



United States District Court
DISTRICT OF MINNESOTA

LR 83.13 COURT APPOINTEES

(a) Scope. This rule applies to any person whom a judge appoints to assist the court in a matter. Appointees under this rule may include, for example, special masters, receivers, referees, trustees, commissioners, court-appointed experts, investigators, mediators, and arbitrators.

(b) Conflicts of Interest.

(1) If an appointee becomes aware of any circumstances that might constitute, or might reasonably appear to constitute, a conflict of interest, the appointee must immediately inform the appointing judge of all facts relevant to those circumstances. The appointing judge must then determine what, if any, action should be taken.

(2) A “conflict of interest” includes any set of circumstances that affects, or might reasonably appear to affect, an appointee’s ability to act impartially in the matter for which he or she was appointed.

(c) Complaints.

(1) A complaint about an appointee’s conduct must be made in writing to the appointing judge. The complaint must include a detailed description of the facts and circumstances giving rise to the complaint and must expressly identify the statute, rule, regulation, canon, or other authority on which the complaint is based.

(2) The judge must permit the appointee and the parties to respond to the complaint.

(3) The judge must review the complaint, determine whether the appointee committed misconduct, and decide what action, if any, to take. The judge may take appropriate action to protect the rights and interests of anyone who may have been affected by an appointee’s misconduct.

(d) Court-Initiated Discipline. An appointing judge may, at any time, independently review an appointee’s conduct and take appropriate action.

[Adopted effective January 3, 2000; amended May 14, 2013; amended November 18, 2013]

2013 Advisory Committee's Note to LR 83.13

The language of LR 83.13 has been amended in accordance with the restyling process described in the 2012 Advisory Committee's Preface on Stylistic Amendments.

After the May 2013 amendments, the language in subsection (b) was further amended to clarify that an appointee is obligated to inform the judge of potential conflicts of interests when circumstances "might reasonably appear" to affect an appointee's ability to act impartially.

1999 Advisory Committee's Note to LR 83.13

The Committee concluded that allegations of misconduct by court appointees will most often arise out of either actual or apparent conflicts of interest. For this reason, the rule expressly requires appointees to disclose any such conflicts to the appointing judge. The Committee further concluded that it would not be feasible or necessary to develop a comprehensive code of ethical conduct for all court appointees. Such appointees will be expected to follow the broad moral and ethical principles that guide the conduct of lawyers and judicial officers.

The Committee recognizes that judges must retain the authority to manage and control their cases. The automatic assignment of an "outside judge" to consider complaints against a court appointee could adversely affect that authority. If a party or the appointing judge believes that some other judge should consider a complaint against an appointee, the general rules regarding recusal would be applicable.

This rule confirms the appointing judge's authority to act on a complaint of misconduct by an appointee. The rule expressly recognizes the judge's authority to (a) preserve the integrity of the court by taking appropriate disciplinary action against the appointee, and (b) protect litigants whose interests may have been adversely affected by the misconduct of an appointee. A judge's response to misconduct by an appointee may include, without being limited to, termination of the appointment, imposition of sanctions, application of the power of contempt, recommending to other judges that the appointee should be barred from future appointments in this District, initiation of attorney disciplinary proceedings in this District pursuant to L.R. 83.6(e), referring the matter to the Minnesota Office of Lawyers Professional Responsibility, or referring the matter to the United States Attorney or the Minnesota Attorney General to consider criminal charges. Complaints regarding fee issues (in cases involving special masters) should be raised and addressed under Fed.R.Civ.P. 53. Any party who is dissatisfied with a judge's action on a complaint against an appointee would retain the same right to appeal that exists for any other action taken by a district court judge.