

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

In re Public Hearing on
Vacancies in Judicial
Positions in the
Eighth 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 within 90 days after receiving notice of the retirement from the Governor; and

WHEREAS, Governor Rudy Perpich has notified the Supreme Court on April 30, 1986, that vacancies in the Eighth Judicial District will occur as a consequence of the retirement of Judge Frederick M. Ostensoe and the disability retirement of Judge John N. Claeson; and

WHEREAS, the Supreme Court intends to consider weighted caseload information, which indicates that there currently exists a surplus of judicial positions in the Eighth Judicial District, in determining

whether to certify vacancies to the Governor in either or both of the above judicial positions; and

WHEREAS, the Supreme Court wishes to hold a public hearing in the Eighth 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 Commissioners Room in the Kandiyohi County Courthouse, Willmar, Minnesota, at 10:00 a.m., on May 28, 1986;

IT IS FURTHER ORDERED that persons wishing to have the Supreme Court consider information concerning the continuation of the two judicial vacancies 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 five days before the hearing, at the following address: Clerk of Appellate Courts, 230 State Capitol, St. Paul, Minnesota 55155.

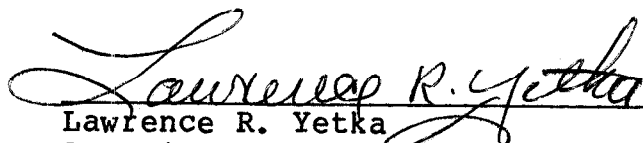
IT IS FURTHER ORDERED that persons who wish to obtain information concerning the weighted caseload analysis and its application to the two vacancies in the Eighth Judicial District shall direct their inquiries to: Mr. Wayne N. Kobbervig, 40 North Milton Street, Suite 201, St. Paul, Minnesota 55104.

Dated May 2, 1986

BY THE COURT

OFFICE OF
APPELLATE COURTS
FILED

MAY 2 1986


Lawrence R. Yetka
Associate Justice

WAYNE TSCHIMPERLE
CLERK

SIXTEENTH DISTRICT BAR ASSOCIATION

COUNTIES OF
BIG STONE - GRANT - POPE - STEVENS - TRAVERSE - WILKIN
202 Atlantic Ave., Morris, MN 56267

May 12, 1986

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

OFFICE OF
APPELLATE COURTS
FILED

MAY 14 1986

WAYNE TSCHIMPERLE
CLERK

Re: Public Hearing on Vacancies in Judicial Positions in the
Eighth Judicial District C9-85-1506

Dear Mr. Tschimperle:

Pursuant to the Supreme Court Order filed May 2, 1986, I am requesting that the Supreme Court consider certain information which I wish to offer in support of continuation of the positions. I also desire to make an oral presentation to the Court at the hearing in Willmar. A summary of the information that I wish to present is as follows:

- 1) The Sixteenth District Bar Association supports continuation of the positions.
- 2) I personally support continuation of the positions.
- 3) Special problems exist in the judicial district that are not taken into account by the weighted caseload analysis. These include:
 - a) The effect of the Mental Commitment Act of 1982. The Willmar State Hospital is within the district, and handles many commitment and review matters. At the same time, the Fergus Falls State Hospital serves the north half of the judicial district, and judges from the north half frequently travel to Fergus Falls, out of the district, to handle the hearings.
 - b) The empty courthouse syndrome. When the weighted caseload study began, no judicial district included a complement of judges numbering less than the total counties within the district. There are now more counties than judges in the district; this is true of no other judicial district in the state. The empty county seats must be served by traveling judges. Removal of any judicial position can only reduce efficiency; fewer judges to serve the same number of counties means more travel. More travel means less time to judge cases.
 - c) The marginal effect of vacations, disabilities, snow cancellations of court dates, and other absences are the most difficult to absorb in the Eighth District. Although only the Fifth and Ninth Districts serve more counties, the Eighth District has the fewest judges.

4) The appearance of the rich getting richer and the poor getting poorer is so overwhelmingly strong that an inherent bias in the weighted caseload analysis should be strongly suspected.

5) The Eighth District already suffers from an access to justice that is second to every other district in the state. The domestic abuse victim, the police officer in need of a search warrant, and the probate lawyer seeking to release funds for the support of a young decedent's family are all likely to have to wait for a month to get on the local calendar, or else drive 30 to 50 miles (one way) to find a judge who has or will make a gap in his schedule. Madonna hearings in mental commitment matters are routinely held in the wrong county because the committing county will not have a judge until the time limit is passed.

6) The Minnesota State Bar Association opposes termination of judicial positions, or transfer of them, without legislative involvement.

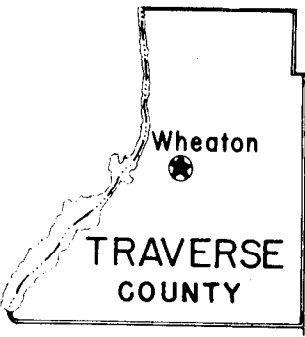
I realize that time is limited, and that many of these matters will be raised by other persons, and that some of these matters are best relegated to written submission, but I do desire to testify at the hearing.

Thank you for your attention to this matter.

Sincerely,



Kenneth L. Hamrum
Secretary
Sixteenth District Bar Association



TRAVERSE COUNTY SOCIAL SERVICES DEPT.

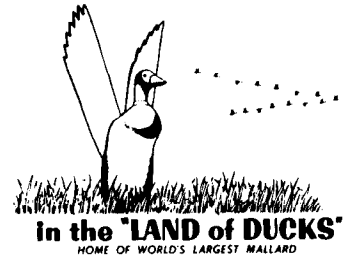
15 10th Street South

MIKE MARXEN — DIRECTOR

PHONE (612) 563-8255

WHEATON, MINNESOTA 56296

May 14, 1986



OFFICE OF
APPELLATE COURTS
FILED

MAY 15 1986

WAYNE TSCHIMPERLE
CLERK

Honorable Chief Justice Douglas K. Amdahl
Minnesota Supreme Court
220 State Capital
St. Paul, MN 55155

Dear Justice Amdahl:

C9-85-1506

I am writing to you out of concern that additional Judges will be removed from the judicial roster of the 8th Judicial District.

As a County Social Service Director, I am aware, over the last several years, of the tremendous hardship fewer Judges have visited upon social service departments. In numerous incidents, Traverse County Social Service staff had to travel great distances, accompanied by the County Attorney, to obtain emergency orders in areas of child and adult protection and mental health problems. In many of the incidents, travel to a Judge occurred during snow storms where life was at risk.

In order for Traverse County Social Service staff to meet the letter and intent of various legal mandates, the county needs the availability of Judges. Additional reduction would only hinder the county in serving the citizens of Traverse County in areas of child and adult protection and mental health.

I hope that further reduction of Judges in the 8th Judicial District will not occur.

Yours truly,

Mike Marxen
Mike Marxen,
Director

MM:ms

DONALD J. MONTONYE

TRAVERSE COUNTY SHERIFF
WHEATON, MINNESOTA 56296

OFFICE OF
APPELLATE COURTS
FILED

May 16, 1986

MAY 19 1986

WAYNE TSCHIMPERLE
CLERK

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

In Re: Public Hearing on Judicial Vacancies in the Eighth Judicial
District.

C9-85-1506

Office of Appellate Courts:

I would like an opportunity to make an oral presentation to the Supreme
Court regarding the above referenced hearing in Willmar on May 28, 1986.

The information I would like to present will be the access of law enforce-
ment to the judicial system, especially in emergency areas such as warrants,
commitments, and mandatory court appearances. Thank you.

Sincerely,



Donald J. Montonye
Traverse County Sheriff

DJM

SMITH & STREGE

ATTORNEYS AT LAW

321 DAKOTA AVENUE

BOX 906

WAHPETON, NORTH DAKOTA 58075

TELEPHONE: 701-642-2668

**OFFICE OF
APPELLATE COURTS
FILED**

MAY 21 1986

WAYNE TSCHIMPERLE
CLERK

GRACE L. EHLERS
LEGAL ASSISTANT

R.E.T. SMITH
FRED STREGE
DAVID J. HABERMAN
ATTORNEYS AT LAW

May 19, 1986

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

Gentlemen

We have been provided with a copy of the Supreme Court Order dated May 2, 1986, regarding the hearing to be held on May 28th, 1986, concerning two vacancies that now exist in the Eighth Judicial District of Minnesota.

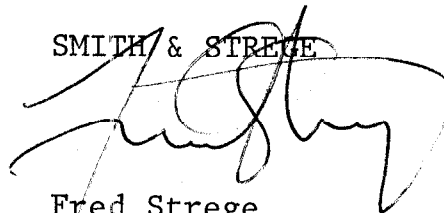
I believe that the two positions are necessary for effective judicial administration and should be continued.

At the present time, there are severe delays in getting cases tried and were Judge Reuther given the additional responsibility of two more counties, the delays would be much longer and it would be almost impossible to get any cases tried in Wilkin County.

I submit this letter as a written summary and I will not be appearing at the hearing on May 28th, 1986.

Sincerely

SMITH & STREGE



Fred Strege
A Member of the Firm

FS:gle

LAW OFFICES

NELSON, OYEN, TORVIK, MINGE, CHRISTOPHERSON & GILBERTSON

221 NORTH FIRST STREET
P.O. BOX 656
MONTEVIDEO, MINNESOTA 56265
612-269-6461

1020 TENTH AVENUE
P.O. BOX 656
CLARKFIELD, MINNESOTA 56223
612-669-7126

CLARA CITY, MINNESOTA 56222
612-847-3523

JOHN P. NELSON
SIGVALD B. OYEN
STEPHEN TORVIK
DAVID MINGE
BRUCE W. CHRISTOPHERSON
DAVID M. GILBERTSON
JANICE M. NELSON

May 20, 1986

REPLY TO Montevideo

OFFICE OF
APPELLATE COURTS
FILED

MAY 21 1986

WAYNE TSCHIMPERLE
CLERK

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

Re: Judicial Positions in Meeker
and Yellow Medicine Counties

Gentlemen:

On behalf of the Chippewa County Bar Association I am writing to object to the proposal to eliminate two judicial positions in the Eighth Judicial District. There are several reasons for our position:

1. We have already lost two judicial positions in the last three years and cannot afford further erosion of the availability of judicial services. More time is needed to evaluate the impact of the elimination of a judicial position.
2. The judicial caseload study fails to give adequate consideration to the inefficiencies of judicial operation in more remote areas. As a part of the study, multi-judge counties such as Clay, Stearns, and Olmsted have been included. When only one judge serves a county or a judge serves several counties, there are significant additional inefficiencies which need to be recognized. These include the additional travel time, the inefficiency of attempting to work at a location remote from one's principal office, the difficulty of effectively supervising or coordinating the work of support personnel, and fatigue. With consolidation we would have only two counties with two resident judges and with the proposal the court is being considered we would probably only have one county with more than one resident judge. Thus, the judicial caseload study must be reviewed to determine its applicability to this situation.

Clerk of Appellate Courts
May 20, 1986
Page Two

3. In criminal and juvenile matters in particular we are facing operating problems with the lack of judicial services. Substantial travel and delay is encountered in processing these cases by the sheriff and prosecutor's offices. Also, public defender services are unevenly available. Unfortunately this results in a decision not to use the legal system to handle certain matters, leads to citizen frustration, and could lead to illegal ways of attempting to settle disputes involving criminals, incompetents, juveniles, and marital discord. It is critical that judges be accessible to make the system work.

I request an opportunity to make an oral presentation at the hearing set for Willmar, Minnesota on May 28, 1986.

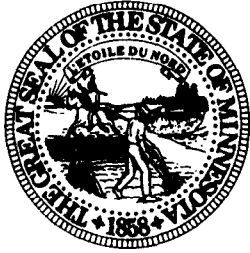
Sincerely yours,

NELSON, OYEN, TORVIK, MINGE,
CHRISTOPHERSON & GILBERTSON

A handwritten signature in black ink, appearing to read 'DM' followed by a flourish.

David Minge

DM/bd



MEEKER COUNTY ATTORNEY'S OFFICE

MEEKER COUNTY COURTHOUSE
LITCHFIELD, MINNESOTA 55355
(612) 693-7927

WILLIAM H. DOLAN
MEEKER COUNTY ATTORNEY

May 20, 1986

MICHAEL J. THOMPSON
ASSISTANT COUNTY ATTORNEY

DEBRA K. RETZLAFF
LEGAL ASSISTANT

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

RE: Public Hearing of Vacancies in Judicial Positions in the Eighth
Judicial District

Dear Sir:

Enclosed please find for filing with the Supreme Court a letter regarding the public hearing as referenced above. Please be advised that I do not wish an opportunity to speak at the public hearing, however I will be in attendance if any of the justices wish to ask questions regarding my letter. Thank you.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Michael J. Thompson".

Michael J. Thompson
Assistant County Attorney

MJT/dkr

Enclosures



MEEKER COUNTY ATTORNEY'S OFFICE

MEEKER COUNTY COURTHOUSE
LITCHFIELD, MINNESOTA 55355
(612) 693-7927

OFFICE OF
APPELLATE COURTS
FILED

MAY 21 1986

WAYNE TSCHIMPERLE
CLERK

May 20, 1986

WILLIAM H. DOLAN
MEEKER COUNTY ATTORNEY

MICHAEL J. THOMPSON
ASSISTANT COUNTY ATTORNEY

DEBRA K. RETZLAFF
LEGAL ASSISTANT

The Honorable Justices of the Supreme Court
Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

RE: Public Hearing on Vacancies and Judicial Positions in the Eighth
Judicial District

Dear Honorable Justices:

Pursuant to your Order of May 2, 1986, I ask that you consider this letter as part of your record and review regarding the continuation of two judicial vacancies in the Eighth Judicial District. I am opposed to continuing these vacancies and in favor of filling them. My reasoning is two-pronged, both factual and emotional.

Factually, there are serious doubts as to the validity of the weighted case load study. The study is based on a work load survey conducted in 1980. Since that time, there have been major revisions in the law that have substantially altered the time spent on matters. For example, the areas of juvenile law, divorce law, child support, child welfare, and commitments have all been revised. In each case, it appears the revision has required more judicial time rather than less.

The case load study itself admits it is outdated at this time. The following is quoted from the Minnesota Weighted Case Load Analysis Eighth Judicial District, 1985:

One point of explanation and qualification is necessary. As described above, the case weights and judicial time availability factors were calculated on the basis of a survey of actual judicial bench, chambers, and travel time conducted in the fall of 1980 . . . typically, weighted case load case weights and judicial equivalent factors should be updated every three to five years. The State Court Administrator's Office plans to update these factors in 1986.

It is apparent that the study upon which the judicial positions are to be vacated is outdated by at least one year.

I now turn to a more emotional argument. In 1980, rural Minnesota was still in the agricultural boom years. I am sure you are aware of

The Honorable Justices

May 20, 1986

Page 2

the severe reversal and economic misfortunes that have since struck the Eighth Judicial District. This has had a direct effect on the court systems, and on how people perceive the court system and government in general.

To start, collection activity has increased. Economically troubled farms and business are not accepting defeat, but fighting through the courts for every right and delay possible. A collection effort today involves a more substantial amount of attorney and judicial time than they did five years ago. The reason: good, long time farmers are in deep trouble and are fighting back emotionally even when it is apparent the battle to save the farm will fail.

There is another emotional argument involved, namely the concept of "the rural courthouse." A rural area is preferable to many people because of the closeness they experience to grass roots government. This includes the judiciary as well. The county judge is perceived as a person of the community, known by many, who accurately reflects the values of that particular community. By removing a judge from the community, the community no longer looks upon the judiciary as local but as part of the "state."

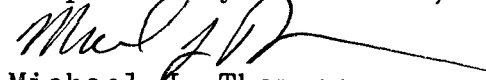
Rural Minnesota is struggling desperately to keep its identity. Removing the county judge is another step toward loss of identity. Independence is curtailed. It is my belief that respect for judicial decision declines the more removed a judge becomes from the populace he serves. This is a factor that may contribute to the increase in appeals.

Meeker County has been without a judge for more than six months. During that time I have noticed a distinct, somewhat antagonistic reaction toward the situation. Citizens want their own judge. They do not like the concept of a traveling judge bringing with him perceptions shaped by another area. They want fair justice. Are they getting it? Will they get it if one or two more judges are removed from this district? More importantly, will they perceive justice?

Our area has been kicked in the tail for several years now. We do not need another one. Yet the removal of judges leaves the perception that local grass roots government is dying. If the rural way of life is so precious (and I believe it is), why do we continually try to erode it?

To conclude, I firmly believe that cutting two judicial positions in this district based solely on a 1980 study is folly. The times, economics, and law have changed drastically since then. Rural Minnesota needs close contact with "grass roots" government right now including the judicial branch. I implore the Court to not terminate the two judgeships at this time, but rather recognize their true value to the needs of this area.

