

NO. 51882

STATE OF MINNESOTA

IN SUPREME COURT

In the Matter of the Redistricting of the County)
Courts in the Seventh Judicial District and the) PETITION
Creation of a New Eleventh Judicial District)

TO THE HONORABLE SUPREME COURT OF THE STATE OF MINNESOTA:

The Judicial Planning Committee respectfully reports, and recommends, to the Supreme Court:

1. The creation of a new Eleventh Judicial District composed of the Counties of Morrison, Mille Lacs, Stearns, Benton, Wright and Sherburne.

2. The establishment of three county court districts within the new judicial district as follows:

DISTRICT A. Morrison and Mille Lacs Counties.

DISTRICT B. Stearns and Benton Counties.

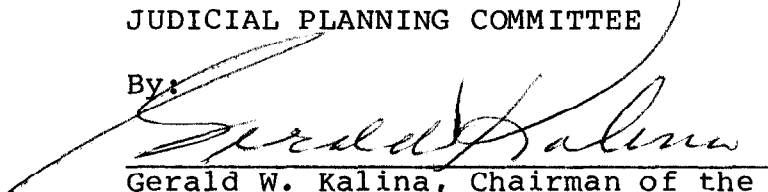
DISTRICT C. Wright and Sherburne Counties.

DATED: *October 14, 1950*

RESPECTFULLY SUBMITTED

JUDICIAL PLANNING COMMITTEE

By:


Gerald W. Kalina, Chairman of the
Subcommittee on Redistricting

IN RE: ELEVENTH JUDICIAL DISTRICT

APPENDIX 1

The Judicial Planning Committee respectfully reports, to the Supreme Court, the following administrative matters for action:

1. Judge Carroll Larson, a resident of Wright County within the proposed Eleventh Judicial District, should be permanently assigned to the Tenth Judicial District until retirement, resignation or death.
2. Judge Charles W. Kennedy, a resident of Wadena County within the new Seventh Judicial District should be assigned, from time-to-time, to the proposed Eleventh Judicial District. Judge Kennedy's chambers are currently in Little Falls.
3. The first vacant judgeship in the proposed county court of Stearns-Benton should be transferred to the proposed county court of Sherburne-Wright with chambers and residence in Sherburne County. Until a judgeship is transferred, judges of the Stearns-Benton County Court should be assigned from time-to-time to the Sherburne-Wright County Court.
4. The expressed need for additional judgeships in the Tenth Judicial District should be evaluated.
5. Judge Donald Gray's request to transfer chambers from Fergus Falls to Long Prairie should be reviewed.
6. Legislative funding for a district administrator to serve the proposed Eleventh Judicial District should be requested.

IN RE: ELEVENTH JUDICIAL DISTRICT

APPENDIX 2

The Judicial Planning Committee respectfully submits the following documents pertaining to the creation of the Eleventh Judicial District:

1. Memorandum Supporting Creation of the Eleventh Judicial District.
2. The Eleventh Judicial District: An Historical Perspective.

MEMORANDUM SUPPORTING CREATION
OF THE
ELEVENTH JUDICIAL DISTRICT

The Judicial Planning Committee recommends the creation of the Eleventh Judicial District comprising the following counties and county court districts:

- A. Morrison and Mille Lacs;
- B. Stearns and Benton; and
- C. Wright and Sherburne.

Establishing this new judicial district would reduce the Seventh Judicial District by the counties of Morrison, Mille Lacs, Stearns and Benton and would similarly reduce the Tenth Judicial District by Wright and Sherburne Counties. The following positive results would be yielded by implementation of the proposal:

1. Reduce the geographical size of the Seventh District and the Tenth District and create a moderately sized Eleventh District each of which would allow for efficient administration and calendaring within each district.
2. Minimize the burdens and expense of traveling required of judges, attorneys and the public.
3. Preserve existing communities of interest.

4. Maintain the St. Cloud metropolitan area within one judicial district.
5. Contain each county court district fully within judicial district boundaries.
6. Equitably allocate judges according to populations.
7. Provide multi-judge county court districts in all jurisdictions.

The Seventh Judicial District, as it is presently constituted, extends from Moorhead on the North Dakota border in a southeasterly direction well into the eastern portions of the state. Official mileage figures indicate that the greatest distance between county seats within the judicial district is 205 miles stretching between Moorhead in Clay County and Milaca in Mille Lacs County. It is nearly 170 miles between the two major cities of the district, Moorhead and St. Cloud. Originally formed to capitalize on the competing railroad passenger services with railheads in Moorhead and St. Cloud, the district, because of the extended distances, has become a burden as railroad travel has diminished as a necessity. The judges refer to the travel phenomenon as "windshield time". The district judges of the Seventh District maintain chambers in specific counties although they generally hold only one term of court per year there, while spending the rest of their time traveling elsewhere within the district. The great distances require that the judges must

devote an inordinate amount of time to traveling. Furthermore, the judges must carry the burden of spending their nights in hotels away from their chambers and their families. The excessive windshield factor makes it very difficult to effectively administer the district because travel time is such a determining factor. The traveling is also an added expense to the cost of the court system due to the high mileage, meals and lodgings incurred by the judges as they travel throughout the district. Most importantly, it is an extraordinarily inefficient use of our scarcest resource: our judges.

