

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

In re Public Hearing on Vacancies in  
Judicial Positions in the Third  
Judicial District

ORDER

WHEREAS, the provisions of Minnesota Statutes Section 2.722, Subd. 1a (1985), prescribe certain procedures to determine whether a judicial position which is vacated by the retirement of an incumbent judge should be continued, transferred or abolished;

WHEREAS, the provisions of the above statute require the Supreme Court to consult with attorneys and judges in the affected judicial district to determine whether the vacant office is necessary for effective judicial administration, and, after making such determination, to decide whether to certify the vacancy to the Governor with 90 days after receiving notice of the retirement from the Governor; and

WHEREAS, Governor Rudy Perpich has notified the Supreme Court that vacancies in the Third Judicial District will occur as a consequence of the retirements of Judge William Nierengarten and Judge S. A. Sawyer; and

WHEREAS, the Supreme Court intends to consider weighted caseload information, which indicates that there currently exists a surplus of judicial positions in the Third Judicial District, in determining whether to certify the vacancies to the Governor in the above judicial positions; and

WHEREAS, the Supreme Court wishes to hold a public hearing in the Third Judicial District and to receive relevant supplemental information regarding judges and judicial resource needs from attorneys and other interested persons at that time;

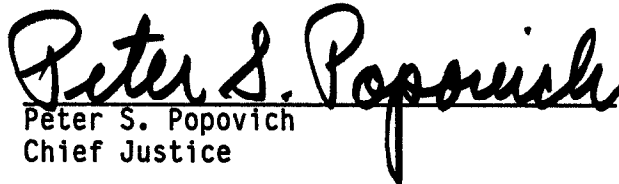
NOW, THEREFORE IT IS HEREBY ORDERED that a public hearing be held in main courtroom in the Mower County Courthouse, Courtroom 1, in Austin, Minnesota at 10 a.m. on April 17, 1989;

IT IS FURTHER ORDERED that persons wishing to have the Supreme Court consider information concerning the continuation of the judicial vacancy described above shall file ten copies of a written summary of such information and, if applicable, their desire to make an oral presentation at the hearing, with the Supreme Court at least five days before the hearing, at the following address: Clerk of Appellate Courts, 230 State Capitol, St. Paul, Minnesota 55155.

IT IS FURTHER ORDERED that persons who wish to obtain information concerning the weighted caseload analysis and its application to the vacancy in the Third Judicial District shall direct their inquiries to: Mr. Wayne Kobbervig, 1745 University Avenue W., Suite 302, St. Paul, Minnesota 55104.

Dated March 22, 1989

BY THE COURT

  
Peter S. Popovich  
Chief Justice

OFFICE OF  
APPELLATE COURTS

MAR 23 1989

FILED

STATE OF MINNESOTA  
IN SUPREME COURT

OFFICE OF  
APPELLATE COURTS

MAR 27 1989

**FILED**

In re Public Hearing on Vacancies in  
Judicial Positions in the Third  
Judicial District

The undersigned is one of the District Judges that will be directly affected by the decision to fill the judicial vacancy in Winona County.

That the weighted caseload study applies to an average caseload on a statewide basis and is misleading when applied to the situation presented by this vacancy.

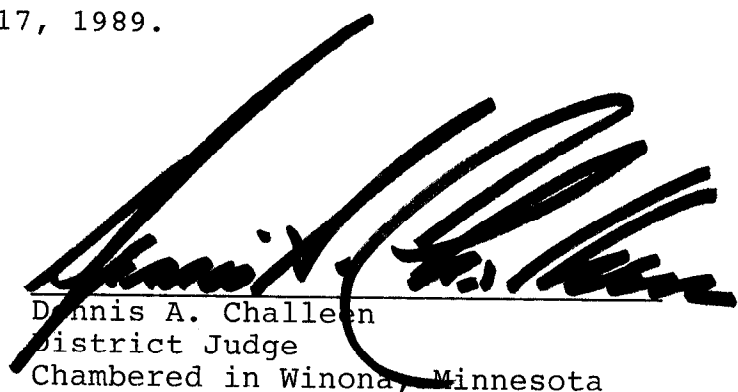
That the weighted caseload in Winona County has steadily increased over the preceding years and will increase in the future. That Houston and Wabasha Counties have a weighted caseload that will require the attention of a full-time judge and their respective judges will be of little help to Winona County.

That the solution to the immediate problem is not to make any transfer at this time; that the vacancy in Winona County should be filled by appointment with the following conditions:

- 1) That the new judge be chambered in Winona where a new modern courtroom and chambers stands available.