Respectfully submitted,


Michael J. Thompson
Assistant County Attorney

MJT/dkr

OFFICE OF THE COURT ADMINISTRATOR

MEEKER COUNTY COURT

P. O. Box 881

LITCHFIELD, MINNESOTA 55355

LINDA JAGUSH
Court Administrator

COURTHOUSE
PHONE 612-693-2458

May 20, 1986

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

OFFICE OF
APPELLATE COURTS
FILED

MAY 22 1986

WAYNE TSCHIMPERLE
CLERK

Re: Judicial Vacancies - Eighth Judicial District
Hearing scheduled for May 28, 1986

Dear Sir,

As representative of the Eighth Judicial District in the capacity as Court Administrator of Meeker County, and in view of a public hearing that is presently scheduled for Wednesday, May 28, 1986 aimed at gathering relevant information regarding judges and judicial resource needs relative to the replacement of two judges for this district, I would like to offer for your information and consideration some first-hand knowledge regarding the operation of the Meeker County Court Administrator's Office while absent a resident judge.

1) I believe that scheduling and rescheduling has been the major obstacle in processing cases in Meeker County during the absence of sufficient judge time. The Court days have been scheduled too heavily to allow enough time to deal with cases, so consequently, things are hurried through or get back-logged as the day goes by. We have had to reschedule matters because attorneys have appointments and must return to their offices instead of waiting for their turn in court.

On continued appearances, omnibus hearings, and trial dates, the attorneys up to now have been considerate of our present situation and have waived the required time limits involved for case processing, however, should this not continue to be the case, I feel that the calendar as it is now could not handle the volume.

At the present time, our practice for scheduling probate hearings for judges review is arranged so that they are squeezed into the calendar and if someone appears to object, they are rescheduled for hearing. Although this arrangement is workable for us, I do not believe the attorneys or involved parties would agree.

Although not mandatory, I believe that valuable time can be preserved if pre-trials and trials are scheduled before the same judge so another judge does not have to take the time to familiarize himself with a case. At present, we

cannot do that because we may not have the same judge returning Pleas and sentencings also create a problem. There may be a time span for scheduling a sentence before the same judge who took the plea, or the sentencing will be assigned to another because that judge is not scheduled to return.

2) The court does not have the availability of a judge in dealing with search warrants, warrants and the approving of bail bonds. Orders for protection that need signature must be sent to neighboring counties for signature.

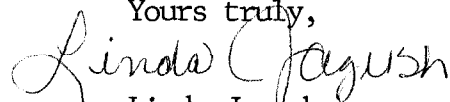
3) Meeker County, since the beginning of 1986 has been functioning with the help of judges who have given up judge days slotted for other counties. Some of the judges have had to travel some distance, creating additional expense and using judge time for traveling. At the same time we are taking time from another county that may be needed for processing their cases. I don't believe that the interchanging of judges solves the problem created by our need for a judge.

Our committment cases are usually done by Kandiyohi county judges, thus creating a problem getting them done within the proper time table, while at the same time asking Kandiyohi county to give up time for our cases.

Although we admittedly have functioned during this time with the visiting judges that have been assigned, I do not believe that the weighted caseload study accurately reflects the volume of work or traffic that goes through this office. I am presently scheduling District Court into August and rapidly running out of time. Our attorneys are losing patience with us because we have to schedule things so far ahead for hearing. At the present time, we have available to us for use seven county court judge days and five district court days in June. In a county of approximately 20,000 people, in a locality with a major highway running through it, volume certainly demands more available court time

In closing, I would like to thank you for your time and let you know that should you have any questions, I will be attending the hearing on May 28, 1986

Yours truly,



Linda Jagush
Court Administrator
Meeker County,
Minnesota

5/22

Judge  Jon Stafsholt



□ GRANT COUNTY COURTHOUSE
ELBOW LAKE, MN 56531
218/685-4825

□ POPE COUNTY COURTHOUSE
GLENWOOD, MN 56334
612/634-5301

May 21, 1986

OFFICE OF
APPELLATE COURTS
FILED

MAY 22 1986

WAYNE TSCHIMPERLE
CLERK

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

Re: May 28th Sunset and Transfer Hearing

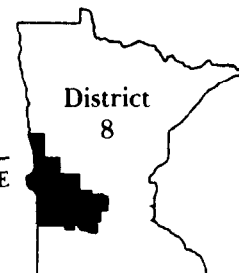
Please be advised that I would like to address the Supreme Court at the sunset and transfer hearing on May 28, 1986, in Willmar. I am enclosing a critique which I would also like the Supreme Court to consider in connection with this matter. The comments I intend to make would be by way of summary and augmentation of the enclosed critique.

Jon Stafsholt

JS:mh
Enclosure



Jon Stafsholt



□ GRANT COUNTY COURTHOUSE
ELBOW LAKE, MN 56531
218/685-4825

□ POPE COUNTY COURTHOUSE
GLENWOOD, MN 56334
612/634-5301

CRITIQUE OF THE 1980 WEIGHTED CASELOAD STUDY
AS APPLIED TO THE EIGHTH JUDICIAL DISTRICT

By JUDGE JON STAFSHOLT

Problems with the 1980 Study

The application of the 1980 Weighted Caseload Study (WCS) to the current situation in the 8th Judicial District, for the unstated but clear purpose of sunseting two county court judicial positions and transferring them to Hennepin County or the metropolitan suburbs, would be unfair to the people residing in the 13-county rural 8th District and would create needless extra cost to the taxpayers of both affected districts.

Many of the statistical errors and problems with the six-year-old Weighted Caseload Study have already been documented in the May 2, 1986, report and analysis prepared for the Second Judicial District. Many of the factors cited therein are equally relevant to the 8th District.

The WCS is an historical picture, retrospective, not prospective. It was prepared well before the rural economic crisis occurred. The depressed farm economy of the last few years is now starting to make its statistical mark in rural courts. The poor rural economy is about to crowd rural court calendars with more economic crimes, more family court stress-related cases, and more civil litigation regarding foreclosures. The rural economic bust will be a boom for rural courts, which are already understaffed.

Judicial need fluctuates from year to year. It is unfair and unwise to use an average caseload at one point in time and apply it forever forward.

Also, not everything can be quantified. Phone calls, evening meetings, and other matters are not documented in the WCS. Cases differ in complexity, making case time averaging a useless statistical tool. Also, if judges are to retain a degree of independence, considerations must be allowed for their personal styles. One judge may accomplish much in chambers and not get the statistical credit for his work. Delay and unpredictability are inherent in

the judicial system; especially when back stopping jury trials. Calendaring systems also vary from district to district and from county to county within a judicial district.

The WCS also depends on the accuracy and completeness of statistics supplied by court administrators. Thus, the human element can distort the study. Also comparing TCIS counties with non-TCIS counties can create statistical inconclusiveness.

The disparity in county judge and district judge equivalents has little rational basis. In the 8th District, county judges routinely do district court work by standing order of assignment.

The WCS also lumps DUI cases with traffic and parking cases, even though DUI cases are more complex and, under current case and statutory law, more likely to be tried than ever before.

Comparing districts which have unified the trial courts with those, such as the 8th, which have not is bound to distort statewide statistics on cases handled.

According to the monograph entitled Assessing the Need for Judicial Resources, prepared for the National Center for State Courts by a special task force, relying solely on a weighted caseload system is not proposed (p.34). The task force concluded: "it is clear that a statistical analysis alone is not sufficient to determine a locality's need for judicial resources. Neither the state nor the locality is served well if the assessment of need is limited to statistical indicia." (p.35).

Part of the problem with the WCS is that it assumes courts within the state are comparable. It appears that an urban standard is made to apply in rural areas. Yet, according to the monograph Rural Courts prepared for the National Center for State Courts: "Court-related problems should be considered in light of community and court characteristics. Few states are totally rural or urban, and few courts within states are similar enough to justify even broad generalizations." (p. 69).

The Rural Courts monograph continues at p. 71:

"It is unfair to rural judges, for example, to have their caseloads compared with those of urban judges when allocating resources. The fact that a rural judge hears 400 cases a year while an urban judge handles more than 800 cases in the same period is meaningless without taking travel and other judicial duties into account."

Just as Minnesota is a two-economy state, it is also a two-culture state. There is a rural lifestyle, and there is an urban lifestyle. There is a difference between the administration of justice between Minneapolis and Mineota, between St. Paul and St. Peter. The very nature of the rural way of life precludes the assembly-line style of justice attributed to the urban areas. Yet, the WCS and other state studies (for example, the Sentencing Guidelines) seem to have a bias in favor of what is accepted in urban areas but not in rural areas.

Staff Differentials

If a weighted caseload is to have any equity, it must adequately factor in the significant differences. Yet, the 1980 WCS did not adequately factor in differences in judicial staffs, type of judicial assignments, and travel.

A judge in Hennepin County, for example, has his own court reporter, his own law clerk, his own secretary, and the use of countless other court services officers and other support personnel. A county judge in the 8th district has no court reporter, no law clerk, no secretary, and one or two probation officers shared by other judges in several counties.

Should an understaffed judge be required to be as productive as a well-staffed judge? The WCS says yes. Common sense says no.

Even the Ramsey County officials, on p. 47 of the 2d District Report stated: "The number of judicial support staff assigned to a judge has a direct relationship to the amount of time necessary for case processing." The author of that report concluded that a referee without a staff is, at most, only 90% as effective as a judge with a staff. In a rural area, the loss in productivity is probably closer to 20% because of the extra travel time and lack of library resources.

The 8th District has less judicial staff than any other district. Also, to transfer an 8th District position to Hennepin County would be an extra expense to the citizens of Hennepin County because a new judicial staff would be hired.

General Assignments

Judges in the 8th District must be generalists. A county judge, in one day, will handle nearly every type of case--criminal, civil, family, commitment, probate, juvenile, guardianship, etc. He will not only handle the gamut of county court assignments but the gamut of district court assignments. He works like a semi truck driver, constantly shifting gears.

Necessarily the court scheduling cannot be as tight as judges in urban areas who may have only one assignment, such as juvenile court or probate court.

Add to the complexity of going from one topic area to another the fact that the judge has no staff to assist him and must also travel from county to county, it is no wonder that he cannot be as productive as an urban judge.

Real Travel Time

Travel time is another factor which the WCS has not adequately addressed. A judge in the 8th District often travels to a different county courthouse every day. Apparently, the old WCS allowed each 8th District judge 1.2 hours a day for travel time. This was when there were 14 judges instead of the present 12. The remaining judges must travel more. I, for one, average about 1.96 hours a day for travel. In addition, when a judge travels to a different county every day, there is additional downtime for at least 15 minutes in the morning making sure the briefcase is filled with the right files and at least 15 minutes after working checking into the home courthouse for messages, mail, orders to sign, etc.

What is surprising to most rural judges is that metropolitan judges get nearly the same amount of travel time. In the Supreme Court's memorandum regarding the recent 6th District vacancy (May 2, 1986 Finance and Commerce, p. 39), it was revealed that metropolitan judges received 1.13 hours a day for non-case related time (travel).

Also, not accounted for is the travel time and expense required for rural attorneys, litigants, law enforcement personnel, social workers, probation officers, and others who must travel from one county to another to locate a judge. Various arbitrary time limits for commitment hearings, bail hearings, juvenile hearings, domestic abuse cases, etc. all require rural people to travel many miles to reach a judge available for a hearing. These expenses are borne by the taxpayers of the counties or by the lawyers and litigants. To save these costs and inconveniences, rural areas need more judges per capita than urban areas. Because of geography, it is not cost-effective to reduce judicial services in rural areas. The Eighth District now has more counties than judges.

Summary

Despite the reliance by the Supreme Court on the Weighted Caseload Study of 1980, it is clear that major constituencies have rejected its value. The

Minnesota House of Representatives voted to repeal the sunset and transfer law. The Minnesota Senate did not act on it but probably will next year. The Minnesota State Bar Association repudiated the 1980 study and passed a resolution favoring the repeal of the sunset and transfer law. Both of these events occurred earlier this year. If the Supreme Court still gives credence to the 1980 Weighted Caseload Study, it does so without the approval of the lawyers or legislators of Minnesota. Clearly, if the Supreme Court perpetuates further injustices by further depleting rural judicial positions at the height of the rural economic crisis, public support for the Supreme Court's ability to fairly administer justice will continue to decline.

A fair weighted caseload study is needed. If that study compensated rural judges for being understaffed, for being on general assignment, and for the extra travel, different statistics of judicial need for the 8th District would be presented. The 1980 WCS said there was a need for 5.9 county judges in this district. At that time there were 11. Two have since been eliminated by the Supreme Court, leaving only 9. However, if 5.9 judges were each 20% less effective because of lack of staff, there would be a need for 1.18 more judicial positions. If 5.9 judges were 20% less effective for being on general assignments daily, instead of specific assignments, there would be need for another 1.18 judicial position. If 10% more travel time were allowed, there would be need for .59 judicial positions. If county judges received credit for the district court work over 3.0 district judge positions, the WCS would allow .22 judicial positions. The results follow:

5.90 county judge positions
1.18 factor for lack of staff
1.18 factor for general assignments
.59 factor for travel
<u>.22</u> factor for district court work

9.07 number of county court judges needed.

The 8th District needs nine county court positions. The present vacancy in Litchfield and the future vacancy in Granite Falls should be filled.

Additionally, in order to regain the support of the Legislature and the Minnesota State Bar Association, the Supreme Court should declare a moratorium on sunseting and transferring judicial positions until a more accurate and fair weighted caseload study is completed. To continue to proceed in reliance on the repudiated Weighted Caseload Study is to invite needless discord and

disharmony between bench and bar and to invite over-correction by the legislative branch of government.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jon Stafsholt", with a long horizontal flourish extending to the right.

Jon Stafsholt, Judge
Eighth Judicial District

Boyd Beccue

(612) 235-1864

Attorney and Counselor at Law

May 20, 1986

Mailing Address: P.O. Box 9
Suite 105, 320 West Fourth Street
Willmar, Minnesota 56201

OFFICE OF
APPELLATE COURTS
FILED

MAY 22 1986

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

WAYNE TSCHIMPERLE
CLERK

RE: Eighth Judicial District Judgeships

Dear Clerk:

Please file the attached statement regarding my opposition to transfer of judgeships from the Eighth Judicial District with the Honorable Justices of the Supreme Court.

Yours truly,

Boyd Beccue

BB:jb

Enc.

STATEMENT

TO: The Honorable Justices, Minnesota Supreme Court

May it please the Court. This statement is submitted in opposition to any further reduction in the number of judgeships for the Eighth Judicial District. I strongly feel that any further reduction in the number of judgeships in this District will gravely impair the administration of justice. My reasons are as follows:

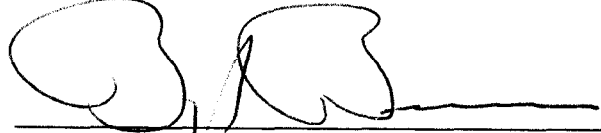
1. I do not believe that the Weighted Case Load Study sufficiently considers the sheer physical size of this District. The Judges are forced to travel great distances from Court to Court, which is time consuming at best, if road conditions are good. On many occasions, particularly in winter, road conditions in this District are dangerous if not impassable making travel far more difficult and time consuming.

2. If the number of judgeships in this District is further reduced, law enforcement officers and attorneys requiring the immediate decision or approval of a judicial officer will be forced to face the delays of further travel, and potentially will be unable to locate judges on a timely basis.

3. I also strongly feel that the public confidence in the Judicial System will be gravely harmed if judgeships are transferred to other judicial districts. I believe it fundamental that a great part of the effectiveness of our Judicial System is due to the confidence that the public places in it. I believe there is a growing perception that areas outside the Twin Cities Metropolitan area, particularly Western Minnesota, are being either short changed or overlooked in favor of other parts of the State, particularly the metropolitan area. Such perceptions, even if one would grant arguendo, that they are not 100% accurate, are a very important factor in the administration of justice. The ability of our Judicial System to continue to work toward the peaceful resolution of disputes will be lessened if there is a perceived change in the District's standing as an area of the State equal to any other in its importance within the system. While the perceptions of the public may not be dealt with in numbers, I feel that they are

worthy of this Court's attention, and I respectfully urge the Court to consider public reaction to any further reduction in Eighth Judicial District judgeships.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Boyd Beccie', written over a horizontal line.

Boyd Beccie (Reg. No. 585X)
P. O. Box 9, Suite 105
320 West Fourth Street
Willmar, MN 56201
Telephone: (612) 235-1864



LAW OFFICES OF
CARLSON, REISHUS & HOLMSTROM

685 Prentice Street - P.O. Box 70
Granite Falls, Minnesota 56241

Granite Falls, Minnesota
612-564-3825
612-564-4825
Sacred Heart, Minnesota
612-765-2263
Echo, Minnesota
507-925-4133

Robert L. Carlson
1920 - 1984
K. S. Reishus
Gregory L. Holmstrom

OFFICE OF
APPELLATE COURTS
FILED

MAY 22 1986

WAYNE TSCHIMPERLE
CLERK

21 May 1986

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

RE: Judicial Positions
8th Judicial District
Hearing
Willmar, MN - May 28, 1986

I am writing to request that both my partner, Kaye S. Reishus, and myself, Gregory L. Holmstrom, attorneys at law at Granite Falls, MN, be allowed to make oral presentations at the above-referenced hearing. We intend to address the difficulties encountered by members of the bar association from our county as a result of what we believe to currently be a shortage of judicial positions. We will be discussing travel time involved as well as costs to our clients in seeking and attending judicial hearings.