The Tenth Judicial District is not nearly as extended a geographic collection of counties. As presently constituted, the greatest distance is 91 miles between Pine City and Buffalo. However, Buffalo is also 77 miles from Mora and 81 miles from Chisago City. Elk River is 67 miles from Pine City, 59 miles from Center City and 53 miles from Mora. Yet there is another weighty factor which must be considered and that is the exceptional population growth which is projected through the year 2000. It is anticipated that the population will increase from 355,000 in 1970 to 722,000 by the year 2000. The Tenth District is already straining under the burden of the caseload caused by this population and it is apparent that additional population growth will put further strain on the courts ability to accommodate the caseload.

A proposed Eleventh Judicial District would reduce the number of counties and the overall size of both the Seventh and Tenth Judicial Districts. The greatest distance in the Seventh Judicial District, after reorganizing, would be reduced from 205 miles, as indicated above, to 107 miles. In the Tenth Judicial District, the greatest distance would be only 82 miles. In the proposed Eleventh Judicial District we find that the distance between Buffalo and Little Falls would be the greatest at 72 miles. The compact nature of the proposed Seventh, Tenth and Eleventh Judicial Districts would dramatically reduce the maximum travel distances found between county seats within these judicial districts and would consequently reduce the amount of travel time expended by the judges and the attorneys as well as the public. Additionally, each of the three judicial districts would encompass one major metropolitan area thus facilitating more efficient administration of the judicial districts by eliminating competing, metropolitan court requirements within a single judicial district.

The community of interests found within the various localities of the affected counties will be maintained to the extent possible. In the western portions of the reduced Seventh Judicial District, a community of interest is found which centers on Moorhead. A second community of interest is found in the St. Cloud area and the third in the Anoka area. Sherburne and Wright Counties pose special problems when

defining community of interests issues. The residents of the western portions of the counties maintain a community of interest with the St. Cloud area while the residents in the eastern portions of the counties identify with Anoka. The balance, however weighs more heavily in favor of inclusion of these two counties within the Eleventh Judicial District. Thus the counties were joined in the new Eleventh District.

Currently two county court districts are found to overlap the Seventh and Tenth Judicial District boundary. The first is the Mille Lacs-Kanabec County Court. Mille Lacs County is within the Seventh Judicial District and Kanabec County within the Tenth Judicial District. This two-county court is served by a single judge, Judge Paulson, who resides in Mille Lacs County. The second is the tri-county court district of Stearns and Benton Counties in the Seventh District and Sherburne County in the Tenth District. The tri-county court is served by five judges, all of whom reside within Stearns County. Continuation of county courts which overlap in two judicial districts impedes the efficient administration of the separate judicial districts. The availability of judges for assignment must always be second guessed against the possibility of assignment of those same judges by the other judicial district. This is a problem which must be addressed by the chief judge and the administrator of each of the districts. Further problems arise regarding the appropriate financial and administrative responsibilities where the

county court lines run in one direction, yet the judicial district responsibilities fall in another. The proposal to create the Eleventh Judicial District would eliminate this jurisdictional confusion. The tri-county court would be severed and the counties realigned by joining Stearns and Benton County in one county court district and joining Wright and Sherburne Counties into a second county court district. Mille Lacs and Morrison would form a third court and Kanabec County, although not designated at this time, would probably be joined with one or more of the counties in the Tenth Judicial District. The reorganization of these counties was impacted by the communities of interest as represented by the attorneys and others within the counties affected. The significant factor is that the county court districts will all be contained within a single judicial district.

The City of St. Cloud is another special factor which was considered. The City of St. Cloud lies in Stearns, Benton and Sherburne Counties and was the singular factor in the creation of the tri-county court referred to above. The unfortunate fact was that even with the tri-county court, the City of St. Cloud was within the jurisdiction of two separate judicial districts. The proposal provides for the containment of the city within the Eleventh Judicial District.

The tri-county court, as stated above, will be severed and two separate county courts will be established to meet the

interests of the residents. The relative importance of containing the city within the boundaries of one judicial district is paramount to other options for the efficient administration of the courts.

The combined population of the counties of the Eleventh Judicial District, as projected for calendar 1980, is 268,700. The overall judge to population ratio would be 1:23,392. The county judge to population ratio would be 1:29,855 and the district judge to population ratio would be 1:89,566. The overall ratio of judges in the reduced Seventh Judicial District would be 1:18,600. The overall judge to population ratio in the proposed Tenth Judicial District would be 1:23,200.

Each county court within the proposed Eleventh Judicial District will be comprised of two counties. Each county court district will be served by two or more county court judges. Creation of multi-judge courts enhance the court's ability to accommodate scheduling changes due to a judge's unavailability for illness, vacation and affidavits of prejudice. Also of importance is the increased population of attorneys from which gubernatorial appointments to county court judgeships can be made.

The 1977, the Court Reorganization Act granted to the Supreme Court the authority to alter both county court district and

judicial district boundary lines.

