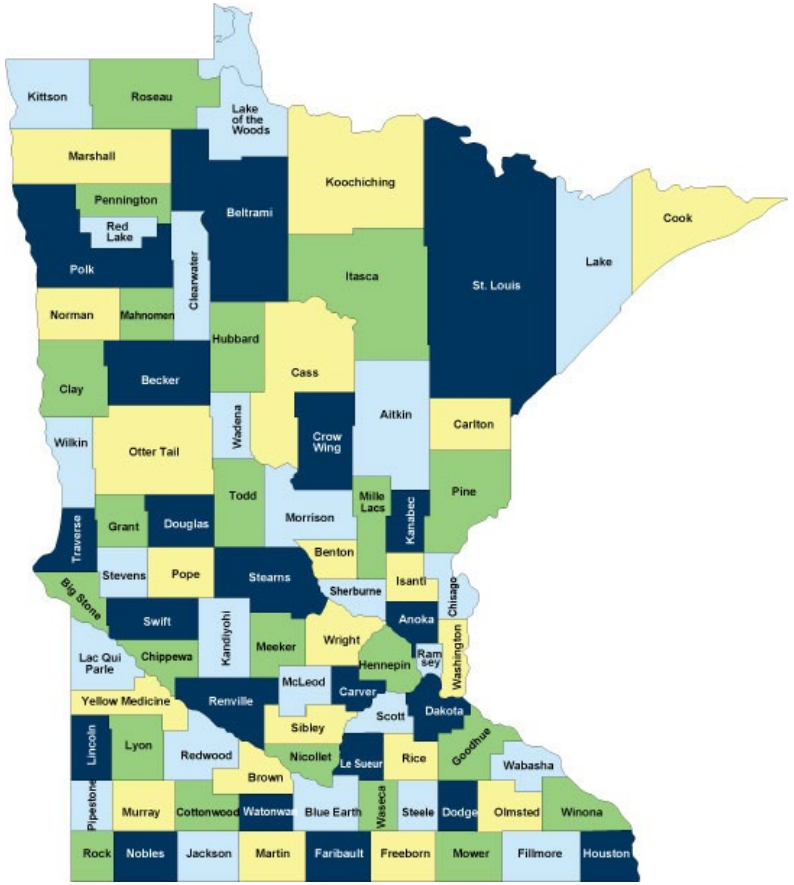
Is an individual subject to civil commitment proceedings entitled to the assistance of court-appointed counsel in extraordinary writ proceedings to enforce priority admission rights?

If yes, who pays for that assistance?

Is an individual subject to civil commitment proceedings entitled to the assistance of court-appointed counsel in extraordinary writ proceedings to enforce priority admission rights? **Yes.**

If yes, who pays for that assistance? **The county of financial responsibility.**

***In re Commitment of Swope*, 26 N.W.3d 275 (Minn. 2025)**



Concurrence on the decision's potential impacts for rural counties

Source: https://upload.wikimedia.org/wikipedia/commons/4/48/Gussmetallschmelze.jpg; https://mncourts.gov/about-the-courts/judicialdirectory?collection=mjb~sp-search&query=&profile=judicial-officers&start_rank=1&sort=metarankHierarchy&num_ranks=10

State v. Weeks, 2025 WL 2922555 (Minn. 2025)

Three requirements to make a prima facie showing that the panel drawn from venire did not satisfy the Sixth Amendment's fair cross-section requirement

- Group allegedly excluded is a "distinctive" group in the community
- Group in question was not fairly represented in the venire
- Underrepresentation a result of that group's "systematic exclusion" from jury selection process

***State v. Weeks*, 2025 WL 2922555 (Minn. 2025)**

Group in question was not fairly represented in the venire

Underrepresentation a result of that group's "systematic exclusion" from jury selection process