I will also be addressing the problems encountered by our local police department as we in Granite Falls and Yellow Medicine County do not have a jail at this time and are forced to house our prisoners elsewhere. This, combined with the possibility of a loss of the judicial position in Yellow Medicine County, will create considerable extra delay and expense for the local units of government.

We appreciate the opportunity to address the Court and trust that this letter is sufficient to place us on the agenda.

Sincerely,

Kaye S. Reishus & Gregory L. Holmstrom

By: Gregory L. Holmstrom
For: CARLSON, REISHUS & HOLMSTROM



R.A. BODGER
CHIEF JUDGE
8TH JUDICIAL DISTRICT

CHAMBERS
BOX 110
BENSON, MINNESOTA 56215
SWIFT COUNTY

TELEPHONE
(612) 843-2744

May 20, 1986

OFFICE OF
APPELLATE COURTS
FILED

MAY 22 1986

WAYNE TSCHIMPERLE
CLERK

Supreme Court of Minnesota
c/o Clerk of Appellate Courts
230 State Capitol
St. Paul, Minnesota 55155

Honorable Justices of the Supreme Court:

I would like to make an oral presentation at the public hearing in Willmar, Minnesota, on May 28, 1986, on the following summary concerning two judicial vacancies in the Eighth Judicial District.

In the Eighth District:

1. Child support cases have been combined with Dissolution cases.
2. Civil cases may have been categorized as "Other General Civil" when in fact they may have been Contract, Property Damage, or other Civil cases carrying greater weights.
3. Cases have been venued in County Court which were technically District Court cases but remained in County Court and thereby lost District Court weights.

The following, I believe, have adversely affected the element of judicial equivalency in the Eighth District:

1. The District has 13 Counties and within the past 5 years we have replaced 12 Court Administrators, affecting judicial time for interviews and training.
2. Four County seats do not have a chambered Judge -- Wheaton, Ortonville, Madison and Glenwood -- which represent Counties containing over 35,000 people.
3. Cross assignment by blanket Order has been in effect in the Eighth District since November 27, 1985, but due to the rapid change in judicial resources, we have been unable to put in effect a competent, efficient and comprehensive schedule.
4. It is noted while the 1980 weighted case units in the Eighth District approximated 486,000 and the 1985 units approximated 591,000, the District has been as high as 627,000 in the past 5 years.
5. While the population in the West end of the District, where

Honorable Justices of the Supreme Court

May 20, 1986

more Judges are located, has been moderately decreasing, the population projections for the East end of the District show an increase but with a total net increase for the whole District through the year 2010.

6. The Eighth District has been compared to the Seventh District on the basis the Seventh District is also a rural district and has the same number of Judges as it should according to weighted caseloads. However, support personnel for Eighth District Judges consist of 3 Court Reporters and 2 Law Clerks for 12 Judges. The 19 Judges in the Seventh District have 5 Law Clerks and 19 Reporters or .26 Law Clerks for each Judge in the Seventh and .16 Law Clerks for each Judge in the Eighth, 1 Court Reporter for each Judge in the Seventh and .25 Court Reporter for each Judge in the Eighth.

7. Having been compared to the Seventh District as also being a multi-county -- multi county judge rural district, I note our largest City, Willmar, has a population of 15,000 plus and our next largest City, Litchfield, almost 6,000. I note in the Seventh District, by 1980 census figures, St. Cloud has a population of 42,500, Moorhead has a population of 30,000, Fergus Falls a population of 12,500 and three other cities, Detroit Lakes, Alexandria and Little Falls, with populations of approximately 7,000 each. I believe volume, with less travel, contributes considerably to the efficiency of Judge time.

8. Three of our Judges have State cars from the Central Motor Pool with a 4th Judge waiting for the next available car. With a State requirement of driving a minimum of 1,000 miles per month. another State Agency recognizes the large amount of travel as we recognize the saving of expense to the State.

9. The present requirement of assigning Judges from the West end of the Eighth District, where the caseload is lightest, to the East end of the Eighth District, where the caseload is heaviest, is neither cost effective, nor time effective. For example, there have been necessary occasions to assign the Breckenridge Judge to Litchfield, 144 miles one way -- Morris Judge to Litchfield, 85 miles one way -- Elbow Lake Judge to Litchfield, 102 miles one way. More often, those Judges may be moved to such places as Benson or Willmar with the Benson or Willmar Judge then going to Litchfield. While this does not save cost to the State, it does save Judicial time if the Judges can travel at the same time.

10. At one time, after the County Court system was instituted in 1972, the Eighth District had a complement of 17 Judges serving the District, three District Judges and fourteen County Court Judges, (one in each County except Big Stone, with 2 in Kandiyohi County and the services of 2 in Grant County). We now have a complement of 12 judicial positions.

11. Because of the shuffling of Judges, it is not unusual to have up to 4 Judges working at different times on the same case. I

Honorable Justices of the Supreme Court

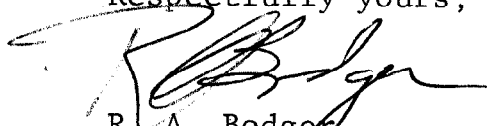
May 20, 1986

believe the change required of our Judges from hearing or working on one category of cases to another category of cases, such as from Conciliation or Juvenile to adult felony, causes a loss of time and efficiency.

12. Eighth District Judges had a total of 825 days of unused vacation by the end of 1985. Of the 390 days of vacation earned in 1985 by the 13 Judges, 142 were unused.

Enclosed are two exhibits -- a District Map and a Blanket Order.

Respectfully yours,





A handwritten signature in black ink, appearing to read 'R. A. Bodger', written over the typed name.

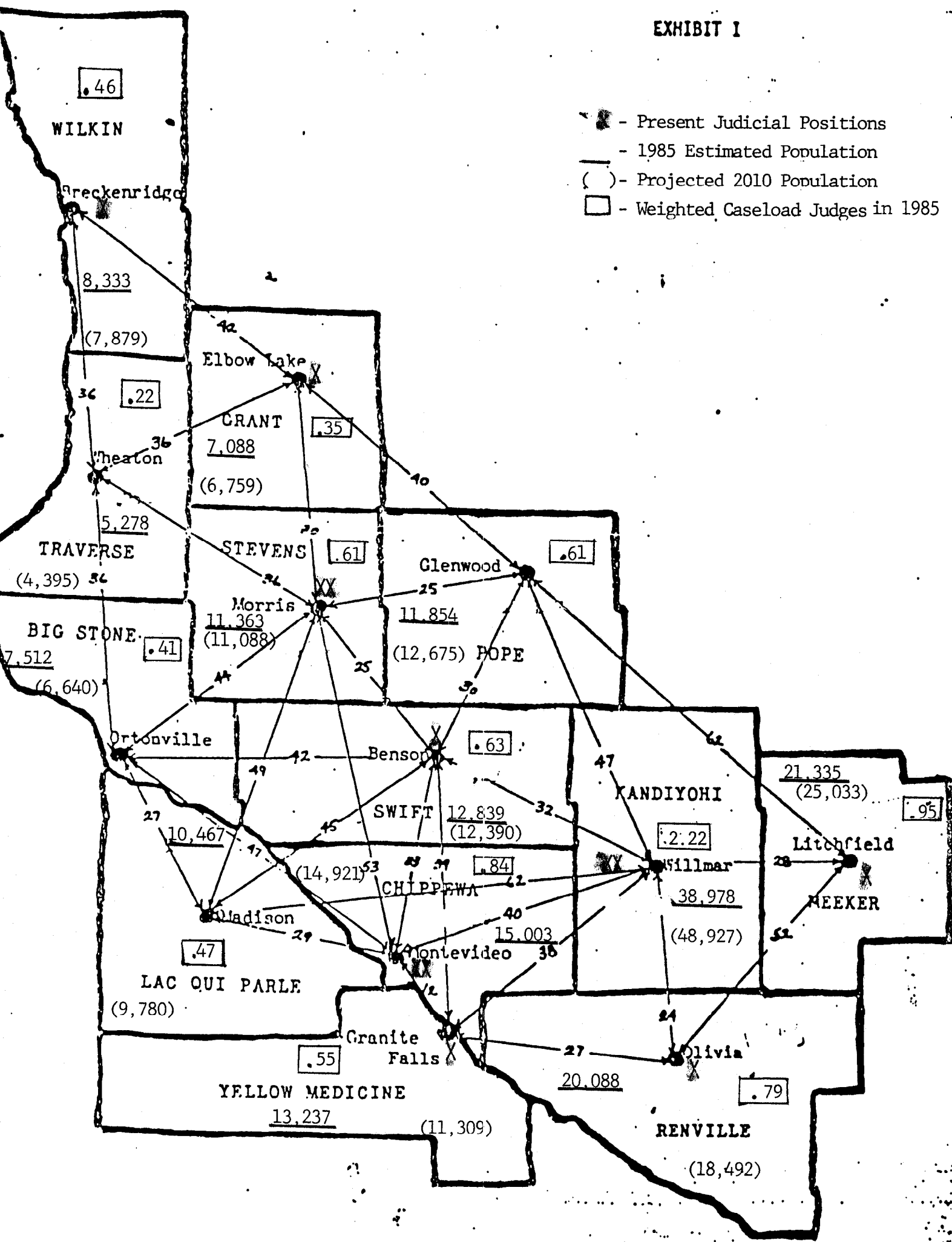
R. A. Bodger
Chief Judge
Eighth Judicial District

RAB:cj

Enc.

EXHIBIT I

-  - Present Judicial Positions
-  - 1985 Estimated Population
-  - Projected 2010 Population
-  - Weighted Caseload Judges in 1985



O R D E R

STATE OF MINNESOTA

EIGHTH JUDICIAL DISTRICT

WHEREAS, pursuant to the provisions of Minnesota Statutes 484.70, Subdivision 3, the Chief Judge of said District may assign any Judge of any Court within the Judicial District to hear any matter in any Court of the Judicial District, and

WHEREAS, when a Judge of a Court is assigned to another Court he is vested with the powers of the Judge of the Court to which he is assigned, and

WHEREAS, pursuant to the Order of the Supreme Court dated October 2, 1985, terminating Judicial positions in the Fifth Judicial District, the Court rules the efficient Judicial administration requires that any type of case can be disposed of by any Trial Judge, without respect to title, and

WHEREAS, it has become routine practice for the Chief Judge to assign cases by means of "Blanket" assignments, and

WHEREAS, the Supreme Court has terminated another Judicial position in the Eighth Judicial District by Order dated November 20, 1985, thus requiring more efficient Judicial administration in said District, requiring, but not limited to, reasonable access to Judicial services, cost effective operations, and frugal Judicial travel,

NOW THEREFORE, IT IS HEREBY ORDERED that all Trial Judges of the Eighth Judicial District be, and hereby are, assigned by means of "Blanket" assignment to all Trial Courts in said District and

detrimental effects included comparison of the Eighth to the unified Seventh and Ninth Districts by the Supreme Court as to adequate operation; that Districts unified by 1984 were not exposed to weighted case load Judge numbers for 1984; the number of law clerks allowed by Statute is based on numbers of District Judges, etc. The Supreme Court's announced position for unification has now been augmented in the Fifth District Order Terminating Judicial Positions, again in this District, by comparison of the the Eighth to the Seventh and Ninth Districts and further, by creating a District Judge position from the County Court Judge position upon transferring same from Meeker County to Hennepin County.

R. A. BODGER
Chief Judge
Eighth Judicial District

LAW OFFICES
HULSTRAND, ANDERSON, LARSON & BOYLAN

GEORGE E. HULSTRAND
RONALD C. ANDERSON
L. WAYNE LARSON
ARTHUR J. BOYLAN

WILLMAR BUILDING, P. O. BOX 130
WILLMAR, MINNESOTA 56201

TELEPHONE 235-4313
AREA CODE 612

May 21, 1986

**OFFICE OF
APPELLATE COURTS
FILED**

MAY 22 1986

**WAYNE TSCHIMPERLE
CLERK**

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

Re: Public Hearing on Vacancies
and Judicial Position in the
Eighth Judicial District

Dear Justices of the Supreme Court:

The 1984 weighted caseload study indicates that the caseload for the Kandiyohi County Court System has increased by 25.5 per cent since 1980. As of 1984, 1.4 judges were needed in our county according to the weighted caseload study. See 1984 Weighted Caseload Study, Dec. 4, 1984 at page 9.

There is one county judge with chambers in Kandiyohi County, so there is a large and demonstrable need for visiting county judges in this county on a regular basis. I question the effective judicial administration of the county as well as neighboring counties when judges from those adjacent counties must regularly travel to Kandiyohi County to contend with the growing County Court caseload. This system creates delays, inconveniences, confusion and expense and simply does not promote the efficient delivery of legal services.

Kandiyohi County's caseload continues to grow as its population continues to grow. The State Demography Unit of the Minnesota Department of Energy, Planning and Development, Minnesota Population Projections, 1980-2010 (1983) indicates that Kandiyohi County grew by more than 15%. Projections indicate that between 1980 and 1990, Kandiyohi County will grow by approximately 13%.

In addition to the increased population of Kandiyohi County, the presence of the Willmar Regional Treatment Center in Willmar

Minnesota Supreme Court
May 21, 1986
Page 2

which serves a population in excess of 500 patients also is a factor which complicates the administration of justice in our county. As the Supreme Court noted in reviewing the situation in Carlton County as it related to the location of the Moose Lake State Hospital,

" The sole county judge handles mental commitment matters for that facility not only for Carlton County but for other counties across the state. This assignment requires the judge to make detailed findings of fact, conclusions of law and entry of judgments and to review all cases every six months."

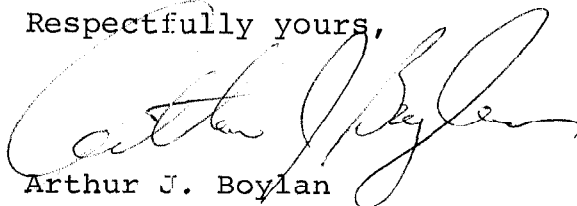
In re: Sixth Judicial District Court Vacancy
(Finance and Commerce March 7, 1986).

The presence of the Willmar Regional Treatment Center in Kandiyohi County undoubtedly causes a strain on the local County Court System since it necessarily takes the local county court judge away from his local responsibilities for a significant period of time.

I believe that the weighted caseload study as well as the additional factors outlined above make it clear that the growing needs of Kandiyohi County for resident judges is not being met. The vacation of the Pope County position and now the proposed vacation of the Yellow Medicine and Meeker County position will mean that visiting judges will not be as available as they have been in the past to serve this growing county. The Supreme Court, in the proper administration of the judicial branch of the state government system, should continue the position of both Judge Claeson and Judge Ostensoe and re-assign the chambers of at least one of those judges to Kandiyohi County.

I hereby request the opportunity to expand upon this summary by oral testimony on May 28, 1986.

Respectfully yours,



Arthur J. Boylan

AJB/rc

PRINDLE, MALAND, SELLNER & STENNES
CHARTERED

WM. D. PRINDLE, J.D.
DONALD L. MALAND, J.D.
JOHN P. SELLNER, J.D.
STEPHEN L. STENNES, J.D.
JUAN A. ALSACE, J.D.

OFFICE OF
APPELLATE COURTS
FILED

MAY 23 1986

Montevideo, Minnesota

May 22, 1986

WAYNE TSCHIMPERLE
CLERK

LAW OFFICES
102 Parkway Drive
P.O. Box 591
MONTEVIDEO, MINNESOTA 56265
612-269-6491
CLARA CITY, MINNESOTA 56222
612-847-2418

Clerk of Appellate Courts
230 State Capitol
Saint Paul, MN 55155

Re: Eighth Judicial District Judgeship Public Hearing

Dear Clerk:

We would appreciate this letter being brought to the attention of the members of the Minnesota Supreme Court who will be considering the possible replacement of retiring Judges John N. Claeson and Frederick M. Ostensoe. It is our understanding that a public hearing will be held May 28th at 10:00 a.m. in the Commissioners' Room of the Kandiyohi County Courthouse in Willmar, and we would appreciate our comments being included in the material to be considered in connection with that hearing.

We vigorously ask the Supreme Court to determine that both of these important judicial positions be filled as soon as possible and that the Eighth Judicial District not suffer another loss of judicial resources.