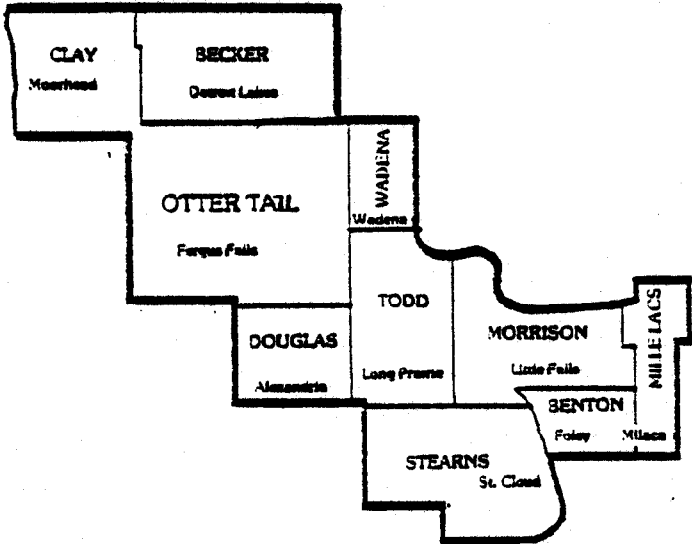
Minn. Stat. Section 2.722, subd. 2, 1978,
Altering Boundaries. The Supreme Court,
with the consent of a majority of the chief
judges of the judicial districts may alter
the boundaries or change the number of
judicial districts, except the Second and
Fourth Judicial Districts.

Minn. Stat. Section 487.01, subd. 6, 1978.
For the more effective administration of
justice, the Supreme Court may combine two
or more county court districts into a
single county court district....

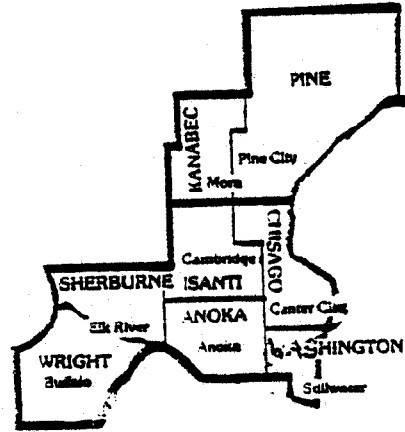
The recommendation of this Committee is consistent with this
authority.

Redistricting Proposals

Present:

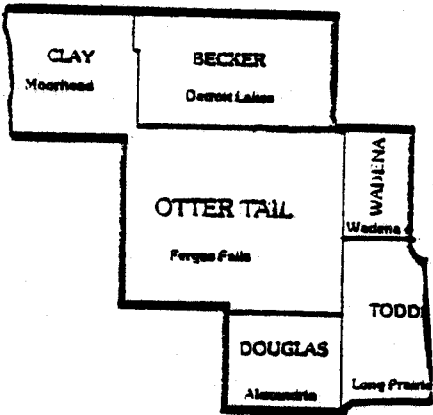


SEVENTH

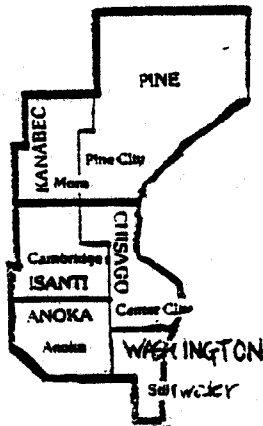


TENTH

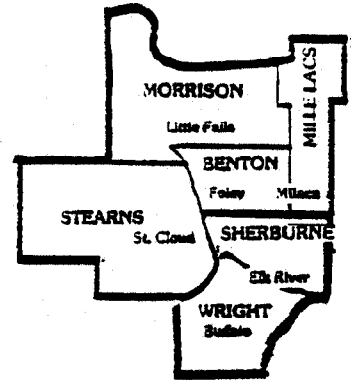
Proposed:



SEVENTH



TENTH



ELEVENTH

THE ELEVENTH JUDICIAL DISTRICT: An Historical Perspective
Redistricting Subcommittee
Judicial Planning Committee

At a regular meeting of the Redistricting Subcommittee held May 18, 1979, members reviewed a formal proposal to redistrict the Seventh Judicial District. The plan provided that the Seventh Judicial District be reduced to six counties organized in two county court districts, one consisting of Otter Tail, Clay and Becker Counties and the other comprising Todd, Wadena and Douglas Counties. More importantly, the plan provided that the Seventh District counties of Stearns, Morrison, Benton and Mille Lacs and the Tenth District county of Sherburne would be combined into a new Eleventh Judicial District. An alternative included in the plan would transfer Mille Lacs County to the Tenth Judicial District; the other counties would be reorganized as provided above. Following extensive discussion the Subcommittee recommended the adoption of the reduction of the Seventh District as constituted above; on October 18, 1979, the Supreme Court approved this proposal. In addition, the Subcommittee proposed that a Special Committee composed of representatives from both the Seventh and Tenth Judicial Districts be established to consider redistricting options for the eastern end of the Seventh District and the western portions of the Tenth District.

The position taken by the Tenth Judicial District judges on the redistricting matter approximated the plan submitted by the Seventh Judicial District. On October 18, 1978, the Tenth District judges met to consider redistricting options. The minutes reflect that the judges of the Tenth District resolved to transfer Sherburne County from the Tenth Judicial District to the Seventh or Eleventh Judicial District and to transfer Mille Lacs County from the Seventh Judicial District to the Tenth Judicial District. (A formal plan to redistrict the Tenth Judicial District in its entirety has not been considered by the Judicial Planning Committee.)

