

STATE OF MINNESOTA
IN SUPREME COURT
FILE NO. 50712

In re Hearing on the
Redistricting of the
Third Judicial District.

SUPREME COURT
FILED

APR 16 1980

JOHN McCARTHY,
CLERK

O R D E R

WHEREAS, the judges of the Third Judicial District have submitted to the Supreme Court a plan to redistrict the county court districts of the Third Judicial District, and

WHEREAS, said redistricting plan was submitted on behalf of the Supreme Court to the Subcommittee on Redistricting of the Minnesota Judicial Planning Committee, and

WHEREAS, the Honorable Gerald W. Kalina, Chairman of the said redistricting subcommittee, has made recommendations on behalf of the subcommittee to the Supreme Court regarding this matter, and

WHEREAS, the Supreme Court has ordered that a hearing on the redistricting plan of the Third Judicial District be held in the Supreme Court chambers in the State Capitol in Saint Paul, Minnesota, at 9:30 o'clock a.m. on Thursday, March 13, 1980, and

WHEREAS, the Supreme Court has ordered that advance notice of the hearing be given by the publication of its Order of January 11, 1980 in the Supreme Court edition of Finance and Commerce, the Saint Paul Legal Ledger and Bench and Bar, and

WHEREAS, the above Order has been complied with, and a hearing on the redistricting plan of the Third Judicial District has been held on March 13, 1980, Judges Gerald W. Kalina, Harold G. Krieger and Lawrence T. Gallagher and Messrs. Paul Brewer, Hugh Plunkett III and Larry Collins making presentations regarding the redistricting plan, and

WHEREAS, the Supreme Court recognizes and accepts the responsibility conferred upon the court by Minnesota Statutes 1978, Section 487.01, subdivision 6, and by promulgating this Order intends to discharge its obligations under the law, and

WHEREAS, it is the policy of the Minnesota Supreme Court that, wherever possible, judges of county court should maintain chambers in the counties of their residence, and

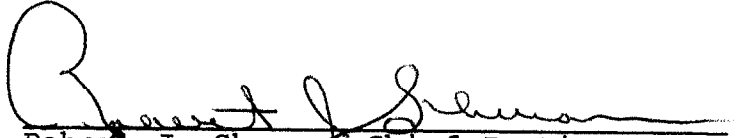
WHEREAS, it is the policy of the Minnesota Supreme Court that, wherever possible, judicial resources should be allocated in such a way that each county in a judicial district shall have one county court judge resident therein before any other county in the judicial district shall have two or more resident county court judges.


NOW, THEREFORE, IT IS HEREBY ORDERED that the existing county court districts of the Third Judicial District be combined into one county court district to be coterminous with the boundaries of the Third Judicial District, and

IT IS HEREBY FURTHER ORDERED that the location of chambers of county court judges in the Third Judicial District remain as presently constituted.


DATED: April 16, 1980.

BY THE COURT


Robert J. Sherman, Chief Justice

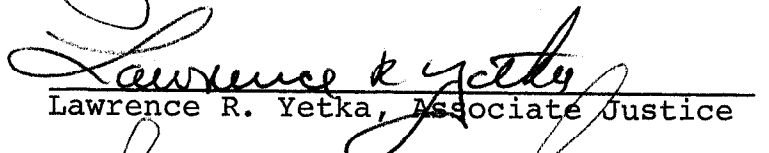

James C. Otis, Associate Justice

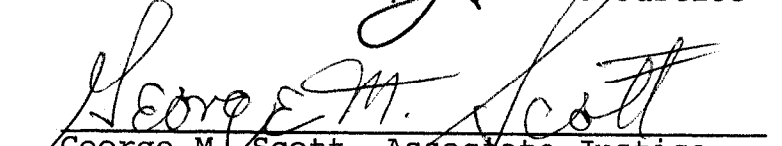

Walter F. Rogosheske, Associate Justice



C. Donald Peterson, Associate Justice


Fallon Kelly, Associate Justice


John J. Todd, Associate Justice


Lawrence R. Yetka, Associate Justice


George M. Scott, Associate Justice


Rosalie E. Wahl, Associate Justice

M E M O R A N D U M

The matter of the redistricting of the county court districts of the Third Judicial District was heard by this court on March 16, 1980, at the request of the judges in the district and upon application for hearing by the Judicial Planning Committee. After hearing and deliberations concerning the merits of the redistricting proposal, we adopt the plan as submitted and as provided in the Order attached hereto for the reasons expressed in this memorandum.

The subject of the redistricting of the county courts is addressed by the legislature in Minn. Stat. § 487.01, subd. 6 (1977). This statute, which was amended by the Court Reorganization Act of 1977, empowers this court to combine two or more county court districts. Prior to the amendment, this authority was vested by statute in the county boards of the counties affected by such merger.

County court redistricting differs from realignment of district court judicial district boundaries, the latter requiring concurrence of a majority of the chief judges of the ten districts (Minn. Stat. § 2.722, subd. 2). County court redistricting is, in contrast, exclusively the business of this court.

Despite our sole authority in this area, shortly after passage of the Court Reorganization Act, we appointed a special committee to begin the redistricting process. The committee was composed primarily of trial judges and legislators.

The committee requested that the judges in the various districts develop proposed redistricting plans for its consideration and submission to this court. The redistricting effort, therefore, while initiated by this court, has been carried out by the local judiciary, guided in general terms by criteria developed by the committee.

