

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

In re Public Hearing on Vacancies
in Judicial Positions in the Fifth
Judicial District

ORDER

WHEREAS, the provisions of Minnesota Statutes Section 2.722, Subd. 1a (1985), prescribe certain procedures to determine whether a judicial position which is vacated by the retirement of an incumbent judge should be continued, transferred or abolished;

WHEREAS, the provisions of the above statute require the Supreme Court to consult with attorneys and judges in the affected judicial district to determine whether the vacant office is necessary for effective judicial administration, and, after making such determination, to decide whether to certify the vacancy to the Governor within 90 days after receiving notice of the retirement from the Governor; and

WHEREAS, Governor Rudy Perpich has notified the Supreme Court on January 15, 1987, that a vacancy in the Fifth Judicial District will occur as a consequence of the retirements of Judge Donald G. Lasley and Judge John D. Holt; and

WHEREAS, the Supreme Court intends to consider weighted caseload information, which indicates that there currently exists a surplus of judicial position in the Fifth Judicial District, in determining whether to certify vacancies to the Governor in either or both of the above judicial positions; and

WHEREAS, THE Supreme Court wishes to hold a public hearing in the Fifth Judicial District and to receive relevant supplemental information regarding judges and judicial resource needs from attorneys and other interested persons at that time;

NOW, THEREFORE, IT IS HEREBY ORDERED that a public hearing be held in District Courtroom in the Jackson County Courthouse, Jackson, Minnesota at 10:30 a.m., on March 13, 1987;

IT IS FURTHER ORDERED that persons wishing to have the Supreme Court consider information concerning the continuation of the two judicial vacancies described above shall file twelve copies of a written summary of such information and, if applicable, their desire to make an oral presentation at the hearing, with the Supreme Court at least five days before the hearing, at the following address: Clerk of Appellate Courts, 230 State Capitol, St. Paul, Minnesota 55155.

IT IS FURTHER ORDERED that persons who wish to obtain information concerning the weighted caseload analysis and its application to the two vacancies in the Fifth Judicial District shall direct their inquiries after **February 15, 1987** to: Mr. Wayne N. Kobbervig, 40 North Milton Street, Suite 201, St. Paul, Minnesota 55104.

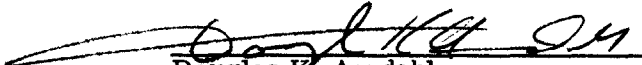
Dated January 26, 1987

BY THE COURT

OFFICE OF
APPELLATE COURTS
FILED

JAN 26 1987

WAYNE TSCHIMPERLE
CLERK


Douglas R. Amdahl
Chief Justice

Febr. 18. 1987

Clerk of Appellate Courts
230 State Capital
St. Paul, Mn. 55155

Dear Justices of the Supreme Court of Minnesota,

I am writing in regard to subdistrict D of the Fifth Judicial District which includes Faribault, Martin, and Jackson counties. I am a resident of Martin County and am a guardian ad litem with the Martin County Courts. It is my opinion that it would be unfair and unjust to reduce the number of judges of this area. Within the past few years we were reduced to three judges and now it is being considered to reduce us to two judges.

As a guardian ad litem and concerned citizen I am aware of the overwhelming schedule of the court calendar and of the difficulty involved with getting juvenile cases onto the calendar. And this is only one small facet within the system.

I hope that before you reduce the number of our judges again, you will give this issue careful consideration and thought.

Thank you for your attention and consideration.

OFFICE OF
APPELLATE COURTS
FILED

FEB 23 1987

WAYNE TSCHNAPERLE
CLERK

Sincerely,

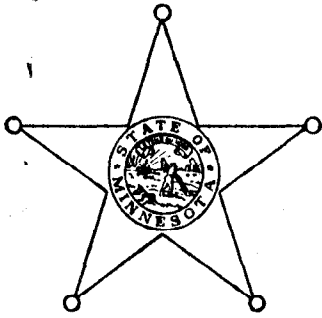
Kay Schellpeper

Kay Schellpeper
433 Lake Park Boulevard
Fairmont, Mn. 56031

*P.S. I will, also, talk to
our Representatives in regard
to more funds be allocated
for more judges.*

2/23/87

JACKSON COUNTY SHERIFF



Peter W. Eggimann
847-4420 847-5979
JACKSON, MINNESOTA 56143

DEPUTIES
Leonard Rowe
Stephen Van Hal
Harlow Kolander
Tim Cain
Paul Janning

OFFICE OF
APPELLATE COURTS
FILED

FEB 23 1987

February 19, 1987

WAYNE TSCHIMPERLE
CLERK

Clerk of Appellate Courts
230 State Capitol
St. Paul, MN

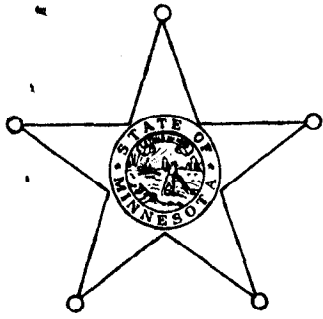
Re: Public Hearing on Vacancies in Judicial Positions
in the Fifth Judicial District

Dear Sir:

This letter is to notify you that I would like to make an oral presentation at the public hearing that is scheduled to be held March 13th in Jackson. Enclosed you will also find 12 copies of the information that I would like the Supreme Court to consider. Thank you.

Sincerely,

Peter W. Eggimann
Peter W. Eggimann



JACKSON COUNTY SHERIFF

Peter W. Eggimann
847-4420 847-5979
JACKSON, MINNESOTA 56143

DEPUTIES
Leonard Rowe Tim Cain
Stephen Van Hal Paul Janning
Harlow Kolander

OFFICE OF
APPELLATE COURTS
FILED

FEB 23 1987

Feb. 19, 1987

WAYNE TSCHIMPERLE
CLERK

Minnesota Supreme Court
C/O
Clerk of Appellate Courts
230 State Capital
St. Paul, MN 55155

Re: Judge Vacancy, Jackson County Court in the Fifth Judicial District

To The Court:

I believe that it is vitally important that the Jackson County Judge vacancy be filled. The residents of Jackson County depend on the efficient court system that we have had the honor of using. I believe that the loss of this position would impose undue hardship on the County residents. I will outline, briefly, how the Sheriff's Office would be impacted by the loss of a local Judge.

Before I begin, let me briefly describe the situation that the Sheriff's Office is in now. We are a small department with six (6) sworn officers, including the Sheriff. Our responsibilities include the operation of a ninety (90) day lock-up, the investigation of criminal complaints, and the service of all civil papers within the County. Jail operations require so much of my staff's time that I am already finding it difficult to meet the needs of the residents of the County, in regard to the criminal investigations. The civil paper service has been maintained, but we are also experiencing difficulty in meeting dead lines there. We are currently operating with at least two fewer people than we need. The reason for this is very clear, the County simply does not have enough money to give me the staff that I need.

If the vacancy is not filled it will require me to transport almost all of our prisoners at least once to another county; for their initial appearance, bond hearings, commitment hearings, etc. The nearest county seat to us that has a Judge would be Windom. That is over 20 miles away.

(Cont.)

Page 2

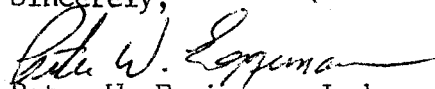
If for some reason we were not able to go to Windom, we would have to go to either Fairmont or Worthington; both of which are approximately 30 miles away. The extra time involved in this transportation would require at least one more deputy. Since I am two positions short now, I do not believe that the County Board would be able to fund a third position. I am currently unable to provide 24 hour coverage for the County. If I have to assign another deputy to transport prisoners, there will be large blocks of time when there will be no officer available to handle accident calls, reports of crime, or any of the other duties on which the residents of this County depend on the Sheriff's Office.

In addition to a lack of staff members, I also am faced with a high level of frustration in the current staff. They are frustrated because they know that they are being asked to do two jobs. My deputies are responsible for the jail and for the criminal investigation, as I pointed out. They are not able to do justice to either one of these jobs now. I believe that if the Judge's position is not filled that their morale will deteriorate to the point where needed work will not be done. Deputies will tire of the inconsistency and the inconvenience of traveling all over the area to find a Judge. They will ignore problems rather than taking action on them as they should.

The residents of this County are experiencing an economic depression that can only be compared to the depression of the 1930's. In 1986 there were approximately 40 mortgage foreclosure sales in Jackson County. In March of 1987 I already have seven sales scheduled, just for that month. In addition to the poor farm economy, it was recently announced that the Unisys manufacturing plant in Jackson will be closed before June, 1987. We have been extremely fortunate that we ^{have} not had any violence in connection with these sales or the depressed economy in this County. The stress level for County residents is already very high. The loss of a judge will push this stress level even higher.

I was a police officer for the City of Richfield for over three years and I am familiar with the Hennepin County Court System. I realize the problems the metropolitan area is experiencing with high case loads. I am also aware that the metropolitan area has experienced good economic growth in recent years while our area has suffered severe depression. I believe that it would be far wiser for the Legislature to authorize more Judges to correct the metro area problem, than to add more problems to this area. Our tax base is declining and we simply do not have the resources available to offer the service that our residents deserve. The loss of the Judge would only make matters worse.

Sincerely,



Peter W. Eggimann, Jackson Co. Sheriff

ROBERT R. MAUNU

Attorney at Law

P.O. BOX 762
224 SOUTH HIAWATHA
PIPESTONE, MINNESOTA 56164
TELEPHONE (507) 825-5848

February 16, 1987

**OFFICE OF
APPELLATE COURTS
FILED**

FEB 17 1987

**WAYNE TSCHIMPERLE
CLERK**

Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

In Re: Public Hearing on Vacancies
in Judicial Positions in the
Fifth Judicial District

C9-85-1506

Dear Sir:

The purpose of this letter is to state my opposition to transferring or abolishing the 2 judicial positions soon to become vacant as a result of the retirement of Judge John D. Holt and Judge Donald G. Lasley. If either or both of the positions are not filled, there will not be sufficient access to the judicial system in the counties involved. Eliminating the positions will have a detrimental impact on the area citizens as well as on court personnel, lawyers, and judges.

In addition to my regular private practice, I am a one-half time Public Defender for the Fifth Judicial District. To illustrate the expected impact, I have prepared a table based on the criminal defense work. My Public Defender criminal defense work requires court appearances in 7 counties (Pipestone, Murray, Rock, Nobles, Lincoln, Lyon, and Redwood). The year of 1985 was the last year in which Judge Walter H. Mann and Judge L. J. Irvine remained in office before their positions were transferred out of the Fifth Judicial District. The following table presents a comparison of statistics before and after the loss of the 2 positions.

T A B L E

	<u>1985</u>	<u>1986</u>
Felonies	80	70
Gross Misdemeanors	34	42
Totals	114	112
Total Time Required	787.3 hours	813.5 hours
Average Time Per Case	6.9 hours	7.3 hours

Clerk of Appellate Courts
Page Two
February 16, 1987

The average time required per case has increased by 6% in 1986. It is my opinion that this increase has been directly caused by the loss of the 2 positions of Judge Mann and Judge Irvine. Prior to the loss of the 2 positions, it was possible to schedule most pre-trial hearings in felony and gross misdemeanor cases on Mondays with an occasional Thursday appearance. Since the loss, we are required to regularly schedule pre-trial hearings on Mondays, Thursdays, and Fridays, depending on when a judge is available. Scheduling these matters has become a nightmare for me and my staff.

Not only has this caused our office problems, but I am certain this has also resulted in additional time expended by Court Administrators and their staff, the witnesses, County Attorneys and their staff, and judges. This has also clearly resulted in inconvenience to clients and the public.