The Special Committee consisted of the following members from each judicial district appointed by the respective chief judge: one district court judge, one county court judge, one county board member, one bar association member and two citizens. The Special Committee was directed to report to the Redistricting Subcommittee by October of 1979. Chaired by Tenth District Chief Judge Carroll E. Larson, the Special Committee met on three occasions.

On a divided vote the Special Committee recommended to the Redistricting Subcommittee that multi-county courts which overlap judicial district boundary lines should be severed along those existing judicial district boundaries. No other changes were recommended. A minority report submitted to the Redistricting Subcommittee called for the creation of an

Eleventh Judicial District consisting of Stearns, Benton, Morrison, and Mille Lacs Counties from the Seventh Judicial District and Kanabec, Wright and Sherburne Counties from the Tenth District.

Following receipt of the report of the Special Committee, the Redistricting Subcommittee met twice to consider the issues and on December 13, 1979, voted to recommend the creation of a new judicial district composed of Morrison, Mille Lacs, Kanabec, Stearns, Benton, Sherburne and Wright Counties. Within the district, three county court districts would be established: one consisting of Morrison, Mille Lacs and Kanabec; another consisting of Sherburne, Benton and Stearns; and a third consisting of Wright County.

The Judicial Planning Committee met on December 21, 1979, to discuss the redistricting topic, but the matter was not resolved. A number of judges and attorneys from Wright County protested the inclusion of Wright County in the proposed new district. Following this meeting, several judges and attorneys from the affected areas of the Seventh and Tenth Judicial Districts met as an ad hoc committee to attempt to reach agreement. In a letter dated January 19, 1980, Paul Hoffman, Chief Judge of the Seventh Judicial District, stated that the ad hoc committee would prefer no change but that if redistricting was necessary, they agreed to the creation of an Eleventh Judicial District composed of the following counties

and county court districts: Wright and Sherburne; Stearns and Benton; and Morrison, Mille Lacs and Kanabec. Judge Larson also indicated his approval of the proposed new district.

The Judicial Planning Committee convened on March 7, 1980, to discuss the proposed redistricting plan. Neither Judge Hoffman nor Judge Larson was present, although a number of others appeared at the meeting and spoke in opposition to the proposed plan. The Chairman referred the matter back to the Redistricting Subcommittee for further study.

The Redistricting Subcommittee reconsidered the Eleventh District proposal on May 2, 1980. Following testimony from guests and a discussion, the members again resolved to recommend creation of a new judicial district. The Subcommittee subsequently held a public hearing on the plan in Little Falls on June 13, 1980. Written notice of the meeting was given to all attorneys and judges in the Seventh and Tenth Judicial Districts. Approximately 50 people attended the hearing and several testified regarding the proposed plan. No consensus was apparent among the guests present. However, the dialogue supported reassessment of the inclusion of Kanabec County with the Eleventh Judicial District, on the grounds that its interests lie with the counties of the Tenth Judicial District rather than the Eleventh. Those present were advised that the Subcommittee would make its final recommendation in the near future.

The Redistricting Subcommittee met on July 11, 1980, to reconsider the proposed Eleventh Judicial District. The following issues were once again reviewed by the Subcommittee:

1. Will the plan satisfy redistricting criteria and guidelines suggested by the Supreme Court?
 - A. Elimination of multi-county court districts which overlap judicial district boundaries.
 - B. Creation of county court districts serving a population of approximately 20,000 to 25,000 people per judge.
 - C. Creation of multi-county, multi-judge county court districts by combining single judge courts.
2. Will the City of St. Cloud be located within one judicial district?
3. Would judicial travel be minimized?
4. Would existing communities of interest be preserved?
5. Are the constitutional and statutory limitations observed?

The Redistricting Subcommittee resolved to recommend the creation of an Eleventh Judicial District consisting of the following counties and county court districts:

- A. Morrison and Mille Lacs Counties;
- B. Stearns and Benton; and
- C. Wright and Sherburne.

Proponents of the status quo plan primarily cite personal interests as the reasons for maintaining the present divisions. In 1929, redistricting of judicial districts was also being considered. Opponents of change then posited similar reasons for maintaining their status quo. An attorney general's opinion was requested on the validity of personal interests of judges impacting redistricting plans. That is, does a judge or lawyer obtain a vested right in the status quo and if not, what role should their personal reasons have in determining new judicial boundaries. That well reasoned opinion has maintained its vitality and is applicable to the issues confronting the Judicial Planning Committee. In particular:

"The great fallacy, as we view the case, in the argument in favor of the plaintiff, and the cases cited by him, is that the rights of the particular individual who chances to be elected judge are looked upon as paramount and superior to the rights of the public. The correct view is that a public officer, no matter what the department of the government in which he serves, is a public servant. A district judge is provided to aid in the administration of the laws. While it is right that the public should deal justly with him, his individual rights are by no means of primary importance... ." Biennial Report Attorney General, 1929, Opinion 173, p. 172.

