

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

In re Public Hearing on a  
Vacancy in a Judicial Position  
in the Sixth Judicial District.

WHEREAS, the provisions of Minn. Stat. § 2.722, subd. 4 (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; and

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 within 90 days after receiving notice of the retirement from the Governor; and

WHEREAS, Governor Rudy Perpich has notified the Supreme Court that a vacancy in the Sixth Judicial District will occur in January 1986 as a consequence of the retirement of Judge Donald C. Odden; and

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

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

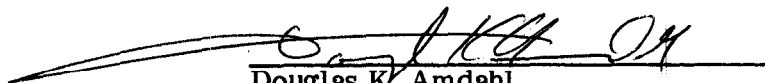
NOW, THEREFORE, IT IS HEREBY ORDERED that a public hearing be held in the County Board Room on the Second Floor of the St. Louis County Courthouse, Duluth, Minnesota, at 10 a. m. on January 24, 1986;

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 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 5 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 Sixth Judicial District shall direct their inquiries to Judith L. Rehak, 230 State Capitol, St. Paul, Minnesota 55155.

Dated: December 18, 1985.

BY THE COURT

  
Douglas K. Amdahl  
Chief Justice

OFFICE OF  
APPELLATE COURTS  
FILED

DEC 18 1985

WAYNE TSCHIMPERLE  
CLERK

STUART A. BECK  
DISTRICT ADMINISTRATOR  
COURT HOUSE  
DULUTH, MINNESOTA 55802

SIXTH JUDICIAL DISTRICT

OFFICE OF  
APPELLATE COURTS  
FILED  
FEB 3 1986  
726-2544

WAYNE TSCHIMPERLE  
CLERK

January 30, 1986

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

Re: File #C9-85-1506  
In re Public Hearing on a  
Vacancy in a Judicial Position  
in the Sixth Judicial District.

Dear Sir:

I am enclosing the resolution passed by the Carlton County  
Bar Association regarding the vacancy of the District Judgeship  
being vacated by the Honorable Donald C. Odden.

Yours truly,



Stuart A. Beck  
District Administrator

SAB:cmj

RESOLUTION

WHEREAS, the Supreme Court has been notified that a judicial position vacancy will occur in January, 1986, in the Sixth Judicial District as a consequence of the retirement of Judge Donald C. Odden;

WHEREAS, the Supreme Court must determine whether there currently exists a surplus of judicial positions within the Sixth Judicial District;

WHEREAS, the Weighted Case Load statistics indicate that Carlton County requires 1.3 County Court Judges and .6 District Court Judges or a 1.9 combined need;

WHEREAS, Carlton County will lose one of its two judicial positions as of July 1, 1986, and will need assistance from other counties within the Sixth Judicial District;

WHEREAS, it is vitally important for the Sixth Judicial District to retain the District Court Judgeship, vacated by Judge Donald C. Odden, to insure proper judicial administration and at least minimum service to the citizens and Bar of Carlton County;

NOW THEREFORE, the Carlton County Bar Association resolves the following;

1. That the judicial position vacated by Judge Donald C. Odden in the Sixth Judicial District be continued.
2. That a representative of the Carlton County Bar Association present our concerns at the public hearing in Duluth, Minnesota, on January 24, 1986.

January 16, 1986

CARLTON COUNTY BAR ASSOCIATION

STUART A. BECK  
DISTRICT ADMINISTRATOR  
COURTHOUSE  
DULUTH, MINNESOTA 55802

SIXTH JUDICIAL DISTRICT

PHONE ~~XXXXXX~~  
726-2544

February 7, 1986

Mr. Laurence C. Harmon  
Supreme Court Administrator  
State of Minnesota  
230 State Capitol  
St. Paul, MN 55155

Re: Judicial Officers

Dear Laurry:

Pursuant to our telephone conversation, I am enclosing a number of documents for your use in refreshing your memory regarding Judicial Officers in this District.

Item number one is a letter to you giving you various information and asking for an order from the Supreme Court allowing us to fill vacancies.

Item number two is an order of Chief Justice Sheran allowing appointment of Judicial Officers.

Item number three is a letter to you dated August 22, 1979, discussing the pending retirement of our Domestic Relations Referee and requesting that a temporary Judicial Officer be appointed as provided for in Section 6, Chapter 750, Laws of Minnesota for 1978.

Item number four is a copy of Section 6, Chapter 750, Laws of Minnesota for 1978.

Item number five is a letter dated November 6, 1979, discussing Judicial Officers, where we request changing two part-time Judicial Officers to full-time status.

Item number six is a copy of an order used in the appointment of two full-time Judicial Officers.

Item number seven is your letter addressed to me authorizing us to appoint two full-time Judicial Officers.

Item number eight is a copy of an order regarding reappointing our Judicial Officers pursuant to Chapter 4, Special Session Laws of Minnesota, 1981.

In Item number five, a copy of a letter dated September 4, 1979, is mentioned. I am unable to find a copy of that letter, but, if my memory serves me right, it was a letter authorizing the appointment of a temporary Judicial Officer replacing the referee.

I hope this clears up any confusion that may exist on the appointment of Judicial Officers and their replacements here in the Sixth Judicial District.