We have experienced a similar increase in time required on files in our private practice since the elimination of the judgeships. We have received and continue to receive complaints from clients and others about the delays experienced in the judicial system. The public pays for the costs of the inefficiency caused by the loss of needed judges.

The upshot of this is that the loss of any further judicial positions in this District would only exacerbate the problems. We simply would not have enough judges to give each case the time and attention required for fair, efficient and speedy justice.

Respectfully submitted,


Robert R. Mann

RRM/pm

OFFICE OF
APPELLATE COURTS
FILED

MAR 18 1987

WAYNE TSCHAMPERLE
CLERK

Senate

State of Minnesota

March 11, 1987

Clerk of the Appellate Courts
230 State Capitol
St. Paul, MN 55155

C9-85-1506

Dear Justices of the Supreme Court:


I am writing to you about an issue that is very important to me and my constituents in southern Minnesota.

The loss of judges in the Fifth Judicial District will substantially damage our area and cause undue hardship to our people. We need adequate access to the court system and I would hope that the Court in its wisdom would come to the conclusion that we cannot transfer judge vacancies into the metro area.

I would vigorously oppose the elimination or transfer of our judges.

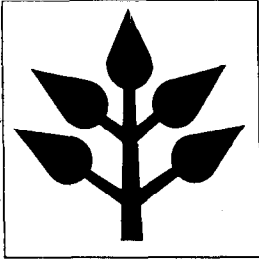
Sincerely,

Sincerely,



Tracy Beckman
State Senator

TB/kl



3-18-87

Jackson Development Corporation

Box 183 • Jackson, Minnesota 56143 • (507) 847-3867

March 16, 1987

OFFICE OF
APPELLATE COURTS
FILED

MAR 18 1987

WAYNE TSCHIMPERLE
CLERK

Clerk of Appellate Courts
230 State Office
St. Paul, Minnesota 55155

Dear Sir:

This letter is to express our concern about a replacement for the position of County Judge for Jackson County.

We believe that there is a great need for a judge in Jackson County. There is also need for a judge who knows the community and its people. If a judge is a member of the community we feel he is better able to take care of and deal with such situations as alcohol abuse, child support, neglect, mental health and family abuse problems. Many times these situations need immediate attention and if a judge has to be found elsewhere, it can be detrimental to all parties involved, both law enforcement and citizens of the county.

Lack of immediate access to a judge will also impose economic and personal hardships on law offenders and their families.

We believe justice will best be rendered by a sitting judge in Jackson County. We urge that the judge in Jackson County be retained.

Very truly yours,

Clinton O. Dahl

Clinton O. Dahl
Jackson Development Corporation

STATE OF MINNESOTA
IN SUPREME COURT
C-9-85-1506

OFFICE OF
APPELLATE COURTS
FILED

MAR 18 1987

WAYNE TSCHIMPERLE
CLERK

In re Public Hearing on
Vacancies in Judicial
Positions in the
Fifth Judicial District

PRESENTATION IN SUPPORT OF THE CONTINUATION OF THE JUDGESHIP HAVING A
VACANCY AS A CONSEQUENCE OF THE RETIREMENT OF JUDGE DONALD G. LASLEY,
JACKSON.

Jackson Public Schools

District No. 324

Michael Kuntz
Superintendent

Phone 507-847-3320

1128 North Highway
Jackson, MN 56143

March 12, 1987

OFFICE OF
APPELLATE COURTS
FILED

MAR 18 1987

WAYNE TSCHIMPERLE
CLERK

Wayne Tschimperle
Clerk of Supreme Court
230 State Capitol Building
St. Paul, Minnesota 55155

Dear Sir:

We would like to write in support of retaining a Judge in Jackson County. Jackson High School has a cordial and cooperative relationship with the Court and its various services. It is our sense that that working relationship will suffer dramatically if Jackson County loses its residential judge.

The Jackson County Court and its various services have brought both a sense of immediacy and consistency to juvenile referrals. The position of a residential judge supports a strong law enforcement presence in both Jackson County and the City of Jackson. Inevitably, the loss of a judgeship in Jackson County will lessen both those circumstances considerably.

We cannot express strongly enough our support for retaining a residential judge in Jackson County. We consider this issue to be vital to our community and region.

Sincerely,



Robert Perdaems, Principal



Darrel Olson, Counselor

Robert Perdaems
High School Principal

James Spencer
Middle School Principal

Duane Garber
Elementary Principal

James Hoffbeck
Business Manager

AN EQUAL OPPORTUNITY EMPLOYER

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Philip Lingen

Dale Okne

Fredrick Carlson

Mike Reese

Fred W Bauer

Carl Edmundson

Ed Carlson

Andrew Edmundson

Berle T. Boese

Leon Dahlhoff

Fred Okne

Louis Ludens

Cliff Rogers

Ruthton, Minn

Lake, Wilson

Lake Wilson

Woodstock, Minn

Woodstock, Minn.

Lake Wilson

Lake Wilson

Woodstock.

Lake Wilson

Slayton

Lake Wilson, Minn.

Woodstock, Minn.

Lake Wilson

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Dennis Swan

Doug Swan

Stanley B Larson

Levi C Miller

Ray Nelson

Sydney Bengtson

Jon Chapman

Dary Brunk

Alan L. Swan

Alton Sloan

Keith Harbert

Lynn Wickmann

Pary Miller

Larry Sloan

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION

Sean White
Vernell Kuehl
Warren Dibble
Betty Cohen
Lemon C. Coffey
Donald Cohen
Orville Koppes
Dorothy Lien
Steve Cohen
Dick Shan
Calvin C. Rehborg
Bob Klein
Elton C. Connick
Ernest E. Cohen
Joel H. Xavier
E. J. Owens

Lyle Olson
Robert Olson
Arthur Leonard
Davis Fosberg
Eldora A. Connick
Marise Kichner
Lorraine Kichner
Mary Ann Fosberg
John L. Pund
Donald Fosberg
Clarence Hager
Lucene Lien
Gordon Fosberg
Robert Fosberg
Keith Davis
Dorothy Hansen

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Martha Tvede

Steve Johnson

Herbert Hanson

Jolann Shaw

Helen Iverson

Roselyn Hanson

Joyce Severson

Amy Johnson

Maslome Johnson

Betty Dibble

Linda Vosberg

Sue Johnson

Angie Krueger

Doris Cahal

Mary Lee Peterson

Earl Anderson

Douglas Babbe

Linda Basso

Berry Peterson

Beth Ann Dibble

Wonna Dibble

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Peter A. Huff Chandler, Mr.

Ieland F. Piche Hadley Mrs

Daniel D. White Hadley Mr

Roy P. Hill Lake Mrs

Louie M. Swan Hadley Mrs.

Robert Bloemendal

Lee C. York

William J. DeKruif

Gerald DeKruif

Doug W. Carlson

Kenn K. Nelson

Maynard J. Miller

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Darrel Bruens

Elenora Pope

Albert Berglund

Darrell Berglund

Leo Sengler

Walt Ahlberg

Mark Ege

Norma Bruens

Don Pommer

Richard Lammers

Leon F. Balster

Russ Knapp

Lorraine Knapp

Peter Vogel

Handy Reitsma

Leon English

Jona Minnesta

Slayton, Mn.

Jona Mrs.

Jona Mrs.

Slayton, 3069 Oak Ave

Jona M.D.

Slayton Minn.

Jona, Mrs.

Curri M.D.

Jona, Minn.

Jona, Minn.

Jona, Minn.

Jona Minn.

Hadley Mrs.

Slayton, Mn

Bessie Martin
Ole Berglund
Ray Tennessen
William J. P. [unclear]
Louis Douma
John Rzaszutak
Alphonse Biegler
Roger Halbur
Frank Baltes O
Arnold Christensen
A. F. Fard

Slayton Minn
Slayton Minn
Aona Minn
Dona, Minn.

Dona MN
Dona

Dona Minn

Slayton Minn

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Vance Scott

Edmund Bohring

Marion Reich

John Stuber

Dorothy Reich

Frank Scott

Jim Daniels

Joe Ackerman

Michael V. Arons

W. J. Gowley

Wanda J. Arons

Margaret Ackerman

Allan Orkin

Joe Hennelung

Kristi Crowley

Mary Sully

Joseph Sully

Lenner Nelson

John Kramer

Alice Hennig

Susan Kramer

Roger Kramer

Don Hennig

Dean Lamm

Louella Huck

Dayle Cyprien

Margaret Cyprien

Marlin Van Dyke

Pat Lammers

Lawrence Haller

Lorraine F. Halbur

Steve Halbur

Leslie Ackerman

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Raymond P. Priebe

Glenn L. Larson

Walter Cronquist

James V. Vukobratovic

Sally Vas

Bernice Krusemark

L. Bruce Drake

George E. Miller

Earl L. Johnson

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Steve Zerk

Cyril Zerk

Cornel Zerk

Cindy L. Staples

~~James Haggerty~~

Paul R. Staples

Everett J. Homan

Leslie Martin

Karlotta Luedbeck

Karl Luedbeck

Thomas Andler

Ernst Priede

Bard Dupreant

Lawrence J. Millner

Courtney A. Tommerassen

Karen Tommerassen

William Paul Slon

John A. Meeker

Swante Wellers

Henry J. ...

Peter C. Hoekman

Larry J. Raper

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Lester Kramer

Dennis F Klein

Joe Hammerbeck

Chris Kuhn

L W Schwarz

Mary J Schuber

Alfred Fisher

Robert B Reese

Margene Maguire

Donald White

Walter J Beckman

Kenneth Honius

Mary Lund

Led Zander

Ruane Jans

Anna Reese

EUGENE DETRIES

Larry M Koster

Paul D. Gier

John Jans

George Olson

John S. Ross

Bernard Ramert

Maurice Odenbult

Rodney Hall

David Stumm

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Harly Wohl

Raymond Meyer

James Carter

Randy Halstenon

Mark Hamilton

Paul W. Carter

Leonard Carter

LaMoin Meyer

Arleta Meyer

Steve Meyer

Blank lined area for additional signatures or text.

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Arthur Kuehl

Lawrence Kirchner

Reuben E. Rupp

H. E. Amundson

Herbert Olson

Mark P. Hoff

Robert E. Nelson

Eliwynn Guehl

Marcia Gundersmann-Nordling

Marie A. Kirchner

Atk. Kirchner

Eugene Gundersmann

Arnell Amundson

Rodger J. Kopp

Jay C. Tabele

Luane R. Kirchner

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Alvin Kadelst,

Case 202

Dean Benson

Robert Bueschaupt

Carl Malt

Dan Staab

Arnold Swan

Jerry Blankens

Eldon Nelson

Jerry Miller

Jerry A. Bonnstetter

Hadley Missis

Hadley Messis

Hadley Missis

Hadley Missis

Lake Wilson

Hadley Missis

" "

Lake Wilson Missis

Hadley Missis

Balaton Missis

Slayton, Missis

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Rich. Seltman

John J. Kisdorf

Charles W. Chittenden

F. W. Schneider

Adolph Gumbertman

Robert H. Kischel

Steve Arends

Corwin Dirks

Calvin Jones

Russell Herdes

Ewin Hakencis

Ewert Holman

Harry Hardboff

A. C. Schramm

E. M. Brinkman

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Leon J. Pommer

Ronald W. Larson

Ray Ruppert

Carol Ruppert

Wayne Jensen

John Hansen

James Malone

Dorothy M. Jensen

Jeffrey J. Ruppert

Jim Lewis

Michael O'Ruppert

Laura Marie Pommer

Philys Scheier

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Robert Moore - Garvin

Harry Treckler - Garvin, Mo.