We don't know what the weighted case load studies show about the need for these two judgeships in our District, but hope they bolster our contention that these two judgeships are needed for the efficient and effective administration of justice in the rural area. If not, we ask the Supreme Court to consider factors other than the bare numbers and statistics available to it. Every time judicial resources are reduced, it becomes more difficult for rural lawyers to efficiently serve their clients. Even now, our hard-working rural Judges are stretched to the limit to serve the far-flung reaches of the Eighth Judicial District. Between the "windshield time" of the Judges and the added travel and delay on the part of the lawyers, we are faced with problems out here in the country that are simply unique to our rural circumstance. Even though it certainly adds to increasing client costs, we can see where lawyer travel and delay are not sufficient reasons to maintain particular judgeships. However, there is a more subjective factor that we feel is very important. The presence of local Judges with knowledge and experience


with local conditions plays an important part in the public's perception of the availability and effectiveness of the administration of justice. The loss of three Judges in recent years cannot help but reinforce in the public's mind the belief that the rural areas continue to be slighted in favor of the urban areas. Our present Judges work very hard but are already stretched to the limit in attempting to provide each and every county with the judicial services it feels it needs and deserves. An agricultural analogy might be appropriate. In 1981, there was a catastrophic outbreak of leafspot disease in the sugarbeet crops of farmers belonging to the Southern Minnesota Sugarbeet Co-op. There was an immediate and uniform need for application of a certain fungicide. There are only a limited number of aerial applicators in the area, and they were already busy with their general day-to-day application activities. Suddenly their services were needed by virtually every grower in the Co-op area. Because of the delay caused by the increased demand, what was already great damage to the beet crop, became even greater. In a given year, the available number of aerial applicators could adequately handle the needs of their customers. However, their inability because of numbers to meet a surging need was a factor in millions of dollars of losses. The same holds true for rural judiciary. There may be times when a reduced number of Judges could handle the need for judicial resources. However, that will not always be true and the inevitable effect is justice delayed. It's an old, hackneyed phrase but justice delayed can be and often is justice denied.

Again, we respectfully request that the Supreme Court make a finding that both of these two important judgeship positions be retained. We thank the Court in advance for considering our comments.

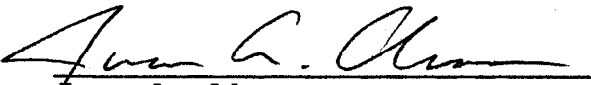
Very truly yours,

PRINDLE, MALAND, SELLNER
& STENNES, CHARTERED


By



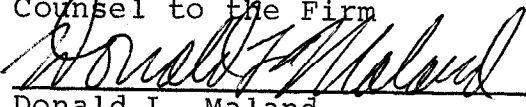
Stephen L. Stennes
Attorney at Law




Juan A. Alsace
Attorney at Law



W. D. Prindle
Counsel to the Firm



Donald L. Maland
Attorney at Law



John P. Sellner
Attorney at Law

Yellow Medicine County Board of County Commissioners

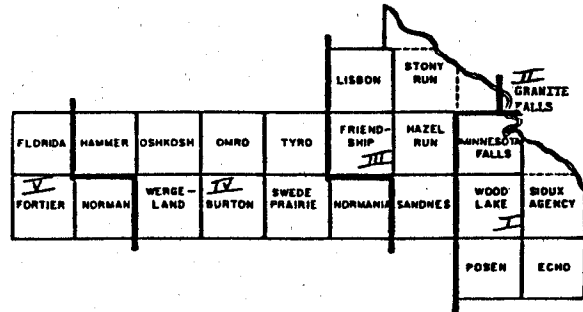
Dist. I - Eugene House
RR, Wood Lake, MN 56297
Phone - 507-485-3278

Dist. II - WALLY THOM
315 8th Ave., Granite Falls 56241
Phone - 612-564-2376

Dist. III - STANLEY G. BERG
RR #1, Box 125, Clarkfield 56223
Phone - 612-669-7665

Dist. IV - Charles E. Simonson
RR 4, Box 23, Canby, MN 56220
Phone - 507-224-2144

Dist. V - LAWRENCE W. FERGUSON
RR #3, Box 29, Canby 56220
Phone - 507-223-5779



May 22 1986
OFFICE OF
APPELLATE COURTS
FILED
MAY 23 1986

Clerk of Supreme Court
230 State Capitol
St. Paul, MN 55155

RE: Transfer and termination of Eighth Judicial District Judge positions
WAYNE TSCHIMPERLE
CLERK

Dear Sir:

I desire to appear at the hearing scheduled for May 28, 1986, at Willmar, Minnesota, concerning the two Eighth Judicial District judge positions that are being considered for termination in this district and transfer to another district. I intend to speak as Chairman of the Yellow Medicine County Board and plan to address the impact that a termination and transfer will have on the county.

If there are any questions on this, please contact me at the above-noted location or the Yellow Medicine County Auditor at the Yellow Medicine County Courthouse, Granite Falls, Minnesota 56241; phone 612-564-3132.

Sincerely yours,

Wally Thom

Wally Thom, Chairman
Yellow Medicine County Board

WT:cjb

SIXTEENTH DISTRICT BAR ASSOCIATION

COUNTIES OF
BIG STONE - GRANT - POPE - STEVENS - TRAVERSE - WILKIN

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APPELLATE COURTS
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MAY 23 1986

May 22, 1986

WAYNE TSCHIMPERLE
CLERK

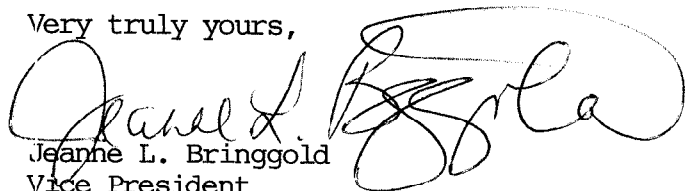
Clerk of the Appellate Court
Minnesota Supreme Court
220 State Capital
St. Paul, MN 55155

Dear Clerk:

I am hereby requesting permission to address the Court at the hearing to be held on May 28, 1986 at Willmar regarding the termination of Judicial positions in the Eighth Judicial District. I wish to address the issue of the public perceptions of the Judicial System and how further reductions in Judgeships would adversely affect that public perception. My comments should only take five or ten minutes.

Thank you very much.

Very truly yours,



Jeanne L. Bringgold
Vice President

Sixteenth District Bar Association

JLB:krb

RICHARD T. ROLLINS
Sheriff, Yellow Medicine County
Phone 612-564-2130
Granite Falls, Minnesota 56241



OFFICE OF
APPELLATE COURTS
FILED

MAY 23 1986

WAYNE TSCHIMPERLE
CLERK

May 22, 1986

Clerk of Supreme Court
230 State Capitol
St Paul, Minn 55155

Ref: Hearing on Judicial Position for 8th Judicial District on May 28, 1986

As Sheriff of Yellow Medicine County I would like to attend and to testify as to the needs of our county in the above matter.

As you may already know Yellow Medicine County does not have a jail. We have to transport all prisoners to other counties and back to Court. I would like to address the hearing as to this issue and what problems it causes our County.

Richard T. Rollins
Richard T. Rollins

Sheriff

An Equal Opportunity Employer



Fiesta City
CITY OF MONTEVIDEO
POLICE DEPARTMENT

CARL W. SORENSEN, CHIEF

MEMBER
MINNESOTA
CHIEFS OF POLICE
ASSOCIATION

103 CANTON AVENUE • MONTEVIDEO, MINNESOTA 56265 • PHONE (612) 269-8808

May 22, 1986

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

OFFICE OF
APPELLATE COURTS
FILED

MAY 23 1986

WAYNE TSCHIMPERLE
CLERK

I will be attending the public hearing concerning the Judgeships in the Eight Judicial District, in Willmar, Minnesota, May 28th at 10:00 am. I request that I be allowed to make a short presentation at that time, the remarks will center on current problems we have with the availability of Judges and possible future problems if the District loses more judges.

If my comments have been stated prior to my time to speak, by another, I will not repeat what has been already been said.

Sincerely,

Carl W. Sorensen
Chief of Police

YELLOW MEDICINE COUNTY ATTORNEY

745 Prentice St.

P.O. Box 163

Granite Falls, MN 56241-0163

Phone 612-564-2340

Thomas G. Kramer

County Attorney

Paige M. Snover

Assistant County Attorney

May 22, 1986

Clerk of Supreme Court
230 State Capitol
St. Paul, MN 55155

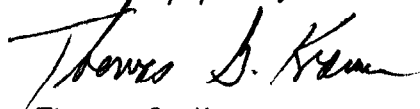
RE: Transfer and termination of Eighth Judicial
District Judge positions

Dear Sir:

I desire to appear at the hearing scheduled for May 28, 1986, at Willmar, Minnesota, concerning the two Eighth Judicial District judge positions that are being considered for termination in this district and transfer to another district. I intend to speak as Yellow Medicine County Attorney and address the impact that a termination and transfer will have on the county.

If there are any questions on this, please contact at the above-noted location.

Sincerely yours,



Thomas G. Kramer
County Attorney

TGK:cjb



OFFICE OF
APPELLATE COURTS
FILED

MAY 23 1986

WAYNE TSCHIMPERLE
CLERK

**OFFICE OF
LAC QUI PARLE COUNTY ATTORNEY**

JOHN M. TOLLEFSON, COUNTY ATTORNEY
KATHRYN SCHACHERER, LEGAL ASSISTANT

Office Addresses:
P. O. Box 289, 727 6th Courthouse
Dawson, MN 56232 Madison, MN 56256
612/789-4498 612/598-7733
Reply to Dawson

May 21, 1986

OFFICE OF
APPELLATE COURTS
FILED

MAY 23 1986

WAYNE TSCHIMPERLE
CLERK

Clerk of Appeal Courts
230 State Capital
St. Paul, Mn 55155

RE: Eighth Judicial District Judgeship

By way of this letter, I wish to submit to the Courts consideration my objection to the elimination of Judge Fredrick Ostensoe's position as Yellow Medicine County Judge. As County Attorney for Lac qui Parle County, the past three years, I have become acutely aware of the problems which our Judicial District faces concerning the availability of Judges. Lac qui Parle County no longer has a County Court Judge sitting in our County. Presently, we must share a County Court Judge with both Yellow Medicine County and Chippewa County. Judge Marquis Ward, from Chippewa County, holds Court in our County the 1st four Mondays of each month. Judge Fredrick Ostensoe holds Court in our County two Tuesdays each month. The only other Judge time that our County receives is when a Judge is available to come to our County for a special matter. Whenever a Judge is needed otherwise requires myself as County Attorney, law enforcement officers, and citizens to travel to the place where a Judge is holding Court. This is more than a minor inconvenience for all parties involved, including the Judges and the Court Administrator involved. When the Judges do hold court in Lac qui Parle County, it requires additional time to travel to and from Madison for the Judge. In addition to the increased traveling time, the Judges are forced to deal with Court Administrators and assistants that they do not normally deal with. This increases dedicate to each case. We also have the problem with each County submitting to the Judges different forms of Orders for the same type of cases. While the varies County Attorneys should work to unify and conform the Orders and Pleadings, this is difficult to do and will take time to achieve. As with all the items listed above, the Court must deal with this problem and of course time is always involved. I am pointing these things out so that the Court can consider these issues and balance it with the case load analysis currently being used by the Court.

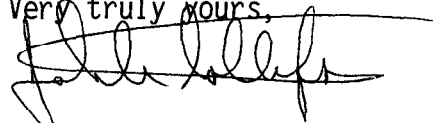
I work on a daily basis with the Judges in our District. I know

Clerk of Appeal Courts
May 21, 1986
Page 2

that their work load is more than it should be. To eliminate Judge Ostensoe's position would create an undue hardship on the remaining Judges and would not be in the interest of our citizens to do so.

Please file this letter as my opposition to the elimination of Ostensoe's position.

Very truly yours,

A handwritten signature in black ink, appearing to read "John M. Tollefson". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John M. Tollefson

JMT:kk

OLSON, NELSON, DRANGE & WOOD
ATTORNEYS AT LAW
34 EAST SECOND STREET
P. O. BOX 682
LITCHFIELD, MINNESOTA 55355

LELAND A. OLSON
WENDELL NELSON
STEVEN E. DRANGE
MARK P. WOOD

OFFICE OF
APPELLATE COURTS
FILED

TELEPHONE 693-3289
AREA CODE 612

May 23, 1986

MAY 23 1986

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

WAYNE TSCHIMPERLE
CLERK

Attn: Honorable Douglas Amdahl

Re: Hearing on Eighth Judicial Judges
Willmar, Minnesota
May 28, 1986

Dear Judge Amdahl:

My name is Steven E. Drange. I am an Attorney at Law practicing in Litchfield, Meeker County, Minnesota. I am presently the Secretary of the Twelfth District Bar Association. I am a past President of the Twelfth District Bar Association, a former County Attorney and Member of the Board of Directors of the State County Attorneys Association, presently Litchfield City Attorney, and a Member of the Twelfth District Ethics Committee.

I intend to testify at the May 28, 1986 hearing regarding the possible transfer of two (2) Judgeships from the Eighth Judicial District to elsewhere in the State of Minnesota.

I intend to address the impact that the transfer of these positions will have upon the administration of justice in my home county of Meeker County and in the Eighth Judicial District as a whole.

We in Meeker County have been without a resident Judge since December of 1985 when Judge John Claeson left the Bench. I will address my experience as a practicing attorney during this period of judicial vacancy and how it has affected the access of the citizens to the Courts. I will also address the quality of judicial service that the citizens have received during this period of vacancy.

Clerk of Appellate Courts
May 23, 1986
Page Two

As a trial attorney, I will address the impact of losing two (2) Judgeships upon the ability to obtain prompt and quality judicial service for the trial of significant or lengthy cases. If the two (2) judicial vacancies are transferred out of the Eighth Judicial District, we will be left with only ten (10) Judges for thirteen (13) counties. By sheer distance and lack of numbers, the remaining Judges will not be able to handle the volume of cases. In addition, I will address the issue of how the reduction of Judgeships will affect any specialization of the remaining Judges.

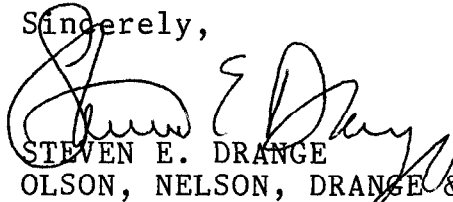
I would also like to inform the Court of two (2) other individuals who intend to make presentation at the May 28, 1986 hearing.

Linda Jagush, Court Administrator for Meeker County, will address the perceived impact of the loss of a Judgeship upon Meeker County. Ms. Jagush was appointed to her position on January 1, 1986 and began service on January 1, 1986. She has observed the difficulties in scheduling matters during a time when Meeker County has no resident Judge.

Stephen Dille, Meeker County Commissioner, will also address the Court as to issues of how the lack of access to the Courts has and will affect the citizens of Meeker County.

I thank you for your consideration of this matter.

Sincerely,


STEVEN E. DRANGE
OLSON, NELSON, DRANGE & WOOD

SED:scg



STATE OF MINNESOTA
EIGHTH JUDICIAL DISTRICT

CHIPPEWA COUNTY COURTHOUSE
MONTEVIDEO, MINNESOTA 56265

TELEPHONE 612-269-7990

A. MILTON JOHNSON
Judicial District Administrator

BECKY DOLEN
Administrative Assistant

OFFICE OF
May 23, 1986 APPELLATE COURTS
FILED

HON. RICHARD A. BODGER
Chief Judge

HON. JOHN J. WEYRENS
Asst. Chief Judge

MAY 27 1986

WAYNE TSCHIMPERLE
CLERK

DISTRICT COURT JUDGES

Hon. John C. Lindstrom
Hon. John J. Weyrens
Hon. Keith C. Davison

COUNTY COURT JUDGES

DISTRICT 8A

Chippewa, Kandiyohi,
Lac qui Parle, Meeker,
Renville, Swift,
Yellow Medicine

Hon. R. A. Bodger
Hon. A. D. Buchanan
Hon. F. M. Ostensoe
Hon. M. L. Ward
Hon. J. E. Zeug

DISTRICT 8B

Big Stone, Grant, Pope,
Stevens, Traverse, Wilkin
Hon. J. N. Claeson
Hon. T. P. Collins
Hon. B. N. Reuther
Hon. J. Stafsholt

Supreme Court of Minnesota
c/o Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

Honorable Justices of the Supreme Court:

I have been requested by our State Court Administrator, Sue Dosal, to indicate how the Eighth Judicial District was able to manage the workload during the time of Judge Claeson's disability and absence.

Granted, we have managed with difficulty to handle the workload, but I wish to emphasize that the Eighth Judicial District, was only able to manage the caseload in Meeker County, due to the cooperation of the judges, attorneys, law enforcement and other individuals who have access to the court system.

Every judge in the Eighth Judicial District has served at least one (1) day in Litchfield and some served many more days. Since January 1 through May 27, 1986, which constitutes five (5) months, Meeker County has had seventy-six (76) judge days. Thirty-six (36) of those days were days when the district court judge serving Meeker County was scheduled there prior to the loss of the county court judge. Approximately fifteen (15) of those days were days when a county court judge from one of our other counties regularly goes into Meeker County and twenty-five (25) of those days were days when judges from the other counties of the Eighth Judicial District made themselves available. All of the judges handled all types of cases. We know that the calendars were very full and the judges put in very long days when they were in Meeker County.

To say that Meeker County has been adequately serviced may not be necessarily true. Because of time limits in certain hearings, attorneys have waived those time limits

Page 2
Supreme Court
May 23, 1986

allowing us to schedule the hearings when we had judge time available. Everybody has worked together, because in the beginning we were not sure how long this might last and everyone knew or thought it would be a short term problem.

