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Appellate Minefields: What Is A "Judgment" Anyway?

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An accurate criticism of law school is that it does little to prepare new lawyers to represent clients. Students read a single paragraph about the facts of a case then focus on endless pages of U.S. Supreme Court legal analysis, minimizing the work of navigating the procedural complexities it takes to end up in the Supreme Court. While that is a great way to learn what a small number of judges think about a narrow topic, it does little to prepare young lawyers for the nitty-gritty of actually trying to get a favorable outcome for a client.

For example, most lawyers learn somewhere along the way that the ultimate outcome of a case is a "judgment," but few lawyers are taught what a judgment actually is, how you get it, and what to do with it.

A good place to start is identifying what a judgment is not: most orders issued by judges are not judgments. Similarly, words at the end of a judge's order like "LET JUDGMENT BE ENTERED ACCORDINGLY" do not on their own convert the order into an appealable judgment. Instead, an appealable "judgment" is obtained through an administrative process which, at least in Minnesota, involves a court administrator certifying that an order is a "judgment" and then "entering" the judgment on the "judgment roll" following the direction of the district court. Minn. R. Civ. P. 58.01 ("The judgment in all cases shall be entered and signed by the court administrator in the judgment roll; this constitutes the entry of the judgment; and the judgment is not effective before such entry."). While the actual procedure can differ by jurisdiction, in some counties in Minnesota, the Court Administrator places a stamp on the relevant order that says "JUDGMENT" and signs below it, completing the "entry" of judgment.

Knowing how and when judgment was entered is important for several reasons. First, and most critically for litigators, the date judgment is entered starts the 60-day clock to file a notice of appeal. Minn. R. Civ. App. P. 104.01, subd. 1. If you do not know the date judgment was "entered," you may miss the cut off to bring your appeal. Relatedly, a perennial headache for the Court of Appeals is parties appealing from non-appealable orders, believing they are judgments. *See,* e.g., *Thompson v. Berg*, 187 N.W. 703, 703 (1922) ("Appeal lies only from the judgment entered in district court."). While the Court is sometimes magnanimous and will interpret the appeal as being from the judgment rather than the order, just as often the appellate court will find it lacks jurisdiction and instruct that the appeal be taken from the judgment. See *Apple Valley Square v. City of Apple Valley*, 472 N.W.2d 681, 682 (Minn. Ct. App. 1991) (treating appeal from order for judgment as appeal from judgment).

So now your judgment has been "entered," and if there is no appeal, you assume that your job is done and your client should get paid what it has been awarded, right? If the party the judgment has been entered against pays up without resisting, that may be what happens. But what if that party is not interested in paying? What can you do with your judgment?

The answer is: not much until the judgment is "docketed." "Docketing" a judgment is yet another administrative process undertaken by the court clerk or administrator, and occurs after the filing of an affidavit of identification of judgment debtor. Minn. Stat. § 548.09, subd. 1 ("[judgment] will be docketed by the court administrator upon the filing of an affidavit . . . ."). Once that affidavit is filed, the court clerk or administrator "dockets" the judgment, which then becomes an enforceable lien. It is only then that your client's judgment can be enforced against that party. Minn. Stat. § 548.09 ("From the time of docketing the judgment is a lien . . . .").

In the world of enforcing liens, it is critical to know the status of a judgment, whether it has been entered and/or docketed, and how old the judgment is. In Minnesota, a judgment is valid for 10 years from entry. Minn. Stat. § 541.04. The 10-year period begins to run when the procedures described in Minn. R. Civ. P. 58.01, governing the entry of judgment, have been completed. Before the end of that period, the judgment creditor can seek to have the judgment "renewed" by starting a new lawsuit based on a claim for failure to pay the judgment. However, as a party in a recent Court of Appeals case learned, using the right starting date to count the 10 years is key. In *Klingelhutz Judgment, LLC v. Klingelhutz*, No. A19-1894, 2021 WL 957289 (Minn. Ct. App. Mar. 15, 2021) a party attempted to renew a judgment arguing that the 10-year period only began to run after docketing of the judgment, rather than entry. *Id.* at *1-2. The Court of Appeals rejected that argument, reiterating that "entry" and "docketing" are separate procedures and that the 10-year period begins to run from entry of the judgment. *Id.* at *2-3. The Court dismissed the renewal lawsuit as untimely since it was brought more than 10 years after entry of judgment. *Id.* at *3. Knowing the right date to begin counting could have led to a different result for the appellant.

The procedures for obtaining and using a judgment are convoluted and confusing, based on ancient practices that often appear outdated today. Yet the consequence for failing to understand these processes can be severe. Appellate practitioners and parties seeking to enforce judgments can benefit from digging deeply into this somewhat obscure but important area of legal practice. While law school may not be the place to learn arcane administrative practices (other than registering for classes), it is never too soon to start thinking about the mechanics of lawyering.

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