Paul Osinger -

Walter D Nelson Clayton

Mrs Mrs. Maynard Peterso Garvin Miss

Mr & Mrs David Mitchell

Vincent Maline

Clifford Nelson

Zed Dandurand

Lorraine Dandurand

Luzerna Carlson Garvin, Mo.

Charles Swan

Clayton Mo.

Quella L Muck

Garvin Miss

Marie H. Muck

Garvin Mo.

Elfrida Carlson

Garvin, Mo.

Bernadette Moore

Garvin, Mo.

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Erwin A. Buet
Ernie A. Bell (Fulda)
Bernard Wistof Fulda
Paul W. Jones Fulda
Becky Danks Fulda
Marie Baumgard Fulda
Rep. Simmons
J. Schueeler
Ernest Evers
Melvin Aish
Robert Somers
Walter Larson
William Miller
Douglas C. Persin
Maynard Larson
Gland Holmberg

Jeanne Bergman
Ernie W. Mancini Fulda
Henry Glawe
Paul J. Larson
Bob Crowley
Alvin R. Hantz
Roland Buschena - Fulda
Bill Lawie
Charles R. Friese

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Tom Mesner

Larry Kilcrist

John Busman

Douglas Hart

Ted Hart

Lyle Kemp

Henry Keen

Clara Sparty

Bill Ewick

Leatrice Strampe

Ronald D. Meare

Vernon Strampe

Howard Van Roebel

Harvey Van Roebel

Martin Vlieg

Elmer Duke

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Cornie Van Lant

Merlyn H. Bump

LeRoy Bump

Harvey Lee

Cornelius Verbrugge

Wesley Rosaborn

Gene Vander Sprenk

Harv Vander Top

John H. Groen

Charlotta Griffin

Ronald Griffin

Dick Talama

Chandler, Minn

Chandler, Minn.

" "

Chandler Minn.

" "

Edgerton Minn

Edgerton, Minn

RR 1 Edgerton Mn

Chandler Minn.

Edgerton, Minn

Edgerton, Minn

Chandler Minn

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Mary Buys	Chandler
Don Mesner	Chandler
Mary Mesner	Chandler
Tom Mesner	Chandler
Jean Schaap	Chandler
Milton Schaap	Chandler
Juleyn Sprunk	Chandler
Barb Sprunk	"
Linda Vande Driend	Chandler
Leon Vande Driend	Chandler
Walter Buys	Chandler
Mrs Walter Buys	Chandler
Keith Beukelman	Chandler
Dave Hamro	Chandler
Brenda Hamm	Chandler
Sonnie Groen	Chandler

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Mrs Elizabeth Verbrugge

Judith Vander Top

Arnold W. + Melvin DeKam

Mr + Mrs Larry Ryswyk

Harriet Rozeboom

Chandler, Maria

Edgerton, Mrs.

Edgerton, Mrs.

Edgerton, Mr.

Edgerton, Mr.

WE, THE UNDERSIGNED, ALL BEING RESIDENTS OF MURRAY COUNTY BELIEVE MURRAY COUNTY NEEDS
A RESIDENT COUNTY JUDGE AND OPPOSE THE TRANSFERRING OF THE MURRAY JUDGESHIP POSITION TO
ANOTHER LOCATION.

Jack L Van Ede

Eugene V. D. Grivello

Boss van Eck

James A. York

Roger W. Carlson

Bruce Johnson

Richard Hillman

Herman Coiffell

Richard L. Morgan

Bob Lewis

Erna Stark

March 13, 1987.

COMMENTS MADE BY JOHN L. GALLE, SR., MAYOR OF THE CITY OF WINDOM, MINNESOTA, CONCERNING REMOVAL OF TWO JUDGES FROM THE 5TH JUDICIAL DISTRICT.

MEMBERS OF THE COURT:

MY NAME IS JOHN L. GALLE SR., I AM THE MAYOR OF THE CITY OF WINDOM, MINNESOTA.

I AM APPEARING AT THIS HEARING TO ENLIST YOUR SUPPORT IN MAINTAINING THE PRESENT NUMBER OF JUDGES IN THE 5TH JUDICIAL DISTRICT.

I FIRMLY BELIEVE THAT THE USE OF STATISTICAL STUDIES TO EFFECT JUDICIAL EFFICIENCY IS BASED ON ASSUMPTIONS FOR STATISTICAL DATA PURPOSES ONLY AND DOES NOT TAKE INTO ACCOUNT THE FULL JUDICIAL PROCESS AND THE OVERALL DECREASE IN EFFICIENCY TO THE JUDICIAL PROCESS THAT WILL OCCUR IN SOUTHWEST MINNESOTA.

AS AN EXAMPLE: THE NEED FOR A SEARCH WARRANT, DOMESTIC ABUSE ORDER OR RESTRAINING ORDER IN ANY DISPUTE WILL, UPON REMOVAL OF THESE JUDGES REQUIRE THAT THE CITY OF WINDOM ALLOT AN ADDITIONAL 2 TO 3 HOURS MINIMUM TO THE ACQUISITION OF THESE DOCUMENTS IF WE MUST SEEK THEM BY SEARCHING PROCESS OF LOCATING A JUDGE, ARRANGING FOR OUR OFFICERS TO MEET THE JUDGE IN A DIFFERENT CITY, DURING HIS RECESS OR NOON BREAK, RETURN TO THE CITY OF WINDOM AND SERVE SUCH PAPERS.

MEMBERS OF THE COURT, THIS COULD EASILY EQUATE TO ADDITIONAL TAX BURDEN FOR THE CITIZENS OF THE CITY OF WINDOM, AND COTTONWOOD COUNTY, AS WELL AS FOR ALL COMMUNITIES SERVED BY THE 5TH JUDICIAL DISTRICT. LET ME EXPLAIN.

WINDOM PRESENTLY HAS 7 POLICE OFFICERS AND THE NEED FOR THIS TRAVEL WOULD REASONABLY REQUIRE AN ADDITIONAL OFFICER ON STANDBY, AT A MINIMUM, SINCE WE OFTEN HAVE ONLY ONE OFFICER ON DUTY AND HIS REMOVAL FROM THE CITY TO SEEK A COURT SIGNED DOCUMENT WOULD LEAVE THE CITY WITHOUT POLICE SERVICE. OVER 3 SHIFTS PER DAY FOR 7 DAYS THIS REASONABLY PROJECTS TO AT LEAST ONE MORE OFFICER NEEDED TO SERVE THE CITY OF WINDOM ONLY, AND INCREASE OF 14.3%.

FOR JACKSON, JACKSON COUNTY, SLAYTON, MURRAY COUNTY, LAKEFIELD AND MOUNTAIN LAKE, ALL OF WHICH HAVE SUBSTANTIALLY SMALLER POLICE FORCES, THIS INCREASE IS SUBSTANTIALLY HIGHER.

WORTHINGTON, ADRIAN, AND NOBLES COUNTY AS WELL AS COTTONWOOD COUNTY POLICE CAN REASONABLY EXPECT THE SAME PROBLEM.

MEMBERS OF THE COURT.....I SUBMIT THAT WITHOUT MATHEMATICAL PROBABILITY STUDIES, THE EFFECT CAN REASONABLY BE CALCULATED AT A MINIMUM OF 4 AND QUITE POSSIBLY 6 OR 7 ADDITIONAL OFFICERS NEEDED IN JUST THE 4 COUNTY AREA OF JACKSON, COTTONWOOD, MURRAY AND NOBLES COUNTY.

AT A NOMINAL COST OF \$25,000 PER YEAR , PRESENT WORTH, OF SALARY AND FRINGE BENEFITS THIS COULD COST THE TAX PAYERS OF THE 4 COUNTY AREA \$100M TO \$175M.

THESE TAX DOLLARS COME DIRECTLY FROM THIS AREA, NOT FROM A STATE DISTRIBUTED TAX BURDEN, AS THE JUDICIAL SALARY DOES. THUS, WE THEN HAVE A DIRECT IMPACT ON THE POPULATION OF APPROXIMATELY 62000 PEOPLE WHICH IS SUBSTANTIALLY DISPROPORTIONATE TO THE JUDICIAL SALARY TAX IMPACT ON THE METROPOLITAN AREAS. THE NUMBERS QUOTED HERE REPRESENT ONLY PARTIAL COSTS, WE WOULD HAVE TO LOOK AT ADDING VEHICLES PAYING MILEAGE ETC.

THE ADDITIONAL TAX BURDEN TO THE CITIZENS OF THE MOST ECONOMICALLY DEVASTATED SECTION OF MINNESOTA, THE BURDEN OF HIREING ADDITIONAL POLICE OFFICERS AND COORDINATING THE SERVICE OF PROCESS OF JUDICIAL ORDERS SEEMS TO FAR OUTWEIGH THE STATISTICAL DATA INDICATING RURAL JUDGES ARE NOT FULLY EMPLOYED IN SOUTHWEST MINNESOTA.

THE EFFECT OF THE LOSS OF SERVICE OF THE JUDICIAL BRANCH OF GOVERNMENT TO THE RESIDENTS OF RURAL MINNESOTA NEEDS A MORE COMPREHENSIVE STATISTICAL ANALYSIS THAN THAT PROVIDED BY THE WEIGHTED CASE LEVEL STUDY. THE ECONOMIC EFFECT IS NEGATIVE, THE SOCIOLOGICAL EFFECT IS UNDOUBTEDLY NEGATIVE AND THE CITIZENS WOULD BE BETTER SERVED BY A SUPREME COURT STUDY SHOWING THE NEED FOR ADDITIONAL JUDICIAL POSITIONS THAN THE TRANSFER OF PRESENT POSITIONS.

MEMBERS OF THE COURT, ON BEHALF OF THE TAX PAYERS OF THE 5TH JUDICIAL DISTRICT I ENCOURAGE YOU TO NOT PUT ANY FURTHER UNNEEDED TAX BURDEN UPON THE TAX PAYERS. WE HAVE MORE THAN ENOUGH PROBLEMS TO DEAL WITH AT THE PRESENT TIME.

THANK YOU.

C O T T O N W O O D C O U N T Y

RESOLUTION # 12-87-03

INTRODUCED: Commissioner Kenneth Elg
SECONDED: Commissioner F. A. (Jim) Miller
VOTED: Aye - Commissioners Kenneth Elg, Frank C. Jungas, Keith MADson,
 F. A. (Jim) Miller, Marlowe Nelsen.
 Nay - None.

WHEREAS, Cottonwood County has been advised of a Supreme Court hearing regarding two judicial vacancies in the Fifth Judicial District; and

WHEREAS, the loss of these positions would necessitate the work load of these two positions being assumed by existing judges; and

WHEREAS, the assumption of this work load would cause the Judicial positions in Cottonwood County to assume a greater burden and be absent from their Chambers; and

WHEREAS, the Board of Commissioners of Cottonwood County sees this as creating a delay in Judicial service to the rural population, and as an added cost and time burden in the prosecution of criminal and civil cases; and

WHEREAS, Cottonwood County believes immediate access to a Judge is important to the residents of Cottonwood County in obtaining search warrants, domestic abuse situations, juvenile cases, and civil cases requiring restraining orders.

NOW, THEREFORE, BE IT RESOLVED, that Cottonwood County opposes the elimination or removal of either or both of these positions and requests that these positions remain intact for the proper and useful service of the rural population of the State of Minnesota and that the use of statistical data not be used to interfere with the administration of Justice in rural Minnesota.

ADOPTED this 12th day of March, 1987.