Very truly yours,



Stuart A. Beck,  
District Administrator

SAB:cmj

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DISTRICT ADMINISTRATOR

SIXTH JUDICIAL DISTRICT  
COURT HOUSE — DULUTH, MINN. 55802

STUART A. BECK  
ADMINISTRATOR

PHONE 723-3535

June 26, 1978

Mr. Laurence C. Harmon  
State Court Administrator  
Supreme Court of Minnesota  
William/Mitchell Law Center  
Suite 300  
40 North Milton Street  
St. Paul, MN 55104

Re: Judicial Officers, St. Louis County

Dear Laurry:

As I explained to you in our telephone conversation of June 16, 1978, Bruce Kruger, one of the full-time judicial officers for St. Louis County, has tendered his resignation, effective July 28, 1978. On June 15, 1978, Nicholas Zuber, part-time judicial officer for St. Louis County, tendered his resignation, effective immediately. In addition to these two resignations, we have information which if true will cause the loss of still another part-time judicial officer. It is my opinion that the loss of these judicial officers will cause serious problems here in St. Louis County.

You are also aware that one of our St. Louis County Judges has been hospitalized. At this point in time, we are not sure what this will mean. However, from comments we have received, it would seem that a long convalescence may be necessary.

Chapter 750, Laws of Minnesota, 1978, provides that persons holding the office of judicial officer, full time or part time, on January 1, 1978, in St. Louis County, may continue to serve at the pleasure of the Chief Judge of the District under the terms and conditions of their appointment. Chapter 750, in addition, provides that no vacancy in the office of judicial officer shall be filled unless the Chief Justice determines, after investigation by the State Court Administrator, that the judicial personnel of the District are working at maximum capacity and that the work of the District cannot be accomplished with present judicial personnel, etc. I realize, of course, that this law is not effective until July 31, 1978. However, it appears to me, based on the language of Chapter 432, Laws of Minnesota, 1977, which abolishes the office of Judicial Officer, and due to the fact that

the same individuals will not be holding office on July 31, 1978, that the effective date of Chapter 750, Laws of Minnesota, 1978, makes it essential that we have permission of the Chief Justice of the Supreme Court to fill these vacancies.

Perhaps it would be well to discuss some of the changes that have taken place here in the Sixth Judicial District. We have made a number of personnel changes, and we have instituted a new Jury Selection Plan which was, of course, statutory. We have also scheduled additional times when the Appeal Panel will be in session. Probably the most important change, however, is the condition of our calendar.

In October, 1977, the Duluth District Court calendar showed cases pending which had been noted for trial in 1973. As of June 1, 1978, the oldest case in Duluth was noted for trial in September, 1976. As of June 1, 1978, as compared to one year ago, we have reduced our calendar by 134 cases. Since January 1, 1978, 135 new cases have been noted for trial. Our records indicate that a total of 212 civil matters have been removed from the calendar since January 1, 1978, through May 31, 1978. While this reduction has taken place, during the same time, felony cases have substantially increased. We show 158 new felony cases filed in District Court, Duluth, from January 1 through May 31, 1978. Our records indicate for the same period of time in 1977, we had 113 felony cases filed. The criminal case load in Duluth alone has caused 526 hearings in District Court during the first five months of 1978, consisting of arraignments, omnibus hearings, pleas, trials, sentencings, etc.

It is doubtful that the District Court in Duluth will ever become completely current in respects to civil matters. The simple reason for this is that the District Court is faced with complex and long trials. When we have a trial of long duration (which happens quite often), our ability to effectuate settlements is reduced.

Our reduction in civil cases has been accomplished because of a number of reasons:

1. We have a new Assignment Clerk who, I think, is doing a good job.
2. The Court has tightened its position on granting continuances.
3. We have assigned Aggravated DWI cases to be heard by County Court Judges sitting as District Court Judges. In addition, we have transferred paternity actions to County Court.
4. On different occasions, we have also assigned County Court Judges to preside as District Court Judges for specified periods of time.

For instance, the Honorable Walter A. Egeland, County Court Judge from Lake/Cook County, has been assigned to the District bench to handle District Court matters pending in Lake/Cook County. This move has



permitted a District Judge to remain in Duluth and concentrate on the Duluth backlog. We have also assigned the Honorable Gail Murray, County Court Judge in Hibbing, to assist the District Court from time to time in that area. When the Honorable Walter A. Egeland has had a conflict with his County Court work, we have utilized County Court Judges from Duluth and Carlton to assist him in Two Harbors and Grand Marais. We have utilized judicial officers to fill the void when County Court Judges have these outside assignments, and also when County Court Judges have been ordered to the District bench. The judicial officers, full time and part time, are scheduled for various divisions of County Court on a regular basis.

It is my opinion, because of the number of cases filed in County Court, various locations in which County Court is held, and the fact that we are utilizing County Court Judges from time to time to sit as District Judges, the positions of judicial officers which are vacant and will become vacant, need be continued.

I have requested from the administrative personnel in County Court, St. Louis County, data on the number of matters that judicial officers and County Court Judges have heard for the period beginning the 1st of January, 1978, through the 1st of June 1978. I am attaching this information for your consideration.

I believe it is urgent that a decision to allow St. Louis County to fill these offices be made as soon as possible. If there is any other information that you might need or any questions that you might have, feel free to contact me at anytime.

