

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

In re Ninth District
Judicial Vacancy

Rechambering Judicial Position from
Red Lake to Cass County

WHEREAS, pursuant to the provisions of Minnesota Statutes § 480.22, the Supreme Court is authorized to designate the location of chambers for all judges of all courts in the state after consultation with the judges of the affected judicial district; and

WHEREAS, Governor Arne Carlson notified the Supreme Court that a vacancy will occur in the Ninth Judicial District as a consequence of the retirement of the Honorable J.A. Harren effective June 1, 1991; and

WHEREAS, the judges of the Ninth district were consulted regarding the appropriate location of chambers in the district so as to promote the effective and efficient administration of justice; and

WHEREAS, having considered the application of the weighted caseload study to the judicial needs of the Ninth Judicial District and the arguments made regarding the aforementioned chambers designation within the district and having attached a memorandum which addresses these issues,

IT IS HEREBY ORDERED THAT:

1. The vacancy in the judicial position occasioned by the retirement of the Honorable J. A. Harren be, and hereby is, transferred to Cass county; and
2. The same shall be, and hereby is, certified to the Governor as a district court judgeship chambered in Cass county to be filled in the manner provided by law.

Dated: May 9, 1991

OFFICE OF
APPELLATE COURTS

MAY 10 1991

FILED

BY THE COURT



A. M. Keith
Chief Justice

MEMORANDUM

The Supreme Court is charged with the responsibility under Minnesota Statutes § 480.22 of designating "the location of all chambers for judges of all courts in the state after consultation with the judges of the affected judicial district." In prior decisions on vacant judicial positions¹, we have followed the principle that judicial positions should be allocated and deployed in accordance with a rational method of demonstrated need. The tool we have relied on in assessing the need for judicial resources is the weighted caseload analysis.

The present issue has arisen due to the retirement of Judge J. A. Harren. Since 1986, the weighted caseload analysis has shown the Ninth district as a whole to have an adequate amount of judicial resources, but an inefficient distribution of judges within the district. Specifically, excess positions were shown in Red Lake and Koochiching counties, while additional positions were needed in Itasca and Cass counties.

We have invited comment by the judges of the Ninth district regarding the appropriate placement of the present vacancy. Many thoughtful responses were received and we have considered these in the course of making our decision. It should be noted that the judges of the district were divided on the issue of whether the position should be rechanbered.

Traditionally, the Ninth district - the largest judicial district in the state, extending from Brainerd in the south to International Falls then west to the North Dakota border - has been divided into three assignment districts, the West, Central and East. Between 1980 and 1990, population in the East declined slightly (1%), while the Central increased by 4%, and the West declined by 7%. Every county in the West lost population, except for Roseau county, which increased by 19%, or about 2,500 people. Red Lake county declined by 17%, and currently contains about 4,500 people.

Geographically, Red Lake county is one of the smaller counties in the state, consisting of 433 square miles. Resident judges are present in all counties surrounding Red Lake county. The judge need in Red Lake county is 0.2 judges, and has remained steady for the past several years. A need of 0.2 means that there is judicial work for a judge one day out of five, and the other four days must be spent in other counties. Given all of these factors, it would seem that a resident judgeship in Red Lake county is not necessary.

For the past several years there has existed an acute need for additional judicial resources in the East. Currently, six judges are chambered in the counties of Aitkin,

¹ *In re Fifth District Judicial Vacancy*, Order of July 13, 1990; *In re Eighth District Judicial Vacancy*, Order of November 30, 1990.

Crow Wing and Itasca while the total judicial need is for 7.1 judges.

Continuing caseload increases in the Ninth district, particularly in the criminal and juvenile areas, have created a need for one additional, new judge in the district. Accordingly, we have directed that a reanalysis of judicial need and deployment be completed; the results of this analysis are shown in Table 1.

According to this analysis, additional judicial positions are needed in Itasca, Cass and Beltrami counties, while surplus positions exist in Koochiching² and Red Lake counties. The present vacancy occurs in Red Lake county.

A strict interpretation of the weighted caseload results, taking into account the three assignment circuits of the district, would indicate that the position should be placed in Itasca county.

Table I. Judicial Need and Deployment in the Ninth District.