ATTEST: W. R. Mielke, County Auditor



Frank C. Jungas, Chairman

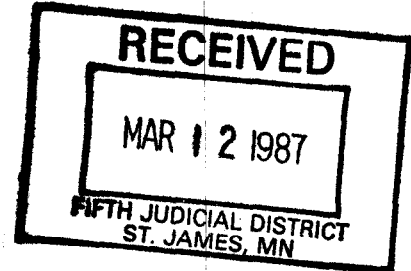
JAN M
KEITH CO
KENNETH J. A
WARREN ROD
WILLIAM H. SCHIMMEL

NICOLLET COUNTY BOARD OF COMMISSIONERS

**NICOLLET COUNTY COURTHOUSE • COURTHOUSE SQUARE • 507-931-6800
ST. PETER, MINNESOTA 56082**

March 11, 1987

Mr. Richard Fasnacht, Dist. Court Administrator
P. O. Box 397
St. James, Minnesota 56081



~~Ref: Sunset Hearing Jackson and Murray Counties~~

To Whom it May Concern:

The Nicollet County Board of Commissioners would like to express their interest and concern over the Sunset Hearings presently being conducted in the Fifth Judicial District.

It is the Board's understanding that there are certain proposals presently under consideration as to which positions may or may not be filled by the vacancies being created in Murray and Jackson Counties. This Board feels an obligation to those counties and the rest of the Fifth Judicial District to express its concern over how those vacancies should be filled.

It has been the experience of the Board to take notice of the ever increasing case load in the court system. The Board is also aware that each county within the District does not have the same type of case load, but it is also the Board's belief that every county, no matter how big or small, has the same problems and owes the residents of their county a speedy resolution of those problems.

We believe each county has an obligation to support their local ~~Judicial authorities and encourage those persons who now have to make~~ a final determination on the future of the courts to consider all aspects of the total needs of the counties and make a sound recommendation to keep available the means for speedy and equitable relief in our urban courts.

Sincerely,

A handwritten signature in cursive script that reads "William H. Schimmel".

William H. Schimmel
Chairman
Nicollet County Board of Commissioners

WHS:mab

3/4/87

**HAUSER AND SCHMID
ATTORNEYS AT LAW**

109 MAIN ST. WEST

SLEEPY EYE, MINNESOTA 56085

ERROL E. "NIP" HAUSER
DONALD E. "TOBY" SCHMID, JR.

TELEPHONE
(507) 794-3671

**OFFICE OF
APPELLATE COURTS
FILED**

MAR 04 1987

**WAYNE TSCHAMPERLE
CLERK**

March 2, 1987

Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

Re: Sunset and Transfer Hearing - March 13, 1987 C9-85-1506

Gentlemen:

On behalf of the Ninth District Bar Association, I am enclosing information in opposition to the proposed transfers of the judicial positions in Jackson and Murray Counties for consideration by the Minnesota Supreme Court.

Yours truly,



DONALD E. SCHMID, JR.
President of the Ninth District
Bar Association

DESjr:vms

Enclosures

POINTS TO ARGUE IN OPPOSITION TO TRANSFER
OF FIFTH JUDICIAL DISTRICT JUDGESHIPS

1. Accessibility - At a minimum, there should be at least one resident Trial Judge in each County in order for there to be effective judicial administration. The availability of a resident Judge is needed in the following instances:

- a) domestic abuse complaints and protection orders;
- b) commitments;
- c) temporary ex parte restraining orders;
- d) criminal complaints;
- e) search warrants;
- f) juvenile detention;
- g) abortion consents; and
- h) suspects arrested on warrants requiring immediate Court appearances.

2. Too much emphasis is placed on the weighted case load study by the Supreme Court:

- a) Insufficient consideration is given to the amount of travel that would be required for judges, law enforcement personnel, attorneys, welfare department personnel, parties, and witnesses that would be required in the event the Murray County and Jackson County judicial positions are vacated. This will not only be an inconvenience to the citizens in these areas but will also result in much higher legal fees and costs in addition to inherent delays. "Justice delayed is justice denied!"
- b) Judges in the Fifth Judicial District have just three law clerks available for them to assist in legal research and drafting of documents whereas metropolitan judges have between one and two law clerks per judge.

3. The loss of the judicial positions in Murray and Jackson County will result in four counties in the Fifth Judicial District not having resident judges (presently, neither Rock nor Lincoln Counties have a resident judge).

- a) This violates a policy of the Minnesota Supreme Court of December 24, 1980 (in re hearing on the redistricting of the Fifth Judicial District) wherein it is stated:

WHEREAS, it is the policy of the Minnesota Supreme Court that, wherever possible, judicial resources should be allocated in such a way that each county in each judicial district shall have one county court judge resident therein before any other county

in the judicial district shall have two or more resident county court judges.

- b) The District and County Court Judges in the Fifth Judicial District will become unified on September 8, 1987.
- c) At the February 21, 1987, Minnesota State Bar Association House of Delegates Meeting, the following resolution for new legislation was passed:

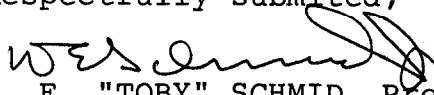
It is the policy of the State of Minnesota that judicial resources should be allocated in such a way that each county in a judicial district shall have one trial court judge resident therein.

- d) At the February 15, 1986, State Bar Association House of Delegates Meeting, a resolution was passed to support the repeal of the Sunset and Transfer Law (M.S.A. Section 2.722 Subd 4).

4. To not fill a judicial position and to create a vacancy in a county will deprive the local county government unit of a branch of government that it is entitled to.

5. To not fill the Jackson and Murray County vacancies will result in further economic hardships to an area of the State that is already economically depressed because of the agricultural financial crisis.

Respectfully submitted,


D. E. "TOBY" SCHMID, President
District Nine Bar Association
109 West Main
Sleepy Eye, MN 56085
Phone: (507) 794-3671

3/1/87



County Court District E Fifth Judicial District State of Minnesota

JUDGE DAVID E. CHRISTENSEN
Pipestone County Courthouse
P.O. Box 472
Pipestone, Minnesota 56164
507-825-3626

JUDGE JEFFREY L. FLYNN
Nobles County Courthouse
P.O. Box 547
Worthington, Minnesota 56187
507-376-6173

JUDGE JOHN D. HOLT
Murray County Courthouse
Payton, Minnesota 56172
507-836-6163

OFFICE OF
APPELLATE COURTS
FILED

MAR 04 1987

WAYNE TSCHIMPERLE
CLERK

March 2, 1987

Clerk of Appellate Courts
230 State Capitol
St. Paul, Minnesota 55155

Attn: Wayne Tschimperle

C9-85-1506

Dear Mr. Tschimperle:

Please present copies of the enclosed to the judges in connection with the hearing in Jackson on March 13th.

Very truly yours,

John D. Holt
John D. Holt
Judge of County Court

Enc. - 12



County Court District E
Fifth Judicial District
State of Minnesota

JUDGE DAVID E. CHRISTENSEN

Pipestone County Courthouse
P.O. Box 472
Pipestone, Minnesota 56164
507-825-3626

JUDGE JEFFREY L. FLYNN

Nobles County Courthouse
P.O. Box 547
Worthington, Minnesota 56187
507-376-6173

JUDGE JOHN D. HOLT

Murray County Courthouse
Slayton, Minnesota 56172
507-836-6163

TO:

Honorable Justices of the Supreme Court:

Since I will be on vacation I will be unable to make an oral presentation at the public hearing at Jackson, Minnesota on March 13th concerning the two judicial vacancies in the Fifth Judicial District.

I have read and concur with the petition and position paper presented by the Honorable Richard L. Kelly, Chief Judge of the Fifth Judicial District. I concur that both judgeships are necessary to handle the work load of this part of the District. However, if it is not possible to retain both positions, I submit that the Murray County vacancy should be filled in preference to the Jackson County vacancy.

The Fifth Judicial District was divided into five county court districts by order dated December 24, 1980. The order will have little significance after September 8, 1987 when unification becomes effective, yet the five county court districts do provide a relevant structure for analysis of the weighted case load study and the accessibility of the judges to the people of the district. See attached Schedule A.

The District Court Judge having chambers in Windom in Cottonwood County resides at Lakefield in Jackson County. His place of residence is closer to the Jackson county seat than to Windom, so the attached Schedule A shows him as being resident in Jackson County.

Murray, Nobles, Pipestone, and Rock Counties

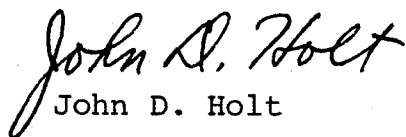
Schedule A indicates that judges are least accessible in County Court District E, with one judge per 18,580 people, followed by District A with one judge per 17,585, and by B, one judge per 16,558, D, one judge per 14,523 and C, one judge per 13,078.

Schedule A also indicates that according to the weighted case load study, judges are least accessible in District A, 0.8 per judge; followed in order by District E, 0.76 per judge; B, 0.74 per judge, and C and D with 0.675 per judge.

In the event the Murray County vacancy is not filled, County Court District E would have one judge per 27,870 people and the weighted case load would be 1.15 per judge.

On the other hand, if the Jackson County vacancy is not filled, County Court District D would have one judge per 19,364 people and the weighted case load would be 0.9 per judge.

Respectfully submitted,



John D. Holt

Judge of County Court

Dated: March 2, 1987

SCHEDULE A

<u>County Court District</u>	<u>County</u>	<u>Number of Resident Judges</u>	<u>Population 1980 U.S. Census</u>	<u>Judge Need Per Weighted Case Load Study</u>	<u>Weighted Case Load Per Judge</u>
A	Lincoln	0	8,207	0.3	
	Lyon	2	25,207	1.3	
	Redwood	<u>1</u>	<u>19,341</u>	<u>0.8</u>	
	TOTAL	3	52,755	2.4	0.8
	Population per judge		17,585		
B	Brown	2	28,645	1.1	
	Nicollet	1	26,929	1.3	
	Watonwan	1	12,361	0.7	
	Cottonwood	<u>1</u>	<u>14,854</u>	<u>0.6</u>	
	TOTAL	5	82,789	3.7	0.74
	Population per judge		16,558		
C	Blue Earth	4	52,314	2.7	0.675
	Population per judge		13,078		
D	Jackson	2	13,690	0.6	
	Martin	1	24,687	1.3	
	Faribault	<u>1</u>	<u>19,714</u>	<u>0.8</u>	
	TOTAL	4	58,091	2.7	0.675
	Population per judge		14,523		
E	Nobles	1	21,840	1.1	
	Rock	0	10,703	0.3	
	Murray	1	11,507	0.4	
	Pipestone	<u>1</u>	<u>11,690</u>	<u>0.5</u>	
	TOTAL	3	55,740	2.3	0.76
	Population per judge		18,580		

3/4/87

LAW OFFICES
GISLASON, DOSLAND, HUNTER & MALECKI
A PARTNERSHIP INCLUDING A PROFESSIONAL ASSOCIATION

SIDNEY P. GISLASON (1908-1985)

C. ALLEN DOSLAND
DONALD F. HUNTER, P. A.
JAMES H. MALECKI
DANIEL A. GISLASON
ROBERT M. HALVORSON
C. THOMAS WILSON
DAVID D. ALSOP
RUTH ANN WEBSTER
BARRY G. VERMEER
GARY W. KOCH
WILLIAM A. MOELLER
TIMOTHY P. TOBIN

STATE AND CENTER STREETS
P. O. BOX 458
NEW ULM, MINNESOTA 56073
507-354-3111

P. O. BOX 26400
220 WOODBRIDGE PLAZA
10201 WAYZATA BOULEVARD
MINNEAPOLIS, MINNESOTA 55426
612-544-8036

TIMOTHY J. OLIVER
KURT D. JOHNSON
ROGER H. GROSS
DAVID W. STURGES *
R. STEPHEN TILLITT
LEAH R. BUSSELL
MARK S. ULLERY
TODD H. JOHNSON
SALLY S. GROSSMAN
REED H. GLAWE
ROBERT E. DIEHL

REPLY TO New Ulm

*ADMITTED ONLY IN VIRGINIA

March 3, 1987

OFFICE OF
APPELLATE COURTS
FILED

MAR 04 1987

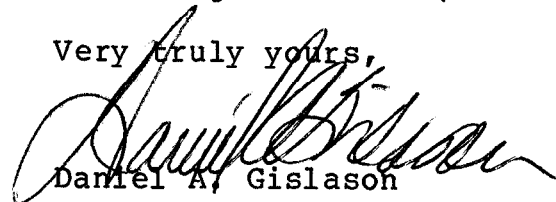
Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

WAYNE TSCHIMPERLE
CLERK

Dear Mr. Tschimperle:

Enclosed for filing are 12 copies of In re the Sunset and Transfer Hearing Regarding Judgeships for the Fifth Judicial District for consideration at the March 13 hearing in Jackson, Minnesota.