The most persuasive argument supporting the proposal to create an Eleventh District is that the plan is a logical and efficient solution to the problems in the judicial districts and meets the criteria set forth by the Supreme Court. The Subcommittee believes that it has fulfilled its responsibilities regarding this plan and recommends its adoption to the Supreme Court and the Conference of Chief Judges and Assistant Chief Judges.

NIERENGARTEN & COMPANY LAW OFFICES

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711 1/2 ST. GERMAIN MALL

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ROGER J. NIERENGARTEN

~~XXXXXXXXXXXXXXXXXXXX~~

William Schroeder

TELEPHONE 281-3602

AREA CODE 612

March 23, 1979

Honorable Donald Gray
 Judge of District Court
 Court Chambers - Todd County Courthouse
 Long Prairie, Minnesota 56347

Dear Judge Gray:

As has been pointed out previously by Judge Klaphake, the 1977 Court Re-Organization Act does not require integration but only permits each district to determine the pace and the extent of the integration of the trial courts.

Please consider the enclosed suggestions as the Seventh Judicial District Bar Re-Districting committee's contribution towards resolution of the question of integration of the courts in the Seventh Judicial District.

Members of the committee plan to meet with the Judges at the Holiday Inn in Alexandria, Minnesota, and will be prepared to appear in support of the enclosed proposal immediately following lunch. As of this writing, Robert Irving and the undersigned will not be present on April 6th, both of us being on vacation. However, John Simonett has graciously agreed to serve as chairman for the group in my absence and, as far as can be ascertained, all the rest of the committee members will be present.

I wish to express in advance the gratitude of myself and the committee for the encouragement we have received from the bench in developing our own proposals on behalf of the bar on the matter of integration of the court systems in the Seventh Judicial District.

Very truly,



Roger J. Nierengarten

RJN:csr

cc: Hon. Richard Ahles
 Hon. Ellilt O. Boe
 Hon. Leonard M. Paulson
 Hon. Rainer L. Weis
 Hon. James E. Garrity
 Hon. Charles R. Kennedy
 Hon. Willard P. Lorette
 Hon. Homer Saetre
 Mr. James Slotte

Hon Paul L. Ballard
 Hon. Paul J. Doerner
 Hon. Richard S. Roberts
 Hon George P. Wetzel
 Hon Paul G. Hoffman
 Hon. Hon. Don E. Kennedy
 Hon. Gaylord Saetre
 Hon. Sigwel Wood

EXHIBIT "A"

LAW OFFICES
NIERENGARTEN & GEMPELER

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ROGER J. NIERENGARTEN
GEOFFREY J. GEMPELER

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AREA CODE 612

TO: JUDGES OF THE SEVENTH JUDICIAL DISTRICT:

Gentlemen:

The Re-districting Committee of the Seventh Judicial District Bar has spent some time in study of the proposed combination and integration of the county and district courts of the Seventh Judicial District. The committee has acted in response to the 1977 Court Re-organization Act, generally, and specifically, to the various proposals that have been presented in the Seventh Judicial District on the subject of court integration, rotation of judges, etc. Rather than respond specifically to the various items contained in said proposals, the committee's response is addressed to two main problems presented by those proposals, viz. (1) court unification which appears to make county and district court, in effect, interchangeable and undistinguishable, and (2) the constitutional questions involved in such unification.

As to the first matter, there is real concern of the committee concerning the maintenance and integrity of the constitutional, historic and practical distinctions between the district and county courts. As a practical matter, present day litigation requires court division. County courts are structured to handle matters of less serious import, including criminal matters of the misdemeanor status and civil matters concerning a lesser monetary value. Both of these types of matters usually require shorter lengths of time in which to be disposed of. District court cases tend to involve multiple parties and trials several days or even weeks in length. As a result, district court calendars, with greater time flexibility, have been able to handle such litigation expeditiously and efficiently whereas county court schedules are such that it is difficult to set aside a large amount of time to take care of single matters without clogging the calendars.

With the development of consumer-type, products liability and malpractice litigation, legal issues are becoming more complex. As complexity requires more specialty among the bar, it also requires more specialization on the bench. It appears to the committee that this specialization can best be assured by continuing the practice of having the district courts handle these type of cases, assuming the jurisdictional requirements exist. The county courts could continue with the routine daily work that now most naturally falls within the jurisdictional limits of the county court. The committee, however, by this position, does not negate the relative importance of different courts, all of them being equally important. However, providing justice to the public on a competent and efficient basis should remain the constant goal of both bench and bar. No one can quarrel that specialization on the bench, with the experience that comes with it, develops judicial expertise.

The committee also considers it essential that the district continue the practice of the rotation of district judges throughout the counties of the Seventh Judicial District. Both the bench and the bar recognize that impartiality and objectivity is best assured when the same judge is not always hearing the cases presented by the same lawyers. Therefore, the committee deems it essential that the district retain, at the district court level, the rotation of district judges throughout the counties of the Seventh Judicial District. There may be some modification of the current circuit practice to reduce traveling so long as each county has at least two different district judges during the year. A more refined solution would have the four district judges hold jury sessions once each year in their county seat of permanent chambers and in the neighboring counties and one of the other three judges then succeeding the resident judge for the second jury term that year. On a rotating basis, over a three-year period, each of the four district judges will have conducted a court term in each of the counties of the district. However, at the same time, each district judge will have had an opportunity to handle the court work closest to his chambers of permanent residence during half the terms of each year.

