

IN RE SIXTH JUDICIAL DISTRICT

APPENDIX

County Court Redistricting Proposal
Sixth Judicial District

The judges of the Sixth Judicial District have proposed that the several county courts within the district be reorganized to constitute one county court district coterminous with the boundaries of the Sixth Judicial District, provided that the chambers and residency requirements, as presently fixed by statute, remain unchanged. The Judicial Planning Committee does not agree that this would be the best plan for all affected in the Sixth Judicial District.

The Judicial Planning Committee recommends that the county court districts comprising the Sixth Judicial District not be reorganized. A hearing was held on the matter of redistricting the county courts of the Sixth Judicial District in Duluth, Minnesota, on February 20, 1981. Following a review of the testimony given at that hearing and the documents filed with the Judicial Planning Committee, the Committee formed its recommendation in an attempt to achieve the most appropriate resolution for the redistricting of the Sixth Judicial District.

It is the opinion of the Committee that certain benefits should accrue from a successful reorganization of county courts. Generally, such reorganization would be accomplished by combining several counties to form multi-judge county court districts. The anticipated benefits can be summarized as follows:

1. A multi-judge county court district will facilitate flexible assignment and reassignment of judges in the event that a particular judge is unavailable due to illness, vacation, affidavits of prejudice and the like.
2. Multi-judge courts will enable judges to specialize in particular areas of the law and, accordingly, judicial assignments may be made recognizing judicial expertise in a given field of the law.
3. The practice of judge shopping will be discouraged, particularly as cross-county assignments are utilized.
4. County court districts comprising several counties increase the number of attorneys available for gubernatorial appointment to county court judgeships.
5. Reorganizing county court districts can take into consideration like communities of interest in the various parts of the state.

6. Multi-judge, multi-county districts will enable more efficient use of the judiciary and the courts.

The Committee also recognizes the policy consideration that a judge be available in every county seat, whenever possible. To that end, previous redistricting proposals submitted by the Committee have indicated where chambers ought to be located. Generally, the Committee has recommended that each county have a chambered county court judge before any other county in the district has two or more chambered county judges.

The Sixth Judicial District comprises four counties organized in three county court districts. In addition, the St. Louis County court district is divided into four subdistricts. Within the district, there are eight county court judges, elected residing and chambered as follows:

- A. Lake and Cook Counties (Two Harbors) - one judge
- B. St. Louis County
 - Northeast District (Virginia) - one judge
 - Northwest District (Hibbing) - one judge
 - South District (Duluth) - two judges
 - "At Large" District - two judges are elected at large in St. Louis County. Both judges maintain chambers and reside in Duluth
- C. Carlton County (Carlton) - one judge

In addition to the eight county court judges, there is one full-time judicial officer serving Carlton County and four full-

time and one part-time judicial officers serving St. Louis County. Three of the St. Louis County judicial officer positions are temporary expiring on July 31, 1981. (L. 1978, Ch. 750, §6) Legislation extending the authorization for those positions is under consideration by the 1981 Legislature.

St. Louis County has three courthouses located in the cities of Duluth, Hibbing, and Virginia. Each of the other counties maintains one courthouse at the county seat: Carlton in Carlton County, Two Harbors in Lake County and Grand Marais in Cook County. There are six district court judges, four chambered in Duluth, one in Virginia and one in Hibbing.

The attached map of the judicial district displays the county court districts, subdistricts within St. Louis County and courthouse locations. The map also indicates actual highway mileage among courthouses in the district.

There are certain characteristics which are unique to the Sixth Judicial District which militate against the creation of a county court district coterminous with the judicial district boundaries. Foremost among these are the geographic dimensions of the respective counties and the limited transportation routes among them. (See attached map) St. Louis County alone has three courthouse locations. Hibbing and Virginia, two of the locations, are 76 and 64 miles respectively from the City of Duluth, the third location. Lake County and Cook County are both large counties geographically.