Very truly yours,



Daniel A. Gislason

DAG:mcd
Enclosures

IN SUPREME COURT
STATE OF MINNESOTA

In re the Sunset and Transfer
Hearing Regarding Judgeships
for the Fifth Judicial District

TO: CLERK OF APPELLATE COURTS, 230 STATE CAPITOL, ST. PAUL,
MINNESOTA 55155.

Notice is hereby given that the undersigned, a member of the Ninth District Bar Association, intends to present oral testimony to the Honorable Glenn E. Kelley, Associate Justice of the Minnesota Supreme Court, at the Sunset and Transfer Hearing to be held at Jackson, Minnesota, on March 13, 1987.

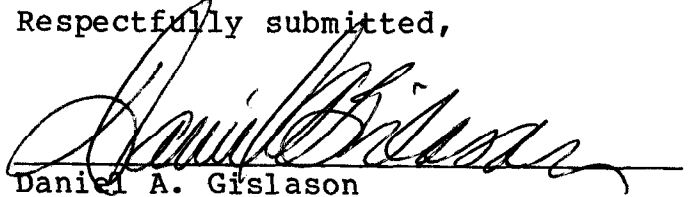
The following points will be presented to the Court:

1. A combination of unification of the District and County Courts for the Fifth Judicial District and transfer of judicial vacancies to other districts as proposed will reduce judicial efficiency, economy, and expertise.
 - a. The proposal will effectively eliminate an experienced trial bench and will retard development of an experienced trial bench.
 - b. The citizenry is entitled to receive prompt and competent resolution of their disputes through the courts at an economical cost. Needless travel to counties where there is a sitting judge increases the cost of legal services and reduces the effective working time of the judges.
 - c. At a time when there should be greater judicial specialization, the elimination of judgeships will force judges to work in virtually all areas of law, thereby limiting their expertise.
2. Circuit riding and broader judicial duties will deter the most eligible and desirable attorneys from seeking a judicial position.
3. The weighted case load approach does not consider the human elements that are involved in providing the public with readily accessible judges.

4. The Fifth Judicial District has been stripped of too many judges already.

Dated this 3rd day of March, 1987.

Respectfully submitted,



Daniel A. Gislason
GISLASON, DOSLAND, HUNTER & MALECKI
Attorney Registration No. 35166
One South State Street
P.O. Box 458
New Ulm, Minnesota 56073
Phone: (507) 354-3111

Gene Hugoson

District 29A
Martin and Watonwan Counties

Committees:

Agriculture
Agriculture Finance Division
Economic Development and Housing
Education
Environment and Natural Resources



March 2, 1987

Minnesota House of Representatives

Fred C. Norton, Speaker

OFFICE OF
APPELLATE COURTS
FILED

MAR 03 1987

WAYNE TSCHIMPERLE
CLERK

Clerk of the Appellate Courts
230 State Capitol
St. Paul, MN 55155

C9-85-1506

Dear Sirs:

I understand that the Supreme Court of the State of Minnesota has set a hearing for next Monday, March 13, 1987, at Jackson, for the purpose of hearing testimony regarding the elimination of two judicial positions from the Fifth Judicial District. It appears to me that in view of past actions, this hearing is merely a formality--the positions will be eliminated in southwestern Minnesota and then transferred to the metro area. Nevertheless, since at least one of these positions is in my district, which includes the majority of Martin County, I must state my strong objections to removing any further judicial positions.

I am sure you are aware that the economic hardships of rural Minnesota are prevalent in the southwestern part of the state. Not only are the people in our area in danger of losing their farms and small businesses, they are now losing their judicial access. For in the process of having to travel further to have their cases heard, or having to wait longer for a judge to hear their case, the people in the Fifth Judicial District will have added costs of travel for attorneys, witnesses and peace officers to say nothing of the loss of law enforcement services because of the extra time for these people being tied up in travel during litigation.

I also do not see any provision in the case load formula for travel, accessibility, or the staff inequities that exist between those districts in our rural part of the state and the metro districts. I do think these need to be considered as well.

I urge the Supreme Court to consider these items when making the final decision. The only other alternative that the legislature has in this instance is to legislate a solution that takes the matter out of the hands of the court.

If my schedule permits, I will be in Jackson on Monday to testify on behalf of retaining the judicial positions for the Fifth Judicial District. In any event, I strongly implore the Court to retain these positions.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Gene Hugoson".

GENE HUGOSON

State Representative, District 29A

Reply to: 221 State Office Building, St. Paul, Minnesota 55155

Route 2, Box 218, Granada, Minnesota 56039

Office: (612) 296-3240
Toll Free: 1-800-247-0024

Home: (507) 773-4432

Ronald E. McKenzie

SHERIFF OF MURRAY COUNTY
SLAYTON, MINNESOTA 56172

OFFICE:
MURRAY COUNTY COURT HOUSE
PHONE 507-836-6168



RESIDENCE:
2903 LINDEN AVE, SLAYTON, MN
PHONE 507-836-6304

March 5, 1987

OFFICE OF
APPELLATE COURTS
FILED

MAR 09 1987

WAYNE TSCHIMPERLE
CLERK

Wayne Tschemperle
Clerk of Appellate Courts
230 State Capitol
St. Paul, Minnesota 55155

Re: In re Public Hearing on Vacancies in
Judicial Positions in the Fifth
Judicial District. C9-85-1506


Dear Mr. Tschemperle:

I have filed with your office 12 copies of a position paper in the above captioned matter, as the Sheriff of Murray County.

I inadvertently omitted my request to speak at the consultation hearing in Jackson Minnesota on March 13th, 1987. I here make that request and ask that I be provided the opportunity to address this Court on March 13th in Jackson.

Your attention to this matter is appreciated.

Very truly yours,


Ronald E. McKenzie
Sheriff of Murray County
Slayton, MN 56172
Phone (507) 836-6168

REM/ir

Ronald E. McKenzie

SHERIFF OF MURRAY COUNTY
SLAYTON, MINNESOTA 56172

OFFICE:
MURRAY COUNTY COURT HOUSE



PHONE: 507-836-6168
EMERGENCY 911

February 25, 1987

OFFICE OF
APPELLATE COURTS
FILED

MAR 02 1987

WAYNE TSCHIMPERLE
CLERK

The Supreme Court of Minnesota
c/o Clerk of Appellate Courts
230 State Capitol Building
St. Paul, Minnesota 55155

Re: Sunset and Transfer Hearing on March 13, 1987, in the City
of Jackson, Minnesota - Judicial Position of The Honorable
John D. Holt and Donald G. Lasley

Gentlemen:

I would like the enclosed letter and exhibits forwarded to
Justice Kelley in reference to the above captioned matter.

Thank you very much.

Sincerely,

A handwritten signature in cursive script that reads "Ronald E. McKenzie".

Sheriff Ronald E. McKenzie
Murray County Sheriff

REM:st
ENC:

Ronald E. McKenzie

SHERIFF OF MURRAY COUNTY
SLAYTON, MINNESOTA 56172

OFFICE:
MURRAY COUNTY COURT HOUSE



PHONE: 507-836-6168
EMERGENCY 911

OFFICE OF
APPELLATE COURTS
FILED

February 25, 1987

MAR 02 1987

WAYNE TSCHIMPERLE
CLERK

The Honorable Glenn E. Kelley
Minnesota Supreme Court Judge
230 State Capitol Building
St. Paul, Minnesota 55155

Re: Sunset and Transfer Hearing on March 13, 1987, in the City of
Jackson, Minnesota - Judicial Position of The Honorable John
D. Holt and Donald G. Lasley

Dear Justice Kelley:

I am Sheriff Ronald E. McKenzie, Sheriff of Murray County. I have worked as a Deputy and now as a Sheriff for the past 11½ years in Murray County. During that time I have come to know the people of the county and The Honorable Judge Holt.

Judge Holt has not been away from his office very much. However, on a few of those occasions we have had to find another Judge. One instance that comes to mind is a double homicide that required us to obtain a search warrant as soon as possible. I ended up going to Nobles County to see Judge Flynn and then back to Slayton. This is a very time-consuming act when you want it as soon as possible. The normal thing like setting traffic ticket dates around his vacation was not a problem. Not having a resident judge would just add another problem to the southwest part of Minnesota that already has enough of them.

As for my department, I have three deputies, one chief deputy and myself. Anytime that even one officer leaves the county it drastically affects the manpower of my department.

If you would look at Exhibit #1, it is the west part of the Judicial District that I am referring to. Of that, Rock County and Lincoln County do not have a resident judge already. The Exhibit also shows the approximate mileage to the other counties that do have judges that we could go to.

Exhibit #2 reflects the minimum cost to my department as I project it and how the figures do come about. This total of \$7,444.80 is a low figure and that figure alone is 2.81162% of my entire 1987 budget.

Exhibit #3 reflects the minimum cost to the Slayton Police Department

The Honorable Glenn E. Kelley
Page 2
February 25, 1987

given to me by Chief of Police Jonath C. Lewis. Slayton Police Department also has three officers, one sargeant and the Chief. Anytime one of his officers is gone, it affects his department drastically.

Exhibit #4 relects the minimum cost to the Fulda Police Department given to me by Chief Robert Harris. The Fulda Police Department consists of one full-time officer, that being Chief Harris. They also use four part-time officers. Again, cost and manpower come into being.


Exhibit #5 is an example of the cost that would be considered extra and unforeseen. It is an example of what it would actually cost the county and the people to not have our own Judge in residency.

In summarizing all of the predicted costs from the three departments, it comes to a total of \$12,980.16. This would have to be added to our budgets to make it work and; again, that is about the minimum figures. I would predict that the actual figures after the first year will be much higher.

It will cost the county just to ask a question of a judge. It will no longer consist of just walking down the hall anymore; but, being gone from the office a few hours. Taking care of regular traffic tickets, signing a Complaint, having a minor conference with the judge about a juvenile traffic offender, search warrants, helping a party on an Ex Parte Order for Protection, etc., will become a lengthy, time-consuming and costly venture.

