### Justice Kelly’s Majority Opinions According to Category

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<tr>
<th>Area of Law</th>
<th>No. of Opinions</th>
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<tr>
<td>Automobiles</td>
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<td>Civil Rights</td>
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<td>Contracts and Sales</td>
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<td>Constitutional Law</td>
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<td>Corporations</td>
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<td>Criminal Law</td>
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### Justice Kelly’s Dissenting and Concurring Opinions According to Category

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<td><strong>Total</strong></td>
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Note: The citations preceded by an asterisk were chosen by Justice Kelly in response to the request to select several cases that demonstrated the "Kelly approach" to the resolution of disputes and controversies. The decisions involve a number of factual situations from many areas of law and span Justice Kelly’s 10-year tenure on the bench. The opinions show Justice Kelly enjoyed the difficult task of determining legislative intent, held a strong belief on the role of stare decisis and precedent in judicial reasoning and often cautioned his colleagues on the need to reflect on the ultimate consequences a particular action may have when supported by a Supreme Court majority opinion.

Administrative Law and Procedure:
Minnesota Distillers, Inc. v. Novak, 265 N.W.2d 420 (1978)

Animals:
Gilbert v. Christiansen, 259 N.W.2d 896 (1977)

Arrest:
State v. Gilchrist, 299 N.W.2d 913 (1980)

Attorney and Client:
Prawer v. Essling, 282 N.W.2d 493 (1979)

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Anderson v. City of Minneapolis, 296 N.W.2d 383 (1980)
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Zahlert v. Manning, 295 N.W.2d 511 (1980)
Hammerschmidt v. Moore, 274 N.W.2d 79 (1978)
Otterness v. Horsley, 263 N.W.2d 403 (1978)
*Durfee v. Rod Baxter Imports, Inc., 262 N.W.2d 349 (1977)
Young v. Wlazik, 262 N.W. 2d 300 (1977)
Imported Auto Parts Corp. v. R.B. Shaller & Sons, Inc., 258 N.W.2d 797 (1977)
Nelson v. Wilkins Dodge, Inc., 256 N.W.2d 472 (1977)
Shelby Mutual Insurance Co. v. Kleman, 255 N.W.2d 231 (1977)
*Prideaux v. State Department of Public Safety, 247 N.W.2d 385 (1976)
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Anderson v. Lappegaard, 224 N.W.2d 504 (1974)
Couture v. Novotny, 211 N.W.2d 172 (1973)
*Haney v. International Harvester Co., 201 N.W.2d 140 (1972)
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Meurer v. Junkermeier, 191 N.W.2d 416 (1971)
State Department of Highways v. Cohoon, 190 N.W.2d 488 (1971)
State Department of Highways v. Ponthan, 186 N.W.2d 180 (1971)

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Development Services, Inc. v. Sheehan, 189 N.W.2d 34 (1971)

Civil Rights:
Big Brothers, Inc. v. Minneapolis Commission on Civil Rights, 284 N.W.2d 823 (1979)
*Kaster v. Independent School District, 284 N.W.2d 362 (1979)
City of Minneapolis v. Richardson, 239 N.W.2d 197 (1976)

Colleges, Universities, and Schools:
Abbariao v. Hamline University School of Law, 258 N.W.2d 108 (1977)
Miller v. Chou, 257 N.W.2d 277 (1977)
Regents of University of Minnesota v. Hibbing, 225 N.W.2d 810 (1975)
Constitutional Law:
*Wulff v. Tax Court of Appeals, 288 N.W.2d 221 (1979)
In re Application of Hansen, 275 N.W.2d 790 (1978)
Koppinger v. City of Fairmont, 248 N.W.2d 708 (1976)
Busse v. Board of County Commissioners, 241 N.W.2d 794 (1976)
Clerk of Court’s Compensation for Lyon County v. Lyon County Commissioners, 241 N.W.2d 781 (1976)

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Wolpert v. Foster, 254 N.W.2d 348 (1977)
Milbank Mutual Insurance Co. v. Proksch, 244 N.W.2d 105 (1976)
Theisen's, Inc. v. Red Owl Stores, Inc., 243 N.W.2d 145 (1976)
Jurek v. Thompson, 241 N.W.2d 788 (1976)
Kirckof Plumbing & Heating Co. v. State, 240 N.W.2d 804 (1975)
Christy v. Menasha Corp., 211 N.W.2d 773 (1973)
Komatz Construction Inc. v. Western Union Telegraph Co., 186 N.W.2d 691 (1971)
Frontier Lumber and Hardware, Inc. v. Dickey, 183 N.W.2d 788 (1971)

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State by Spannaus v. Mecca Enterprises, Inc., 262 N.W.2d 152 (1977)
Hardrives, Inc. v. City of La Crosse, Wisc., 240 N.W.2d 814 (1976)
Ellwien v. Sun-Rise, Inc., 203 N.W.2d 403 (1972)
State v. North Star Research & Development Institute, 200 N.W.2d 410 (1972)
Mickelson v. Rosenberg, 190 N.W.2d 82 (1971)