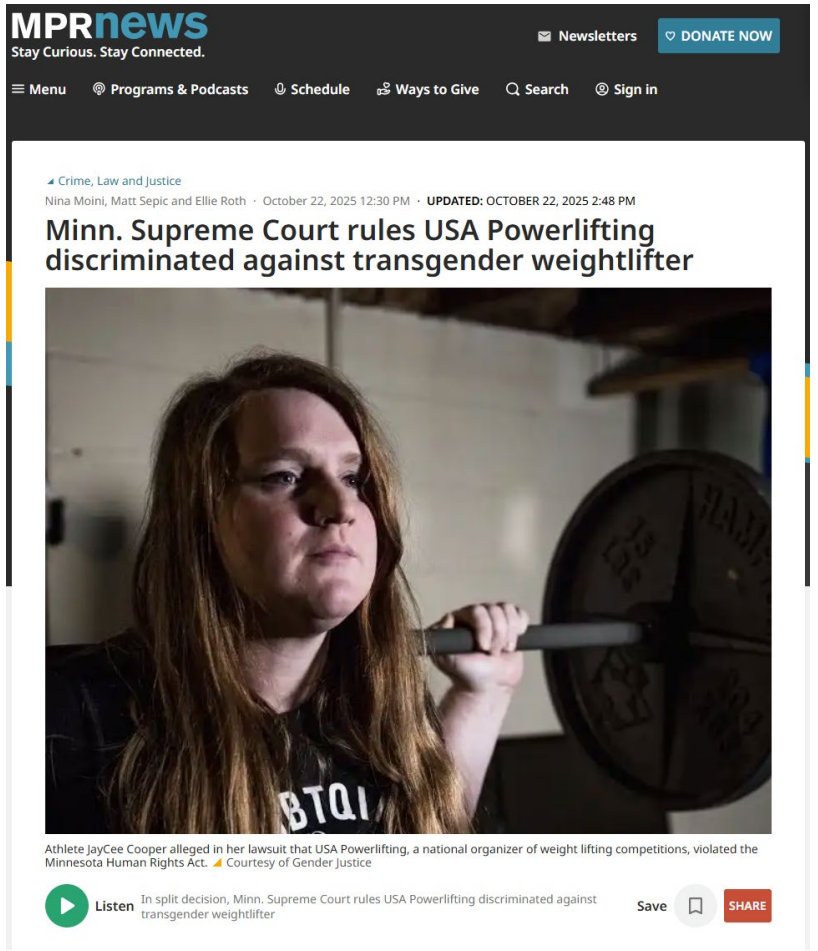
Sources for county-level jury pools (driver's licenses, voter rolls)

Expert affidavits about census data

Accessibility of data through independent studies and government sources

***State v. Weeks*, 2025 WL 2922555 (Minn. 2025)**

Cooper v. USA Powerlifting, 26 N.W.3d 604 (Minn. 2025)



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Crime, Law and Justice

Nina Moini, Matt Sepic and Ellie Roth · October 22, 2025 12:30 PM · **UPDATED:** OCTOBER 22, 2025 2:48 PM

Minn. Supreme Court rules USA Powerlifting discriminated against transgender weightlifter

Athlete JayCee Cooper alleged in her lawsuit that USA Powerlifting, a national organizer of weight lifting competitions, violated the Minnesota Human Rights Act. Courtesy of Gender Justice

Listen In split decision, Minn. Supreme Court rules USA Powerlifting discriminated against transgender weightlifter

Save SHARE

Source: https://www.mprnews.org/story/2025/10/22/minnesota-supreme-court-rules-usa-powerlifting-discriminated-against-transgender-weightlifter

Two claims under MHRA:

1. **Discrimination in public accommodations**
   - **USA Powerlifting did not assert a statutory defense to this claim**

2. **Discrimination in business**
   - **USA Powerlifting asserted the statutory defense of "legitimate business purpose"**

District Court:

Granted Cooper's MSJ on both claims

Court of Appeals:

Reversed MSJ on both claims.

Supreme Court:
Affirmed in part, reversed in part

***Cooper v. USA Powerlifting*, 26 N.W.3d 604 (Minn. 2025)**

Direct Evidence of Discrimination

Policies or conduct defined by protected characteristics are direct evidence of discrimination

Absence of formal written policy not dispositive;

No individualized nuance

Legitimate Business Purpose Defense

Three requirements:

1. Reasonably necessary for business to achieve its central mission;
2. No reasonable alternatives;
3. Cannot be based in stereotypes or consumers' reluctance to patronize business in absence of discrimination

Not the same as "legitimate and nondiscriminatory reason" under *McDonnell-Douglas*, which is a "lower bar"

Goins v. W. Grp., 635 N.W.2d 717 (Minn. 2001):