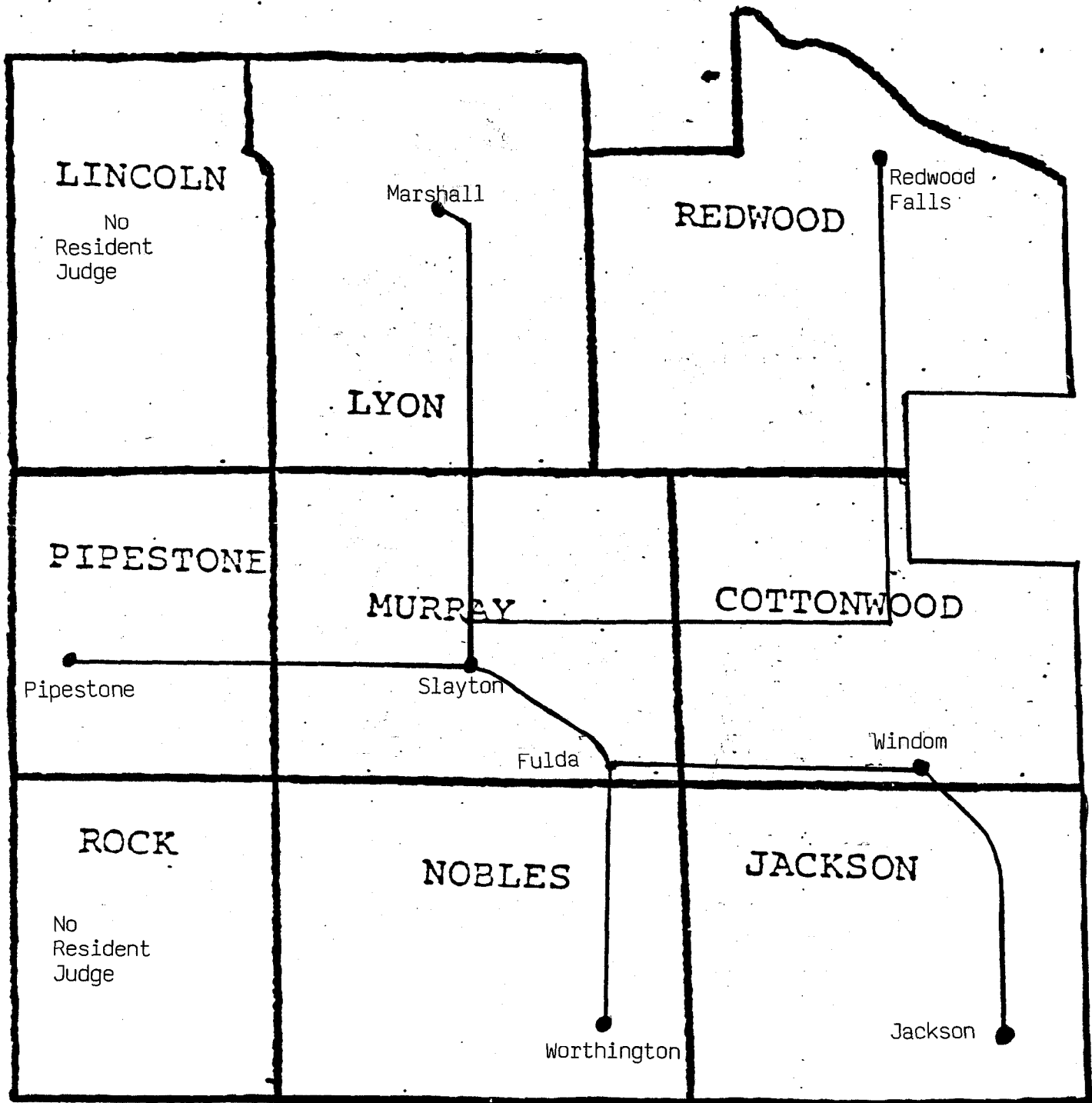
Why take from the people that have only one and give to the people that have many? They have one or more judges; however, we would have none.

Respectfully,


Sheriff Ronald E. McKenzie
Murray County Sheriff

REM:st
ENC:

EXHIBIT 1



Miles from Slayton:	To Pipestone	27 miles
	Marshall	33 miles
	Redwood Falls	72 miles
	Windom	37 miles
	Jackson	55 miles
	Worthington	29 miles

According to Minnesota State Map

EXHIBIT 2

This is the projected minimum cost for the Murray County Sheriff's Department if Judge Holt's vacancy is not filled; and, our department would have to go to Cottonwood County for Court.

For each appearance it would require 3 manhours (that would consist of 3/4 hour driving over and 3/4 hour driving back leaving 1½ hours for Court time). Each person in the department attends court twice a month. In a 5-man department that would total 30 manhours a month or 360 manhours a year. An officer's average hourly pay is \$13 an hour. Multiplying this hourly wage by 360 hours a year comes to a total of \$4,680. This would be the approximate payout in manhours in one year.

On travel time to Worthington, Pipestone and Marshall, a round trip would be 60-plus miles. A round trip for Windom is 72 miles. Using Windom as an example, 10 trips a month to Windom is 720 miles for the month or 8,640 miles a year. Figuring mileage at 32¢ a mile (that is the figure that is charged the attorneys for paper service) and multiplying it by the 8,640 miles would amount to \$2,764.80 a year for vehicle use.

Adding the manhours of \$4,680 plus vehicle cost of \$2,764.80 totals \$7,444.80. This is about 2.8% of my 1987 total budget.

EXHIBIT 3

This is the projected minimum cost for the Slayton Police Department that I received from Chief of Police Jonath C. Lewis as to the cost to his department if they would go to Windom for Court.

For each appearance it would require 3 manhours (that would consist of 3/4 hour driving over and 3/4 hour driving back leaving 1½ hours for Court time). Each officer in the Police Department attends Court approximately once each month. That would equal 15 manhours a month or 180 manhours a year. The pay scale for his officers averages \$12.50 an hour for Court time. That would amount to \$2,250 a year for manhours.

Assuming travel time would consist of 5 trips a month, that would total 360 miles a month or 4,320 miles a year. Figuring mileage at 32¢ a mile, that would amount to \$1,382.40 in cost.

Adding manhours of \$2,250 and the vehicle cost of \$1,382.40 gives us a total expense of \$3,632.40. This is about 2.6% of the Slayton Police Department 1987 budget. .

E X H I B I T 4

This is the projected minimum cost for the Fulda Police Department that I received from Chief of Police Robert Harris as to his department going to Windom for Court.

For each appearance it would require 3 manhours (that would consist of 3/4 hour driving over and 3/4 hour driving back leaving 1½ hours for Court time). The Fulda Police Department averages 3 Court appearances a month which would equal 9 manhours a month or 108 manhours a year. The payscale for that department is \$12.50 an hour for Court. Calculating 108 manhours a year by the hourly rate amounts to \$1,350 a year in manhours.

Travel time, using the approximate figure of 3 trips a month, comes to 144 miles a month or 1,728 miles a year. At a cost of 32¢ per mile, this would amount to \$552.96 in vehicle cost.

Adding the manhours of \$1,350 and the vehicle cost of \$552.96 totals \$1,902.96. This is about 4.2% of the Fulda Police Department 1987 budget.

EXHIBIT 5

This would be an example of what it would cost my department to transfer a prisoner held in the Pipestone County Jail (Murray County has a 72-hour holding facility only) from Pipestone to Windom and back to Pipestone.

The mileage on this transfer would be about 192 miles round trip; the vehicle cost would be \$61.44. Allowing 4 hours for an officer to transport the prisoner and allowing 2 hours for Court time would total 6 hours and equal \$78. Total cost to the county would be \$139.44.



3-2-87

Jackson County

Board of Commissioners

Jackson, Minnesota 56143

OFFICE OF February 27, 1987
APPELLATE COURTS
FILED

MAR 02 1987

Mr. Wayne Tschimperle
Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

WAYNE TSCHIMPERLE
CLERK

C9-85-1506

Dear Mr. Tschimperle:

The Jackson County Board of Commissioners would like to submit written testimony as well as request time for oral presentation at the public hearing to be held in the District Courtroom in the Jackson County Courthouse, Jackson, Minnesota at 10:30 A.M. on March 13, 1987.

We strongly support the replacement of Judge Donald Lasley, whose retirement will create a vacancy in the 5th Judicial District.

Our law enforcement services, Human Services Department, county government as well as the general public would be greatly affected if the judge would not be replaced.

To combine Jackson County judgeship with a neighboring county would overload the whole system. The rural area is in as great a need as the metro area for a judge.

If cost is the object, it would be more costly to use the adjoining judgeship. The cost of the judge's salary is minor in relation to our human services budget, which is dependent on a judge.

Sincerely,

Norman Pohlman, Vice-Chairman
Jackson County Board of
Commissioners

NP/MM



Jackson County

Board of Commissioners

Jackson, Minnesota 56143

WHEREAS, a vacancy will occur in the office of the Judge of County Court in the County of Jackson, created by the mandatory retirement of Donald G. Lasley, and

WHEREAS, the provisions of Minnesota Statutes prescribe certain procedures to determine whether a judicial position which is vacated by the retirement of an incumbent judge should be continued, transferred or abolished, and

WHEREAS, the Supreme Court will hold a public hearing in the District Courtroom in the Jackson County Courthouse, Jackson, Minnesota at 10:30 A.M. on March 13, 1987 for the purpose of considering information concerning the continuation of the above vacant position.

NOW THEREFORE BE IT RESOLVED that the Jackson County Board of Commissioners strongly urge the Court to continue the above said judicial position, and

BE IT FURTHER RESOLVED that the Jackson County Board of Commissioners would like to submit written testimony as well as request time for an oral presentation at the above said hearing.

Duly Passed and Adopted this 23rd day of February 1987.

JACKSON COUNTY BOARD OF COMMISSIONERS

Edward G. Zanker
Chairman

ATTEST:

Ruth A. Johnson
County Auditor

OFFICE OF
APPELLATE COURTS
FILED

FEB 27 1987

Steve Kettler
120 Maple Street
Jackson, Minnesota 56183
February 25, 1987

WAYNE TSCHIMPERLE
CLERK

Minnesota Supreme Court
c/o Clerk of Appellate Courts
230 State Capitol
St. Paul, Minnesota 55155

RE: Judge Vacancy, Jackson County Court
in the Fifth Judicial District

C9-85-1506

To The Court:

It is in the interest of my family and all the families in Jackson County that I address the Court in regards to the vacancy of judgeship in the Jackson County Court system. The loss of this position would create an immediate hardship on all county residents and would have an increasingly negative impact for future generations.

The Jackson County Court Judge has effectively used his position to address the alcohol and chemical abuse problem among the young population of our county. The loss of this position can only mean the loss of all the ground Judge Lasley has been able to cover in the chemical abuse area. As a parent of 3 and 4 year olds, I am quite concerned about this issue. What will the chemical abuse situation be as my children reach their teens or even sooner? It is a difficult problem to address even with a full-time judge, that will become much more difficult without the judgeship.

It appears that the loss of the judgeship will additionally have a serious impact on the law enforcement ability of our county officials. If our local police officers and sheriff's deputies are required to transport prisoners to other counties for their various hearings, county residents will suffer from lack of law enforcement protection. The vacancy of the judge's position will impose undue hardships on especially the Jackson County Sheriff's Department, as their workload currently is at a level difficult to handle.

I consider myself, and all county residents fortunate to have been able to count on Judge Lasley in many difficult situations in the past. He has been a stabilizing force in the county for many years. The time to vacate a judgeship is not during the times of economic depression that our county residents are currently experiencing.

Although I can empathize with the problems a high caseload can bring in the Hennepin County Court system, it seems the transferring of a judgeship will only transfer problems from one county to another.

RE: Judge Vacancy, Jackson County Court
in the Fifth Judicial District

Page 2

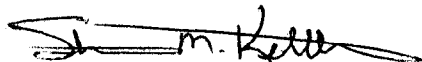
Is it not more appropriate to authorize additional judges to serve all the taxpayers' needs?

I am personally tired of losing service to the metro area because of our population base. From the unbalance of state aid, to our school district, to the potential loss of a county judge, we seem to be coming up on the short end of the stick all too often.

I respectfully request that the Court fill the upcoming vacancy of Judge in the Jackson County Court, Fifth Judicial District as soon as that vacancy occurs.

