

**SUPREME COURT**

**FILED**

**SEP 8 1982**

MEMORANDUM

**JOHN McCARTHY**  
**CLERK**

TO: ASSOCIATE JUSTICE JOHN SIMONETT  
FROM: THE COUNTY COURT JUDGES OF THE STEARNS-BENTON COUNTY COURT  
RE: STEARNS AND BENTON COUNTY COMMISSIONER BOARDS REQUEST  
TO ELIMINATE ONE COUNTY COURT JUDGE POSITION

In May of 1982 the Stearns County Board of Commissioners and the Benton County Board of Commissioners each went on record passing a resolution petitioning the Chief Justice of the Supreme Court, pursuant to M.S. 487.01 Subd. 7, to reduce the number of County Court Judges serving the Stearns-Benton County Court District by one Judge. M.S. 487.01 Subd. 7 provides in part that "when the judicial business of a County Court permits, the Chief Justice of the Supreme Court, upon the recommendation of all of the County Boards of a County Court District may, by order filed in the office of the Secretary of State, reduce the number of County Court Judges."

When the County Courts were established in 1971, state law required the counties to pay the salaries and traveling expenses of the County Court Judges. Since 1977, salaries and travel expenses of County Court Judges are paid entirely out of state funds, thereby relieving the counties of this burden. We submit that County Court Judges, despite their name, are in fact exclusive officers and agents of the state and are not officers or employees of the counties wherein they serve. Therefore the original rationale in allowing county boards a voice in the number of Judges deemed necessary (in a County Court District) would appear to be considerably diminished and anachronistic at best.

Our view of M.S. 487.01 Subd. 7 notwithstanding, there are several reasons based on factual information why the County Court Judges of the Stearns-Benton County Court believe it would be imprudent to grant the relief requested by the two Commissioner Boards. Those reasons are as follows:

1. EXPANDING POPULATION OF STEARNS AND BENTON COUNTIES:

Stearns and Benton Counties grew at the rate of 13% and 21% respectively during the decade of the 1970's and the state demographer expects these growth trends to continue in the 1980's.

2. POPULATION PER JUDGE:

The Supreme Court has informally adopted a ratio of 25,000 people per County Court Judge as the maximum number of people a Judge should serve. Combined population of Stearns and Benton Counties according to the 1980 decennial census is 133,348 people. If five County Court Judges are retained to serve this number of people each Judge would serve 26,670. This ratio exceeds that of all "out-state" County Court Districts except Anoka and Dakota Counties. Additionally, the Seventh Judicial District now has the lowest number of Judges per 100,000 population of all ten Judicial Districts in the State.

3. WEIGHTED CASELOAD INFORMATION:

The Seventh Judicial District indicates a need for nineteen Judges for the District; nineteen Judges (fifteen County Court Judges and four District Court Judges) presently serve in the Seventh Judicial District. The Seventh Judicial District is the only Judicial District in the State with the same number of Judges (as are) recommended by the Weighted Caseload Study.

The Weighted Caseload Study indicates a need for six Judges to serve Stearns and Benton Counties; there are presently six Judges sitting in Stearns and Benton Counties, composed of five County Court Judges and one District Court Judge.

4. FILING TRENDS:

Filings in Stearns and Benton Counties, excluding adult traffic cases, have increased substantially each year. Such filings in Stearns and Benton Counties in 1979 were 6,641; in 1980, 7,520; and in 1981, 8,136. The filings in 1981 were equal to the combined filings in Stearns, Benton and Sherburne Counties, the old Tri-County Court, for 1979. Traffic cases alone in Stearns and Benton Counties have grown from 12,279 in 1979 to 16,587 in 1981, a 25% increase.

5. INCREASED JURISDICTION:

On January 1, 1983, the County Court will have concurrent juris-

diction of gross misdemeanor offenses and the civil jurisdiction of the County Court will increase from \$5,00 to \$15,000. The County Court of Stearns and Benton Counties already handles all gross misdemeanor criminal caseload pursuant to an Order filed by the Assistant Seventh Judicial District Chief Judge, Paul Hoffman, dated April 1, 1982.

6. COSTS:

The Commissioner Boards concede that "current financial condition of the State of Minnesota and its various political subdivisions" has "admittedly little relevance to the judicial business of the County Court District". Nevertheless, we would point out that the Seventh Judicial District has the lowest per capita cost of any judicial district in the state and that the cost per person to operate the County and District Courts in Stearns County in 1981 was 42¢ per person and to operate the County Court in Benton County in 1981 was 18¢ per person.