- 2) That the new judge accept the appointment with the understanding that 1/2 of his/her time will be utilized in Olmsted County or elsewhere as directed by the Chief Judge, and that said arrangement continue until the weighted caseload in Winona justifies a full-time judge; and upon such event a new judgeship should be legislatively created for Olmsted County.

The undersigned wishes to make a short oral presentation at the hearing in Austin on April 17, 1989.



Dennis A. Challen  
District Judge  
Chambered in Winona, Minnesota



OWATONNA AREA  
**Chamber of Commerce**

320 HOFFMAN DRIVE / P.O. BOX 331 / OWATONNA, MINNESOTA 55060 / PHONE: (507) 451-7970

April 4, 1989

OFFICE OF  
APPELLATE COURTS

APR 4 1989

**FILED**

Clerk of Appellate Courts  
230 State Capitol  
St. Paul, Minnesota 55155

Re: April 17, 1989, Public Hearing on  
Judicial Vacancies in the Third Judicial District

Dear Sir/Madam:

Please be advised that the undersigned desires to make an oral presentation at the public hearing to be held in the Mower County Courthouse in Austin, Minnesota, at 10:00 o'clock a.m., on April 17, 1989, concerning judicial vacancies in the Third Judicial District.

Enclosed are ten (10) copies of a written summary of some of the information that I wish to present at the hearing.

Yours very truly,

Ted G. Ringhofer

Enclosures



OWATONNA, MINNESOTA -- DEMOGRAPHIC/GROWTH INFORMATION  
(updated 4/89)

Retail Sales: 1985 - \$116,031,084  
1987 - \$136,370,948 + \$20,339,864

Population: 1980 - 18,632  
1989 - 19,350 (estimate + 718

Households: 1980 - 6,746  
1989 - 7,635 + 889

<u>New Houses:</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
Owatonna	65	61	74
Northfield	28	55	?
Faribault	?	35	48
Waseca	55	13	?
Austin	19	18	18
Albert Lea	5	2	13

Building permits: 1980 - \$5,244,639  
1985 - \$18,890,684  
1986 - \$29,518,644  
1987 - \$10,329,368  
1988 - \$11,500,000  
1989 - \$25,000,000 (projected)

School Enrollments: (Public, Parochial, & Private)

1984	4,991	1987	4,835
1985	4,825	1988	4,826
1986	4,711	1989	5,005

New employees: 1985 - 425 increase  
(tracked in 1986 - 451 increase  
Owatonna) 1987 - 417 increase  
1988 - 514 increase  
1989 - 550 (estimate)

Total Employment: (Steele County)  
1/87 - 13,512; 1/88 - 14,448; 1/89 - 15,086

<u>New Businesses</u>	<u>Starts</u>	<u>Lost</u>	<u>Net</u>
1982	49	15	+ 34
1985	40	24	+ 16
1986	33	16	+ 17
1987	23	22	+ 1
1988	24	10	+ 14

COMPANY GROWTH BY NUMBER OF EMPLOYEES -- Owatonna, Minnesota

<u>Company</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Owatonna Tool Co.	1,096	1,350	1,348	1,200	1,150	975	1,085	1,100	1,193	1,106	1,129	1,129
Federated Insurance	547	614	645	645	658	669	690	798	926	909	960	997
Josten's, Inc.	698	624	612	512	498	492	500	503	517	517	500	520
Owatonna Mfg. Co.	479	563	563	400	430	306	200	250	-	50	135	135
Owatonna Canning Co. (+ seasonal)	325	300	300	350	350	350	325	325	325	300	300	300
Viracon, Inc.	290	300	330	330	300	320	377	399	598	598	621	800
Wenger Corporation	192	199	204	255	298	272	250	260	230	230	268	290
Truth, Inc.	304	306	342	288	279	261	350	263	400	330	387	434
King Company	NA	NA	73	139	153	180	221	232	263	263	237	245
Omark Hydro-Ax	-	-	-	-	-	-	126	137	139	144	153	153
Eagle Fitness	-	-	-	-	-	-	51	109	150	147	156	156
Gandy Company	90	90	90	75	69	71	73	63	52	41	41	52
National Computer								120	145	143	141	141
Marcon Coatings Inc.									30	30	47	105
	<u>4,021</u>	<u>4,346</u>	<u>4,507</u>	<u>4,194</u>	<u>4,185</u>	<u>3,896</u>	<u>4,248</u>	<u>4,559</u>	<u>4,968</u>	<u>4,808</u>	<u>5,075</u>	<u>5,457</u>