Thank you for the opportunity to address the court.

Respectfully,

A handwritten signature in black ink, appearing to read "Steve Kettler", with a stylized flourish extending to the right.

Steve Kettler

sk

HAUSER AND SCHMID

ATTORNEYS AT LAW

109 MAIN ST. WEST

SLEEPY EYE, MINNESOTA 56085

ERROL E. "NIP" HAUSER
DONALD E. "TOBY" SCHMID, JR.

TELEPHONE
(507) 794-3671

February 25, 1987

OFFICE OF
APPELLATE COURTS
FILED

FEB 26 1987

WAYNE TSCHIMPERLE
CLERK

Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

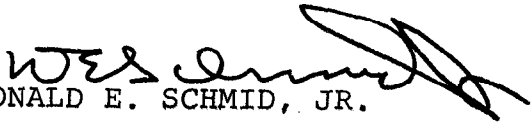
RE: Sunset and Transfer Hearing - Jackson

Gentlemen:

C9-85-1506

Enclosed for filing on behalf of the City of Sleepy Eye City Council are 12 copies of a resolution. We request that this information be considered by the Supreme Court in regard to the upcoming Sunset and Transfer hearing which is to take place in Jackson, Minnesota on March 13, 1987.

Yours truly,


DONALD E. SCHMID, JR.

DESjr:em

Enclosures

RESOLUTION No. 2-87

WHEREAS, it has come to the attention of the City Council of the City of Sleepy Eye that the Supreme Court is considering transferring or cancelling either one or two Judges from the Fifth Judicial District and,

WHEREAS, the City of Sleepy Eye is located in the Fifth Judicial District and received the benefit of a Judge semi-monthly for which the City has provided the use of its Council Chamber at no cost to the Court System and,

WHEREAS, the reduction of Judges from the area would mean less access to the Court system by the citizens of the Sleepy Eye area and,

WHEREAS, the inaccessability to a Court will mean inconvenience to local businesses for Small Claims Court, inaccessability to the Misdemeanor Courts System and added costs for City patrolmen to travel to another site, loss of business for those attending Court in the City of Sleepy Eye,

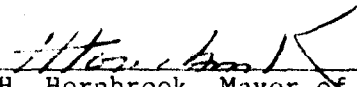
NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Sleepy Eye hereby opposes transferring or vacating Judges from the Fifth Judicial District and requests the Supreme Court to replace the two retiring Judges from the District. The City Council further requests the Supreme Court to consider the inconvenience to the citizens of Sleepy Eye and the surrounding area that will result from any loss of Judges and court services to the area. Local businesses and citizens from the city and area benefit by the ready accessability in signing of complaints, collecting of small claims, and from business done by those attending Court in the City of Sleepy Eye.

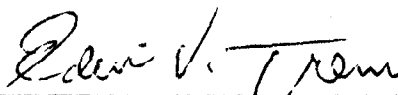
Dated: February 3, 1987

OFFICE OF
APPELLATE COURTS
FILED

FEB 26 1987

WAYNE SCHNEPPEL
CLERK


H. Hornbrook, Mayor of City of Sleepy
Eye


Edwin V. Treml, City Clerk

**Jackson County
Department of
Human Services**



Box 67
Jackson, Minnesota 56143
Phone 507-847-4000

Norbert L. Bruegmann, Director
**OFFICE OF
APPELLATE COURTS
FILED**

February 12, 1987

FEB 26 1987

**WAYNE TSCHMAPERLE
CLERK**

Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

Re: Jackson County Human Services Department
Input on Public Hearing for Vacancy in
the Fifth Judicial District

C9-85-1506

Dear Sirs:

The Jackson County Human Services Board and Department would like to submit written testimony as well as request time for an oral presentation at the public hearing to be held in the District Courtroom in the Jackson County Courthouse, Jackson, MN, at 10:30 a.m. on March 13, 1987.

We strongly urge the Court to replace Judge Donald G. Lasley, whose retirement will create a vacancy in the Fifth Judicial District. Our human service department does considerable work with the County Court and should that position not be filled, it would be necessary for us to greatly increase our time and transportation in carrying forward our work that needs to be done with the County Court, should we have to go to neighboring communities for that service. That would greatly increase our expenditures at a time when we cannot afford to do so in southwestern Minnesota.

The work that is done between the Jackson County Human Services Department and County Court is almost on a daily basis. The volume of work has been growing at a steady pace for the past several years and we see that continuing in the future.

If you wish further information or clarification, we would be happy to furnish it if requested.

Sincerely,

Milford Gentz, Chairman
Jackson County Human Services Board

cc: Norbert L. Bruegmann, Jackson County Human Services Director
Donald G. Lasley, Jackson County Judge
Harvey Holton, District Judge, Windom
Bill Simons, Jackson County Attorney
Pete Eggimann, Jackson County Sheriff
Dick Seim, Jackson City Chief of Police
Lu Glaser, Jackson County Auditor

3-5-87

WILHELM, WALKER & VIESSELMAN, P.A.

**D. GERALD WILHELM
ROBERT D. WALKER
TERRY W. VIESSELMAN**

**ATTORNEYS AT LAW
115 WEST FIRST STREET
FAIRMONT, MN 56031**

**TELEPHONE
507/238-4377
JENNIFER A. KOHLER, PARALEGAL**

March 4, 1987

Clerk of the Appellate Courts
230 State Capitol Building
St. Paul, MN 55155

OFFICE OF
APPELLATE COURTS
FILED

MAR 5 1987

WAYNE TSCHIDAPERLE
CLERK

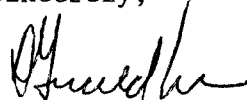
RE: Public Hearing on Vacancies in
Judicial Positions in the *CG-85-1506*
Fifth Judicial District
Our File No. 17th District Bar Assn.

Dear Clerk:

I enclose twelve copies of the written materials presented on behalf of the 17th District Bar Association per the Order of the Supreme Court relative to the public hearing on vacancies in judicial positions in the Fifth Judicial District. This hearing is scheduled for March 13, 1987.

As you will note, I am requesting the opportunity to orally address the Court on behalf of the 17th District.

Sincerely,



D. Gerald Wilhelm
PRESIDENT
17TH DISTRICT

DGW:cls

Enc.


STATE OF MINNESOTA
IN SUPREME COURT
C-9-85-1506

In re Public Hearing on
Vacancies in Judicial
Positions in the
Fifth Judicial District

PRESENTATION IN SUPPORT OF THE CONTINUATION OF THE JUDGESHIP HAVING A
VACANCY AS A CONSEQUENCE OF THE RETIREMENT OF JUDGE DONALD G. LASLEY,
JACKSON.

March 3, 1987

17TH DISTRICT BAR ASSOCIATION

BY: 
D. Gerald Wilhelm

President

115 West First Street

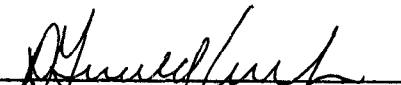
Fairmont, MN 56031

Telephone: (507) 238-4377

PERMISSION IS HEREBY REQUESTED TO MAKE AN ORAL PRESENTATION AT THE PUBLIC
HEARING NOW SCHEDULED FOR MARCH 13, 1987. THE ORAL PRESENTATION WILL IN
SUBSTANCE FOLLOW THE REMARKS CONTAINED HEREIN.

March 3, 1987

17TH DISTRICT BAR ASSOCIATION

BY: 
D. Gerald Wilhelm

President

115 West First Street

Fairmont, MN 56031

Telephone: (507) 238-4377

INTRODUCTION

"The Supreme Court, in consultation with judges and attorneys in the affected district, shall determine whether the vacant office is necessary for effective judicial administration."

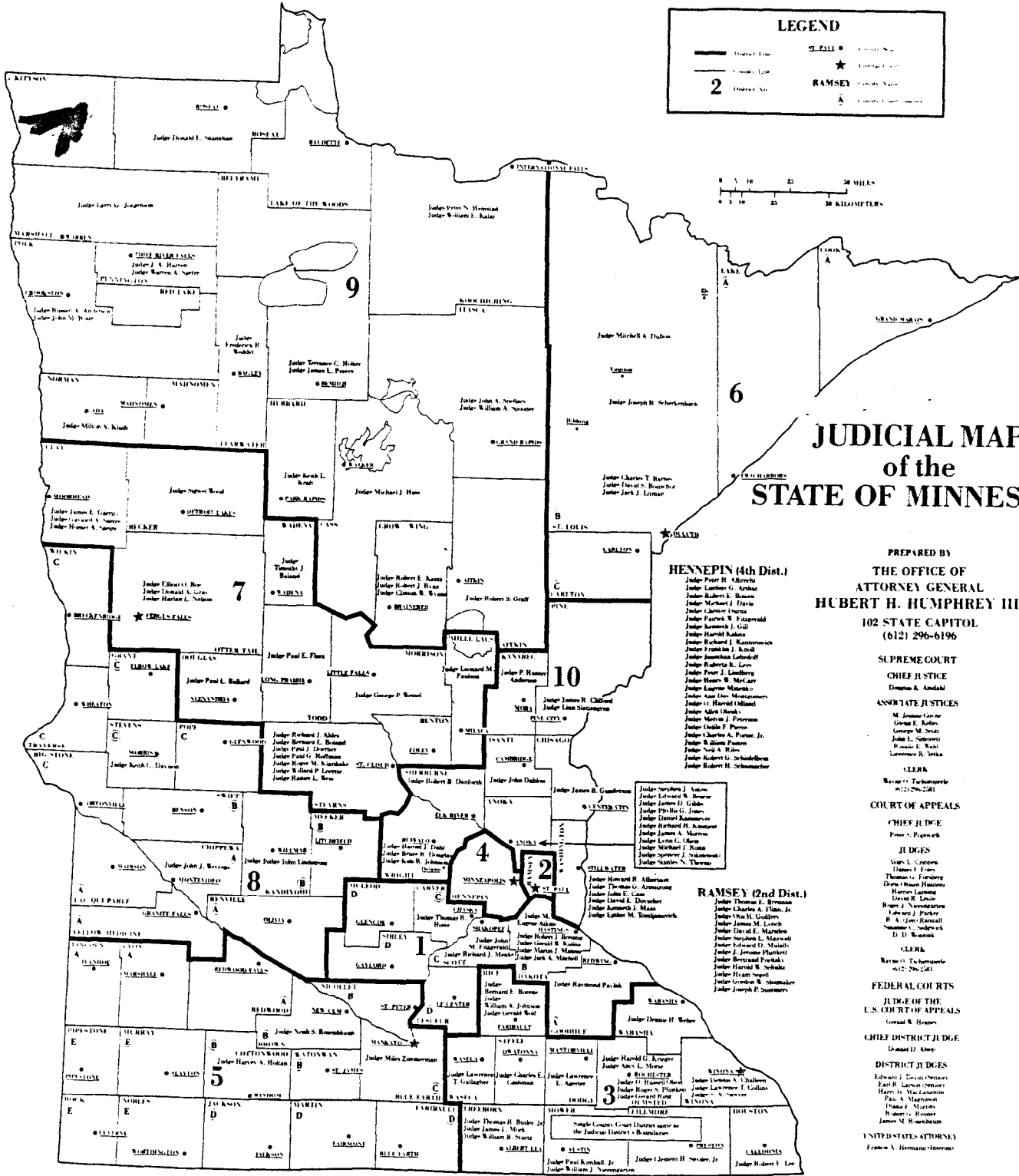
Citing M.S. 2.722, Subd. 4.

It is the position of the 17th District Bar Association that the county judgeship in Jackson, Jackson County, is necessary for effective judicial administration in the Fifth Judicial District. The attorneys of the 17th District Bar Association present the following information in support of our position that the judgeship should be retained.