Jurisdiction	Actual Judges	Judge Need	Optimal Placement of Judges	Shortage or (Excess)
East				
Aitkin	1	1.0	1	
Crow Wing	3	3.4	3	
Itasca	2	2.7	3	1
Subtotal	6	7.1	7	1
Central				
Beltrami	2	2.5	3	1
Clearwater	1	0.7	1	
Hubbard	1	1.1	1	
Cass	1	1.7	2	1
Koochiching	2	1.2	1	(1)
Lake of the Woods	0	0.2	0	
Subtotal	7	7.4	8	1
West				
Kittson	0	0.3	0	
Marshall	1	0.5	1	
Pennington	1	1.1	1	
Mahnomen	0	0.4	0	
Norman	1	0.5	1	
Polk	2	2.4	2	
Red Lake	1	0.2	0	(1)
Roseau	1	0.8	1	
Subtotal	7	6.2	6	(1)
District Total	20	20.7	21	1

² The Koochiching situation will need to be reevaluated upon a judicial vacancy, in consideration of the extreme distance between International Falls and chambers locations in adjoining counties from which judges would be assigned.

However, as was pointed out to us by some of the judges of the district, additional chambers and courtroom space are not currently available in Grand Rapids for another judge. Additional chambers and courtroom space do exist in Walker in Cass county, however, where one judge is currently chambered and the need is for 1.7 judges. We therefore direct that the position be chambered in Cass county.

Increasing caseloads throughout the district and the chambering of the vacant judgeship in Cass county will require some adjustment of the three traditional assignment circuits in this district. For example, additional judicial time is required in Itasca county, and the new judge in Cass county will need to be assigned to assist with the workload there and, perhaps, also in Crow Wing county. Chambering an additional judge in Cass county will eliminate the necessity for substantial assistance from the judges in Bemidji and International Falls. Rather, the International Falls judges can assist in Bemidji. This will free up the Clearwater judge to assist in the western part of the district, specifically in Red Lake, Pennington, and Polk counties where additional judicial resources are required above the judges chambered there. Under this type of plan, judges are assigned where they are needed, so as to minimize travel, without regard for boundaries posed by the assignment circuits.

While the present decision will leave the western part of the district with less judicial resources than before, there remain adequate resources to deal with the caseload, by assigning judges from the center toward the west. Two judges are chambered in the Kittson-Marshall-Roseau county areas where the need is for 1.6, and one judge is chambered in Mahnommen-Norman where the need is for 0.9. The additional 0.5 excess can be assigned into Polk, Pennington and Red Lake counties where there will be three judges for a need of 3.6. Additionally, the Clearwater judge can be assigned westward as indicated above.

The central part of the district will have eight judges for a combined need of 7.4. This means that the Koochiching-Lake of the Woods-Beltrami-Hubbard area will have 5 judges for a need of 4.9, leaving two other counties - Clearwater and Cass - to assign excess judicial time to assist in the western and eastern counties, respectively.

The eastern part of the district, including Cass-Itasca-Aitkin-Crow Wing, will have eight judges for a combined need of 8.8. This shortage can not be solved at the present time within the constraints of the available judicial resources and the geographical vastness of the district.

Conclusion

There is an acute shortage of judicial resources in the Itasca-Cass-Crow Wing area of the Ninth Judicial District, while there currently exists a surplus of judicial resources in the western part of the district. Therefore, we direct that the position vacated by Judge J.A. Harren of Red Lake Falls be chambered in Cass county.

The assignment patterns of the Ninth district will need some readjustment in order to meet emerging needs for additional judicial resources in the district. Specifically, resources from the center of the district will need to be assigned to the west and east in order to equalize workloads in the district. Under the current plan, the three assignment districts operate virtually independently in terms of judicial assignment.

In addition, the district has chosen, in some measure, to continue the two-tiered assignment system which existed prior to unification of the trial courts. In our view, the retention of the two-tiered system has not positioned the district adequately to deal with continuing caseload growth in the district. There exists great inequality in assignment of cases and workload within the district due to the continued assignment of cases on a pre-unification basis.

The caseload growth has been relentless over the past five years, increasing total judicial need in the district from 17.9 to 20.7 judges. If these caseload increases continue, there will soon exist a shortage of judges in the district as a whole. In order to effectively meet the continuing challenge of growth in court business without concomitant increases in judicial resources, a balanced assignment plan will be necessary. We have discussed some of the possibilities for judicial assignment under such a plan, which has as its most important quality the efficient assignment of cases without systematic regard for case type or seriousness, so that workloads are equalized and non-case related time, particularly travel and administrative time, is minimized. We urge the Ninth district to work toward the development and implementation of an assignment plan that will effectively meet the expanding judicial needs of the district.

The basic principle underlying our decision is that judicial positions should be allocated and deployed in accordance with a rational method of demonstrated need. This guiding philosophy underlies the action taken in the order accompanying this memorandum.