

STATE OF MINNESOTA
IN SUPREME COURT
51870

SUPREME COURT
FILED
OCT 30 1980
JOHN McCARTHY,
CLERK

IN RE HEARING ON
REDISTRICTING PLAN OF
FIFTH JUDICIAL DISTRICT.

O R D E R

WHEREAS, the Judicial Planning Committee recommends to the Supreme Court that it redistrict the county courts of the Fifth Judicial District as follows:

DISTRICT A: Lincoln, Lyon and Redwood Counties

DISTRICT B: Brown, Nicollet, Watonwan and Cottonwood Counties

DISTRICT C: Blue Earth County

DISTRICT D: Jackson, Martin and Faribault Counties

DISTRICT E: Nobles, Rock, Murray and Pipestone Counties

WHEREAS, it is further recommended that the location of chambers of the county court judges within said district remain as presently constituted; provided, however, that the chambers of judges hereafter appointed or elected in County Court District E may be located in any or all of the counties in said district in conformity with the provisions of MINN. STAT. § 480.22,

WHEREAS, the Supreme Court wishes to allow public testimony on this redistricting plan,

NOW, THEREFORE, IT IS HEREBY ORDERED that a hearing on the redistricting plan with respect to the Fifth Judicial District shall be held in the Supreme Court Chambers in the State Capitol, Saint Paul, Minnesota, at 9:30 a.m. on Friday, December 19, 1980.

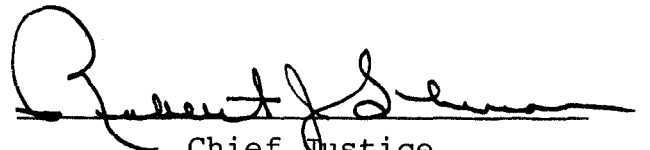
IT IS FURTHER ORDERED, that advance notice of the hearing be given by the publication of this order once in the Supreme Court edition of FINANCE AND COMMERCE, ST. PAUL LEGAL LEDGER, and BENCH AND BAR.

IT IS FURTHER ORDERED, that interested persons show cause, if any they have, why the proposed redistricting plan should not be

adopted. All persons desiring to be heard shall file briefs or petitions setting forth their objections, and shall also notify the Clerk of the Supreme Court, in writing, on or before December 12, 1980, of their desire to be heard on the matter. Ten copies of each brief, petition, or letter should be supplied to the Clerk.

DATED: October 27, 1980.

BY THE COURT


Chief Justice

DEPARTMENT Judicial Planning Committee**Office Memorandum**TO : John McCarthy
Clerk of the Supreme Court

DATE: November 17, 1980

FROM : Greg Lang *Greg Lang*PHONE: 296-6282SUBJECT: #51870 REDISTRICTING PLAN OF FIFTH JUDICIAL DISTRICT
RECOMMENDED EFFECTIVE DATE
En Banc Hearing on 12-19-80

The Judicial Planning Committee respectfully recommends an effective date of January 1, 1981.

The "Plan for Re-districting of the County Courts of the Fifth Judicial District", prepared by the judges of that district, recommends an effective date no earlier than 1984.

GAL:jef

11-20 -- copy given to each justice

W.T.

FIFTH JUDICIAL DISTRICT



GERALD J. WINTER
Court Administrator

MARJORIE JOHNSON
Secretary

Courthouse
P.O. Box 397
St. James, Minn. 56081
507-375-3341
Ext. 218
612-296-0759

October 2, 1980

Mr. Laurence C. Harmon
State Court Administrator
40 No. Milton St., Suite 300
St. Paul, Mn. 55104

Dear Laury:

Presuming adoption of the Fifth Judicial District redistricting plan by the Supreme Court, several administrative issues arise regarding appointment and cost distribution of county court support personnel, specifically county court reporters and court services personnel. The language contained in the plan speaks generally of redistricting for "administrative and election" purposes. I had originally read that statement to apply to the distribution and election of judicial resources exclusive of support staff. However, several judges have questioned the extent to which the concept is to apply to non-judicial personnel.