RIETZ, RIETZ & RIETZ

LARRY J. RIETZ  
NEAL L. RIETZ  
DEAN K. RIETZ

ASSOCIATE  
RENEE L. WORKE

ATTORNEYS AT LAW  
LAW BUILDING 118 NORTH CEDAR  
P. O. BOX 264  
OWATONNA, MINNESOTA  
55060

OF COUNSEL  
JAMES K. RIETZ

PHONE 451-6520  
AREA 507  
FAX (507) 451-7656

April 10, 1989

OFFICE OF  
APPELLATE COURTS

APR 11 1989

**FILED**

Clerk of Appellate Courts  
230 State Capitol  
St. Paul, MN 55155

Re: April 17, 1989, Public Hearing on Judicial Vacancies  
in the Third Judicial District

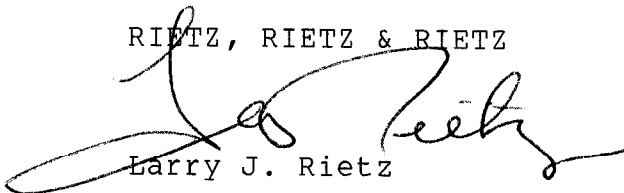
Dear Sir/Madam:

The Steele County Bar Association has designated me to speak on its behalf at the public hearing to be held in the Mower County Courthouse in Austin, Minnesota, on April 17, 1989, concerning judicial vacancies in the Third Judicial District. Please add my name to the list of speakers.

Enclosed are copies of a Resolution which was passed at the Steele County Bar Association on April 7, 1989. My presentation will involve the matters discussed in the Resolution.

Yours very truly,

RIETZ, RIETZ & RIETZ



Larry J. Rietz

LJR:pjo  
Enclosure



## R E S O L U T I O N

WHEREAS, according to the Minnesota Weighted Caseload Study for the Third Judicial District, Steele County has, over the past few years, shown a judicial need of one and one-half Judges; and

WHEREAS, it is reasonably anticipated that the population and economic activity within Steele County will grow at a substantial rate within the next few years; and

WHEREAS, the City of Owatonna, the County Seat for Steele County, is centrally located within the Western Half of the Third Judicial District making travel to any of the County Seats in the surrounding five Counties no more than a twenty to thirty-five minute trip; and

WHEREAS, present Courtrooms and Chambers located within the Steele County Courthouse can adequately accommodate two Chamber judges; and

WHEREAS, it has been the custom and practice of most of the members of the Steele County Bar Association to refrain from filing papers with the Steele County Court Administrator's Office until preliminary settlement discussions have been exhausted and the case is ready for trial thus perhaps resulting in an understatement of the judicial needs in Steele County according to the Weighted Caseload Study; and

WHEREAS, it is anticipated that the position of Judicial Officer which constitutes a one-half judicial position according to the Weighted Caseload Study will not be filled upon the retirement of Frederick J. Hough, Judicial Officer in Steele County;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Steele County Bar Association supports the recommendations of the Judges of the Third Judicial

District concerning realignment of chambers locations upon the anticipated retirement of Judge William J. Nierengarten of Austin, Minnesota and Judge S. A. Sawyer of Winona, Minnesota, said recommendation being that upon the retirement of Judge Nierengarten the vacancy in Mower County should be filled by the transfer of Judge James L. Mork from Freeborn County, as he has requested, with the Chambers thus vacated in Freeborn County transferred and established as an additional Chambers in Steele County and filled there, with the position of Judicial Officer in Steele County being contemporaneously abolished and that upon the retirement of Judge Sawyer, the Chambers thus vacated in Winona County be transferred and established as an additional Chambers in Olmsted County and filled there.

Dated this 7th day of April, 1989.

STEELE COUNTY BAR ASSOCIATION

By:

Debra B. Remine  
DEBRA B. REMINE  
President

By:

Gary B. Remine  
GARY B. REMINE  
Secretary/Treasurer

**DISTRICT COURT OF WINONA COUNTY**

COURT ADMINISTRATOR  
**SALLY A. CUMISKEY**  
THIRD & WASHINGTON STREETS  
WINONA, MINNESOTA 55987-3197

457-6385 TRAFFIC & CONCILIATION COURT  
457-6375 SCHEDULING  
457-6395 VITAL STATISTICS

April 9, 1989

OFFICE OF  
APPELLATE COURTS

APR 11 1989

**FILED**

Clerk of Appellate Courts  
230 State Capitol  
St. Paul, Minnesota 55155

Re: Judicial Vacancies in Third Judicial District

Dear Clerk:

Pursuant to Chief Justice Popovich's Order of March 22, 1989, enclosed are 10 copies of information I would like considered with regard to the above matter.

Thank you for your assistance.