Very truly yours,



Stuart A. Beck  
District Administrator

SAB/jas

copies: Hon. Donald C. Odden  
Hon. Walter A. Egeland

STATE OF MINNESOTA

IN SUPREME COURT

ORDER ALLOWING APPOINTMENT  
OF TEMPORARY REFEREES  
AND JUDICIAL OFFICERS

WHEREAS the Chief Justice of the Supreme Court has the authority pursuant to Laws of Minnesota 1978, Chapter 750, Section 6 to determine the need for a temporary judicial officer or referee;


WHEREAS, the State Court Administrator has investigated the judicial workloads in the Second, Fourth and Sixth Judicial Districts and has found that the work of the district cannot be accomplished without maintaining the present staffing levels in those counties;

NOW THEREFORE IT IS ORDERED that the Chief Judge of the Second Judicial District be allowed to appoint a part-time referee to hear general juvenile court matters; that the Chief Judge of the Fourth Judicial District be allowed to appoint a part-time juvenile court referee to hear juvenile traffic matters and the equivalent of two full-time conciliation court referees. These appointments shall expire December 31, 1979.

IT IS FURTHER ORDERED that the Chief Judge of the Sixth Judicial District be allowed to appoint one full-time and two part-time judicial officers to be used as needed. These appointments shall expire July 31, 1981.

Dated: 7-6-78

BY THE COURT

  
Chief Justice Robert J. Sheran

DISTRICT ADMINISTRATOR

SIXTH JUDICIAL DISTRICT  
COURT HOUSE - DULUTH, MINN. 55802

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3

STUART A. BECK  
ADMINISTRATOR

PHONE 723-3535

August 22, 1979

Mr. Laurence C. Harmon  
State Court Administrator  
Supreme Court of Minnesota  
William/Mitchell Law Center  
Suite 300  
40 North Milton Street  
St. Paul, MN 55104

Re: Referee of District Court

Dear Laurry:

As you know, St. Louis County has had a Domestic Relations Referee for the past five years. The office was established on June 24, 1974. On July 17, 1979, George Vasil, Domestic Relations Referee for the Sixth Judicial District, submitted his resignation (copy enclosed), which is to be effective on December 1, 1979.

Chapter 750, Laws of Minnesota, 1978, provides for the abolishment of referees but did permit persons holding the office of referee, full time, on June 30, 1977, in the second, fourth and sixth judicial district, to continue to serve at the pleasure of the Chief Judge of the district under the terms and conditions of their appointment. With this language, it appears we cannot replace the referee except by provisions of Chapter 750, Section 6. and I know you are well aware of the language in that section so it is not necessary that I repeat it.

I am enclosing some statistics which have been maintained by George Vasil for the year 1978 and part of 1979, which, I believe, indicates he is maintaining a very full schedule. I am also enclosing a recap of some of the statistics from SJIS which shows the number of new filings and hearings held in both the Family Division of County Court and in the Domestic Relations Referee's Court in the areas of dissolution, non support and other family matters.

It is my recommendation that Chief Judge, Donald C. Odden, be allowed to appoint either a temporary referee or a temporary judicial officer to fill this position as provided for in Section 6 of Chapter 750, Laws of Minnesota, 1978.


If, after your investigation, you agree that someone should be appointed, it may be well to consider the appointment of a temporary full-time judicial officer rather than a temporary referee.

As you know, after a matter has been heard by a referee and one of the parties is not satisfied with the Findings, M.S.A. 484.67, Subd. 4 provides for a review by a District Court Judge. If the party is still not satisfied, they then appeal to the Supreme Court for their relief. If we would appoint a temporary judicial officer in County Court, and have these matters that are now heard by the referee heard in County Court by the judicial officer, any appeals from his Findings would be to the three Judge appeal panel in District Court. This, in a small way, would reduce the number of appeals to the Supreme Court and provide the appellant a speedy hearing at the appellate level in the District Court. Further, the appointment of a judicial officer in County Court would give us more flexibility in scheduling, because unlike a referee, the judicial officer could be assigned to hear any matters in County Court.

I believe this decision to allow St. Louis County to fill this position should be made as soon as possible.

If there is any other information you might need or any questions you might have, please do not hesitate to call me.

Very truly yours,

  
Stuart A. Beck  
District Administrator

SAB/jam

copy: Hon. Donald C. Odden

Sec. 6. VACANCIES. No vacancy in the office of referee or judicial officer shall be filled, nor new office created, except as specified in section 487.08, subdivision 2. If the chief justice determines, after investigation by the state court administrator, that the judicial personnel of the district are working at maximum capacity and that the work of the district cannot be accomplished with present judicial personnel, including those temporarily transferred from other judicial districts pursuant to section 2.724, a temporary referee or judicial officer may be appointed by the chief judge of the district for a period that shall terminate no later than July 31, 1981.

Sec. 7. [260.019] JUVENILE COURT; HENNEPIN AND RAMSEY COUNTIES. Subdivision 1. In Hennepin and Ramsey counties, the district court is the juvenile court.

Subd. 2. In each county, the chief judge of the district shall designate one or more judges to hear cases arising under sections 260.011 to 260.301.

Subd. 3. The chief judge shall not designate any judge to hear cases arising under sections 260.011 to 260.301 as his principal or exclusive assignment for more than three years out of any six year period.

Subd. 4. The incumbent "District Court Judge, Juvenile Court Division" in Hennepin county is a judge of district court subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3.

Sec. 8. SUPREME COURT; LEGISLATIVE REPORT. The supreme court, or an agency designated by it, shall study and review the following issues, and report its findings and recommendations to the legislature on or before October 1, 1980: whether the office of referee or judicial officer should be retained or abolished; whether, if it is recommended that referees and judicial officers be retained, their powers and duties should be modified; whether, in the event that some or all of the existing offices of referee and judicial officer are recommended for abolition, new judgeships should be created and in which districts; whether a consolidated family division should be created in the district or county municipal court of Hennepin and Ramsey counties, and what categories of cases should be assigned thereto; and any other issues the court deems relevant to the function of the office of referee and judicial officer in the state court system.

