

Wersal Law Office, P.A.

REPLY TO:

P.O. Box 26186
Minneapolis, MN 55426
(612) 546-3513

APPOINTMENTS MAY
BE SCHEDULED AT
LOCATIONS THROUGHOUT
THE METRO AREA

September 15, 1997

Mr. Fred Grittner
Minnesota Judicial Center
Minnesota Supreme Court
Court Administration Office
25 Constitution Ave.
St. Paul, MN 55155

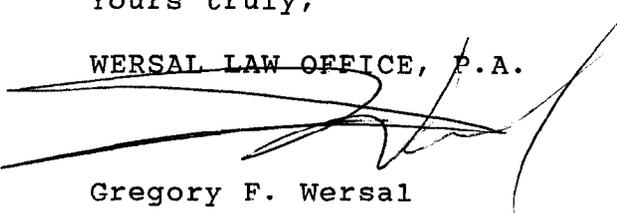
Dear Mr. Grittner:

Enclosed please find an original and twelve copies of a Request for Recusal with regard to the Petition to Amend Canon 5 of the Minnesota Code of Judicial Conduct. Please file the same.

I will also be sending you shortly a memorandum which deals with the substantive issues which are raised by the proposed amendment to Canon 5, including infringement of the First Amendment, rights of free speech and freedom of association.

Yours truly,

~~WERSAL LAW OFFICE, P.A.~~


Gregory F. Wersal

GFW/gg
Enclosures

STATE OF MINNESOTA
IN SUPREME COURT

OFFICE OF
APPELLATE COURTS

SEP 17 1997

Request for Recusal on Petition to Amend
Canon 5 of the Minnesota Code of Judicial Conduct

FILED

TO: Minnesota Supreme Court

The Minnesota Supreme Court has before it a Petition to Amend Canon 5 of the Minnesota Code of Judicial Conduct. A hearing has been tentatively scheduled on this issue for November 7, 1997. I respectfully request the recusal of the following Justices from consideration of this issue:

- A. All Justices who could stand for election in 1998 should recuse themselves.

I am an announced candidate for the position of Justice to the Minnesota Supreme Court for the election to be held in 1998, though I have not announced which specific position to the Court I am seeking. The proposed changes to Canon 5 would directly and substantially affect my campaign. All Justices who could stand for election in 1998, would be asked to consider changes to rules affecting an ongoing judicial campaign of their opponent. This would definitely have the appearance of impropriety.

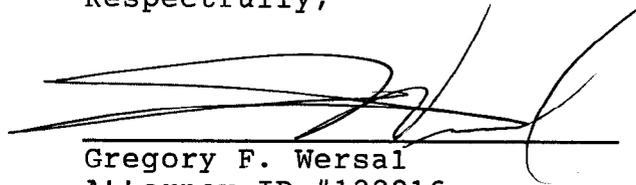
- B. All Justices who stood for election in 1996 should recuse themselves.

I was an announced candidate for the position of Justice to the Minnesota Supreme Court in 1996. Justice Stringer and Justice Anderson were up for election in the fall of 1996.

These Justices are being asked to consider rule changes affecting their prior campaign opponent which again would have the appearance of impropriety.

The Preface to the Petition to Amend Canon 5 states that the Board on Judicial Standards is aware of individuals who have sought endorsement for judicial positions from major political parties in 1996 and "is aware of a current campaign underway to achieve that goal in 1998." That reference is to my campaign alone. These changes are being aimed at my campaign; not a discussion of theoretical campaigns. The only purpose of the proposed changes to Canon 5 involving a candidate's ability to speak at political gatherings and to seek or use political party endorsements, is to stop my current campaign. It would be highly inappropriate for my current or past opponents in judicial elections to now sit and decide this issue. I respectfully request that the various Justices recuse themselves from this case.

Respectfully,



Gregory F. Wersal
Attorney ID #122816
Wersal Law Office, P. A.
P. O. Box 26186
Minneapolis, MN 55426
(612) 546-3513

9-15-97
Date

STATE OF MINNESOTA

IN SUPREME COURT

C7-81-300

In Re: Proposed Amendment to the Code
of Judicial Conduct.

ORDER

WHEREAS, an informal request by Gregory F. Wersal has been filed seeking recusal of designated justices from participation in connection with a pending petition to amend Canon 5 of the Minnesota Code of Judicial Conduct;

IT IS HEREBY ORDERED that the court declines to rule on the request to remove one or more of its members from participation in the pending proceeding. It has long been, and continues to be, the practice of this court to honor decisions of its individual members as to whether to participate in a pending proceeding. *In Re Modification of Canon 3A(7)*, 438 N.W.2d 95 (Minn. 1989); *State ex rel. Wild v. Otis*, 257 N.W.2d 361 (Minn. 1977), *cert. denied*, 434 U.S. 1003, 98 S. Ct. 707, 54 L. Ed. 2d 746 (1978). We have declined to rule on this request and instead, we refer it to each designated justice individually for decision.

Dated: November 18, 1997

BY THE COURT:

OFFICE OF
APPELLATE COURTS

NOV 18 1997

FILED



Chief Justice

STATE OF MINNESOTA

IN SUPREME COURT

C7-1-81-300

In Re: Proposed Amendment to the Code
of Judicial Conduct.

O R D E R

WHEREAS, an informal request by Gregory F. Wersal has been filed seeking recusal of designated justices from participation in connection with a pending petition to amend Canon 5 of the Minnesota Code of Judicial Conduct;

I decline to recuse.

Dated: November 18, 1997


Esther M. Tomljanovich, Associate Justice

OFFICE OF
APPELLATE COURTS

NOV 18 1997

FILED