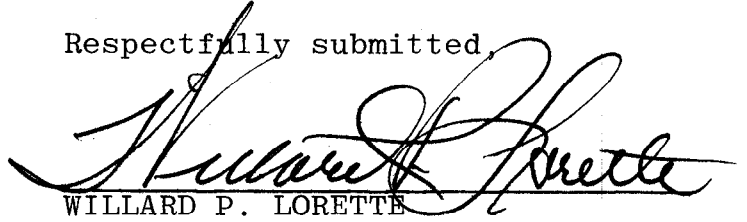
SUMMARY:

It makes little or no sense to decrease the number of Judges serving Stearns and Benton Counties at a time when the population of these two Counties is increasing at a rate well above the statewide average; when the Weighted Caseload Study shows these two Counties need and have six resident Judges and the Seventh Judicial District needs and has nineteen resident Judges; when the caseload of the Stearns/Benton County Court for all types of cases is increasing each year at a substantial rate over the previous year; and when the jurisdiction of the County Court has just been significantly increased by the Legislature.

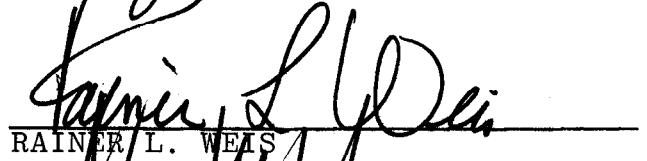
The Commissioners concede that financial considerations have "little relation to the judicial business of the County Court District". We believe the information presented here relating to the judicial business of the Stearns-Benton County Court clearly shows the need to retain the five County Court Judges presently serving Stearns and Benton Counties.

Dated at St. Cloud, Minnesota, this 28th day of July, 1982.

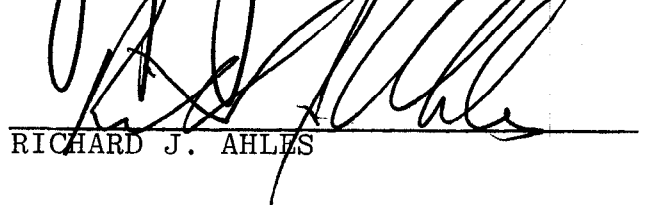
Respectfully submitted,

  
WILLARD P. LORETTE

  
PAUL J. DOERNER

  
RAINER L. WEIS

  
ROGER M. KLAHAKE

  
RICHARD J. AHLES

**BENTON  
COUNTY**

531 DEWEY STREET • FOLEY, MN 56329  
612/958-6206

**COORDINATOR**

LARRY P. JOHNSON

May 7, 1982

**SUPREME COURT  
FILED**

**SEP 8 1982**

The Honorable Douglas K. Amdahl  
Chief Justice  
Minnesota Supreme Court  
State Capitol  
St. Paul, Minnesota 55155

**JOHN McCARTHY**  
CLERK

Dear Chief Justice Amdahl:

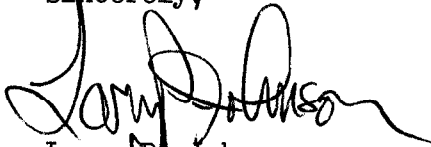
I am enclosing a resolution adopted by the Benton County Board of Commissioners at their meeting on May 4, 1982, recommending that you reduce the number of county court judges serving the Benton-Stearns County Court District by one, from five to four, pursuant to M.S. 487.01, subdivision 7. The reasons for the recommendation are contained in the resolution.

With three of the five judges being up for election this fall, this would appear to be the most expedient time to make the reduction and would not look as if anyone were trying to single out a particular judge.

It is our understanding that the Stearns County Board of Commissioners has adopted a similar resolution which you should be receiving shortly if you have not already received it.

Should you desire any further information or if you wish to meet with any county officials, please get in touch with me. Thank you for your anticipated prompt attention to this matter.

Sincerely,



Larry P. Johnson  
County Coordinator

LPJ/vm

Enclosure

WHEREAS, the counties of Benton, Sherburne and Stearns had been combined for the purpose of forming a common county court district; and

WHEREAS, said tri-county court district has been electing five county court judges; and

WHEREAS, said tri-county court district was reduced to a two county court district effective August 1, 1981 consisting of Benton and Stearns counties by an order of the Minnesota Supreme Court dated July 20, 1981; and

WHEREAS, the removal of Sherburne County from said county court district reduces the population served by 29,908 people; and

WHEREAS, the State of Minnesota, which pays the salaries and benefits of county court judges, is experiencing severe budget deficits necessitating reductions in aids to county governments in Minnesota; and