Very truly yours,

*Sally A. Cumiskey*

Sally A. Cumiskey  
Court Administrator

Encs.

SUMMARY FOR CONSIDERATION  
BY THE SUPREME COURT  
CONCERNING JUDICIAL VACANCIES  
IN THE THIRD JUDICIAL DISTRICT

In order to provide cost efficient and timely service to the citizens of the Third Judicial District, the two judicial vacancies resulting from the retirements of Judges William Nierengarten and S. A. Sawyer must be filled in the Third Judicial District. Because of the proven and predicted growth in the counties of the Third, including Olmsted and Winona Counties, and because of the geographic layout of the Third, particularly the eastern cluster, the decision not to fill the vacancies would contradict the concept of projected judicial need of the Third as we progress into the 1990's.

Rechambering one of the three judges from Freeborn County where there is a judicial need of 2.0 to Olmsted County where there are five judges with a judicial need of 5.7 is logical. Failing to fill the judicial vacancy in Winona County by either relocating it to Steele County or out of the District lacks wisdom, logic, and foresight for the following reasons:

1. Filings in certain case types in Winona County are increasing as reflected in the first three months of 1989 Daily Cases Filed Statistics reports as compared with the SJIS October-December, 1988 Quarterly Report of Caseload Statistics.

2. Because of projected increase in the juvenile and misdemeanor caseload statistics which have proven accurate, the Winona County Attorney added an assistant county attorney and

clerical support staff in July, 1988. His office now employs one full-time county attorney and three full-time assistant county attorneys, plus a clerical support staff of three.

3. Traditionally, the five judges serving the cluster of Houston, Winona, and Wabasha Counties have also served the neighboring counties of Fillmore and Olmsted and occasionally outside the district when needed. Although according to the WCL that cluster of Houston, Winona, and Wabasha has the combined judicial need of 4.1 judges, a look at the map and computation of distances makes it clear that a good portion of any judicial time is eaten up by the distances between those county seats. The distance from Houston County to Winona County is 44 miles; the distance from Winona County to Wabasha County is 37 miles. Requiring the judge from Houston County where there is a judicial need of .8 or the judge from Wabasha County where there is a judicial need of .9 to travel to Winona County to cover a .4 deficit would defeat the objective of judicial efficiency.

4. Steele County now has a judicial need of 1.4 and presently has 1.5 judges, .5 of that being a judicial officer. Steele County is clustered with Rice and Waseca Counties. Rice County has a judicial need of 2.5 and has three judges; Waseca County has a judicial need of .7 and has one judge. The distance from Rice County to Steele County is 16 miles; the distance from Steele County to Waseca County is 15 miles. Since Steele County is now adequately served with one judge and a judicial officer and would be more easily and economically served by judges chambered in Rice and Waseca Counties should the judicial

officer be retired or abolished, given the proximity of its cluster counties and their respective judicial needs, would it not make more sense to fill the vacancy in Winona County rather than create one in Steele County?

5. There is an existing chambers and courtroom in Winona County. If the vacancy is not filled in Winona County, that courtroom would be occupied at a minimum of 2-3 days per week by visiting judges. Would it not make more sense to fill the vacancy in Winona County where there is already a chambers and courtroom and is a .4 judicial need rather than relocate the chambers to another county that does not have any more need than Winona County, presently has a judicial officer to fill any judicial deficiency, does not have a chambers or courtroom, and is better situated distancewise with its cluster counties for judicial assistance?

In addition to the reasons stated, it seems that sometimes too much weight is placed on statistical reports. Surely, it is good case management for the judicial system to have access to these statistics for long-range planning, but to depend on them so exclusively so that every decision is based solely on them contributes to the dehumanization of the judicial system. Is the next step sending the litigants to where the judges are?

In summary, the statistics with a pinch of common sense and logic dictate that in the Third Judicial District both judicial vacancies must be refilled and that the vacancy resulting from the retirement of Judge S. A. Sawyer must be filled in Winona County.

Respectfully submitted,  
*Sally A. Cumiskey*  
Sally A. Cumiskey  
Court Administrator, Winona County

Office of  
**WINONA COUNTY ATTORNEY**

JULIUS E. GERNES

Court House  
Winona, MN 55987

Telephone:  
(507) 457-6310

April 10, 1989

OFFICE OF  
APPELLATE COURTS

APR 11 1989

**FILED**

Clerk of Appellate Court  
230 State Capitol  
St. Paul, Minnesota 55155

Re: Public Hearing on Vacancies in Judicial  
Positions in the Third Judicial District

Dear Clerk:

Enclosed herewith please find an original and 9 copies of the Statement of the President of the Winona County Bar Association in regard to the above-referenced matter for the hearing on April 17, 1989.

