
Standing Order

Re: Assignment of Judges Following Peremptory Removal Requests

WHEREAS, Rule 26.03, subd. 14 (4)(a) of the Rules of Criminal Procedure requires that a peremptory notice to remove be served and filed within (7) days after the party receives notice of the name of the presiding judge; and

WHEREAS, Rule 26.03, subd. 14 (7) of the Rules of Criminal Procedure provides that if a judge is unavailable, the Chief Judge of the district must assign another judge to hear the matter; and

WHEREAS, Rule 63.03 of the Rules of Civil Procedure requires that a peremptory notice to remove be served and filed within (10) days after the party receives notice of the name of the judge; and

WHEREAS, Rule 63.03 of the Rules of Civil Procedure further provides that upon the filing of a notice to remove, the Chief Judge of the judicial district shall assign any other judge ... to hear the case; and

WHEREAS, requiring the Chief Judge to personally reassign judges in all eight counties whenever a peremptory notice to remove is filed would be impractical and result in undue delay due to the high volume of cases in the Tenth Judicial District; and

WHEREAS, it has been the long standing policy of the Tenth Judicial District, as memorialized in the Standing Order issued by former Tenth District Chief Judge James Gibbs, that the court administrators in each individual county reassign judges following the filing of a peremptory notice to remove; and

WHEREAS, "The Chief Judge may assign any judge of any court within the judicial district to hear any matter in any court of the judicial district," pursuant to Minn. Stat. § 484.69, subd. 3; and

Based on the foregoing, the Chief Judge enters the following:

ORDER

Pursuant to the authority granted to the undersigned in Minn. Stat. § 484.69, subd. 3, peremptory notices to remove filed in the Tenth Judicial District shall be assigned to judges in accordance with the applicable bench policy in each county.¹

DATED: July 16, 2019

BY THE COURT:

Chief Judge

¹ This Order only applies to the 7 day/10 day peremptory Notices to Remove and not any Notices to Remove that would require the filing party to make an affirmative showing of prejudice or show cause for the removal request.