Sec. 9. REPEALER. Minnesota Statutes 1976, Section 260.021, Subdivisions 1, 2, and 3, are repealed.

Sec. 10. EFFECTIVE DATE. This act is effective July 31, 1978.

Approved April 5, 1978.

Changes or additions indicated by underline deletions by strikeout

*An act relating to publicly-owned physically handicapped persons; requiring accessible; transferring enforcement from administration; amending Minnesota Statutes, 1977 Supplement, Sections 299F.41, 299F.42, 299F.43, 299F.*

BE IT ENACTED BY THE LEGISLAT

Section 1. Minnesota Statutes subdivisions to read:

Subd. 7. "Public building" means thereto, the cost of which is paid for t subdivision thereof, or any agency of t school district.

Subd. 8. "Physically handicapped disabilities of incoordination, disability significantly reduces mobility, flexibility,

Subd. 9. "Remodeling" means c building in whole or in part in order to b of the structure and to which other rules are applicable.

Sec. 2. Minnesota Statutes, 1977 Su

16.85 GENERAL POWERS OF C  
Subdivision 1. Subject to the provisions of by rule establish a code of standards for repair of state-owned buildings, governi construction, fire protection, health, sanit making public buildings constructed or usable by physically handicapped perso remodeling of public buildings solely physically handicapped when remodeli commissioner may amend the code from 16.867. The code and any amendment model building codes generally accepted preparation of the code consideration sh codes presently in use in the state of Min may be deemed necessary and state-wid

Changes or additions indicated

DISTRICT ADMINISTRATOR

SIXTH JUDICIAL DISTRICT  
COURT HOUSE - DULUTH MINN 55802



STUART A. BECK  
ADMINISTRATOR

PHONE 723 3535

November 6, 1979

Mr. Laurence C. Harmon  
State Court Administrator  
Supreme Court of Minnesota  
William/Mitchell Law Center  
Suite 300  
40 North Milton Street  
St. Paul, MN 55104

Re: Judicial Officers

Dear Laurry:

Pursuant to our telephone call of November 5, 1979, concerning the above-mentioned matter, I am enclosing copies of the following document:

1. A copy of an Order signed by Chief Justice Robert J. Sheran in July of 1978, allowing the appointment of temporary Judicial Officers for St. Louis County.
2. A copy of a letter received from your office dated September 4, 1979, concerning temporary Judicial Officers.
3. A copy of a proposed Order appointing Ronald W. Walls and Jan A. Larsen as full-time Judicial Officers.

On September 27, 1979, I attended a TCIS meeting in St. Paul. At that time I advised you that we were planning on changing the status of two of our part-time Judicial Officers to full-time status rather than appoint another full-time Judicial Officer. There are a number of reasons why this should be done.

At the present time, the part-time Judicial Officers are receiving \$21,294 each for a total of \$42,588. Our starting salary for a full-time Judicial Officer is \$31,175. The total of these three positions amount to \$73,763. If we change the part-time Judicial

Officers to full time and pay each \$31,175 for a total of \$62,350 and not appoint the one new full-time position, we have a savings of \$11,413 in salaries. In addition, by changing the status of the part-time Judicial Officers to full time and stationing one in Virginia, we can eliminate approximately \$2,500 in travel expenses per year.

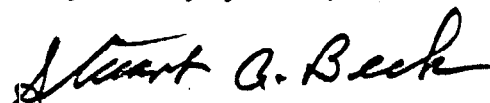
Changing the status of two of our part-time Judicial Officers to full time will eliminate the possibilities of conflict of interest. This change, alone, is probably more important than the savings in salaries.

I would greatly appreciate your immediate response, and I would request that Chief Justice Robert J. Sheran issue an Order permitting the change of our two part-time Judicial Officers to full time status rather than appoint an additional temporary Judicial Officer.

I might add, if this change is made, we would only have one part-time Judicial Officer left in the Sixth Judicial District. This Judicial Officer works mainly in the Civil-Criminal Division of County Court and quite often is scheduled in Conciliation Court.

Thank you for your assistance.

Very truly yours,

  
Stuart A. Beck  
District Administrator

SAB/jam

copy: Hon. Donald C. Odden

*[Handwritten signature]*

STATE OF MINNESOTA  
COUNTY OF ST. LOUIS

DISTRICT COURT  
SIXTH JUDICIAL DISTRICT

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In the Matter of the Appointment  
of Ronald W. Walls and Jan A. Larsen  
as Full-Time Judicial Officers,  
County Court, St. Louis County  
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ORDER

WHEREAS, M.S.A. 484.67, Subdivision 1, provides for a Domestic Relations Referee for St. Louis County, and

WHEREAS, George S. Vasil was appointed Referee on February 1, 1975, and

WHEREAS, George S. Vasil, Referee for District Court in the County of St. Louis, has tendered his resignation effective November 30, 1979, and

WHEREAS, a vacancy will exist on December 1, 1979, and

WHEREAS, Chapter 750, Laws of Minnesota, 1978, Section 6, provides that the Chief Justice of the Supreme Court of the State of Minnesota, determine, after investigation by the State Court Administrator, whether the vacancy will be filled by a temporary appointment by the Chief Judge of the District, and

