

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

OFFICE OF
APPELLATE COURTS

MAY 25 1988

FILED

**Order Continuing Judicial Position
in the Third Judicial District**

WHEREAS, pursuant to the provisions of Minnesota Statutes 2.722, subd. 4 (1985), the Supreme Court is authorized to continue, abolish, or transfer judicial positions which are vacated upon the death, resignation, retirement, or removal from office of incumbent judges after consultation with judges and attorneys in the affected judicial district; and

WHEREAS, the Governor notified this court on April 13, 1988, that a vacancy will occur in the Third Judicial District as a consequence of the retirement of the Honorable Paul Kimball; and

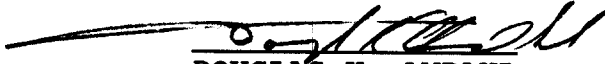
WHEREAS, the court has considered the issues raised by the application of the weighted caseload study to the Third Judicial District, and has attached a memorandum addressing these issues;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the vacancy occasioned by the retirement of Honorable Paul Kimball be, and hereby is, continued in place and chambered in Mower County in the Third Judicial District; and
2. That such vacancy be, and hereby is, certified to the Governor to be filled in the manner provided by law.

Dated: May 25, 1988.

BY THE COURT


DOUGLAS K. AMDAHL
Chief Justice

MEMORANDUM

This Court, pursuant to the authority granted by Minn. Stat. 2.722, subd. 4 (1985), has considered the present distribution of judicial resources within the Third Judicial District. The method by which this analysis is performed and the basis upon which such decisions are made were discussed at length in our order concerning the Fifth Judicial District. (In re Fifth Judicial District Vacancies, Order of April 14, 1987). The Minnesota Weighted Caseload Study as applied to Mower County, where Judge Paul Kimball is presently chambered, indicates a demonstrated need for 2.0 judges. Mower County is currently served by two judges. The position is therefore continued in place.

However, our examination of the district reveals some inequities in the current distribution of judges throughout the district. Most notably, Freeborn County has a surplus of judges. Winona County, with the application of the access adjustment, also has a surplus of judicial resources. Given the availability of judges in adjacent counties, it would seem appropriate to transfer a future vacancy in one of these counties to another area within the district in need of additional resources.

 Third Judicial District Judicial Need 1986-1988

Jurisdiction	Actual	1986	1987	Yr end 3/31/88	Access Adj	1988 Over/(Under)
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Third						
20 Dodge	1	0.7	0.7	0.7	1	
23 Fillmore	1	1.1	1.0	1.0	1	
24 Freeborn	3	1.7	1.9	1.9	2	
28 Houston	1	0.9	0.8	0.8	1	
50 Mower	2	2.1	2.0	2.0	2	
55 Olmsted	5	5.6	6.0	6.0	6	
66 Rice	3	2.5	2.2	2.1	3	
74 Steele	1.5	1.5	1.5	1.5	1	
79 Wabasha	1	0.9	0.7	0.8	1	
81 Waseca	1	0.8	0.8	0.8	1	
85 Winona	3	2.0	2.3	2.3	2	
Total	22.5	19.6	19.8	19.8	21	1.5

Olmsted County has a demonstrated need for an additional judge. This Court considered transferring judgeships within the district in such a way that this need could be met. We have been advised that, at present, the Olmsted County Courthouse facilities are inadequate to accommodate the chambering of an additional position. We have decided, therefore, to delay such a transfer of judgeships within the district. However, when a vacancy that may be easily transferred next occurs within the Third Judicial District, it is the present intention of this Court to consider seriously the transfer of that position to Olmsted County so that the demonstrated need of its citizens for access to judicial resources can be met.