As I mentioned earlier, every judge in the Eighth Judicial District did serve in Meeker County. This meant bringing the judges from Wilkin, Grant and Stevens County to Meeker County. They were scheduled for two (2) days back to back because of the miles involved, even this would not be realistic or economically feasible over a long period of time. The travel time and judge time involved in these three cases compute as follows:

Breckenridge to Litchfield, 288 miles round trip, which represents approximately 6 hours of windshield time.

Elbow Lake to Litchfield, 204 miles round trip, which represents approximately 4 hours of windshield time.

Morris to Litchfield, 170 miles, which represents approximately 3½ hours of windshield time.

The weighted caseload study allows forty-three (43) minutes per day for travel time for the judges. The expenses of the judge time would include mileage, meals and hotel which over an extended period of time would be prohibitive.

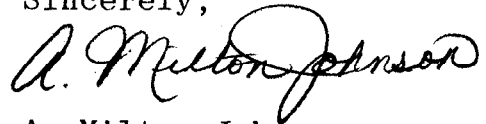
Also, in checking the records that we have available, for the period ending December 30, 1985 approximately 650 days of accumulated vacation days have been unused by the judges in the Eighth Judicial District. Prior to July 1, a total of 215 vacation days will be lost by the judges because they have not been used. Each judge can accumulate and carry over to the next fiscal year 60 days. They earn 30 days per year. The judges in the Eighth Judicial District have gone that extra mile to keep our caseload current. I don't believe that the judges will lose vacation days in the future. It has become apparent that the judges feel that they need to take their allotted 30 days of vacation because of the increased travel time and time away from their homes.

It should also be noted that in the Eighth Judicial District population and caseload is located in the southern and eastern part of the district. The demographic

Page 3
Supreme Court
May 23, 1986

projections indicate that the growth factor will continue in the southern and eastern part of the district which presently constitutes 71% of the population and 72% of the workload. There is no way that the Eighth Judicial District can be served adequately if we lose two (2) judgeships in this area of the district. We may be able to get by with one (1) less judge but it will be extremely difficult if the Eighth Judicial District loses two judgeships.

Sincerely,



A. Milton Johnson
District Administrator
Eighth Judicial District

AMJ/bd

COURT ADMINISTRATOR

EIGHTH JUDICIAL DISTRICT

Yellow Medicine County

JOYCE I. BLINDT, CLERK

Phone 612-564-3325 - 564-3326 - 564-4435
Granite Falls, MN 56241

DISTRICT COURT JUDGES

JOHN C. LINDSTROM
Willmar, Minnesota

JOHN J. WEYRENS
Montevideo, Minnesota

KEITH C. DAVISON
Morris, Minnesota

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

COUNTY COURT JUDGE

FREDERICK M. OSTENSOE
Granite Falls, Minnesota

Re: Vacancies in Judicial Positions
in the Eighth Judicial District

Dear Mr. Tschimperle:

I would like to have the Supreme Court consider my
written statement concerning the vacancies of the
judicial position in Yellow Medicine County.

Enclosed is my statement.

Very truly yours,

Joyce I. Blindt
Court Administrator
Yellow Medicine County
Granite Falls, MN 56241

**OFFICE OF
APPELLATE COURTS
FILED**

MAY 27 1986

**WAYNE TSCHIMPERLE
CLERK**

To The Honorable Supreme Court:

I am the Court Administrator in Yellow Medicine County.

I urge you to retain the County Court Judge's position in Yellow Medicine County with court chambers located in Granite Falls, Minnesota.

This is a "traveling judge" position, serving the counties of Yellow Medicine, Lac Qui Parle and two days each month in Chippewa, Swift and Renville and working in both district and county courts.

At the present time Yellow Medicine has approximately twelve days a month of "judge time" plus special assignment days for district court jury trials.

This has been a workable schedule and we are able to set most of our cases within a reasonable time. It is in the best interests of all the people living in these counties if this position and such a working schedule be continued.

Rural Minnesota's concerns of economy, transportation and now the justice system being concentrated in the metropolitan areas are genuine.

Rural people need the benefits and conveniences of tax supported government systems at a local level accessible to them without lengthy delays and great travel distances.

The elimination of this judicial position would sharply curtail the administration of justice in this area.



Joyce I. Blindt
Court Administrator
Yellow Medicine County
Granite Falls, Minnesota

Wilkin County, Minnesota

TIMOTHY E.J. FOX, COUNTY ATTORNEY

TELEPHONE (218) 643-8950

May 22, 1986

BRECKENRIDGE, MINNESOTA

P.O. BOX 214

OFFICE OF
APPELLATE COURTS
FILED

MAY 27 1986

WAYNE TSCHIMPERLE
CLERK

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

RE: Public Hearing on Vacancies in Judicial Positions in
the Eighth Judicial District

Gentlemen:

At this point in time, it appears that I have a conflict whereby I would be unable to testify at the May 28, 1986, hearing. However, I would like to briefly respond concerning the judicial vacancies.

It has become apparent that the weighted case load analysis is now the controlling factor in the decision making process concerning judicial positions throughout the State. This analysis has been unsuccessfully attacked over the past several years. I feel that it may be fruitless to make any further attack concerning that analysis, however I would hope that the Supreme Court would appreciate that the practical application has created disturbing problems concerning the availability of judges in Wilkin County. It has now become routine to be conducting Court into the early evening hours, unable to maintain court schedules that are set allowing unrealistic time for court appearances to take place and a continuing difficulty, if not an impossibility, to meet statutory deadlines in criminal and civil matters. Only yesterday, a commitment proceeding continued past 6:00 p.m. in the evening due primarily to scheduling difficulties for the local judge along with his unavailability over the next five days. Those delays not only effect the administration of justice, but a number of people involved in court proceedings. Those people involved yesterday included a psychologist, a registered nurse, three social workers, and a 71 year old mentally ill woman. This is no longer the exception but rather the rule.

If there are other county attorneys who are now traveling 40 to 60 miles to make routine court appearances and remaining in court into the evening hours, perhaps I have nothing to complain about concerning the weighted case load analysis. However, I do not believe that the system can continue to function as it has over the past several months due to the unavailability of judges. In handling even the most routine matters, it now may involve arranging half a day of my own schedule to travel, tying up the time and efforts of the sheriff's office sometimes for the most part of one day in transporting a defendant and then spending not minutes but hours waiting to make court appearances. The impact

Page 2

of the failure to replace necessary judges goes far beyond your weighted case load analysis. The analysis may appear infallible on its surface but certainly contains major flaws when applied.

It has also come to my attention that there was a reference made to removing Wilkin County from the Eighth Judicial District. I would strongly oppose any effort or consideration which would be made to that proposal.

Thank you for your consideration in this matter.

Very truly yours,



Timothy E. J. Fox
Wilkin County Attorney

bjo

LIES LAW OFFICE

Steven J. Lies
John Bullis
Richard W. Grosz
Attorneys at Law



610 SECOND AVENUE NORTH
P.O. BOX 718
WAHPETON, NORTH DAKOTA 58075
PHONE: (701) 642-8055

May 22, 1986

OFFICE OF
APPELLATE COURTS
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MAY 27 1986

WAYNE TSCHIMPERLE
CLERK

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

In Re: Public Hearing on Vacancies and Dispositions
in the Eighth Judicial District

Dear Clerk:

Please be advised that I have been representing clients in the northern part of the Eight Judicial District for more than 12 years. Although I reside and practice law in the State of North Dakota, I also am licensed in Minnesota.

In recent years the availability of judicial time and services has become noticeably diminished. In fact in the last year the members of our firm (all of them licensed in Minnesota) have noted delays and shortage of time for presentation of matters, which has left citizens with distaste for the judicial system.

Because we have the opportunity to appear in front of Judges in numerous counties in both states, we have a very broad base upon which to form our opinions. We are all of the opinion that all three County Court Judges and Judge Davison of the District Court, are all extremely hard working and dedicated public servants. The biggest problem or shortcoming for the Judges is that too much is becoming expected of them in terms of travel and case load. This situation is most unfair to the Judges themselves but equally unfair to the attorneys and even more unfair to the general public, who are entitled to reasonably prompt court services before a Judge who is not being overtaxed by the system.

Clerk of Appellate Courts


May 22, 1986

Page Two

We omitted mentioning Judges Lindstrom and Weyrens simply because we have not handled matters before them and therefore are not in any position to have an opinion relating to them.

We very strongly urge the Court to fill the two vacancies in the Eighth Judicial District. If that is simply not possible, because of financial constraints, it is imperative that at least one of those two vacancies be filled as soon as possible.

Sincerely,

A handwritten signature in cursive script, appearing to read "S. J. Lies".

Steven J. Lies

SJL:jm

Chippewa County Family Service

Suite 200 • Community Service Building
Montevideo, Minnesota 56265

Phone 612/269-6401

Daniel J. Papin
Director

May 23, 1986

OFFICE OF
APPELLATE COURTS
FILED

MAY 27 1986

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

WAYNE TSCHIMPERLE
CLERK

To Whom It May Concern:

On behalf of the clients and staff of Chippewa County Family Services, I would like to express concern that the State of Minnesota is considering eliminating or redistributing our local judgeships. We are convinced that this proposal is contrary to the needs of our population and request that you leave the Meeker County and Yellow Medicine County positions where they are and allow them to be filled.

As a County Family Service Agency Director, I am finding that an increasing number of our child welfare cases (involving neglect, dependency, physical abuse, and sexual abuse) are being litigated through trial. As you are aware these cases take a considerable amount of time, especially if they get to the point where a termination of parental rights petition is filed. These children deserve immediate attention from the Court and delays due to shortage of rural judges will negatively impact them.

A second concern I would like you to consider is that a reduction in rural judges will result in increased costs to the taxpayer. Two examples: 1) The staff time spent traveling to various cities to present emergency petitions (i.e. child abuse, domestic violence, etc.) for consideration by the Court. 2) Hold Orders for persons awaiting commitment hearings for chemical dependency, mental illness, or mental retardation. The daily rate while an individual is on a Hold Order at Willmar Regional Treatment Center is \$116.30, a direct county taxpayer cost.

We feel fortunate to have the high quality of judges that we have in this area. It is disturbing to know that the demands on their time and calendars may be overwhelming -- reducing the level of services to children and individuals experiencing troubled times. We need the current number of judges that we have at present, and we request that there be no movement or shifting of these positions.

Clerk of Appellate Court
Page 2
May 23, 1986

Thank you.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daniel J. Papin".

Daniel J. Papin
Director

DJP:js

DOUGLAS A. RUHLAND

ATTORNEY AT LAW
P.O. Box 439
EDEN VALLEY, MINNESOTA 55329

OFFICE OF
APPELLATE COURTS
FILED

MAY 27 1986

EDEN VALLEY OFFICE
(612) 453-3000

LEGAL ASSISTANT
LYNN M. STOMMES

May 23, 1986 **WAYNE TSCHIMPERLE**
CLERK

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

Re: Supreme Court Hearing: May 28, 1986
Eighth Judicial District Judicial
Positions

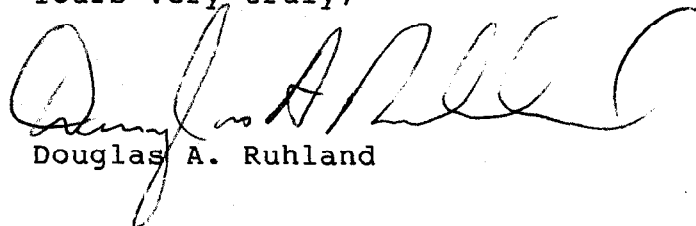
Dear Clerk of Appellate Courts:

This letter is for the purposes of informing the Court that it is my intention to appear at the hearing scheduled for May 28, 1986 at 10:00 a.m. in the Commissioner's Room at the Kandiyohi County Courthouse in Willmar regarding the two judicial vacancies in the Eighth Judicial District.

I would request that I be allowed to make a brief oral presentation at the hearing. It would be my intention to discuss in particular the need for judicial services in the District and in particular the needs of Meeker County. I have been practicing law in Meeker County for over eight years and have had the opportunity to observe the needs of this part of the District and wish to address how that has functioned in the past and how the Court has been able to function in the interim period of the last several months and my obvious impressions of what would continue or what the people of Meeker County could expect if the vacant position in Meeker County remained unfilled.

Thank you for your attention to this matter.

Yours very truly,


Douglas A. Ruhland

DAR/jmk

T W E L F T H D I S T R I C T B A R A S S O C I A T I O N

5-27-84

May 22, 1986

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APPELLATE COURTS
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MAY 27 1986

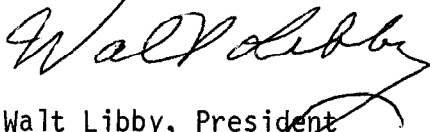
WAYNE TSCHIMPERLE
CLERK

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

MAY 28 JUDICIAL VACANCY HEARING AT WILLMAR

This is to inform you that I wish to make an oral presentation at the May 28, 1986 Public Hearing in Willmar regarding the judicial vacancies in the Eighth Judicial District. I intend to speak regarding the present experience within the district which indicates that the judgeships are needed and regarding ways in which the weighted caseload study does not adequately take into account the judicial needs in Eighth Judicial District. My comments will be made on behalf of Twelfth District Bar Association. Additional persons may also have requested to make a presentation to the Court on behalf of the association.

I have also prepared and am mailing a Brief, on behalf of the association. Because of its length and the fact that my office is mailing it after hours when I cannot get into the post office to determine the postage owed if it is mailed in one package, I am mailing one copy to you in each of ten envelopes, along with a copy of this letter.



Walt Libby, President
Twelfth District Bar Association
204 South First Street
Montevideo, MN 56265
Ph: 612/269-5508

STATE OF MINNESOTA
IN SUPREME COURT
C9-85-1506

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

BRIEF IN SUPPORT OF THE CONTINUATION OF THE JUDGESHIPS
HAVING VACANCIES AS A CONSEQUENCE OF THE RETIREMENT OF
JUDGE JOHN N. CLAESON, LITCHFIELD AND FREDERICK M.
OSTENSOE, GRANITE FALLS

May 22, 1986

TWELFTH DISTRICT BAR ASSOCIATION

By

Walt Libby

Walt Libby, President

204 South First Street

Montevideo, MN 56265

Ph: 612/269-5508

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INTRODUCTION

[T]he supreme court, in consultation with judges and attorneys in the affected district, shall determine whether the vacant office is necessary for effective judicial administration.

--Minnesota Statutes 2.722, subd. 4.

It is the position of Twelfth District Bar Association that the county judgeships at Litchfield and at Granite Falls are necessary for effective judicial administration within the Eighth Judicial District. The two positions should be retained.

We present this brief in support of our position. It discusses our reasons for believing that the two judgeships should be retained.

POINT 1.

THE TWO JUDGESHIPS SHOULD BE RETAINED BECAUSE OF THE WORKLOAD IN THEIR COUNTIES

The heavier [County Court] workload in Meeker County (.7) and neighboring Kandiyohi County (1.4), indicate that moving chambers from Pope County in District 8B, where the individual counties have smaller workloads, to Meeker County in District 8A would effect a more appropriate distribution of judicial resources.

--Memorandum, page 4, to Order, November 20, 1985, In re Eighth Judicial District County Court Vacancy

According to the weighted caseload analysis, Meeker County has a combined District and County Court judicial workload which requires the services of 1.0 judges. See Table 1, next page.

It should be noted that throughout this brief we have generally considered the judicial manpower needs within the various counties without regard to whether they are in District Court or County Court. This allows for a simpler and clearer analysis. It is consistent with the decision which was made by the Court in the Fifth Judicial District. It is also consistent with the recently adopted policy within the Eighth Judicial District that the assignment of its judges should be according to the

Table 1.
Judicial Manpower Requirements

County	Judges Needed	
	1980	1985
Big Stone	.3	.4
Chippewa	.7	.8
Grant	.3	.4
Kandiyohi	1.9	2.3
Lac qui Parle	.4	.5
Meeker	1.2	1.0
Pope	.7	.6
Renville	.7	.7
Stevens	.7	.6
Swift	.8	.6
Traverse	.1	.2
Wilkin	.5	.5
Yellow Medicine	.6	.6

Source: Compiled from Tabulation, 1985 Weighted Caseload Study Time Series of Judicial Manpower Requirements, printout page for Eighth Judicial District

need which exists, and not according to whether the judge is a District or a County Court judge.

In its November 20, 1985 Order, as quoted at the beginning of this section, this Court recognized that an appropriate distribution of judicial resources merits having a judge at Litchfield. The Court also noted that Meeker and Kandiyohi Counties have increased significantly in population from 1960 to 1980. They experienced 12.0% and 20.3% increases in population, respectively. These increases are projected to continue through the year 2010. The Court's reasoning applies equally well to the current vacancy in Meeker County. The judicial position at Litchfield should be retained.