WHEREAS, Laurence C. Harmon, State Court Administrator, did on the 4th day of September, 1979, send authorization to this District to fill the vacancy in the St. Louis County court system with a temporary Judicial Officer, and

WHEREAS, it is desirable that all Domestic Relations matters in St. Louis County be heard in the Family Division of County Court, and

WHEREAS, Jan A. Larsen and Ronald W. Walls were appointed part-time Judicial Officers effective October 2, 1978, and

WHEREAS, they have applied for full-time status as Judicial Officers in the St. Louis County court system, and

WHEREAS, the appointment of Jan A. Larsen and Ronald W. Walls as full-time Judicial Officers will assist the Family Division of St. Louis County Court in assuming the caseload of the Domestic Relations Referee, and



WHEREAS, considerable savings will be recognized by St. Louis County in the appointment of Jan A. Larsen and Ronald W. Walls, and

WHEREAS, the appointment of Jan A. Larsen and Ronald W. Walls to full-time status will eliminate the possibilities of conflict of interest.

NOW, THEREFORE, pursuant to the letter received from Laurence C. Harmon, State Court Administrator, and in concert with the County Court Judges of St. Louis County, the following appointments of Judicial Officers for St. Louis County are hereby made.

Jan A. Larson	Full-time
Ronald W. Walls	Full-time

IT IS FURTHER ORDERED that the appointment of Ronald W. Walls will be effective December 3, 1979, and the appointment of Jan A. Larsen will be effective January 2, 1980.

The said Judicial Officers may hear and try any or all such matters as shall properly come before the St. Louis County Court, Probate Division; the Family Court Division, including matters arising under the Juvenile Court Act; the Civil and Criminal Division, including Conciliation Court, and that they shall perform all functions authorized by the Minnesota Rules of Civil and Criminal Procedure, Minnesota Statutes, Chapter 487 and such other Statutes as are applicable and necessary in the discharge of their duties under this assignment.

IT IS FURTHER RECOMMENDED that the salaries of Ronald W. Walls and Jan A. Larsen, as full-time Judicial Officers for St. Louis County, follow the salary schedule as adopted by the County Court Judges on July 14, 1977, said starting salary to be \$31,175.00 per annum.

Dated at Duluth, Minnesota, this 13 day of November, 1979.

BY THE COURT:

Donald C. Odden  
Chief Judge

THE SUPREME COURT OF MINNESOTA

LAURENCE C. HARMON  
STATE COURT ADMINISTRATOR  
WILLIAM MITCHELL LAW CENTER  
SUITE 300, 40 NORTH MILTON STREET  
SAINT PAUL, MINNESOTA 55104

November 8, 1979



#7

Mr. Stuart A. Beck  
District Administrator  
Sixth Judicial District  
425 Courthouse  
Duluth, Minnesota 55802

Dear Stuart:

Please be advised that I have discussed with Chief Justice Sheran the contents of your letter to me dated November 6, 1979.

It is my understanding that you propose to employ the two part-time judicial officers authorized by the Supreme Court Order dated July 6, 1978 on a full-time basis, and not to employ the additional temporary judicial officer as authorized by my letter to you dated September 4, 1979.

Based upon my discussion of this matter with the Chief Justice, you may proceed with your plan as outlined in the draft order you have sent to me and appoint Ronald Walls and Jan Larsen on a full-time basis, to be paid out of county funds, according to the terms provided in the order.

Very truly yours,

Laurence C. Harmon

LCH/jk

cc: Chief Justice Robert J. Sheran  
Associate Justice Lawrence R. Yetka

STATE OF MINNESOTA  
SIXTH JUDICIAL DISTRICT

Verific Exhibit 11  
Date 6-7-82  
RANDY WAGNER  
REGISTERED PROB. REPORTER

In the Matter of the Positions of  
Judicial Officers for St. Louis  
and Carlton Counties.

ORDER



WHEREAS, Chapter 4, Special Session, Laws of Minnesota, 1981, M.S.A. Section 487.08, Subdivision 2, provides for Judicial Officers for St. Louis and Carlton Counties, and

WHEREAS, Chapter 4, Special Session, Laws of Minnesota, 1981, M.S.A. 487.08, Subdivision 2, provides further that persons holding the office of Judicial Officer, full time or part time on January 1, 1981, in St. Louis and Carlton Counties may continue to serve at the pleasure of the Chief Judge under the terms and conditions of their appointment.

NOW, THEREFORE, IT IS ORDERED that the following Judicial Officers shall be reappointed for St. Louis and Carlton Counties:

St. Louis

Jeanne Sederberg  
William R. Sweeney  
Jan Larsen  
Ronald W. Walls  
Gerald W. Murphy (Part time)

Carlton

Dale A. Wolf

IT IS FURTHER ORDERED that these reappointments shall be effective August 1, 1981.

¶ The said Judicial Officers may hear and try any or all such matters as shall properly come before the County Court, Probate Division, the Family Court Division, including matters arising under the Juvenile

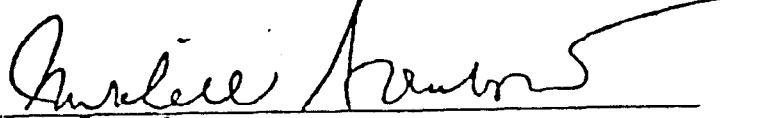
: ATTACHMENT 3

Court Act; the Civil and Criminal Division, including Conciliation Court, and that they shall perform all functions authorized by the Minnesota Rules of Civil and Criminal Procedure, Minnesota Statutes, Chapter 487, and such other Statutes as are applicable and necessary in the discharge of their duties under this assignment.