The county seat of Cook County, Grand Marais, is 85 miles from Two Harbors, the county seat of Lake County. It is another 28 miles from Two Harbors to Duluth. Thus, it is nearly 200 miles from Grand Marais to Hibbing. Even Carlton, county seat of Carlton County, is 20 miles from Duluth, thus making it nearly 100 miles to either Hibbing or Virginia and well over 130 miles to Grand Marais from Carlton. (See attached mileage chart)

Regular rotation of county court judges throughout the county court locations in the Sixth Judicial District would be measurably inefficient, requiring extensive driving time daily. In the alternative, rotation would require overnight lodging for the jurist travelling away from his or her residence. In either case, the expense, in terms of dollars and judicial time, would be prohibitive. The sheer distance exacerbates the numerous benefits which might be expected from reorganization of county courts into larger county court districts. There can be no efficiency when extraordinary mileage consumes judge time and increases expenses. Similarly, the geographic features of the region hamper the opportunity for the judges to specialize. Assignment to special court matters is not routinely feasible without the flexibility to move judges among courts. Furthermore, the pool of judges which could be relied upon in the event that a judge is unavailable would be no greater than that which is available now under the general assignment powers of the chief judge, because of the considerable distances between the various courthouse locations in the district. The judges simply would not

be able to rotate with the frequency necessary to reap the benefits anticipated.

Another compelling reason for maintaining the present county court district configuration concerns the disparate communities of interest found in this district. Within the Sixth Judicial District there are no less than four distinct communities of interest. They are the Range, Duluth, Carlton County and the (North) Shore. There is no possible rearrangement or regrouping of these communities of interest which would be more acceptable to the residents of this area than that which is now in place. Lake and Cook Counties comprise what is known as the Shore, the southern district of St. Louis County is what we refer to as Duluth, the two northern districts of St. Louis County comprise the Range and Carlton County represents its own community.

The problem of differing communities of interest is further complicated by the imbalance in population among the counties of the district. In rank order of size the counties are as follows: Cook County, 3,800; Lake County, 13,900; Carlton County, 29,400; and St. Louis County, 219,400. If the counties of the district were combined in one coterminous county court, it would be very likely that most, if not all, of the county court judges would be elected by the residents of St. Louis County which has 84 percent of the total population of the judicial district. The imbalance of population would most likely deny the less populous areas an effective influence in county court judicial elections.

Another significant impact of the creation of a coterminous county court district would be the redistribution of the costs of the court operation, especially in the distribution of costs for county court reporters and judicial officers serving in county court. Lake and Cook Counties employ no court reporters nor judicial officers. However, if the four counties were to be combined into one county court district, the costs of providing court reporters and judicial officers in St. Louis County and Carlton County would be redistributed in proportion to the population of the district as required by Minnesota statutes, but would not likely result in increased services to the counties affected. The following changes will occur if a coterminous district is formed:

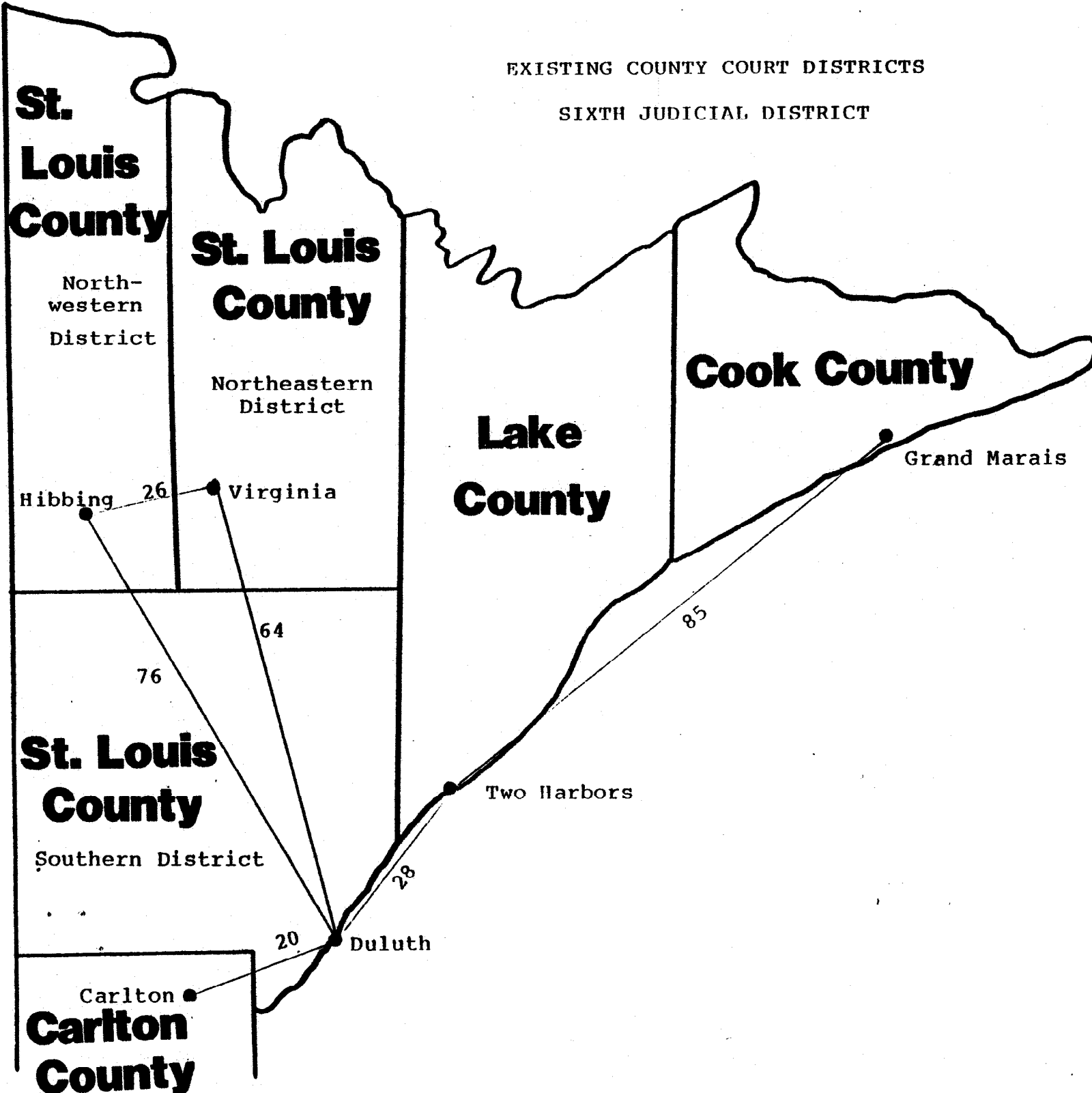
1. County court reporter costs for St. Louis County will increase \$4,593. Judicial officer costs will increase \$3,615. The total increase in cost to St. Louis County will be \$8,208.
2. County court reporter costs for Carlton County will decrease \$21,445. Judicial officer costs will decrease \$18,623. The total reduction in cost for Carlton County will be \$40,068.
3. County court reporter costs for Lake County will increase \$14,044. Judicial officer costs will increase \$12,506. The total increase in cost to Lake County will be \$26,550.

In summary, the county court districts within the Sixth Judicial District should be maintained. The current organization of the county courts achieves the most efficient use of the judiciary in terms of time and dollars expended. It contains judicial windshield time at an acceptable level. The present county court districts respect the widely differing communities of interest found in the judicial district. Changing the districts would create disharmony within these communities of interest. Finally, creation of one multi-county district would unfairly shift a cost burden to the two counties with the least population to bear the expense. Furthermore, the cost shift would provide no additional benefit to the residents of those two counties.

Alternative methods of reorganizing the county court districts within the Sixth Judicial District, not discussed above, were reviewed by the Committee. Those alternatives were also found to be less acceptable than the current organization.

EXISTING COUNTY COURT DISTRICTS

SIXTH JUDICIAL DISTRICT



MILEAGE CHART - MAJOR POPULATION CENTERS OF THE SIXTH JUDICIAL DISTRICT

CARLTON	20	135	96	50	84
DULUTH		115	76	30	64
GRAND MARAIS			191	85	179
HIBBING				106	26
TWO HARBORS					94
VIRGINIA					