

STATE OF MINNESOTA

IN SUPREME COURT

HEARING ON PROPOSED  
AMENDMENTS TO THE  
CODE OF JUDICIAL  
CONDUCT AND STANDARDS  
RELATING TO JUDICIAL  
DISCIPLINE AND  
DISABILITY RETIREMENT

48868

O R D E R

Whereas the Supreme Court has the authority pursuant to  
M. S. 490.16, Subd. 5 to promulgate rules governing Judicial Discipline;

Whereas the American Bar Association at its February 1978 meeting  
adopted Standards Relating to Judicial Discipline and Disability  
Retirement;

Whereas the Supreme Court is considering amending the present  
Code of Judicial Conduct and adopting the A.B.A. Standards Relating to  
Judicial Discipline and Disability Retirement as guidelines;

IT IS HEREBY ORDERED that a hearing shall be held in the chambers  
of the Minnesota Supreme Court, State Capitol, Saint Paul, Minnesota  
on June 29, 1978 at 9:30 a.m. to afford the court an opportunity to  
hear comments on the proposed amendments to the Code of Judicial Conduct  
and Standards Relating to Judicial Discipline and Disability Retirement.

IT IS FURTHER ORDERED that true and correct copies of the  
proposed amendments and standards be made available after May 5, 1978,  
upon request to persons who have registered their names with the Clerk  
of the Supreme Court for the purpose of receiving such copies and who  
have paid a fee of \$15.00 to defray the expense of providing the copies.

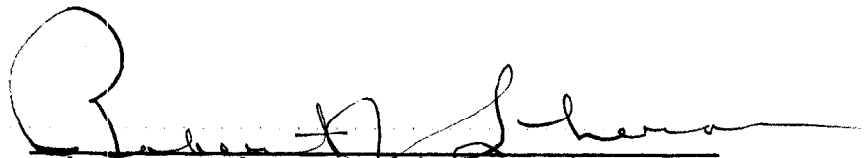
IT IS FURTHER ORDERED that advance notice of the hearing be given  
by the publication of this order once in the Supreme Court edition of  
Finance and Commerce, the St. Paul Legal Ledger, Bench and Bar, and the  
Hennepin Lawyer.

IT IS FURTHER ORDERED that interested persons show cause, if any  
they have, why the proposed amendments 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 Friday, June 23, 1978, of their desire to be heard on the proposed amendments.

Dated: April 25, 1978

BY THE COURT

  
Robert J. Sheran, Chief Justice  
Supreme Court of the State of Minnesota

**SUPREME COURT  
FILED**  
APR 25 1978  
**JOHN McCARTHY**  
CLERK

4

State of Minnesota  
Hennepin County Municipal Court  
Hennepin County Government Center  
Minneapolis, Minnesota 55487



CHAMBERS  
JAMES D. ROGERS  
JUDGE

June 26, 1978

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

48868

Re: Hearing on Proposed Rules of  
the Board of Judicial Standards

Dear Mr. McCarthy:

Pursuant to the notice that was mailed dated May 15, 1978 to all judges of the State of Minnesota and the hearings that were set forth in this notice to be held on June 29, 1978, I wish to make the proposed change with respect to the Rules, as follows:

I propose a change to Rule 6 (F) (2) that the language that appears in the proposed rule be stricken and that the following language be substituted:

*When a file has been closed for any reason, it may not be reopened or used by the Board in subsequent proceedings.*

I would like the opportunity to appear at the hearing and orally submit my reasons for this particular change, or in any event, be given an opportunity to submit a written basis for substantiating this particular change.

Yours very truly,

A handwritten signature in black ink, appearing to read "James D. Rogers".

James D. Rogers

JDR/rc

6-27 -- copy given to all justices

# MINNESOTA BOARD ON JUDICIAL STANDARDS

202 MINNESOTA STATE BANK BUILDING  
200 SOUTH ROBERT STREET  
ST. PAUL, MINNESOTA 55107

GEORGE C. KING  
CHAIRMAN

DAVID J. COLEMAN  
RUBY HUNT  
HON. ROBERT F. JOHNSON  
HON. GORDON L. MC RAE  
JOHN W. PADDEN  
HON. SEWELL SAWYER  
HARVEY A. STEGEMOELLER  
JUANITA H. YOUNG

June 22, 1978

GEORGE J. KURVERS  
EXECUTIVE SECRETARY

612-296-3999

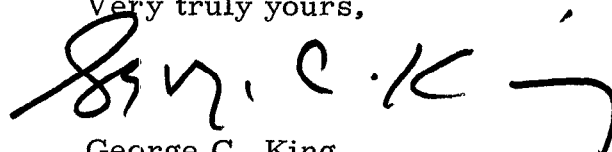
Mr. John C. McCarthy  
Clerk of Supreme Court  
Supreme Court  
State Capitol  
St. Paul, Minnesota 55101

Re: Hearing on Proposed Amendments  
to the Code of Discipline and  
Disability Retirement  
No. 88868  
4

Dear Mr. McCarthy:

I enclose herewith an original and 15 copies of a short brief on behalf of the Minnesota Board on Judicial Standards. I will attend the hearing at 9:30 a.m. on June 29, 1978, and will be available for questions by the Court as to the position of the Board.