The weighted caseload study also shows that Yellow Medicine County needs the services of .6 of a judge. We recognize that this alone does not necessarily justify having a judge at Granite Falls. However, the judge at Granite Falls has been one of the two judges handling the Lac qui Parle County caseload since that county lost its sitting judge. This will of necessity continue in the future. The weighted caseload study shows that Lac qui Parle County needs the services of .5 of a judge. This means that those two counties together need the services of 1.1 judges, and justifies retaining the judgeship at Granite Falls. Approaching the vacancy and the need for a judge from another direction, it is clear that the County Court

judge at Montevideo will be unable, by himself, to handle the workload of Chippewa, Lac qui Parle and Yellow Medicine Counties. The weighted case-load study shows that the services of 1.9 judges is needed in the three counties. By filling the position at Granite Falls, the County Court judges at Granite Falls and Montevideo could handle the County Court work and part of the District Court work in the three counties, and also continue to fill in elsewhere as they now are doing and as is needed. This would also allow the District Court judge at Montevideo to continue performing his work as a District Court judge as is needed throughout the district.

POINT 2.

EXCESSIVE JUDICIAL TRAVEL WILL RESULT FROM TERMINATION OF THE TWO JUDGESHIPS

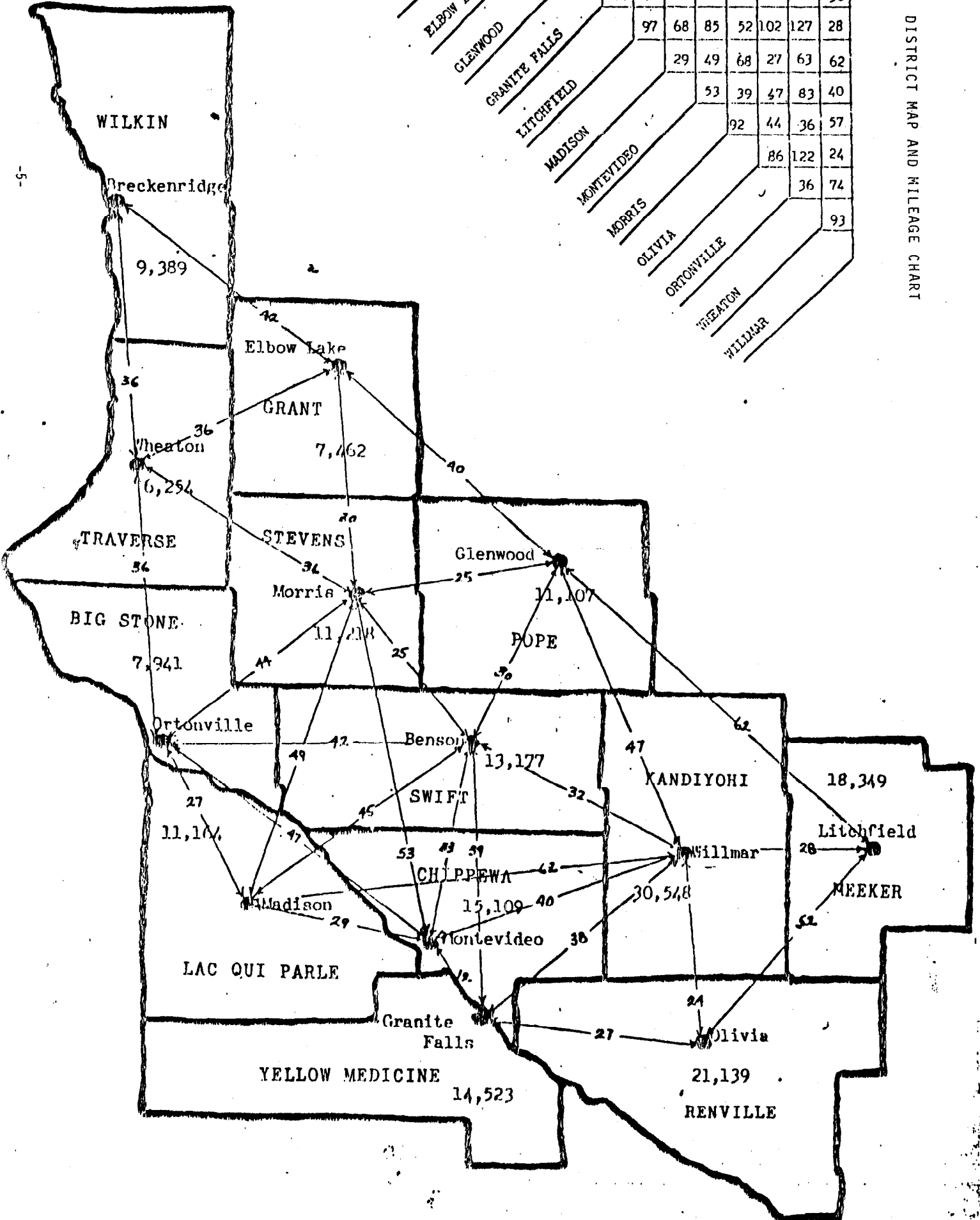
Before identifying actual positions which may be transferred or eliminated consideration must be given to the geographic dispersion of judgeships. The elimination of a position must not cause unacceptable travel requirements or delays on the remaining judges, law enforcement officials, attorneys, and litigants.

--Minnesota Weighted Caseload Analysis 1980 through 1984,
page 3

As is shown in the map and mileage chart on the following page, Meeker County is the eastern-most county of Eighth Judicial District. At a need for 1.0 judges, it also has the second-highest caseload within the district and needs the services of a full-time judge serving that county alone. See Table 1, at page 3. The nearest judge to Litchfield will be at Willmar, which is 28 miles away. However, Willmar has only two resident judges for a caseload that, according to the weighted caseload study, requires 2.3 judges. The next nearest judge is at Olivia, a distance of 52 miles. However, this obviously will not provide the needed coverage, since Meeker and Renville Counties together need 1.7 judges. The next nearest judges are at Benson (60 miles) and Montevideo (68 miles). These judges are too far away to have responsibility for regularly taking care of the judicial needs in Meeker County. The judgeship at Litchfield should be retained so that a judge can be chambered there to take care of the judicial caseload

DISTRICT MAP AND MILEAGE CHART

	97	55	30	39	60	45	33	25	56	42	61	32
BENSON		42	82	135	144	98	119	72	151	72	36	129
BRECKENRIDGE			40	95	102	79	83	30	111	72	36	87
ELBOW LAKE				69	62	76	63	25	71	69	60	47
GLENWOOD					66	41	12	65	26	68	107	38
GRANITE FALLS						97	68	85	52	102	127	28
LITCHFIELD							29	49	68	27	63	62
MADISON								53	39	47	83	40
MONTEVIDEO									92	44	36	57
MORRIS										86	122	24
OLIVIA											36	74
ORTONVILLE												93
WHEATON												
WILLMAR												



which arises there.

Nor is it practical to abolish the judgeship at Granite Falls and have judges chambered elsewhere travel in to take care of the Yellow Medicine County caseload. Yellow Medicine is one of the two southern-most counties of the district. According to the weighted caseload study, its caseload requires .6 of a judge to handle. It cannot be assumed that the judges at either Olivia or Benson can assist at Granite Falls on a regular basis. Their services are presently being utilized at Willmar to help take care of the workload there. This practice will have to continue and will apparently become more important as the population and caseload there increases. The County Court judge at Montevideo cannot possibly handle the workload generated in Chippewa, Lac qui Parle and Yellow Medicine Counties. The District Court judge at Montevideo, with his duties elsewhere in the district, has not been available to handle any significant portion of the caseload in Yellow Medicine or Lac qui Parle Counties. We see no reason to believe that his caseload will change such that he will become able to do so. Morris, Elbow Lake and Breckenridge are each too far away from Granite Falls to assume that their judges can take care of the judicial needs in Yellow Medicine County. The judgeship at Granite Falls should be retained so that a judge can be chambered there to take care of the judicial workload which arises there, and to help take care of the workload in Lac qui Parle County.

Although geography, the location of other chambers and the workload elsewhere will create serious travel difficulties for other judges to serve the judicial needs in Yellow Medicine County, these same factors make Granite Falls a good location for a judge. The judge can take care of the needs at Granite Falls without having to travel, while being in an excellent position to help cover at both Madison and Willmar.

POINT 3.

THE TWO JUDGESHIPS ARE NEEDED TO HANDLE
THE WORKLOAD OF THEIR PORTION OF THE DISTRICT

[B]oth of these assignment districts have substantially more judges than are needed at the present time and would continue to have surplus resources if the two vacancies

were to remain unfilled.

--Memorandum, page 10, to Order, October 2, 1985, respecting
judicial vacancies in Fifth Judicial District

The weighted caseload study shows that abolishing the two judgeships will result in a deficiency, both in absolute numbers and in relative numbers, in the number of judges needed to handle the caseload in that portion of the Eighth Judicial District which includes Meeker and Yellow Medicine Counties.

The judicial complement in former District 8A, which includes Meeker and Yellow Medicine Counties, is now eight judges. As can be seen from Table 2, the weighted caseload study shows that for 1985 4.2 judges were

Table 2.

1985 Judicial Manpower Requirements
in Former Districts 8A and 8B

County	J u d g e s N e e d e d		
	County	District	Total
District 8A			
Chippewa	.5	.3	.8
Kandiyohi	1.4	.9	2.3
Lac qui Parle	.3	.2	.5
Meeker	.7	.3	1.0
Renville	.5	.2	.7
Swift	.4	.2	.6
Yellow Medicine	.4	.2	.6
District 8A Total	<u>4.2</u>	<u>2.3</u>	<u>6.5</u>
District 8B			
Big Stone	.3	.1	.4
Grant	.2	.2	.4
Pope	.4	.2	.6
Stevens	.4	.2	.6
Traverse	.1	.1	.2
Wilkin	.4	.1	.5
District 8B Total	<u>1.8</u>	<u>.9</u>	<u>2.7</u>
District 8 Total	6.0	3.2	9.2

Source: Compiled from Tabulation, 1985 Weighted Caseload Study
Time Series of Judicial Manpower Requirements,
printout page for Eighth Judicial District

needed to handle that area's County Court caseload and 2.3 judges were needed to handle its District Court caseload. If the policy of rounding both the County and District Court judgeships needed up to the next whole number is followed, then five judges are needed to handle the County Court

caseload and three judges are needed to handle the District Court caseload. This gives eight judges needed, which is the present complement in this area. In any event, a complement of six judges, which will be the case if the two positions are eliminated, will not be sufficient to handle the judicial work in the area.

In relation to District 8B, District 8A is already judge-deficient, according to the weighted caseload study. Table 3 shows that in 1985 it had 70.75% of the district's caseload, but only 66.7% of its judges. If the two positions are abolished, it will have only 60% of the district's judges to handle 70.75% of the caseload.

Table 3.
1985 Workload and
Judicial Complement Percentages
in Former Districts 8A and 8B

Area	Judges Needed	Percentage of Workload	Percentage Present	Percentage of Judges Less 2 8A Judges
District 8A (now 8 judges)	6.5	70.75%	66.7%	60.0%
District 8B (now 4 judges)	2.7	29.25	33.3	40.0
District Total	9.2	100.00%	100.0%	100.0%

Source: Compiled from Tabulation, 1985 Weighted Caseload Study Time Series of Judicial Manpower Requirements, printout page for Eighth Judicial District, using judicial complement numbers within the indicated portions of the district

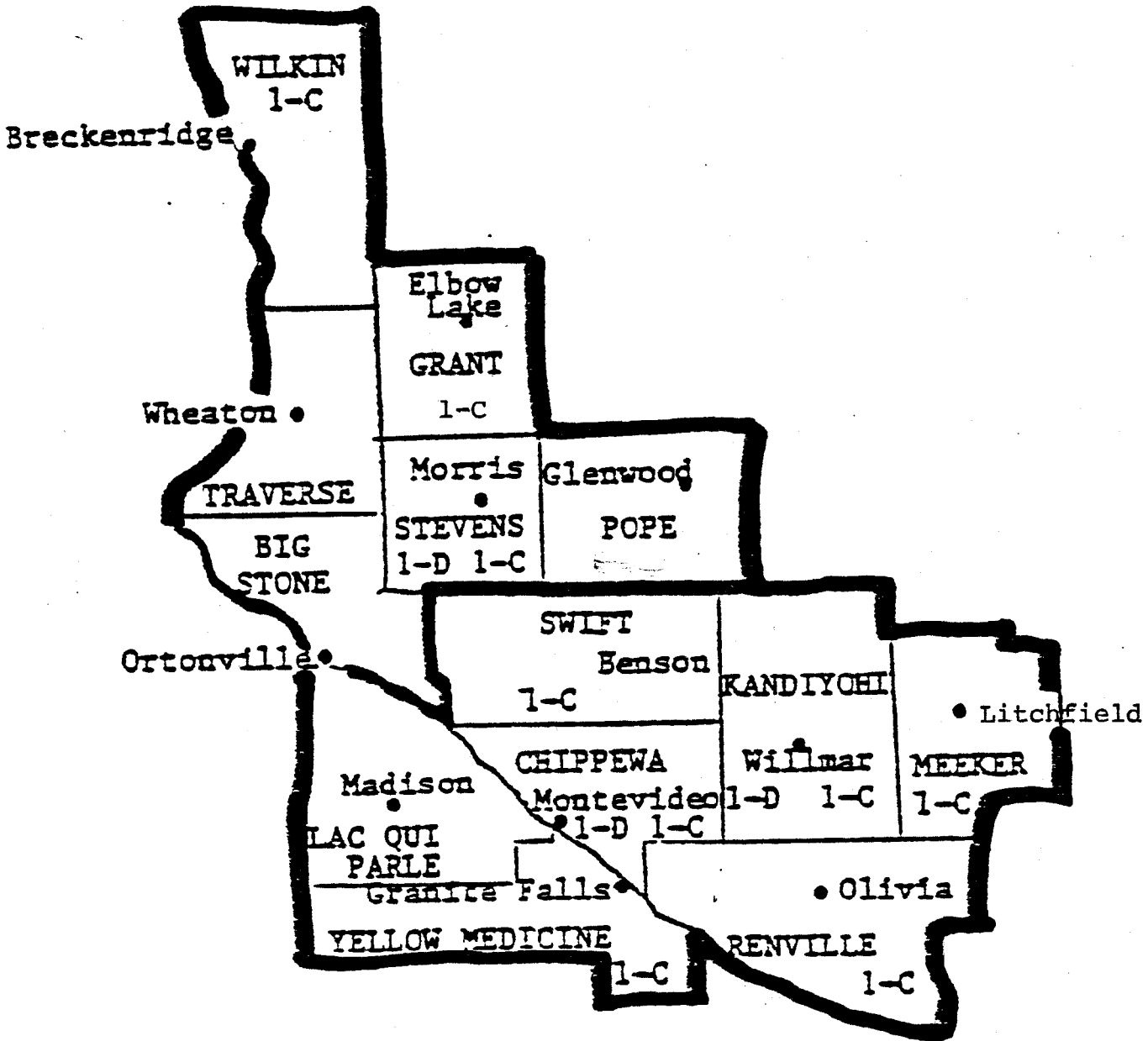
The two judgeships are in former District 8A, comprised of Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift and Yellow Medicine Counties. These seven counties also comprise the area of Twelfth District Bar Association. Former Districts 8A and 8B have been officially consolidated into a single district. However, assignment of judges within the two former subdistricts will of necessity continue to come largely from within their respective boundaries. This is in large part due to the geographical layout of Eighth Judicial District and the location of Chambers within it. As can be seen from the map on the next page and the mileage chart at page 5, the distances involved make any large amount of cross-travel between the two former subdistricts impractical.

Because former District 8A needs more judges to handle its caseload than it will have if the two positions are abolished, because it is already

EIGHTH JUDICIAL DISTRICT

JUDGES' PERMANENT CHAMBERS
AND FORMER
COUNTY COURT ELECTION DISTRICTS
(Revised May 1986)

TOTAL COUNTY COURT JUDGES: 9
TOTAL DISTRICT COURT JUDGES: 3
TOTAL PARA-JUDICIAL PERSONNEL: 0



County Court Election Districts:

- District A: Lac Qui Parle, Cippewa, Yellow Medicine, Renville, Swift, Kandiyohi, and Meeker Counties
- District B: Wilkin, Traverse, Big Stone, Grant, Stevens, and Pope Counties

judge-deficient in relative terms and because any large amount of judicial travel into it from former subdistrict 8B is not practical, due to the distances involved, both of the two positions at issue should be retained.

POINT 4.

THERE WILL NOT BE SUFFICIENT
JUDICIAL ACCESS IN THE COUNTIES INVOLVED
IF THE JUDGESHIPS ARE ABOLISHED

In both judgeships at issue, there are county court judges chambered in the counties in which the vacancies exist [W]e cannot anticipate that judicial access would be in any way impaired as a consequence of discontinuing the two judgeships.

--Memorandum, pages 11 and 12, to Order, October 2, 1985, respecting judicial vacancies in Fifth Judicial District

With a caseload which necessitates the services of 1.0 judges, Meeker County will have a relatively frequent need for access to a judge. Yet, its location within the district and the practical consideration that judges at Willmar, due to their caseload, will not be available to handle the Meeker County caseload mean that, if the judgeship is abolished, judicial access will of necessity be by travel of considerable distances. Whether the travel is by other judges into the county or by travel of attorneys, law enforcement officers and others to where a judge is found, judicial access will be seriously impaired. See map and mileage chart at page 5.