Dated at Virginia, Minnesota, this 9<sup>th</sup> day of July,

1981.

BY THE COURT: ...

  
\_\_\_\_\_  
Chief Judge

# St. Louis County

BOARD OF COMMISSIONERS

208 Court House • Duluth, MN 55802

January 21, 1986

OFFICE OF  
APPELLATE COURTS  
FILED

JAN 24 1986

Minnesota Supreme Court  
230 State Capitol  
St. Paul, Minnesota 55155WAYNE TSCHIMPERLE  
CLERK

ATTN: Honorable Lawrence R. Yetka, Associate Justice

In Re: Retention of Sixth Judicial District Court position  
by filling vacancy created by retirement of District  
Court Judge Donald C. Odden

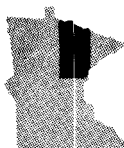
Dear Justice Yetka:

The St. Louis County Board of Commissioners strongly urges the retention of all Sixth Judicial District Court judgeships.

For many years, St. Louis County has provided considerable financial support to the maintenance of a high level of judicial performance in the Sixth Judicial District by providing four judicial officers to assist the District Court in the performance of its duties. St. Louis County pays the entire salary and benefits of these judicial officers. Considerable other direct and indirect expenses are also paid by St. Louis County in maintaining these four judicial positions on behalf of the State District Court system.

It is the strong position of the St. Louis County Board of Commissioners that any reduction in judicial service through reduction in judicial positions should first come by reduction of the judicial officer positions that are funded solely by St. Louis County. A reduction in the number of Sixth Judicial District judgeships prior to elimination of the St. Louis County judicial officers would be an unfair burden on the taxpayers of St. Louis County. St. Louis County has budgeted in 1986 \$241,418.78 just for the salary and benefits of its four judicial officers that are supporting the Sixth Judicial District Court system. This amount does not include considerable direct and indirect expense for support staff and myriad other direct and indirect costs relating to the maintenance of these four judicial officer positions. This amount also does not include the salary, benefits and expenses related to the judicial officer position furnished by Carlton County in support of the Sixth Judicial District Court portion of the State judicial system.

America's Iron Ore Center...



at the Head of the Seaway

"An Equal Opportunity Employer"

Minnesota Supreme Court  
Page 2 of 2  
January 21, 1986

The St. Louis County Board of Commissioners takes no position now on whether a reduction in judgeships is advisable. It asks the Supreme Court to evaluate, in addition to its weighted caseload statistics, geographical considerations peculiar to this judicial district, the currentness of the Sixth Judicial District calendar versus other districts, the ratio of trials to settlement versus other districts, the quality of judicial performance in this district, the reliability and validity of the weighted caseload statistics utilized by the State and the reliability of any accurate forecast of the future filing frequency to be expected in this district.

If the State of Minnesota determines that, in light of all of these considerations, a reduction in the number of judicial positions is still advisable, then it requests that such a report be made to St. Louis County and the Sixth Judicial District for elimination of judicial officer positions rather than the vacant district court judgeships.

Thank you very much for your consideration.

Sincerely yours,

ST. LOUIS COUNTY BOARD OF COMMISSIONERS

By: Herbert R. Lamma  
HERBERT LAMPPA, Chairman

gm

**BROWN ANDREW HALLENBECK  
SIGNORELLI & ZALLAR, P.A.**

Attorneys at Law

300 Alworth Building, 306 West Superior Street  
Duluth, Minnesota 55802

Gerald J. Brown  
Thomas F. Andrew  
Terry C. Hallenbeck\*  
Mark T. Signorelli  
Robert J. Zallar\*

January 17, 1986

OFFICE OF  
APPELLATE COURTS \* Also licensed in Wisconsin  
FILED

Telephone  
(218) 722-1764

JAN 23 1986

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

**WAYNE TSCHIMPERLE  
CLERK**

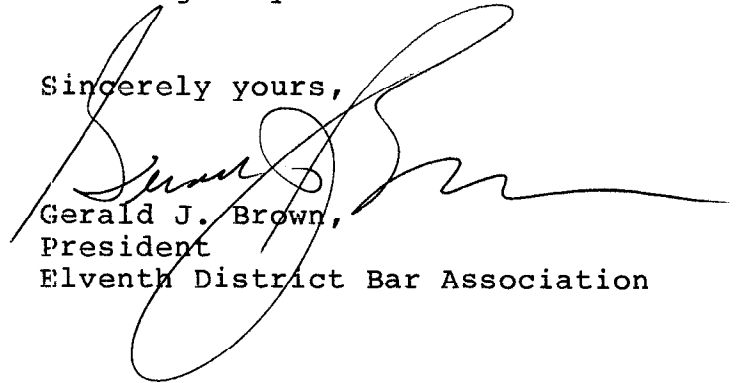
Re: District Court Judicial  
Vacancy  
Sixth Judicial District

Gentlemen:

I wish to appear before the Court at the hearing scheduled on January 24 to testify in support of filling the vacancy created by the retirement of Judge Odden.

I will testify as spokesperson of the Eleventh District Bar Association and expect that my views will be both my personal views and will represent the view of a majority of the members of our local Bar Association.