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State v. Gatlin, 295 N.W.2d 538 (1980)
State v. Adams, 295 N.W.2d 527 (1980)
State v. Earnest, 293 N.W.2d 365 (1980)
State v. Olisa, 290 N.W.2d 439 (1980)
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*State v. Nolting, 254 N.W.2d 340 (1977)
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*State v. Loyd, 212 N.W.2d 671 (1973)
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Elliott v. Elliott, 274 N.W.2d 75 (1978)
Yaeger v. Yaeger, 229 N.W.2d 137 (1975)
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Bissell v. Bissell, 191 N.W.2d 425 (1971)
Messer v. Messer, 184 N.W.2d 801 (1971)

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Schroeder v. Johnson, 252 N.W.2d 851 (1976)
Eminent Domain:
Collis v. City of Bloomington, 246 N.W.2d 19 (1976)
Housing & Redevelopment Authority v. Phillips Petroleum Co. 202 N.W.2d 214 (1972)
State by Mattson v. Colon, 194 N.W.2d 574 (1972)

Environmental Law:
No Power Line, Inc. (NPL) v. Minnesota Environmental Quality Council, 250 N.W.2d 158 (1976)

Equity:
Fred O. Watson Co. v. United States Life Insurance Co., 258 N.W.2d 776 (1977)
Winter v. District Court, 208 N.W.2d 725 (1973)

Explosives:
Olson v. Village of Babbitt, 189 N.W.2d 701 (1971)

False Imprisonment:

Grand Jury:
In re Grand Jury of Wabasha County, 244 N.W.2d 253 (1976)

Husband and Wife:
Goza v. Fairmont National Bank, 195 N.W.2d 424 (1972)

Indians:

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Ramsey County Public Defender’s Office v. Fleming, 294 N.W.2d 275 (1980)
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Cherry v. Cherry, 203 N.W.2d 352 (1972)

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McEwen v. State Farm Mutual Insurance, 281 N.W.2d 843 (1979)
Mason v. Farmers Insurance Companies, 281 N.W.2d 344 (1979)
Engel v. Redwood County Farmers Mut. Ins. Co., 281 N.W.2d 331 (1979)
Lanoue v Fireman’s Fund American Insurance Companies, 278 N.W.2d 49 (1979)
Quast v. Prudential Property & Casualty Co., 267 N.W.2d 493 (1978)
Evans v. Government Employees Insurance Co., 257 N.W.2d 689 (1977)
Bituminous Casualty Corp. v. Bartlett, 240 N.W.2d 310 (1976)
Continental Casualty Co. v. Reserve Insurance Co., 238 N.W.2d 862 (1976)
Engelrup v. Potter, 224 N.W.2d 484 (1974)
Caspersen v. Webber, 213 N.W.2d 327 (1973)
Hagedorn v. Aid Association for Lutherans, 211 N.W.2d 154 (1973)
Northland Insurance Co. v. West, 201 N.W.2d 133 (1972)
Minn. Mutual Fire & Casualty Co. v. Benson, 195 N.W.2d 446 (1972)

**Intoxicating Liquors:**

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**Labor Relations:**
Minn. Arrowhead District Council v. St. Louis County, 290 N.W.2d 608 (1980)
Hanson v. I.D.S. Properties Management Co., 242 N.W.2d 833 (1976)
Johnson v. Ford Motor Co., 184 N.W.2d 786 (1971)

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**Mental Health:**

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Parkin v. Fitzgerald, 240 N.W.2d 828 (1976)
McCaleb v. Jackson, 239 N.W.2d 187 (1976)
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*City of St. Paul v. Whidby, 203 N.W.2d 823 (1972)
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Anderson v. Lutheran Deaconess Hospital, 257 N.W.2d 561 (1977)
Martineau v. Nelson, 247 N.W. 2d 409 (1976)
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*Mesaba Aviation Division of Halvorson Duluth, Inc. v. Itasca County, 258 N.W.2d 877 (1977)
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Burns v. Plachecki, 223 N.W.2d 133 (1974)
Alevizos v. Metropolitan Airports Commission, 216 N.W.2d 651 (1974)
*Fritz v. Warthen, 213 N.W.2d 339 (1973)
Metro 500, Inc. v. City of Brooklyn Park, 211 N.W.2d 358 (1973)
County of Freeborn by Tuveson v. Bryson, 210 N.W.2d 290 (1973)
Hutson v. Christensen, 203 N.W.2d 535 (1972)
Metropolitan Sewer Board v. Thiss, 200 N.W.2d 396 (1972)
*Inland Construction Co. v. City of Bloomington, 195 N.W.2d 558 (1972)
McPherson v. University Motors, Inc., 193 N.W.2d 616 (1972)
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Boquist v. Dayton-Hudson Corp., 209 N.W.2d 783 (1973)
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Housing and Redevelopment Authority of Minneapolis v. City of Minneapolis, 198 N.W.2d 531 (1972)
City of St. Paul v. Wiplinger, 186 N.W.2d 540 (1971)

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City of Rochester v. Carlson, 202 N.W.2d 632 (1972)

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Abex Corp. v. Commissioner of Taxation, 207 N.W.2d 37 (1973)

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*Almquist v. Town of Marshan, 245 N.W.2d 819 (1976)
Sun Oil Company v. Village of New Hope, 220 N.W.2d 256 (1974)