Yellow Medicine County is at the Southwest corner of the district. Lac qui Parle County, just to its North, also lacks a resident judge. Although the impairment of access at Yellow Medicine County may not be quite as serious as in Meeker County, it will still be significant.

In its Memorandum accompanying its October 2, 1985 Order abolishing two District Court judgeships in the Fifth Judicial District, this Court considered the problem of litigant access if the two positions were abolished. Since every county then having a resident judge would continue to have one if the two positions were eliminated, the Court concluded that access would not be impaired. This will not be the case if the two positions now at

issue are eliminated. Neither county will have a resident judge. Access will be impaired. The two positions should be retained.

POINT 5.

THERE WILL NOT BE SUFFICIENT
JUDICIAL ACCESS IN THE DISTRICT
IF THE JUDGESHIPS ARE ABOLISHED

If there is a need for a judge to serve a community from time to time, some calendar inefficiency may have to be tolerated as a cost of holding court in small communities.

--Task Force on Principles for Assessing the Adequacy of Judicial Resources, National Center for State Courts, Assessing the Need for Judicial Resources: Guidelines for a New Process, Preliminary Draft (1983), page 33

Four of the 13 counties of the Eighth Judicial District, or 30.8% of its counties, are already without a resident judge. See Table 3. If the two judgeships are abolished, this problem will worsen considerably. Six out of the 13 counties, or 46.9% of the district's counties, will be without

Table 4.

Resident Judges, by County

County	P r e s e n t l y		If the 2 Positions Are Abolished	
	County	District	County	District
Chippewa	1	1	1	1
Kandiyohi	1	1	1	1
Lac qui Parle	-	-	-	-
Meeker	1	-	-	-
Renville	1	-	1	-
Swift	1	-	1	-
Yellow Medicine	1	-	-	-
Big Stone	-	-	-	-
Grant	1	-	1	-
Pope	-	-	-	-
Stevens	1	1	1	1
Traverse	-	-	-	-
Wilkin	1	-	1	-
Total	<u>9</u>	<u>3</u>	<u>7</u>	<u>3</u>

Source: Judicial complement information for Eighth Judicial District

a resident judge. This will not allow effective judicial administration or sufficient judicial access within the district.

Abolition of the judgeship at Granite Falls will present an especially critical problem. Four adjoining counties, Traverse, Big Stone, Lac qui Parle and Yellow Medicine, would then be without a resident judge. These four counties are also at the Western boundary of the district. This will severely limit where these four counties may turn for their judicial services. It will be an especially serious problem in Lac qui Parle County, which is now dependent upon the services of the judge at Granite Falls for a major part of its judicial services.

We are not aware of any other judicial district of this state where judicial access is so seriously impaired, whether in terms of adjoining counties without a judge or in terms of such a high proportion of counties being without a resident judge. Other predominately rural districts within the state include the Fifth, Seventh and Ninth Judicial Districts. At the time of the original weighted caseload study in 1980, the Seventh District, with 10 counties and 19 judges, did not have a single county without a sitting judge. It still has 19 judges, although we cannot from the data available to us be sure that all chambers are now located as they were in 1980. In the Ninth District, Kittson, Lake of the Woods, Mahnomen and Red Lake Counties, or 23.5% of its counties, were without a sitting judge in 1980. This apparently remains the case. While we consider this to be a significant percentage, it is less than the percentage now obtaining in this district. It is considerably less than the percentage which will obtain if the two judgeships are abolished. In the Fifth District, only Lincoln and Rock Counties, or 13.3% of its counties, appear to have been without a sitting judge prior to the Supreme Court's October 2, 1985 Order terminating two of its District Court judgeships. We understand from that opinion that no additional counties in that district are without a resident judge as a result of that decision.

With the serious impairment of access which will result in the district if the two judgeships are eliminated, both positions should be retained.

POINT 6.

THE JUDGES OF THIS DISTRICT HAVE LESS TIME
FOR HANDLING ITS CASELOAD THAN IS ASSUMED
IN THE WEIGHTED CASELOAD STUDY

The judicial equivalent varies even among outstate districts

...
--Memorandum, page 4, to Order, October 2, 1985, respecting
judicial vacancies in Fifth Judicial District

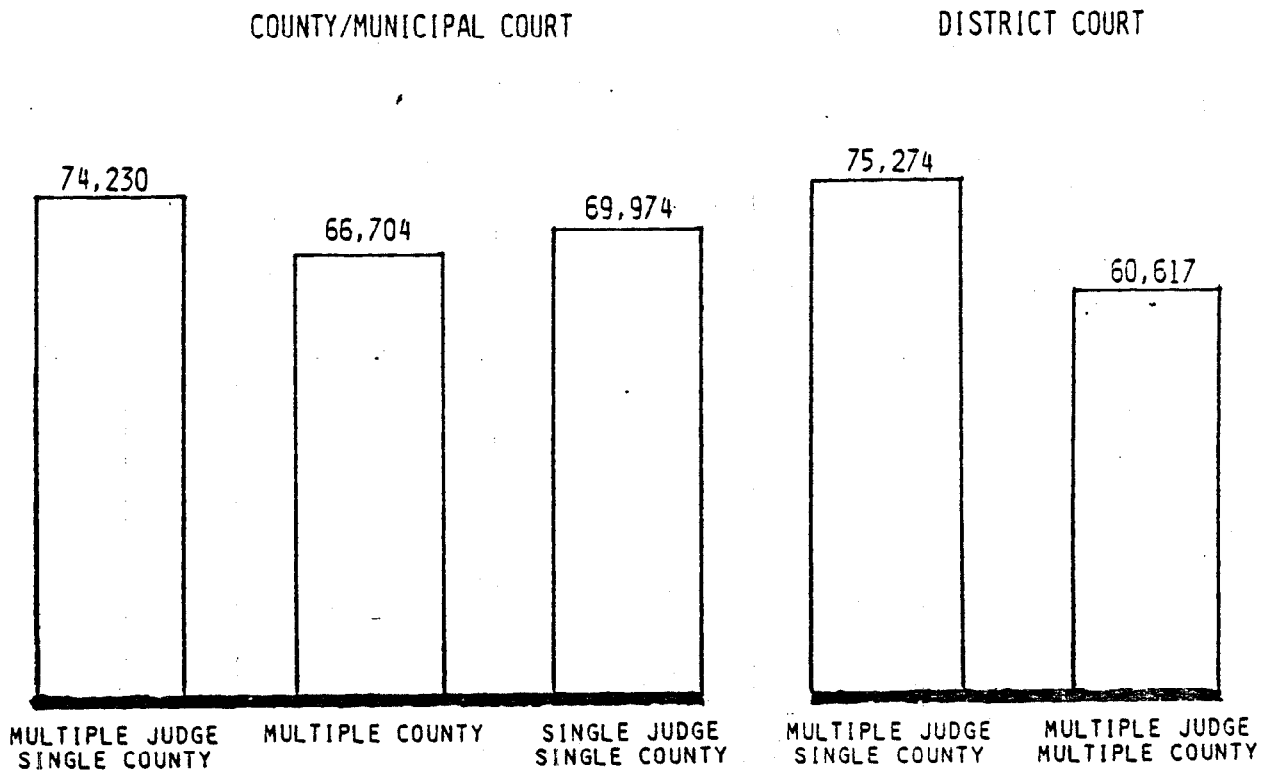
The Eighth Judicial District consists of 13 sparsely populated counties in West Central Minnesota. In its prior order abolishing one of the judgeships in the district, the Supreme Court noted that the predominately rural Seventh and Ninth Judicial Districts appear to be managing adequately without the apparently surplus judges which are found in the Eighth Judicial District. However, analysis of the three districts shows some important differences between this district and those two districts. These differences are such that this district needs judicial manpower which the weighted caseload fails to document.

On the average, the judges in the Eighth Judicial District have to serve more counties than do judges in either the Seventh or Ninth District. At the present time, with 13 counties and 12 judges, each judge of the Eighth Judicial District serves an average of 1.1 counties. If the two judgeships are terminated, this will rise to an average of 1.3 counties served by each judge. For the Seventh District, each judge serves an average of 0.5 of a county. In the Ninth District, each judge serves an average of 0.85 of a county. We know of no other district in the state where, on the average throughout the district, the judges of the district have to serve an average of more than 1.0 counties.

The greater number of counties which must be served by its judges, the greater will be the proportionate time that the judges of the district will have to spend on intra-district travel and, to a lesser extent, on administration and file management and on dead time. We recognize that the Minnesota weighted caseload study does take this into account. Judges in a multi-county, multi-judge district are assumed to have a greater amount of necessary time devoted to these tasks than are judges who are in a single-county district. See Figure 1. See also Appendix 2, which discusses this further. Unfortunately, there are substantial differences among the multi-

Figure 1.

JUDICIAL EQUIVALENT* BY TYPE OF COURT ORGANIZATION AND TYPE OF JURISDICTION



TYPE OF COURT ORGANIZATION
*NUMBER OF MINUTES OF CASE RELATED TIME AVAILABLE PER YEAR.

From 1980 Minnesota Weighted Caseload Analysis (Information Systems Office, State Court Administrator, 1981) page 12.

county, multi-judge courts, whether they are District Courts or County Courts. The averages obscure legitimate differences. The weighted caseload study does not sufficiently allow for judicial time in the Eighth Judicial District which cannot be spent upon casework itself.

Unlike other districts, the Eighth Judicial District does not have multiple trial centers, and no large center at all, where efficiencies in handling the district's judicial caseload can be obtained. According to the weighted caseload data, in 1980 in the Seventh District 80% of its counties had a caseload justifying the services of 1.0 judges or more, and 30% of its counties had a caseload justifying the services of 2.0 judges or more. In the Ninth District, 41.2% of its counties had a caseload justifying the services of 1.0 judges or more, and 24.5% of its counties had a caseload justifying 2.0 judges or more. By comparison, in 1980 in the Eighth District, only 15.4% of its counties had a caseload justifying 1.0 judges or more. None of its counties had a caseload justifying 2.0 judges or more. By 1985, with the rise in the Kandiyohi County caseload, that county, or 7.7% of the district's counties, had a workload for 2.0 judges or more. We know of no other district within the state with the pattern of caseload distribution as fragmented as that found in the Eighth Judicial District. The result is that the weighted caseload study, by the use of its averages which obscure these legitimate differences, attributes a greater efficiency to the judges of the Eighth Judicial District than they can accomplish given the nature of the district.

The Eighth Judicial District cannot operate as efficiently in disposing of cases as the other multi-county, multi-judge districts in the state. With its limited case pool, judge pool and attorney pool, with the number of counties requiring the level of service necessary to dispense justice, and with the lack of trial centers found elsewhere, it is more difficult to shift judges as need arises, to schedule backup cases, to minimize travel time, and to otherwise run its courts as smoothly as can be done elsewhere. While the weighted caseload study does allow for some differences among districts, it does not allow to the Eighth Judicial District the full allowance which the nature of the district imposes upon its judges.

We do not know the full impact of these differences upon the district, as the data of our judges and of judges elsewhere serving a subdistrict having a comparable situation simply are not available to us. However, it appears to us without question that the weighted caseload analysis, if more properly

applied, would show a greater need for judicial resources within the district than it now shows.

Since the 1980 weighted caseload study, two of the district's judgeships have been abolished on the strength of it showing an apparent surplus of judges in this district. However, as shown above, the weighted caseload study has understated the need for judges in this district. In addition, the elimination of those two judgeships has further lessened the time which our remaining judges have to perform their casework, as they must of necessity assume a good portion of the travel and case management formerly done by the two judges whose positions have been eliminated.

The Court is now at the point that it simply cannot say with any degree of certainty that either one or both of the positions are surplus positions. Rather than risk abolishing existing judgeships which may be needed, the Court should retain both positions at this time and await the completion of a new weighted caseload study which adequately reflects the realities of judicial administration in this district.

POINT 7.

THE JUDGES OF THIS DISTRICT CANNOT DISPOSE OF CASES IN THE TIME ASSUMED IN THE WEIGHTED CASELOAD STUDY

Perhaps the most important limitation is that weighted caseload systems enshrine procedures as they are rather than encourage or reward improved efficiency. The fact that judges spend an average of one hour on a contested temporary support motion in a domestic relations case, for instance, provides no clue to policymakers whether such a motion could be heard with equal fairness in 45 minutes or if an hour is too rushed to provide a full hearing to both sides.

--Task Force on Principles for Assessing the Adequacy of
Judicial Resources, National Center for State Courts,
Assessing the Need for Judicial Resources: Guide-
Lines for a New Process, Preliminary Draft (1983),
page 33

One of the commendable goals of the Supreme Court in its weighted caseload study is to determine the average time it takes for the County

and District Court judges of this state to dispose of particular types of cases. However, its experts have made the assumption that there is a single average time which can be applied statewide in determining how much judicial time the average case of a particular type will require for its proper disposition. This is an unwarranted assumption.

With the lack of specialized options and staff resources upon which our judges may draw in the Eighth Judicial District, having a rural bar which tends to be less specialized, and having fewer opportunities for our judges to become skilled in efficiently managing particular types of cases, the assumption which is warranted is that there will be several kinds of cases which will require more judicial time for their just disposition in this district than will be the case elsewhere, especially in a major metropolitan area. Again, we do not have access to the Court's data which would collaborate this, but we are reasonably certain that the data will support our position. In any event, along with the other points which we raise, this should cause the Court to determine not to abolish any further judgeships in the Eighth Judicial District at this time.

POINT 8.

THE BURDEN OF PROOF WHICH MUST BE MET SHOULD TAKE ACCOUNT OF THE PRACTICALITIES OF THE PUBLIC HEARING PROCESS

[O]ur determination regarding the termination or continuation of a vacant judicial position is based upon whether, after applying the weighted caseload analysis to that position and concluding that its continuation is unnecessary, the locality can meet the burden of demonstrating that additional factors exist which are not a part of the weighted caseload analysis, and which justify the continuation of the judicial position in question.
--Memorandum, page 17, to Order, October 2, 1985, respecting judicial vacancies in Fifth Judicial District

Under the policy of the Supreme Court, the issue of the elimination of a judgeship is presented by means of the public hearing process rather than by means of a contested trial. We are concerned that the Court not apply a

burden of proof which is impossible to meet in the context of a public hearing. It must be recognized that persons testifying and submitting written information will almost always lack the preparation, access to data and expertise of the Court's hired experts. Due consideration must be given to the imperfect evidence which will be submitted under these circumstances. The same rigorous standards of proof which apply at a trial are not appropriate when the public hearing process is used. It should be sufficient if the arguments made and the data presented demonstrate an apparent legitimate need to retain the judgeship in question, or if they show such defects in the weighted caseload study as applied to the position in question that the Court cannot in good conscience be assured that without the defects the weighted caseload study would still show a surplus in the number of judicial positions.

We believe that the written and oral information which will be presented to the Court, including this brief, in support of retention of the judgeships will meet the burden of proof which applies and will in fact go beyond that in convincingly showing a need to retain the two judgeships.

CONCLUSION

[Use of a weighted caseload measure] helps develop uniformity in staffing and procedures among courts. It may be a disadvantage, because averages may obscure legitimate differences among courts. The latter can probably be handled through documented formula exceptions.
--Larson and Gletne, Workload Measures in the Court
(National Center for State Courts, 1980), page 63.

There are a number of compelling practical reasons for the retention of the two judgeships. These reasons include the excessive travel which will be needed to serve the counties involved, the lack of access to judicial services which will result from elimination of the positions, and the need to retain these judgeships to handle the workload in their counties and in their portion of the district. These reasons apply even if the weighted caseload study otherwise accurately identifies the Eight Judicial District as having a surplus number of judges.

In addition, we have shown that the weighted caseload study, while it may be the best information available to the Court, does not adequately take into account a number of factors which apply in the Eighth Judicial District. Because of this, the weighted caseload study undercounts the number of judges needed in this district. Under these circumstances, and without knowing the full effect of having abolished two judgeships previously, the Court should retain the positions which are in question rather than risk the erroneous elimination of either of the judicial positions which are now in place and whose judges are needed for efficient judicial administration in the Eighth Judicial District.

We respectfully submit that neither judicial position should be eliminated. Both positions should be retained in the Eighth Judicial District.