Sincerely yours,



Gerald J. Brown,  
President  
Eleventh District Bar Association

GJB/gp


**BROWN ANDREW HALLENBECK  
SIGNORELLI & ZALLAR, P.A.**

Attorneys at Law

300 Alworth Building, 306 West Superior Street  
Duluth, Minnesota 55802Gerald J. Brown  
Thomas F. Andrew  
Terry C. Hallenbeck\*  
Mark T. Signorelli  
Robert J. Zallar\*

January 27, 1986

Telephone  
(218) 722-1764

\* Also licensed in Wisconsin

OFFICE OF  
APPELLATE COURTS  
FILED

JAN 24 1986

WAYNE TSCHIMPERLE  
CLERKHonorable Lawrence R. Yetka  
Judge of Minnesota Supreme Court  
230 State Capitol Building  
St. Paul, Minnesota 55155**SYNOPSIS OF TESTIMONY SIXTH JUDICIAL DISTRICT VACANCY HEARING**

January 24, 1986

Dear Justice Yetka:

The following is a summary of my statement at the hearing conducted in Duluth on January 24. Please file this as part of the record in this proceeding.

I am Gerald J. Brown, appearing as President of the Eleventh District Bar Association encompassing South St. Louis County (Duluth), Cook, Lake, and Carlton Counties.

Our District Bar Association strongly favors retention of the judicial position vacated by Judge Odden's resignation. It is apparent from comments of other witnesses that the statistical data collected and summarized by Mr. Good indicating that this district has too much judicial personnel, cannot be accepted without careful scrutiny. Fortunately, the Supreme Court hearing process affords the opportunity to present information that may shed additional light on the validity of these impersonal statistics as well as the opportunity for the court to apply its wisdom to the decision making process.

Our calendars in the Sixth Judicial District are current in large part because of the conscientious and industrious professionalism of the bench in this district. Current calendars are a desired goal of judicial administration and our records should not be disturbed by reducing the district court judiciary.



Honorable Lawrence Yetka

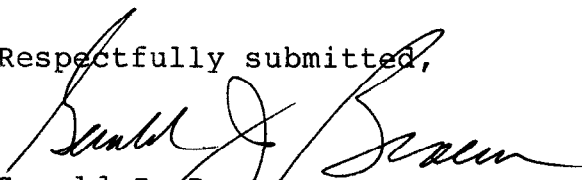
- 2 -

January 27, 1986

To the extent that choices must be made between preserving judicial positions and judicial officer positions, our district bar association supports the resolution of the district judge's reviewed by Judge Litman to phase out judicial officer positions as case load demands permit, but retaining the judicial position.


Thank you for your attention.

Respectfully submitted,



Gerald J. Brown  
President, Eleventh District  
Bar Association

GJB/gp





ALAN L. MITCHELL

ST. LOUIS COUNTY ATTORNEY

501 COURT HOUSE  
DULUTH, MINNESOTA 55802

TELEPHONE (218) 726-2323

OFFICE OF  
APPELLATE COURTS  
FILED

JAN 24 1986

WAYNE TSCHIMPERLE  
CLERK

January 21, 1986

REPLY TO:

ROOM 222, COURT HOUSE  
VIRGINIA, MINNESOTA 55792  
TELEPHONE: (218)749-7101

ROOM 107D, COURT HOUSE  
P.O. BOX 68  
HIBBING, MINNESOTA 55746  
TELEPHONE: (218) 262-4841

ROOM 403, GOVERNMENT SERVICES CENTER,  
320 W. 2ND ST.  
DULUTH, MINNESOTA 55802  
TELEPHONE: (218)726-2034

Honorable Lawrence R. Yetka  
Associate Justice  
Minnesota Supreme Court  
230 State Capitol  
St. Paul, MN 55155

C9-85-1506

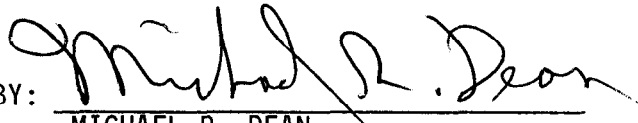
RE: Retention of Sixth Judicial District Court Position  
by Filling Vacancy Created by Retirement of District  
Court Judge Donald C. Odden

Dear Justice Yetka:

This letter is to confirm that the St. Louis County Board of Commissioners would like a representative from our office to be permitted to speak on behalf of the County with respect to the above matter at your hearing on January 24, 1986, at 10:00 a.m. at the Board Room, St. Louis County Court House, Duluth, Minnesota.

Very truly yours,

ST. LOUIS COUNTY ATTORNEY

BY:   
MICHAEL R. DEAN  
Assistant County Attorney

MRD:bj0

310 Turner Road  
Duluth, MN 55803  
January 17, 1986

Honorable Lawrence Yetka  
Room 230  
State Capitol  
St. Paul, MN 55155

C9-85-1506

OFFICE OF  
APPELLATE COURTS  
FILED

JAN 24 1986

WAYNE TSCHIMPERLE  
CLERK

Dear Justice Yetka:

For over 28 years I have been a Corrections Agent for the Department of Corrections, and currently for the Arrowhead Regional Corrections. I have provided services in all of northeastern Minnesota and most recently have served in the Sixth Judicial District in the Duluth Court House providing pre-sentence reports for the felony courts.

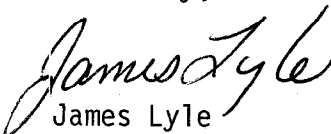
I note there is to be a public hearing regarding the replacement of retiring Judge Donald Odden.