The committee, composed of trial lawyers who, as a group, will be most affected by judicial change, feel that they speak from a position of personal knowledge and authority when they suggest that the jury trial work of a district can be accommodated adequately and properly if semi-annual opportunities are offered to dispose of jury cases ready for trial in each county. This could be accomplished by calendar call to identify the cases ready for trial over the next five or ten weeks and setting those cases on for trial mutually convenient to court and counsel. In such manner, the court can circulate among several neighboring counties to dispose of these cases as the dates set for trial arrive. The present trial system has worked rather well in the Seventh Judicial District. Cases have and are being tried promptly. If there are areas or times of case overload, it is possible that these could be handled by assignment of a county or district judge to the other court. For example, in the handling of preliminary criminal procedures or certain civil cases, this could be accomplished.

Another consideration the committee studied is the possible increase in the administrative costs as a result of the proposed unification of the court system. One proposal which interchanges all judges, appears to create two divisions in the Seventh Judicial District plus numerous sub-divisions with the addition of considerable additional court personnel. At this time the committee does not quite see the necessity of increasing such administrative costs.

Finally, and just as serious, the committee thinks there are grave constitutional questions that are raised by the proposed court unification. M.S.A. 484.69 does not appear to contain legislative direction to effect a unified court system. The language that comes closest to such suggestion is in Subd. 3 thereof reading as follows:

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. When a judge of a court is assigned to another court he is vested with the powers of a judge of the court to which he is assigned.

The clause appears to give the chief judge some descretion in making specific assignments when certain situations demand it. But it is an assignment on particular matters and does not appear to envision the assignment of all county judges "to serve as county judges and district judges at any time and any location within the Seventh Judicial District", the language contained in a prior order proposed by one of the county judges.

In addition, the Constitution appears to block such integration. Article VI, Section I, requires; " A district court and such other courts....with jurisdiction inferior to district court.....". Section VII of that article requires that judges "be elected by the voters from the area from which they are to serve....". Such language seems to prevent county court judges serving, other than on temporary assignment pursuant to M.S. 484.69, on matters in counties in which they have not been elected as either county or district judges. Such assignment suggests a violation of Article I, Section II, providing that no citizens of the state shall be disenfranchised.

In summary, the committee does not wish to interfere with any proposed re-organization of the bench in the Seventh Judicial District that improves the administration of justice. However, for the reasons above stated, at least at this time, the committee finds no reason to change the existing structure of the bench in the Seventh Judicial District other than as suggested herein. We ask the Seventh Judicial District bench to allow us to personally appear at their next meeting in April in support of the matters that we have related in this letter.

Respectfully,

/s/ Roger Nierengarten

Roger J. Nierengarten
Chairman of The Re-Districting Committee

/s/ Paul Flora

Paul Flora

/s/ Ralph Tillitt

Ralph Tillitt

/s/ John Simonett

John Simonett

/s/ Richard Pemberton

Richard Pemberton

/s/ Richard Quinlivan

Richard Quinlivan

/s/ Charles R. Kennedy

Charles R. Kennedy

/s/ Robert W. Irvine

Robert W. Irvine

DEPARTMENT Judicial Planning Committee**Office Memorandum**TO : Members of the Special
Redistricting Committee

DATE: August 8, 1979

FROM : Susan M. Saetra *SMs*PHONE: 296-6282SUBJECT: Possible Redistricting Options for the Seventh
and Tenth Judicial Districts

The purpose of this memorandum is to outline some of the options for redistricting the eastern end of the seventh and the western end of the tenth judicial districts. The options listed have been considered at one time or another by other groups concerned with this issue, and they are not presented here with any recommendation. I would, however, like you to be aware of the possibilities as a beginning point for the committee discussions.

I'm not listing all the positive and negative points for each option, since they will also come up during your consideration of the issues, but I have listed some of the constraints involved in the option of adding another judicial district.

Current Situation

As you can see from the judicial district map enclosed with the last mailing, the seventh judicial district has 10 counties and the tenth judicial district has eight. The Judicial Planning Committee Redistricting Subcommittee recommended that the counties of Clay, Becker, and Ottertail be one county court district and that the counties of Douglas, Todd and Wadena comprise another county court district in the seventh judicial district.

The issue therefore in the seventh lies with Stearns, Morrison, Mille Lacs and Benton counties. The problem, which involves the tenth district is that Sherburne county, which is in the tenth judicial district, is currently in a county court district with Stearns and Benton counties in the seventh judicial district. Morrison functions as a single county court district and Mille Lacs county and Kanabec county comprise a county court district which also crosses jurisdictional boundaries.

Therefore the main problem that the committee must address is the overlap of current county court districts into two judicial districts.

Factors to consider in addition to the general Supreme Court guidelines will include: population distribution, judge/caseload data, administrative differences in the two judicial districts and concerns of the public, the judges, and the bar. This data will be provided later as it is needed in committee discussion.

EXHIBIT "B"

TENTH JUDICIAL DISTRICT



HONORABLE CARROLL E. LARSON
Judge of District Court

Wright County Courthouse
Buffalo, MN 55313
612 339-6881

December 19, 1979

The Supreme Court of Minnesota
Judicial Planning Committee
40 North Milton
St. Paul, MN 55104

Gentlemen:

I was somewhat surprised and disappointed that at the subcommittee's December 13th meeting there was a unanimous resolution proposing a new judicial district involving Wright County.