Very truly yours,

Julius E. Gernes  
Winona County Attorney

By: 

Jeffrey D. Thompson  
Assistant County Attorney

JDT/mb  
Enclosures

STATE OF MINNESOTA

IN SUPREME COURT

In re Public Hearing on Vacancies in  
Judicial Positions in the Third  
Judicial District

The undersigned is the President of the Winona County Bar Association which Association will be directly affected by the decision of the Supreme Court on the judicial vacancy in Winona County.

At its March 31, 1989, meeting, after due discussion of the proposed re-distribution of judges within the Third Judicial District, the Winona County Bar Association unanimously approved a resolution to have the President of the Association protest the proposed re-distribution on behalf of the entire Bar Association.

The proposal will leave Winona County with two judges, the same number as Steele County. Rice County will retain three judges. On behalf of the Bar Association, we see no rational basis for this distribution.

Winona County has virtually the same population as Rice County according to the Office of the State Demographer. In its report of Minnesota population and household estimates for 1987, the state demographer lists the estimated 1987 population of Winona County at 47,132 compared with Rice County of 47,912. Even the weighted caseload study indicates that Rice County needs 2.5 judges and Winona County needs 2.4 judges. This again re-affirms the relative equality. Additionally, Winona County has a student population of 8,000 students combined at Winona State University, the College of St. Teresa, St. Mary's College and Winona Area Vocational Technical Institute. Winona State University is looking to expand into the College of St. Teresa campus when that college closes down



after this school year. Additionally, Winona State University is planning to add a new composite plastics engineering school at the University.

Rice County, for comparison, has two small liberal arts colleges - Carlton and St. Olaf - with nowhere near the student population or plans for expansion.

The proposal will leave Winona County with the same number of judges as Steele County despite the fact that Winona County has half-again as many people. The state demographer places Winona County's population again at 47,132 compared with Steele County's population of 30,874. The weighted caseload study indicates that Winona needs one more judge than Steele County. Winona County needs 2.4 judges, Steele County needs 1.4 judges.

This proposed distribution seems especially inequitable when viewed geographically. The relative distances between the county seats of Dodge, Olmsted, Rice, Steele and Waseca Counties as well as the relative distances between Fillmore, Houston, Wabasha and Winona Counties is shown on the map attached as Exhibit A to this memorandum. It would simply geographically be much easier for the first group of counties to share judges than the second because of the relative distance.

The total need for the combination of Steele, Rice, Dodge, Waseca and Olmsted Counties is 11 judges and this proposal would leave those counties with 13 judges.

By removing Judge Sawyer's chambers from Winona County it would be placing a strain on an already overburdened court scheduling system. No one can argue that Judge Collins or Judge Challeen should be expanding their workloads to fill the void left if Judge

Sawyer's chambers is vacated. Judge Collins works long hours and most weekends and Judge Challeen processes an enormous number of cases. The Court Administrator's Office has experienced many scheduling difficulties over the past few years because of Judge Sawyer's health problems. Substantial case delays for low urgency civil matters has become a fact of life and practice for the working bar. Scheduling for the random visiting judges is a nightmare for the bench, bar and Court Administrator. The Bar Association is justly concerned that failure to replace Judge Sawyer in our county will lead to a strain on an already overloaded court system.

If this proposal is accepted, the eastern edge of the Third Judicial District will be in need of additional judicial resources and the western counties will have a surplus. It appears that the alternative as set forth in the needs assessment of replacing Judge Sawyer in Winona County will result in a more equitable distribution of judicial services.

On behalf of the Winona County Bar Association, I urge that the Supreme County reject the needs assessment proposal and adopt the alternative. Again, on behalf of the Winona County Bar Association, I do wish to make a brief oral presentation at the hearing on April 17, 1989.