Biological gender designations for employee restrooms is not sexual orientation* discrimination under MHRA

Narrowed but not overruled

***Cooper v. USA Powerlifting*, 26 N.W.3d 604 (Minn. 2025)**

McBee v. Team Indus., Inc., 26 N.W.3d 847 (Minn. 2025)

Source: https://upload.wikimedia.org/wikipedia/commons/4/48/Gussmetallschmelze.jpg

2014-15:

McBee working at Team;

Back problems followed by medical restrictions;

Terminated shortly after

2015:

McBee files UI claim with DEED; Team responds to DEED inquiry

McBee sues Team under MHRA for failure to accommodate disability

At Trial for MHRA claim:

Team moves to exclude its UI submission to DEED on the basis that submission is "absolutely privileged"

***McBee v. Team Indus., Inc.*, 26 N.W.3d 847 (Minn. 2025)**

268.19 DATA PRIVACY.

Subd. 2. **Employer information; absolute privilege.** (a) Regardless of any provision of law to the contrary, an employer may provide the commissioner with information on an applicant so that the commissioner can determine an applicant's entitlement to unemployment benefits under the Minnesota Unemployment Insurance Law.

(b) The commissioner may disseminate an employer's name and address and the name and address of any employer's unemployment insurance processing agent in order to administer the Minnesota unemployment insurance program.

(c) Information obtained under the Minnesota Unemployment Insurance Law, in order to determine an applicant's entitlement to unemployment benefits, are absolutely privileged and may not be made the subject matter or the basis for any civil proceeding, administrative, or judicial.

***McBee v. Team Indus., Inc.*, 26 N.W.3d 847 (Minn. 2025)**

"Absolutely Privileged"

McBee

Complete immunity against defamation claims

Team

Evidentiary rule of inadmissibility

***McBee v. Team Indus., Inc.*, 26 N.W.3d 847 (Minn. 2025)**

Coming Attractions: Looking to 2026

Deputy Solicitor General
Pete Farrell

BUT FIRST … A LATE-BREAKING ADDITION

State v. Steeprock, __ N.W.3d __,

2025 WL 3466647 (Minn. Dec. 3, 2025)

State v. Steeprock: Overview

On December 3, the Supreme Court issued a major decision on criminal procedure

The principal issue was whether the warrantless collection of a buccal swab pursuant to a discovery order under Rule 9.02 of the Minnesota Rules of Criminal Procedure violates the United States and Minnesota Constitutions.

The Court said yes: the warrantless buccal swab was an unconstitutional search, no exception to the exclusionary rule applied, and the erroneous admission of the DNA at the defendant's trial was not harmless beyond a reasonable doubt.

Justice McKeig and Justice Moore dissented: they would have held that the inevitable-discovery exception to the warrant requirement applied.

State v. Steeprock: Why Is This A Big Deal?

District courts commonly authorize buccal swabs of charged defendants under Rule 9.02.

Expressly overruled one case (*In re Welfare of J.W.K.*) and effectively overruled another (*State v. Eppler)*

Reflects ongoing concern about the intrusiveness of forensic DNA technology, even if the physical intrusion is minimal. *See, e.g.*, *State v. Carbo*, 6 N.W.3d 114, 128 (Minn. 2024) (Procaccini, J., concurring).

BACK TO COMING ATTRACTIONS

Big cases from the 2024-25 term that are still pending . . .

Three Big Ones Still Outstanding from the 2024-2025 Term

Constitutional Law

- *In re Welfare of the Children of L.K. & A.S., Parents*, Case Nos. A23-1762, A24-1296
  - Related cases argued on Sept. 30, 2024 (14 months), and April 1, 2025 (8 months)
  - Major issues include whether the federal Indian Child Welfare Act and the Minnesota Indian Family Preservation Act violate equal protection principles because they allegedly impose "race-based" placement preferences.

Criminal Law

- *State v. Firkus*, Case No. A23-0973
  - Argued October 9, 2024 (13 months)
  - Major issue is one that has long vexed the Court: the circumstantial evidence standard of review in criminal cases.

Civil Commitment

- *In re Civil Commitment of Graeber*, Case No. A24-0067
  - Argued February 4, 2025 (10 months)
  - Core issue is whether "present medical necessity" is a separate requirement that district courts must analyze before they authorize forced medical treatment.

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