May 22, 1986

TWELFTH DISTRICT BAR ASSOCIATION

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1985 WEIGHTED CASELOAD STUDY
TIME SERIES OF JUDICIAL MANPOWER REQUIREMENTS

DISTRICT: EIGHTH

COURT TYPE: COUNTY

COUNTY	1980-1985 WCU'S						1980			1981			1982			1983			1984			1985			TOTAL PCT. CHG.
	1980 WCU'S	1981 WCU'S	1982 WCU'S	1983 WCU'S	1984 WCU'S	1985 WCU'S	JUD- GES	JUD- GES	PCT. CHG.	JUD- GES	PCT. CHG.	JUD- GES	PCT. CHG.	JUD- GES	PCT. CHG.	JUD- GES	PCT. CHG.	JUD- GES	PCT. CHG.	JUD- GES	PCT. CHG.				
6 BIGSTONE	16271	14264	14431	15306	13022	17655	.2	.2	-12.3	.2	1.2	.2	6.1	.2	-14.9	.3	35.6	.7	5.8						
12 CHIPPEWA	32008	30933	30411	29970	33641	33867	.5	.5	-3.4	.5	-1.7	.4	-1.4	.5	12.2	.5	7	.7	5.8						
26 GRANT	15443	18040	12963	11351	12414	12775	.2	.3	16.8	.2	-28.1	.2	-12.4	.2	9.4	.2	2.9	.2	-17.3						
34 KANDIYOHI	72886	84185	80085	78919	91205	91331	1.1	1.3	15.5	1.2	-4.9	1.2	-1.5	1.4	15.6	1.4	.1	.1	25.3						
37 LAC QUI PA	20377	21527	17412	14503	13341	18024	.3	.3	5.6	.3	-19.1	.2	-16.7	.2	-8.0	.3	35.1	.3	-11.5						
47 MEEKER	48280	61731	60690	48621	48332	43900	.7	.9	27.9	.9	-1.7	.7	-19.9	.7	-6	.7	-9.2	.7	-9.1						
61 POPE	27133	26688	24981	30659	32639	28398	.4	.4	-1.6	.4	-6.4	.5	22.7	.5	6.5	.4	-13.0	.4	4.7						
65 RENVILLE	29655	34418	32112	32501	35303	36394	.4	.5	16.1	.5	-6.7	.5	1.2	.5	8.6	.5	3.1	.5	22.7						
75 STEVENS	35423	39250	32011	26297	26856	29347	.5	.6	10.8	.5	-18.4	.4	-17.8	.4	2.1	.4	9.3	.4	-17.2						
76 SWIFT	33118	35698	36573	32313	32339	28298	.5	.5	7.8	.5	2.5	.5	-11.6	.5	.1	.4	-12.5	.4	-14.6						
78 TRAVERSE	8266	10356	8994	11269	9291	8919	.1	.2	25.3	.1	-13.1	.2	25.3	.1	-17.6	.1	-4.0	.1	7.9						
84 WILKIN	23441	24682	21323	21195	22300	23502	.4	.4	5.3	.3	-13.6	.3	-6	.3	5.2	.4	5.4	.4	.3						
87 YELLOW MED	22985	24503	20780	21158	22201	23598	.3	.4	6.6	.3	-15.2	.3	1.8	.3	4.9	.4	6.3	.4	2.7						
TOTALS	385285	426277	392767	374064	392885	396008	5.8	6.4	10.6	5.9	-7.9	5.6	-4.8	5.9	5.0	5.9	.8	2.8							

DISTRICT: EIGHTH

COURT TYPE: DISTRICT

COUNTY	1980-1985 WCU'S						1980			1981			1982			1983			1984			1985			TOTAL PCT. CHG.
	1980 WCU'S	1981 WCU'S	1982 WCU'S	1983 WCU'S	1984 WCU'S	1985 WCU'S	JUD- GES	JUD- GES	PCT. CHG.	JUD- GES	PCT. CHG.	JUD- GES	PCT. CHG.	JUD- GES	PCT. CHG.	JUD- GES	PCT. CHG.	JUD- GES	PCT. CHG.	JUD- GES	PCT. CHG.				
6 BIGSTONE	3737	7801	7671	7495	6336	8892	.1	.1	108.8	.1	-1.7	.1	-2.3	.1	-15.5	.1	40.4	.1	138.0						
12 CHIPPEWA	11227	14646	15777	14332	12592	20411	.2	.2	30.5	.3	7.7	.2	-9.2	.2	-12.1	.3	62.1	.3	81.8						
26 GRANT	5290	8526	8604	13183	6082	9538	.1	.1	61.2	.1	.9	.2	53.2	.1	-53.9	.2	56.8	.2	80.3						
34 KANDIYOHI	50352	49089	56312	48335	42944	51816	.8	.8	-2.5	.9	14.7	.8	-14.2	.7	-11.2	.9	20.7	.9	2.9						
37 LAC QUI PA	5571	8594	8858	8753	7574	12216	.1	.1	54.3	.1	3.1	.1	-1.2	.1	-13.5	.2	61.3	.2	119.3						
47 MEEKER	30183	25372	29140	18105	19358	18029	.5	.4	-15.9	.5	14.9	.3	-37.9	.3	6.9	.3	-6.9	.3	-40.3						
61 POPE	19587	12432	16009	10268	12419	11205	.3	.2	-36.5	.3	28.8	.2	-35.9	.2	21.0	.2	-9.8	.2	-42.8						
65 RENVILLE	15919	10556	15730	10673	13797	15119	.3	.2	-33.7	.3	49.0	.2	-32.1	.2	29.3	.2	9.6	.2	-5.0						
75 STEVENS	11698	12304	18891	8093	13092	10818	.2	.2	5.2	.3	53.5	.1	-57.2	.2	61.8	.2	-17.4	.2	-7.5						
76 SWIFT	19524	28998	16901	13807	23730	12698	.3	.5	48.5	.3	-41.7	.2	-18.3	.4	71.9	.2	-46.5	.2	-35.0						
78 TRAVERSE	337	3241	7637	8108	4880	5255	.0	.1	863.4	.1	135.6	.1	6.2	.1	-39.8	.1	7.7	.1	1461.9						
84 WILKIN	8307	7994	9266	6620	6585	6953	.1	.1	-3.8	.2	15.9	.1	-28.5	.1	-5	.1	5.6	.1	-16.3						
87 YELLOW MED	19034	11512	11380	8776	8718	12387	.3	.2	-39.5	.2	-1.1	.1	-22.9	.1	-7	.2	42.1	.2	-34.9						
TOTALS	200765	201066	222175	176548	178106	195336	3.3	3.3	.2	3.7	10.5	2.9	-20.5	2.9	.9	3.2	9.7	.8	-2.7						

DISTRICT

TOTALS	586050	627343	614942	550612	570992	591344	9.1	9.7	6.8	9.6	-1.6	8.5	-10.8	8.8	3.6	9.2	3.7	.8
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APPENDIX 2

EXCERPT ON "JUDICIAL EQUIVALENT"

From 1980 Minnesota Weighted Caseload Analysis
Information Systems Office
State Court Administrator
March 16, 1981
at Pages 6-7

JUDICIAL EQUIVALENT

The judicial equivalent values were developed with the benefit of the information collected during the survey period. However, since the survey provided only the case and non-case related time judges actually spend on their judicial responsibilities, rather than the time that should be available for case or non-case related work, an important policy question arose. How much time should constitute a judicial work day or a work year? This question cannot be answered solely on the basis of empirical data. We found empirically, for example, that because of differing caseloads, many judges were spending more or less time disposing of cases and the discharge of their other responsibilities than the norm. A judgment was made about the amount of time a judge ought to have available for case related and non-case related work. Time dedicated to non-case related activities (such as court administration, general legal research, travel) was subtracted from the total amount of time available, resulting in an indication of the amount of time that should be available for case-related work. The empirical data we collected from the survey provided guidance in this consideration but was not the sole determinant.

We found that, depending upon the type of court organization, the amount of time needed for non-case related work varied. The court organization categories

utilized in this study are as follows: multi-judge, single-county organization; single-judge, single-county; multi-judge, multi-county; and multi-county. In a multi-judge single county district court such as Hennepin, approximately 68 minutes per day, on the average, were required of each judge for court administration, travel, general legal research, while almost 143 minutes on the average were needed for non-case related work in a multi-judge, multi-county judicial district. Greater detail on these findings is provided in the RESULTS section of this report.

These varying demands upon judges for non-case related work were reviewed with the Conference of Judges and Administrators on January 30, 1981. The Conference concluded that a variance reflective of court organization should be recognized and incorporated in judicial equivalent values (the time a judge has available for case-related work). The judicial equivalent value for each court is therefore determined by its type of organization.

The calculation of judicial equivalent value for a given court organization type is determined by subtracting the average amount of non-case related time per judge for that court organization type from the general amount of time any judge ought have available for all types of court work. If, for example, a judge should have available seven and one half hours per day for court related work, the average time needed for non-case related activity, which depends upon the type of court organization, was subtracted from that seven and one half hours resulting in the total time per working day available for case related work. Thus, in the multi-judge, single-county court organization, we subtracted the approximately 68 minutes for non-case related work from seven and one half hours, leaving approximately 382 minutes per day on the average available for case related work. Using the same calculation in a multi-judge, multi-county district court, far less time is available for case related work, approximately 307 minutes per day. Multiplying these varying values by the number of days per year that ought be available for general court work, we arrived at the judicial equivalent value used in the final weighted caseload calculation.

Rodney Olson

COURT ADMINISTRATOR

Eighth Judicial District

Grant County Courthouse

Elbow Lake, Minnesota 56531
Telephone (218) 685-4825

GLORIA B. HANSON

Chief Deputy

JANE KRUIZE

Deputy

JUDGES:

Jon Stafsholt

Terry P. Collins

Bruce N. Reuther

May 23, 1986

**OFFICE OF
APPELLATE COURTS
FILED**

MAY 27 1986

Lawrence C. Harmon
Supreme Court Administrator
State Capitol
St. Paul, MN 55155

**WAYNE TSCHIMPERLE
CLERK**

Re: Eighth Judicial District Judgeships

Mr. Harmon:

On May 21 the Grant County Board of Commissioners forwarded a resolution to the Supreme Court. This resolution was in regards to Judicial vacancies occurring in the Seventh Judicial District. Please attach the enclosed letter to this resolution.

Sincerely,



Rodney Olson
Court Administrator

RO/jk

Enclosure

May 20, 1986

Grant County Board of Commissioners
Grant County Courthouse
Elbow Lake, MN 56531

Re: Judicial Vacancies

The undersigned have met to discuss the forthcoming meeting in Willmar concerning the prospective condition of two judicial vacancies which will soon exist in our Eighth Judicial District. We uniformly and unanimously oppose the deletion of these two judgeships and respectfully request that they be filled.

It was the consensus that we would suffer indirect, as well as direct, loss of judicial services in Grant County. We presently have a Judge six days per month, and with a reduction of the number of Judges in the District, our present services would undoubtedly be diminished.

We are fearful of reduced accessibility of a Judge for the purpose of obtaining search warrants, meeting statutory requirements for first appearances, and fulfilling procedural requirements to protect those whose liberty has been interrupted. In that we have no jail or similar holding facility in Grant County, additional travel and manpower would be required on the part of law enforcement personnel, Court personnel, Social Services personnel and lawyers to meet the time requirements in making appearances before Judges.

The Court Administrator would be faced with some additional scheduling problems, such as Omnibus hearings, trials where the Defendant has demanded a speedy trial, injunctions or other types of extraordinary relief, juvenile detention hearings, etc.

For the attorneys who practice in our County, additional travel would be required, which would undoubtedly reflect upon the service provided to the clients. Further, the Judge would not be as available as a resource from whom to obtain guidance and information. Even if the Judge is in Grant County, his schedule is such that he does not have the time to serve as a resource.

Conciliation Court, which is the least expensive means available to the citizens of Grant County to resolve a dispute over money, is now only held one day per month. We feel that this, too, would be even further reduced if the impending judicial vacancies are allowed to continue.

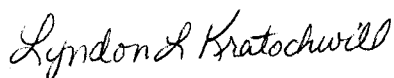
In situations of domestic abuse and restraining orders, it is imperative to have a Judge available on short notice, or the citizen has effectively been denied his or her remedies. Time limitations of any kind would pose a continuous threat to the administration of justice in Grant County.

Grant County Board of Commissioners
May 20, 1986
Page 2

A further point discussed by this group is that those who are supposedly represented by the Judge are further denied his availability and the benefit of that Judge's involvement in the County.

For all of the above reasons, we respectfully request that this Board indicate its hope that there will be no further reductions in the Eighth Judicial District, and that the now existing vacancy and the forthcoming vacancy both be filled.

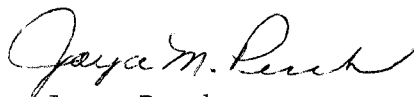
Respectfully Submitted,



Lyndon L. Kratochwill
Grant County Attorney



Rodney Olson
Grant County Court Administrator



Joyce Pesch
Director, Grant County Social Services



Edward D. Williams
Grant County Sheriff

LLK:jlj

DON R. KRASSIN
ATTORNEY AND COUNSELOR AT LAW
TOWN CENTRE SQUARE, SUITE 240
500 DAKOTA AVENUE, P. O. BOX 807
WAHPETON, NORTH DAKOTA 58075

PHONE: (701) 642-4747

May 21, 1986

29-85-1506

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

RE: Public Hearing on Vacancies and Judicial
Positions in the Eighth Judicial District

Dear Supreme Court:

I am admitted to practice in the State of Minnesota and regularly practice in Wilkin County of the Eighth Judicial District in Minnesota.

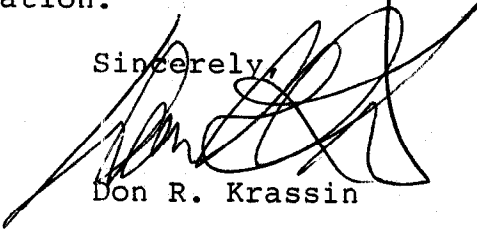
Under the Supreme Court Order of May 2, 1986, it appears that serious consideration is being given to the elimination of two Judicial positions in the Eighth Judicial District.

It is my opinion that the Eighth Judicial District needs to retain all Judicial positions currently existing. It is already difficult to schedule even routine matters. The elimination of more Judicial positions will make the situation even worse.

For example, I recently represented a criminal defendant. We made a demand for a speedy trial. To date, it has been impossible for the court system to find an available date. I assumed that a date will be found, but the experience is illustrative of the fact that our Judicial positions are justified and well used at present.

Thank you for your consideration.

Sincerely,


Don R. Krassin

DK/can

OFFICE OF
APPELLATE COURTS
FILED

MAY 28 1986

WAYNE TSCHIMPERLE
CLERK

*5/28 -- copy to Ombud
Scott
Yetter*

PUBLIC HEARING ON VACANCIES IN JUDICIAL
POSITIONS IN THE EIGHTH JUDICIAL DISTRICT

Supreme Court No: C9-85-1506

Date of Hearing: 5-28-86
10:00 a.m.
Kandiyohi County Courthouse
Commissioners Room
Willmar, MN

NAME		DATE WRITTEN SUMMARY FILED	ORAL PRESENTATION	
			YES	NO
Kenneth L. Hamrum	Secretary, 16th Judicial Bar Association	5-14-86		X
Mike Marxen	Traverse County Social Services	5-15-86		X
Donald J. Montonye	Traverse County Sheriff	5-19-86	X	
Fred Stregge	Atty at Law-Wilkin County	5-21-86		X
David Minge	Atty at Law-on behalf of Chippewa County Bar Assoc.	5-21-86	X	
Michael J. Thomson	Meeker County Attorney	5-21-86		X
Linda Jagush	Meeker County Court Administrator	5-22-86	X	
Don. Jon Stafsholt	Judge-8th Judicial District	5-22-86	X	
Boyd Beccue	Atty-Willmar	5-22-86		X
Layne S. Reishus & Gregory L. Holmstrom	Attys-Yellow Medicine Co.	5-22-86	X	
Don. R. A. Bodger	Chief Judge, 8th Judicial District	5-22-86	X	
Arthur J. Boylan	Atty-Kankiyohi County	5-22-86	X	
W. D. Prindle & Law Firm	Attys-Chippewa County	5-23-86		X
Wally Thom	Chairman, Yellow Medicine County Board of County Commissioners	5-23-86	X	
Deanne L. Bringgold	Vice President, 16th District Bar Assoc.	5-23-86	X	
Richard T. Rollins	Sheriff, Yellow Medicine County	5-23-86	X	
Earl W. Sorensen	Chief of Police, City of Montevideo	5-23-86	X	
Thomas G. Kramer	Yellow Medicine County Atty.	5-23-86	X	
John M. Tollefson	Lac Qui Parle County Atty	5-23-86		X

NAME		DATE WRITTEN SUMMARY FILED	ORAL PRESENTATION	
			YES	NO
Steven E. Drange	Atty-Meeker County	5-23-86	X	
A. Milton Johnson	District Administrator 8th Judicial District	5-27-86		X
Walt Libby	President, 12th Judicial District Bar Association	5-27-86	X	
Joyce I. Blindt	Yellow Medicine County Court Administrator	5-27-86		X
Timothy E. J. Fox	Wilkin County Attorney	5-27-86		X
Steven J. Lies	Atty-Northern Counties of 8th Judicial District	5-27-86		X
Daniel J. Papin	Director, Chippewa County Family Service	5-27-86		X
Douglas A. Ruhland	Atty-Meeker County	5-27-86	X	
Lyndon L. Kratochwill	Grant County Attorney	5-27-86		X
Rodney Olson	Grant County Court Administrator			
Joyce Pesch	Director, Grant County Social Services			
Edward D. Williams	Grant County Sheriff			
Don R. Krassin	Atty-Wilkin County	5-28-86		X