Respectfully submitted,

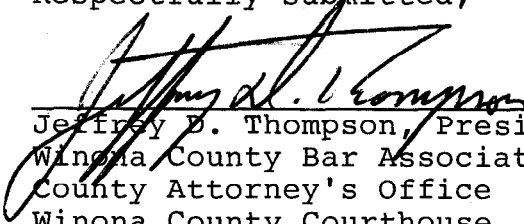
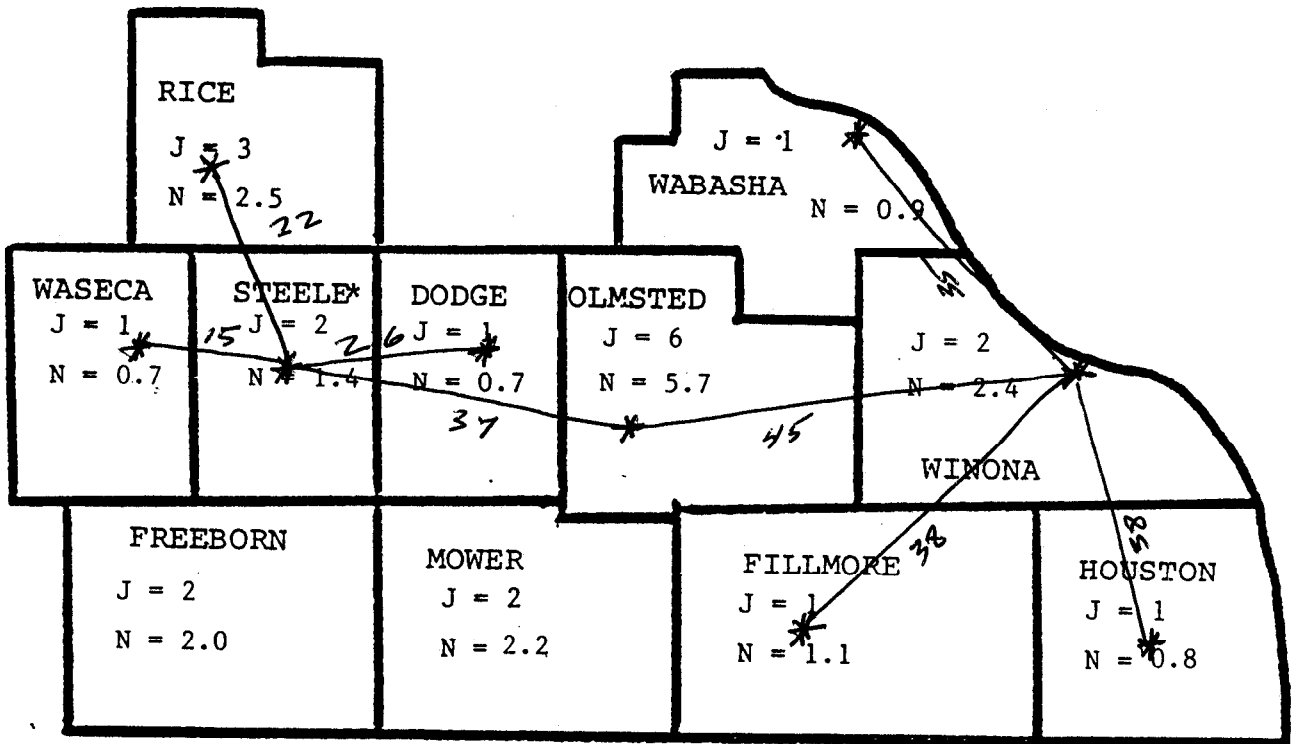
  
Jeffrey D. Thompson, President  
Winona County Bar Association  
County Attorney's Office  
Winona County Courthouse  
Winona, Minnesota 55987  
Phone: 507/457-6310  
Attorney Registration No. 109265

EXHIBIT A

PROPOSAL



J - Number of Resident Judges

N - 1988 WCL Judicial Need

\*Judicial Officer Eliminated

\* COUNTY SEAT

AND WRITTEN ARABIC NUMERALS REPRESENT  
HIGHWAY MILES.

APR 12 1989

STATE OF MINNESOTA  
IN SUPREME COURT

FILED

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In re Public Hearing on Vacancies  
in Judicial Positions in the Third  
Judicial District  
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NOTICE OF APPEARANCE  
AND COMMENTS

Pursuant to the Order of March 22, 1989, by the Honorable Peter S. Popovich, Chief Justice, a hearing will be held in the Mower County Courthouse, Courtroom No. 1, Austin, Minnesota, on April 17, 1989, at 10:00 a.m. to consider the issue of whether or not a surplus of judicial positions exists in the Third Judicial District.

The undersigned, on behalf of the officers of the Fifth District Bar Association, which comprises the counties of Dodge, Steele, Rice, and Waseca, wishes to request the opportunity to address the Court on April 17, 1989 at 10:00 a.m. and present an oral presentation of the concerns of attorneys in the area on the issue of judicial vacancies in the Third Judicial District.

The officers of the Fifth District Bar Association are the undersigned, Robert E. Schmidt, President, Waseca, Minnesota; Richard E. Tollefson, Vice President, Owatonna, Minnesota; and John M. Ophaug of Northfield, Minnesota.