I'm very much opposed to the creation of a new district for several reasons:

1. My understanding is there would be two District Judges in the District. This is highly impractical in view of vacations, seminars, illness, and other conditions that might cause a Judge to be absent.
2. I'm now the chief Judge of the Tenth Judicial District and even though I do not relish the office, it would be highly arbitrary to sever this and my other connections with the Tenth District.
3. The Bench and Bar of Wright and Sherburne Counties are unanimously opposed to the creation of a new district.
4. Finally, I would deem it a lack of consideration of my tenure and service for more than 12 years in the Tenth Judicial District.

EXHIBIT "C"

The Supreme Court of Minnesota
Judicial Planning Committee
40 North Milton
St. Paul, MN 55104

I'm unable to attend the meeting of the 21st, but I
do want to record my disappointment.

Sincerely,

A handwritten signature in cursive script that reads "Carroll E. Larson". The signature is written in dark ink and is positioned to the right of the typed name.

Carroll E. Larson

CEL:sjs

The meeting reconvened at 2:04 p.m., and President Johnson called on Roger Nierengarten to report on redistricting. Nierengarten indicated that on October 4, 1979, the Supreme Court had adopted county court redistricting. The proposal for redistricting involves the creation of a new district which would be numbered 11 comprising Morrison, Benton, Stearns, Sherburne, Mille Lacs, Wright and Kanabec Counties. The Seventh District would comprise Clay, Becker, Ottertail, Douglas, Wadena and Todd Counties. Nierengarten related some of the history of the former redistricting attempts and some of the problems that his committee has encountered. He mentioned that the Judicial Planning Committee is in favor of two districts. Presently, Judges Saetre and Gray would serve the Seventh District and Judge Hoffman and Carol Larson of the present Tenth District would serve the Eleventh with Judge Kennedy being on call for both districts until he retires. At this point, Greg Lang, a staff member of the Judicial Planning Committee took the podium to report for the committee. He indicated that there may have to be another hearing because of some claims of inadequate notice on previous hearings indicating the meeting would probably be held someplace else than St. Paul. Much discussion followed and varying points of view were expressed. Norman Arveson moved that we keep the Seventh District as is. Motion seconded by Simonett and passed.

I, JAMES O. RAMSTAD, Secretary-Treasurer of the Seventh Judicial Bar Association, hereby certify that this photo copy is a true, accurate and correct excerpt from the minutes of the meeting of the Seventh Judicial Bar Association held in Wadena, Minnesota, on May 10, 1980.

James O. Ramstad

TABLE 1
 Revised Minnesota County Population Projections: 1970-2000

County	(Census)	(Estimate)	Projections				
	1970	1975	1980	1985	1990	1995	2000
Aitkin	11,400	12,400	13,600	14,100	14,600	15,100	15,400
Anoka	154,700	185,400	209,800	233,100	260,300	282,300	305,900
Becker	24,400	26,600	28,600	29,800	30,800	31,400	31,800
Beltrami	26,400	29,200	31,700	33,700	35,500	37,100	38,400
Benton	20,800	23,000	24,000	25,600	27,000	28,600	29,700
Big Stone	7,900	7,900	7,600	7,600	7,500	7,300	7,000
Blue Earth	52,300	51,600	52,400	53,300	54,200	54,900	55,500
Brown	28,900	29,700	29,300	30,000	30,600	30,800	30,700
Carlton	28,100	28,600	30,600	31,600	32,200	32,400	32,100
Carver	28,300	33,500	37,300	40,700	43,600	45,900	47,800
Cass	17,300	19,500	21,800	23,300	24,300	25,100	25,800
Chippewa	15,100	15,400	16,100	16,100	15,900	15,600	15,200
Chisago	17,500	21,900	25,300	29,700	34,400	39,800	44,900
Clay	46,600	46,600	49,300	51,100	52,400	53,400	54,000
Clearwater	8,000	8,700	9,300	9,600	9,700	9,700	9,500
Cook	3,400	3,700	4,400	4,700	4,800	4,800	4,900
Cottonwood	14,900	15,200	15,700	15,900	15,900	15,700	15,200
Crow Wing	34,800	38,700	41,300	43,800	46,200	48,500	50,600
Dakota	139,800	145,100	202,200	225,800	249,300	272,400	293,300
Dodge	13,000	13,400	13,400	13,500	13,600	13,600	13,400
Douglas	22,900	24,900	26,800	28,700	30,500	32,300	33,100
Faribault	20,900	20,200	19,600	19,100	18,700	18,100	17,300
Fillmore	21,900	21,900	21,700	21,500	21,200	20,800	20,400
Freeborn	38,100	36,700	37,400	37,800	37,900	37,600	36,800
Goodhue	34,800	37,600	39,900	42,300	44,500	46,600	48,600
Grant	7,500	7,400	7,500	7,300	7,200	7,000	6,600
Hennepin	960,100	921,000	899,400	891,200	886,000	882,500	880,000
Houston	17,600	17,900	18,400	18,800	19,200	19,500	19,900
Hubbard	10,600	12,200	13,600	14,700	15,800	16,800	17,500
Isanti	16,600	19,900	21,700	25,300	29,000	33,000	37,000