As an illustration, one of the sub-districts of the Fifth District will be the counties of Faribault, Martin and Jackson counties. Each county court judge employs a court reporter. Employment arrangements range from full-time permanent and parttime contractual agreements. Each county currently encumbers the expenses of their own resident court reporter. The following question has been raised in light of the redistricting plan: Should each county maintain the present funding approach or does the redistricting effort require that the court reporter costs for the three counties be aggregated and then disbursed to the subdistrict counties on a prorated population basis? A similar question arises with the selection of court reporters. Presently the resident judge selects and appoints by order his court reporter. Under the redistricting order was it contemplated that the selection and order of appointment be a joint effort by all three judges or could the present practice be maintained?

The same questions arise with the selection and compensation of court services personnel. The matter becomes more complicated in the sense that multiple funding sources (state and local) are used to support these offices.

Mr. Laurence C. Harmon, October 2, 1980

-2-

From a practical point of view, it would appear that maintaining the resident county judge administered and county financed support function would be the most feasible approach until efforts can be made to evaluate and develop a more effective administrative process. However, lacking any clear and concise directive as to the intended scope of the redistricting order, I request a policy statement from you outlining the Supreme Court's opinion on the matter.

Based on your response, Judge Mann has directed me to inform each county Board of Commissioners as to any administrative changes resulting from enactment of the redistricting plan.

Your assistance in the matter is appreciated.

Sincerely,



Gerald J. Winter
Court Administrator

GJW/maj

cc: Judge Mann

Judge Johnson

①

In Re Hearing on Redistricting Plan for Fifth Judicial District

09-80-51870

THE SUPREME COURT OF MINNESOTA

DRAFT

October 3, 1980

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

Mr. Gerald J. Winter
Judicial District Administrator
P. O. Box 397, Courthouse
St. James, Minnesota 56081

Dear Jerry:

I have your letter dated October 2, 1980 regarding the administrative consequences of county court redistricting undertaken pursuant to Minn. Stat. 487.01, subd. 6. Your inquiry, as I understand it, is whether redistricting of the Fifth District will operate to affect the current method of appointing and compensating court reporters and other non-judicial personnel. I have reviewed the statutes involved and conclude that the most significant change occasioned by redistricting will be to increase the size of county court election districts; the other administrative matters to which you refer will be unaffected.

The relevant statutory provisions are Minn. Stat. 487.01, subd. 2 and 6. Subdivision 2 provides as follows:

"The county ~~ward~~^{BOARD} of a county to which sections 487.01 to 487.39 apply shall provide and furnish to the county court the courtrooms, quarters, supplies, equipment and personnel the court finds necessary for its purposes."

In my opinion, this subdivision may suggest that when county courts are combined into a county court district the county boards

Mr. Gerald J. Winter

October 3, 1980

of the affected counties are obliged to fund the county courts in the districts. In fact, however, the subdivision contains no reference to any duty on the part of a county board to support the county courts within the district on a pro rata or other basis. We know that the county courts which were combined prior to 1977 and which have existed since then have operated as discrete, autonomous courts. The obligation of the county board contemplated by subdivision 2 has been to the county court in which the board is located and is not expanded because of redistricting.

I believe that this conclusion is reinforced by the provisions of subdivision 6, which reads as follows:

"... the supreme court may combine two or more county court districts into a single county court district."

(Emphasis added)

If subdivision 2 had referred to a county board's duty to support the courts in reconstituted county court districts, then my conclusion would be more tentative. ¶ To reiterate, my response to your inquiry is that, assuming that the Supreme Court approves the redistricting plan submitted by your district there will be no effect upon the administrative matters to which you refer.

Very truly yours,

Laurence C. Harmon

LCH/jw



GERALD W. KALINA
JUDGE



DAKOTA COUNTY GOVERNMENT CENTER
HASTINGS, MINNESOTA 55033

STATE OF MINNESOTA
COUNTY COURT, DAKOTA COUNTY

November 20, 1980

Mr. John C. McCarthy
Clerk of Supreme Court
State Capitol
St. Paul, Minnesota 55155

Re: Hearing on Redistricting Plan
of the Fifth Judicial District

51870

Dear Mr. McCarthy:

This is to advise that I will be present on Friday,
December 19, 1980, at 9:30 a.m. to present the plan
in the above matter to the court.

This is also to advise that Judge Charles Johnson of
Mankato will be present to assist in this presentation
should it be necessary.

Very truly yours,

Gerald W. Kalina
Judge of County Court

GWK:dp