As indicated, this response to the Court's Order of March 22, 1989 is being made by the officers of the Fifth District Bar Association, and is not to be construed as being comments as a result of any type of survey of all members of the Fifth District Bar Association. However, the officers of the Bar Association are

located in three different counties in the Third Judicial District, and the officers come from three of the four counties of the Fifth District Bar Association. The undersigned, is also a member of the Waseca County Bar Association, and has personal knowledge that the Waseca County Bar Association has voted to support the judicial rearrangement as proposed by Judge Lawrence T. Collins, which the undersigned believes is on file with the court in this matter.

The Fifth District Bar Association is located in a rural area of the State of Minnesota, and the need for judges chambered in each county is very critical to the proper administration of justice in the rural areas.

The proposal put forward by the District Judges of the Third Judicial District for rearrangement of chambers so as to provide some relief to Olmsted County certainly makes sense, and the commitment to maintaining a chambered judge in each county is definitely supported by the officers of the Fifth District Bar Association. The other rearrangements of chambers as outlined in the District Judges position paper is based on the needs of the District, and thus no judicial positions should be removed from the Third Judicial District.

In regard to various aspects of the weighted caseload study, one item comes to mind, and that is that while some of the statistics would indicate that there is a decline of civil case filings, it is still very common practice in the rural areas that filings are not done on civil cases until the matter in fact gets closer to


being a case that needs to be tried. Unlike the metropolitan area, where the practice seems to be more prevalent for immediate filing of civil cases, it is the experience of the undersigned, as well as the other officers of the Fifth District Bar Association, that many cases never get filed with the court because of their early resolution.

Therefore, the officers of the Fifth District Bar Association support the following chamber locations and judge assignments as proposed by the Third Judicial District Judges, to-wit:

Freeborn	(Albert Lea)	- 2 judges
Mower	(Austin)	- 2 judges
Waseca	(Waseca)	- 1 judge
Steele	(Owatonna)	- 2 judges
Rice	(Faribault)	- 3 judges
Dodge	(Mantorville)	- 1 judge
Olmsted	(Rochester)	- 6 judges
Fillmore	(Preston)	- 1 judge
Wabasha	(Wabasha)	- 1 judge
Winona	(Winona)	- 2 judges
Houston	(Caledonia)	- 1 judge

Dated: April 11, 1989

Respectfully submitted,

  
 Robert E. Schmidt  
 Attorney at Law #97020  
 President, Fifth District Bar  
 Association  
 304 Clear Lake Drive  
 Post Office Box 502  
 Waseca, Minnesota 56093  
 Telephone: 507/835-4884

OFFICE OF  
APPELLATE COURTS

MICHAELS SEEGER ROSENBLAD & ARNOLD

APR 13 1989

ATTORNEYS AT LAW

550 NORWEST BANK BUILDING

21 FIRST STREET S.W.

ROCHESTER, MINNESOTA 55902

**FILED**

FRANKLIN MICHAELS  
RONALD L. SEEGER  
MILTON A. ROSENBLAD  
JOHN B. ARNOLD  
MARK L. TORGRIMSON  
WILLIAM J. RYAN  
CHARLES GIANNETTO  
MARY E. FOSSE  
WILLIAM P. VOLLMER

TELEPHONE (507) 288-7755  
FAX (507) 288-0812

April 12, 1989

Clerk of Appellate Courts  
230 State Capitol  
St. Paul, MN 55155

In Re Public Hearing on Vacancies in Judicial Positions  
in the Third Judicial District

A representative of Olmsted County Bar Association wishes to appear at the hearing on the above-referenced matter to make a brief oral presentation. The representative will be selected Wednesday evening, April 12th.

Ronald L. Seeger  
Committee Chairman

GARTNER, SHULMAN & ERWIN, LTD.  
LAW OFFICES

PHILIP A. GARTNER  
DAVID A. SHULMAN \* ∞  
STEVEN L. ERWIN  
STEVEN M. HARDY

MARY MASON, of counsel

REPLY TO  
302 IRONWOOD SQUARE  
300 THIRD AVENUE S.E.  
ROCHESTER, MN 55904  
(507) 288-3078

OFFICES  
LAKE CITY, MINN. 55041  
PLAINVIEW, MINN. 55964  
ROCHESTER, MINN. 55904  
STEWARTVILLE, MINN. 55976

\*Admitted in Wisconsin  
and Colorado

April 10, 1989

RECEIVED  
APR 12 1989

Supreme Court of Minnesota  
ATTN: SUE DOSAL  
State Court Administrator  
230 State Capitol  
St. Paul, MN 55155

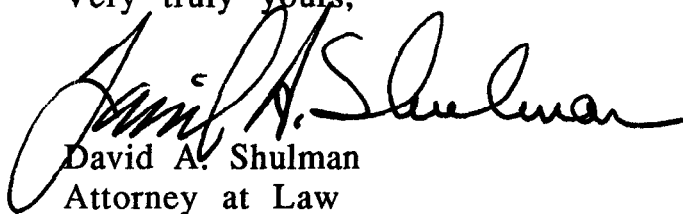
Re: Austin Meeting on April 17, 1989, at 10:00 a.m.