WHEREAS, Benton County, which pays salaries and benefits of court reporters and other court related expenses, is experiencing severe budget deficits necessitating cuts in all areas and on all levels of county services; and


WHEREAS, the Court, of its own volition, has taken no action thus far to reduce the number of judges serving the Benton-Stearns County Court District; now,

THEREFORE BE IT RESOLVED that the Benton County Board of Commissioners recommends to the Chief Justice of the Minnesota Supreme Court, pursuant to M.S. Chapter 487.01, Subdivision 7, that the Benton-Stearns county court district elect only two judges in the 1982 election in which three of the present five judgeships are up for election, thereby reducing the number of judges serving the Benton-Stearns county court district by one.

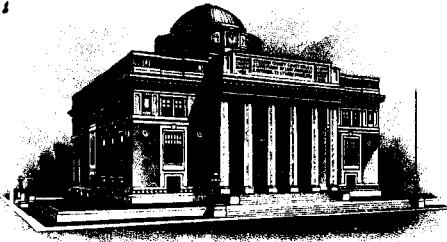
Resolution adopted this 4th day of May, 1982.

  
\_\_\_\_\_  
Wm. F. Van Diest, Chairman

ATTEST:

  
\_\_\_\_\_  
Ray Carriveau, Clerk

# Stearns County, Minnesota



COUNTY COMMISSIONER 4th DISTRICT  
1613 St. Germain Street  
ST. CLOUD, MINNESOTA 56301

KEITH MAURER  
252-6800

May 10, 1982

**SUPREME COURT  
FILED**

**SEP 8 1982**

**JOHN McCARTHY  
CLERK**

Chief Justice Douglas K. Amdahl  
Supreme Court  
Minnesota State Capitol  
St. Paul, Minnesota 55155

Dear Justice Amdahl:

I am enclosing a resolution passed by the Stearns County Board of Commissioners on May 4, 1982. The resolution asks that you act as provided in M.S. Chapter 487.01, Subdivision 7, to reduce the number of county court judges from five (5) judges to four (4).

This resolution was passed unanimously by the Stearns County Board of Commissioners and is a reconsideration resolution of one passed previously asking for no more than three (3) county court judges in the two-county system.

I believe you have a similar resolution from the Benton County Board of Commissioners.

Sincerely yours,

A handwritten signature in cursive script that reads "Keith N. Maurer".

Keith Maurer, Chairman  
STEARNS COUNTY BOARD OF COMMISSIONERS

KM/bjm

enc.

RESOLUTION

WHEREAS, the counties of Benton, Sherburne, and Stearns had been combined for the purpose of forming a common county court district; and

WHEREAS, said tri-county court district has been electing five county court judges; and

WHEREAS, said tri-county court district was reduced to a two county court district effective August 1, 1981 consisting of Benton and Stearns counties by an order of the Minnesota Supreme Court dated July 20, 1981; and

WHEREAS, the removal of Sherburne County from said county court district reduces the population served by 29,908 people; and

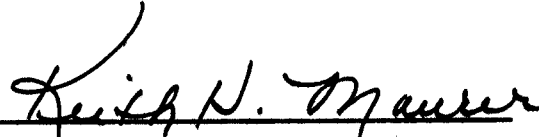
WHEREAS, the State of Minnesota, which pays the salaries and benefits of county court judges, is experiencing severe budget deficits necessitating reductions in aids to county governments in Minnesota; and

WHEREAS, Stearns County, which pays salaries and benefits of court reporters and other court related expenses, is experiencing severe budget deficits necessitating cuts in all areas and on all levels of county services; and

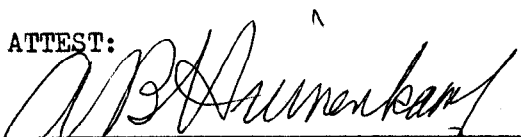
WHEREAS, the Court, of its own volition, has taken no action thus far to reduce the number of judges serving the Benton-Stearns County Court District; now,

THEREFORE BE IT RESOLVED that the Stearns County Board of Commissioners recommends to the Chief Justice of the Minnesota Supreme Court, pursuant to M.S. Chapter 487.01, Subdivision 7, that the Benton-Stearns county court district elect only two judges in the 1982 election in which three of the present five judgeships are up for election, thereby reducing the number of judges serving the Benton-Stearns county court district by one.

Resolution adopted this 4th day of May, 1982.

  
Keith H. Maurer, Chairman

ATTEST:

  
A.B. Hinnenkamp, Clerk