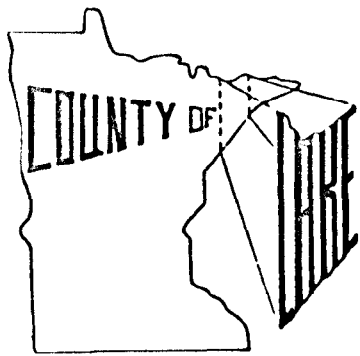
Having had opportunity to view the activities of a substantial number of courts, I cannot imagine how the Duluth court system could function with one less judgeship. We already experienced delays in accessing judges due to their full schedules. Demands on the courts are not diminishing, as the new "rights of victims" serve as a good example.

It is my belief and recommendation, that if quality justice is to be continued, that Judge Donald Odden's position should be retained. It wouldn't hurt also to consider compensating these positions commensurate with the judgements and expertise they demand, when considered in the full context of compensation of other leaders and professionals in our society.

Thank you for the opportunity to provide input on this most important matter.

Sincerely,

  
James Lyle



1/23

COMMISSIONERS OFFICE  
**County of Lake**

COURT HOUSE  
TWO HARBORS, MINN 55616  
834-5581

In Reply Refer To: \_\_\_\_\_

FIRST DISTRICT  
SERENE J. DAHLE, LITTLE MARAIS

SECOND DISTRICT  
LLOYD H. HOULE, SILVER BAY

THIRD DISTRICT  
RALPH SANDVIK, TWO HARBORS

FOURTH DISTRICT  
ROBERT N. NELSON, TWO HARBORS

FIFTH DISTRICT  
RICKY M. CLARK, TWO HARBORS

OFFICE OF  
APPELLATE COURTS  
FILED

JAN 23 1986

January 17, 1986

WAYNE TSCHINDERLE  
CLERK

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

Gentlepersons:

The Lake County Board feels the Judicial Vacancy left by the retirement of Judge Odden should be filled. Other aspects of the system might be subject to further discussion.

Sincerely,

Robert N. Nelson, Acting Chair

RMN:dt

**CARLTON COUNTY COURT**  
COURTHOUSE • CARLTON, MINNESOTA 55718

DALE A. WOLF, *Judge*

January 17, 1986

OFFICE OF  
APPELLATE COURTS  
FILED

JAN 21 1986

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

**WAYNE TSCHIMPERLE**  
CLERK

Re: Public hearing for Sixth Judicial District to be held January  
24, 1986.

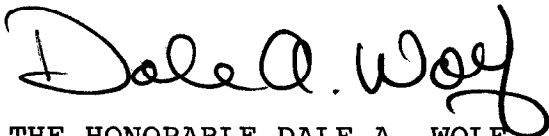
To Whom it May Concern:

I wish to make an oral presentation at the public hearing to be held next Friday in Duluth, Minnesota, regarding the vacancy occurring as a result of the retirement of Judge Odden. My presentation will be limited to basically the following three areas:

1. Price vs. Sheppard hearings - lack of credit for service at the Moose Lake State Hospital for hearing cases for other Districts.
2. The new nature of the typical gross misdemeanor case subsequent to the weighted case load study.

I believe my presentation will be very brief. Thank you very much.

Very truly yours,



THE HONORABLE DALE A. WOLF  
COUNTY COURT JUDGE

DAW/krh



**JACK J. LITMAN**  
JUDGE OF THE DISTRICT COURT  
COURT HOUSE  
DULUTH, MINNESOTA 55802

January 17, 1986

OFFICE OF  
APPELLATE COURTS  
FILED

JAN 21 1986

**WAYNE TSCHIMPERLE**  
CLERK

Wayne O. Tschimperle  
Clerk of Appellate Court  
230 State Capitol  
St. Paul, MN 55155

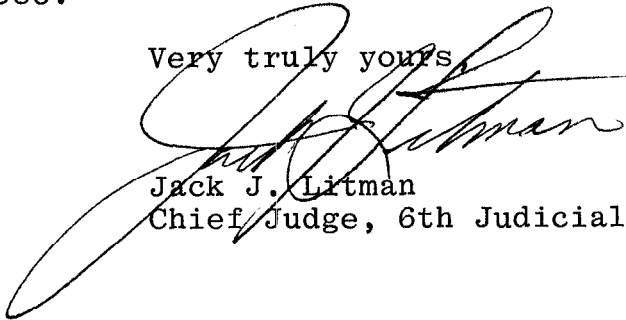
Re: Sixth Judicial District, Public Hearing

Dear Mr. Tschimperle:

09-85-1506

Please be informed that the undersigned desires to make an oral presentation at the Public Hearing to be held in the County Board Room, St. Louis County Courthouse, Duluth, Minnesota, on January 24th, 1986.

Very truly yours,

  
Jack J. Litman  
Chief Judge, 6th Judicial District

JJL/mam

cc: File

\*  
IPM04MN  
4-0052865022 01/22/86  
ICS IPMBNGZ CSP  
ZCZC 2188794592 TDBN CLOQUET MN 14 01-22 0957A EST  
PMS APPELATE COURT CLERK, DLR  
230 STATE CAPITOL BLDG  
ST PAUL MN 55105

C9-85-1506

BT  
PRESENTATION WILL BE MADE AT FRIDAY HEARING IN DULUTH BY CARLTON  
COUNTY BAR ASSOCIATION

NNNN  
0958 EST  
\*  
IPM04MN

OFFICE OF  
APPELLATE COURTS  
FILED

JAN 22 1986

WAYNE TSCHIMPERLE  
CLERK