County

County	(Census)	(Estimate)	Projections				
	1970	1975	1980	1985	1990	1995	2000
Itasca	35,500	38,300	43,800	45,800	47,000	47,300	46,500
Jackson	14,400	14,600	14,200	14,100	14,000	13,700	13,200
Kanabec	9,800	11,300	11,800	12,900	14,000	15,300	16,500
Kandiyohi	30,500	32,500	34,900	36,200	37,400	38,400	39,100
Kittson	6,900	6,800	6,900	6,800	6,700	6,500	6,200
Koochiching	17,100	17,500	18,000	18,300	18,400	18,300	17,800
Lac Qui Parle	11,200	11,200	11,200	11,100	10,900	10,700	10,400
Lake	13,400	13,600	14,600	15,000	15,100	15,000	14,700
Lake of the Woods	4,000	4,300	4,200	4,300	4,300	4,300	4,200
Le Sueur	21,300	22,300	22,200	22,600	23,000	23,300	23,500
Lincoln	8,100	8,300	8,300	8,300	8,200	8,100	7,900
Lyon	24,300	24,700	25,600	26,200	26,700	27,200	27,600
McLeod	27,700	29,000	30,500	32,200	33,800	35,400	37,400
Mahnomen	5,600	5,800	5,800	5,900	5,800	5,600	5,400
Marshall	13,100	13,200	13,700	13,800	13,800	13,700	13,400
Martin	24,300	25,000	25,200	25,300	25,100	24,700	24,300
Meeker	18,400	18,700	20,700	21,300	21,700	22,100	22,300
Mille Lacs	15,700	17,900	19,400	20,800	22,000	22,900	23,500
Morrison	26,900	27,700	28,400	28,800	29,100	29,100	28,700
Mower	43,900	43,500	42,600	43,000	43,400	43,100	41,900
Murray	12,500	11,800	12,500	12,600	12,500	12,200	11,700
Nicollet	24,500	24,600	25,600	26,200	26,600	27,000	27,300
Nobles	23,200	23,100	23,400	23,800	23,900	23,700	23,100
Notman	10,000	9,400	10,200	10,300	10,200	10,000	9,600
Olmsted	84,100	88,400	95,800	103,900	112,200	119,500	125,500
Otter Tail	46,100	48,500	50,300	51,300	52,000	52,200	51,700
Pennington	13,300	14,500	15,600	16,500	17,300	18,000	18,600
Pine	16,800	18,500	19,700	20,500	21,200	21,800	22,200
Pipestone	12,800	12,000	11,700	11,800	11,700	11,500	11,100
Polk	34,400	35,100	37,300	37,700	37,600	37,300	36,500
Pope	11,100	11,000	11,500	11,600	11,600	11,500	11,400
Ramsey	476,300	460,300	450,100	446,500	444,500	443,000	442,000
Red Lake	5,400	5,300	5,200	5,200	5,200	5,200	5,100
Redwood	20,000	19,600	19,400	19,600	19,500	19,100	18,500
Renville	21,100	20,900	21,400	21,600	21,500	21,200	20,800

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County	(Census)	(Estimate)	Projections				
	1970	1975	1980	1985	1990	1995	2000
Rice	41,600	43,500	46,200	47,900	49,100	50,500	51,700
Rock	11,300	11,400	11,400	11,500	11,600	11,500	11,300
Roseau	11,600	12,200	13,100	13,500	13,700	13,800	13,700
St. Louis	220,700	216,600	224,500	227,400	229,900	232,100	234,000
Scott	32,400	39,600	44,600	48,600	51,700	55,500	58,700
Sherburne	18,300	25,600	32,100	37,300	41,200	43,900	45,300
Sibley	15,800	15,700	15,700	15,900	16,000	16,000	15,800
Stearns	95,400	102,300	109,600	115,700	121,100	125,600	129,300
Steele	26,900	28,700	30,100	31,200	32,000	32,500	32,700
Stevens	11,200	11,200	11,000	10,900	10,900	10,800	10,700
Swift	13,200	13,300	13,200	13,100	13,000	12,800	12,400
Todd	22,100	23,300	25,000	25,700	26,200	26,600	26,700
Traverse	6,300	6,100	6,000	6,100	5,900	5,700	5,500
Wabasha	17,200	18,400	19,400	19,800	20,000	20,100	20,100
Wadena	12,400	13,300	13,900	14,100	14,200	14,100	13,900
Waseca	16,700	17,800	18,300	18,700	19,100	19,400	19,500
Washington	83,000	103,400	119,300	131,000	141,900	153,900	163,500
Watonwan	13,300	12,600	12,100	11,900	11,800	11,600	11,300
Wilkin	9,400	8,900	8,800	8,700	8,600	8,400	8,100
Winona	44,400	45,100	45,600	45,800	46,000	46,100	46,200
Wright	38,900	47,700	55,200	63,200	71,100	79,100	87,000
Yellow Medicine	14,500	14,200	14,100	14,100	14,100	13,900	13,500
STATE	3,806,100	3,921,000	4,070,600	4,203,600	4,329,700	4,440,400	4,529,600