Very truly yours,



George C. King  
Chairman

GCK/jlr

Enc.

cc: George J. Kurvers

**SUPREME COURT  
FILED**

JUN 23 1978

**JOHN McCARTHY**  
CLERK

NO. <sup>4</sup> 88868

STATE OF MINNESOTA  
IN SUPREME COURT

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HEARING ON PROPOSED  
AMENDMENTS TO THE  
CODE OF JUDICIAL  
DISCIPLINE AND  
DISABILITY RETIREMENT

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BRIEF OF MINNESOTA BOARD  
ON JUDICIAL STANDARDS

STATE OF MINNESOTA  
IN SUPREME COURT

HEARING ON PROPOSED  
AMENDMENTS TO THE  
CODE OF JUDICIAL  
CONDUCT AND STANDARDS  
RELATING TO JUDICIAL  
DISCIPLINE AND  
DISABILITY RETIREMENT  
No. 48868

BRIEF OF MINNESOTA  
BOARD ON JUDICIAL  
STANDARDS

The Minnesota Board on Judicial Standards has considered the proposed amendments to the Code of Judicial Conduct and Standards Relating to Judicial Discipline and Disability Retirement. It makes the following comments and suggestions to the Court concerning the proposed amendments to the rules:

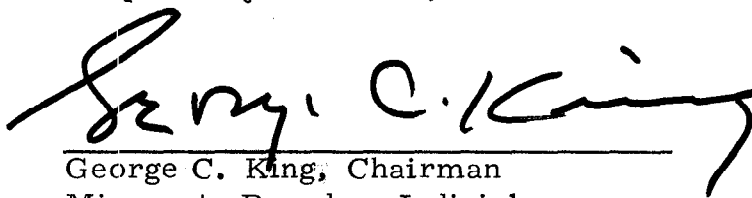
1. Rule 1(i)(2). This should be changed to conform to M.S.A. Section 15.0575, which provides compensation of \$35.00 per day.
2. Rule 2(a). Chapter 455 of the Laws of 1977 imposes upon the Board a duty to review compliance with M.S.A. Section 546.27.
3. Rule 7(a). Subparagraph (b) and (d) provide that the suspension of a judge is with pay. Subparagraph (a) is silent. The Board assumes that the suspension under subparagraph (a) is with pay and suggests that it would be better to say so in so many words.
4. Rule 6(g)(2)(iii). In the view of the Board, this rule is of somewhat doubtful validity since it contemplates making an order controlling the conduct of a judge without the due process type hearing.

5. Rule 1(a). While the Board realizes that this rule simply reiterates the statute as enacted by the last legislature, the Board -- as well as two members whose terms have just expired -- wishes publicly to call attention to this very bad legislation.

In a state where almost all judges are initially selected by appointment of the Governor; where efforts at achieving merit selection of judges have been rejected; it would seem too obvious for debate that the Board created to see to the discipline of judges should not be selected by the same Governor who picks the judges.

Dated: June 22, 1978.

Respectfully submitted,

A handwritten signature in cursive script, reading "George C. King". The signature is written in dark ink and is positioned above a horizontal line.

George C. King, Chairman  
Minnesota Board on Judicial  
Standards.

STATE OF MINNESOTA  
FOURTH JUDICIAL DISTRICT  
HENNEPIN COUNTY

CHAMBERS OF  
WILLIAM B. CHRISTENSEN  
ASSISTANT CHIEF JUDGE  
DISTRICT COURT  
PROBATE COURT  
MUNICIPAL COURT  
7TH FLOOR COURTS TOWER  
MINNEAPOLIS, MINNESOTA 55487

June 22, 1978



Mr. John McCarthy  
Clerk of Supreme Court  
State Capitol  
St. Paul, Minnesota 55101

RE: The Proposed Rules File 48868

Dear Mr. McCarthy:

I understand your Court has scheduled a hearing for June 29, 1978, at 9:30 A.M. concerning the adoption of Rules for the Board on Judicial Standards. Myself or another judge representing the County Judges Association would like the opportunity to present the comments outlined in the attached letter. Please let me know if we can be scheduled to present these comments.

Sincerely,

A handwritten signature in cursive script that reads 'Wm B. Christensen'.

William B. Christensen

WBC:lj

Enc.



STATE OF MINNESOTA  
FOURTH JUDICIAL DISTRICT  
HENNEPIN COUNTY

CHAMBERS OF  
WILLIAM B. CHRISTENSEN  
ASSISTANT CHIEF JUDGE  
DISTRICT COURT  
PROBATE COURT  
MUNICIPAL COURT  
7<sup>TH</sup> FLOOR COURTS TOWER  
MINNEAPOLIS, MINNESOTA 55487

June 22, 1978



TO: Justices of the Supreme Court

RE: Proposed Rules File 48868

On behalf of the County Court Judges Association I would like to express certain comments concerning the Proposed Rules for the Board on Judicial Standards.

At a meeting held on June 21, 1978 in St. Paul, the County Court Judges expressed their strong support for the good work done by the Board on Judicial Standards.

However, the Judges would respectfully suggest to the Court in adopting the Rules which will guide the Board on Judicial Standards, that you consider the following principles: (1) That judges be given a written notice of a complaint within 60 days after the filing of such complaint, (This will enable the judge to collect evidence while it is still available and fresh in the minds of the persons involved), and (2) that if the Judicial Council fails to notify the judge within the 60 day period, the complaint cannot be used against the judge for any purpose, now or in the future.

I would ask that Rule 6 (d) be amended to include the following:

"However, if the judge is not notified within 60 days after the filing of the complaint, then the complaint shall be dropped and the matter closed".

Or in the alternative ask that Proposed Rule 6 (d) be amended as follows:

"No action shall be taken on any complaint in which the judge is not notified within 60 days after the filing of such complaint, and if not notified the complaint cannot be used against the judge".

Respectfully submitted,

  
William B. Christensen

WBC:lj