After several meetings and preliminary hearings on several redistricting plans, the committee disbanded, recognizing that its membership should be expanded in order to provide a variety of viewpoints to assist in evaluating the adequacy of plans as submitted. Subsequently, a subcommittee of the Judicial Planning Committee was appointed, consisting of trial judges, attorneys, county commissioners, court administrators, legislators and citizens.

This subcommittee, chaired by Judge Gerald W. Kalina of Dakota County, has continued the difficult redistricting effort. To date, this court has approved plans in the Eighth and Ninth Districts and a portion of the Seventh District.

It is noteworthy that immediately prior to the effective date of the Court Reorganization Act, there were only 14 multi-county court districts in the 87 counties of the state; a mere three of these districts encompassed as many as three counties. In the redistricting plans as adopted, which affect a total of 36 counties, all consist of multi-county districts. In the Ninth District, which has 17 counties, there are now five county court districts; in the Eighth District, which has 13 counties, there are three county court districts; and in the Seventh District, the six counties affected by redistricting are divided into two districts. In the three districts which have undergone redistricting there are three two-county districts, four three-county districts, one four-county district, one six-county district and one eight-county district.

While it is clear that a county court district may meet redistricting criteria without being coterminous with judicial district boundaries, during the course of the redistricting process it became evident to those involved that the benefits which are expected to accrue from redistricting are more likely to result from larger county court districts. These benefits are as follows:

1. A pool of judges will be available in the event that a particular judge is unavailable due to illness, vacation, affidavits of prejudice and the like; therefore, judicial economy may be expected.

2. During the past several decades, the legislature has abolished local Justices of the Peace and municipal courts in outstate Minnesota, and the Supreme Court has promulgated uniform rules of civil and criminal procedure and of evidence so that justice could be applied uniformly and with equality to all citizens throughout Minnesota. The concept that justice is a local matter should be reflected in the jury system and not with the judiciary itself. To that end, larger districts should encourage county court judges to recognize that as state judges, their obligation extends to all citizens of this state and that they should be encouraged to cooperate with all components of the judicial system across county lines.

3. Judges will be encouraged to specialize in certain areas of the law and their judicial assignments may be made to recognize their specialized expertise.

4. The practice of "judge-shopping" will be discouraged, particularly as cross-county assignments are utilized.

5. The number of attorneys available for gubernatorial appointment to county court judgeships will be expanded.

6. Judges and administrators may prepare for the eventuality of court unification.

It is our belief that since these benefits will most likely accrue from larger county court districts, a county court district which is coextensive with a judicial district will meet all criteria for successful redistricting. Consequently, the redistricting proposal submitted on behalf of the Third Judicial District, which recommends a single county court district, is approved.

However, we share the concern of lawyers and law enforcement people, as well as the public as a whole, that judges should be readily available in every county seat whenever possible. To accomplish that goal, the Judicial Planning Committee has requested the legislature to adopt a statute that would allow this court to set residency requirements for all trial court judges in addition to the power now vested in this court to set judicial chambers.

The legislature has failed to act on the proposal, and this court has been reluctant to use its inherent power over the judiciary to establish residency requirements for judges in the absence of a statute. However, the court has expressed an interest in defining chambers requirements more clearly.

In previous redistricting proposals submitted to this court and in the orders adopting those plans, we have said that wherever possible, each county should have a resident county court judge before any other county in the district should have two or more resident county judges. In those orders, we have set chamber requirements to implement that policy.

To us, the establishment of chambers means more than that the judge will simply maintain an office in a particular county courthouse. When a judge is chambered at a county seat, he should be generally available to attorneys, law enforcement personnel and the general public at that location. It is not the objective of county court redistricting to remove a judge physically from his customary habitat; rather, redistricting allows for the assignment of the judge to handle cases in surrounding counties when the caseload in the county in which he is chambered permits. It is this flexible assignment authority that prevents this court from defining a requirement in such a way as to require a judge to be present in his chambers for a specific number of hours per day or days per week; however, it is our assumption that a judge's maintaining chambers in a particular locality imposes upon him a

meaningful duty to be present at that location unless he is required by the pressure of judicial business to be elsewhere.

During the past decade, a number of states have moved toward unifying their trial courts in response to studies conducted by the American Judicature Society, committees of the American Bar Association and court planning units all over the nation. Our legislature had before it as early as 1974 a bill which would operate to provide a single trial court. The legislature delayed action on the proposal until a special select committee on the judiciary chaired by a member of this court completed a study in 1976. The legislature then passed the Court Reorganization Act in 1977 incorporating the recommendations of the select committee which, among other things, called for retention of our two-tiered trial system but established a more flexible use of judicial personnel.

This court has felt there was a clear legislative mandate that the legislature expected us to act on redistricting the county court districts by combining them into multi-judge districts. We have requested and encouraged input from local judges, lawyers and the public in the development of the redistricting plan in each judicial district. However, a number of districts have not yet presented a plan to this court. Therefore, in order to resolve the matter of county court redistricting in a manner we believe will fulfill the legislative directive to us, we provide as follows: with regard to those districts which have not yet submitted redistricting proposals to the Judicial Planning Committee subcommittee as of this date, the county court districts in those judicial districts will be ordered coterminous with the judicial district boundaries unless formal redistricting proposals contemplating smaller multi-county districts have been approved by this court on or before July 1, 1981, or unless the legislature itself shall act in a different manner before that date.