Dear Ms. Dosal:

I will be appearing at the above meeting on behalf of the trial lawyers of southeastern Minnesota pursuant to Michael Goodman, President of the Olmsted County Bar Association. I would appreciate it if you would put me on the agenda for this meeting.

Thank you.

Very truly yours,

  
David A. Shulman  
Attorney at Law

DAS:srg

cc: Michael Goodman, Esq.  
Ronald Seeger, Esq.



# RASMUSSEN LAW OFFICE

CANDACE RASMUSSEN  
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April 11, 1989

OFFICE OF  
APPELLATE COURTS

Clerk of Appellate Courts  
230 State Capitol  
St. Paul, MN 55155

APR 13 1989

FILED

RE: Public Hearing on Vacancies in Judicial Positions in  
Third Judicial District

Dear Clerk:

The directors and officers of the Third District Bar Association met on Thursday, April 6, to review, among other things, the issue of judicial appointments in this district.

A motion was unanimously passed supporting the retention of 22 judicial positions in the Third District. As President of the District Bar Association, I was directed to write and inform you of this motion and the Association's position. The attorneys agreed that the caseload, together with the traveling time involved in providing adequate judicial service, including an appropriate variety of judges, requires the full complement of 22 judges in this district.

We understand that the judges of the Third District have submitted a proposal suggesting that judges be chambered in certain counties. We support their positions in that we need no less than our present 22 judges, that each county should be served by at least one judge, and that no county should be served by a single judge exclusively. To the extent that the weighted caseload study suggests that less than 22 judges are needed in this district, we believe it does not accurately reflect the caseload in this district.

If my schedule permits, I hope to attend the April 17 hearing in Austin to offer information about the District Bar Association's position. I am enclosing ten copies of this letter pursuant to the Court's order dated March 22, 1989.

Sincerely,



Candace Rasmussen  
President  
Third District Bar Association

CR/rmh

# Schmidt Law Office, Ltd.

Robert E. Schmidt, Attorney at Law

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Telephone (507) 835-4884

April 11, 1989

Clerk of Appellate Courts  
230 State Capitol  
St. Paul, Minnesota 55155

OFFICE OF  
APPELLATE COURTS

APR 12 1989

FILED

RE: Third Judicial District  
Vacancies Hearing  
April 17, 1989

OFFICE OF  
APPELLATE COURTS

APR 12 1989

FILED

OFFICE OF  
APPELLATE COURTS

APR 12 1989

FILED

Dear Sir:

Enclosed are ten copies of the written comments and my request to appear before the Court on April 17, 1989, at 10:00 a.m. at the Mower County Courthouse, Austin, Minnesota.

Pursuant to Judge Popovich's Order of March 22, 1989, it is my understanding that by making this request to deliver a short oral presentation at the hearing, that it will be granted, and that in addition, I was to file at least ten copies of any written summary of comments in regard to this matter.

Enclosed are ten copies of my request for the appearance, as well as a brief summary of the information we wish the court to hear.

Sincerely,

SCHMIDT LAW OFFICE, LTD.

By

*Robert E. Schmidt*  
Robert E. Schmidt

P1/RES/cb

Enclosures:

(1) Notice of Appearance and Comments (10)

In re Public Hearing on Vacancies in  
 Judicial Positions in the Third  
 Judicial District  
 C9-85-1506

NAME		DATE WRITTEN SUMMARY FILED	ORAL PRESENTATION	
			YES	NO
Dennis A. Challeen	District Court Judge, Winona	3-27-89	X	
Ted G. Ringhofer	Chamber of Commerce Owatonna Area	4-6-89	X	
Larry J. Rietz	Steele County Bar Association	4-11-89	X	
Sally A. Cumiskey	Court Administrator Winona County	4-11-89		X
Jeffrey D. Thompson	Assistant County Attorney-Winona	4-11-89	X	
Robert E. Schmidt	Fifth District Bar Association President	4-12-89	X	
David A. Shulman	Trial Lawyers of Southeastern Minn.	4-12-89	X	
Candace Rasmussen	Third District Bar Association President	4-13-89	X	
Ronald L. Seeger	Olmsted County Bar Association Committee Chairman	4-13-89		May not be X Mr. Seeger who appears