Point I

THE JUDGESHIP IN JACKSON, JACKSON COUNTY, SHOULD BE RETAINED BECAUSE OF THE WORKLOAD IN THAT COUNTY AND THE COMBINED WORKLOAD IN ASSIGNMENT DISTRICT D.

The 17th District Bar Association covers the geographical area of Jackson, Martin and Faribault counties in south central Minnesota. The 17th District Bar Association is contiguous with the Assignment District D of the Fifth Judicial District, which also encompasses Jackson, Martin and Faribault counties. *(See map on page 2). According to the Weighted Caseload 1986 Judicial Equivalent Analysis, Jackson County has a judicial workload which requires the services of one judge. (See Table on page 3). The Weighted Caseload 1986 Judicial Equivalent Analysis indicates a continued need for 2.7 judges (for Assignment District D), which the Weighted Caseload Study rounds up to a need of 3 judges for the District. In the Order of the Minnesota Supreme Court, dated October 2, 1985, and the accompanying Memorandum, two judgeships in the Fifth Judicial District were terminated and those positions were transferred by further action of the Supreme Court. That Order recognized that the judicial resources of the Assignment



JUDICIAL MAP of the STATE OF MINNESOTA

PREPARED BY
**THE OFFICE OF
 ATTORNEY GENERAL
 HUBERT H. HUMPHREY III**
 102 STATE CAPITOL
 (612) 296-6196

SUPREME COURT
 CHIEF JUSTICE
 Douglas A. Anderson
 ASSOCIATE JUSTICES
 M. James Leno
 Gerald E. Kelly
 Gregory M. Sorel
 John L. Savelle
 Thomas E. Sval
 Lawrence R. Soria

COURT OF APPEALS
 CHIEF JUDGE
 Peter S. Fogelmark
 JUDGES
 Gary L. Grotvick
 Thomas J. Freese
 Dawn E. Hanson
 Bruce J. Larson
 David R. Lunde
 Brent J. Norenstrom
 John J. Parker
 R. A. Jim Rosenthal
 Stephen A. Soderstrom
 D. D. Wasek

FEDERAL COURTS
 JUDGE OF THE U.S. COURT OF APPEALS
 Gerald W. Heaton
 CHIEF DISTRICT JUDGE
 Donald D. Alvey
 DISTRICT JUDGES
 Edward J. Davis
 Earl R. Larson
 Harry E. MacLean
 Paul A. Marston
 Thomas E. Sval
 James M. Wambach

UNITED STATES ATTORNEY
 Francis A. Hermann (Interim)

HENNEPIN (4th Dist.)
 Judge Peter H. Albrecht
 Judge Landon G. Arbach
 Judge Robert E. Blom
 Judge Michael J. Davis
 Judge Charles J. Evans
 Judge Patrick W. Fitzgerald
 Judge Kenneth J. Gill
 Judge Charles J. Heston
 Judge Harold K. Johnson
 Judge Richard J. Kautonen
 Judge Franklin J. Koval
 Judge Josephine Labadie
 Judge Robert A. Linn
 Judge Peter J. Lundberg
 Judge Robert W. McClure
 Judge Eugene M. Merz
 Judge Carl M. Moberg
 Judge U. Harold Niland
 Judge Allen Olson
 Judge Richard J. Peterson
 Judge Donald F. Pitzer
 Judge Charles A. Pitzer, Jr.
 Judge William H. Lindgren
 Judge Naji A. Rife
 Judge Robert G. Schindler
 Judge Robert H. Schumacher

RAMSEY (2nd Dist.)
 Judge Thomas E. Brown
 Judge Charles A. Flinn, Jr.
 Judge John H. Lindgren
 Judge James M. Leyer
 Judge David E. Marston
 Judge Stephen L. McFarland
 Judge Edward D. Mullan
 Judge J. Jerome Parkley
 Judge Bernard Prutkin
 Judge Harold E. Schuch
 Judge Ham Nevel
 Judge Gordon W. Samsbury
 Judge Joseph F. Zimmerman

COUNTY ADMINISTRATORS
 Ancker County - George J. ...
 Becker County - ...
 Big Lake County - ...
 Blue Earth County - ...
 Brainerd County - ...
 Brown County - ...
 Cass County - ...
 Chippewa County - ...
 Clear Lake County - ...
 Cook County - ...
 Crow Wing County - ...
 Dakota County - ...
 DeKalb County - ...
 Douglas County - ...
 Faribault County - ...
 Fillmore County - ...
 Goodhue County - ...
 Grant County - ...
 Hennepin County - ...
 Houston County - ...
 Hubbard County - ...
 Jackson County - ...
 Kanab County - ...
 Kandiyohi County - ...
 Karolin County - ...
 Lake County - ...
 Lake of the Woods County - ...
 Lake Park County - ...
 Lake Superior County - ...
 Lake Umbagog County - ...
 Le Sueur County - ...
 Lincoln County - ...
 Litchfield County - ...
 Lyon County - ...
 Mahoning County - ...
 Marshall County - ...
 Martin County - ...
 McLeod County - ...
 Mower County - ...
 Murray County - ...
 Norman County - ...
 Otter Tail County - ...
 Otter Lake County - ...
 Pennington County - ...
 Pierce County - ...
 Polk County - ...
 Pope County - ...
 Ramsey County - ...
 Red Lake County - ...
 Redwood County - ...
 Rice County - ...
 Rock County - ...
 Roseau County - ...
 St. Louis County - ...
 St. Martin County - ...
 St. Michael County - ...
 Stearns County - ...
 Stevens County - ...
 Swift County - ...
 Todd County - ...
 Trempealeau County - ...
 Wadena County - ...
 Wabasha County - ...
 Wagon Wheel County - ...
 Wankarem County - ...
 Washburn County - ...
 Waukegan County - ...
 Wauzeka County - ...
 Wells County - ...
 Winona County - ...
 Wright County - ...
 Yellowknife County - ...

DISTRICT ADMINISTRATORS
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 3rd DISTRICT - ...
 4th DISTRICT - ...
 5th DISTRICT - ...
 6th DISTRICT - ...
 7th DISTRICT - ...
 8th DISTRICT - ...
 9th DISTRICT - ...
 10th DISTRICT - ...

COURT ADMINISTRATORS
 Superior Court - ...
 District Court - ...
 County Court - ...
 Probate Court - ...
 Juvenile Court - ...
 Family Court - ...
 Municipal Court - ...
 Justice of the Peace - ...

LEGISLATIVE DISTRICTS
 1st - ...
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 50th - ...

Jurisdiction	Actual	WCL Judicial Need		Access Adj	1987 Shortage
		1985	1986		
Fifth					
7 Blue Earth	4	3.8	2.7	3	
8 Brown	2	1.1	1.1	1	
17 Cottonwood	2	0.6	0.6	1	
22 Faribault	1	0.8	0.8	1	
32 Jackson	1	0.6	0.6	1	
41 Lincoln	0	0.4	0.3	0	
42 Lyon	2	1.5	1.3	2	
46 Martin	1	1.6	1.3	1	
51 Murray	1	0.5	0.4	0	
52 Nicollet	1	1.5	1.3	2	
53 Nobles	1	1.2	1.1	1	
59 Pipestone	1	0.6	0.5	1	
64 Redwood	1	0.9	0.8	1	
67 Rock	0	0.4	0.3	0	
83 Watonwan	1	0.6	0.7	1	
Total	19	16.2	13.7	16	-3

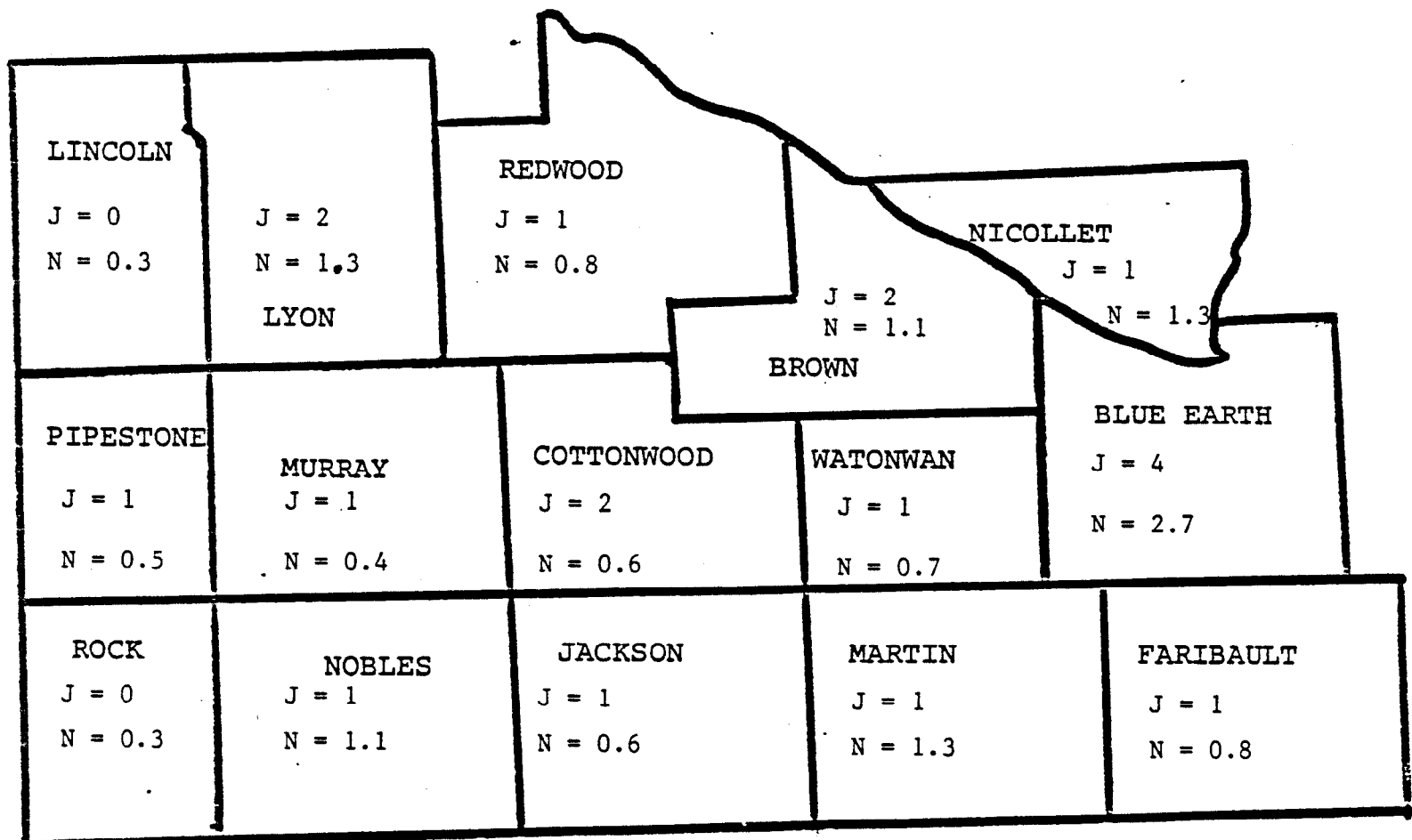
District affected by the vacancies should be considered in a decision pursuant to M.S. 2.722, Subd. 4. The Court at page 5 of its Memorandum stated "we find that the results of the Weighted Caseload Analysis should be accorded great weight". The Weighted Caseload 1986 Judicial Equivalent Study which has now been made available clearly indicates a judicial need for Jackson County as .6 and a judicial need for the Assignment District D as 2.7. In the adjustments to judicial need (see pages 5 and 6) the Weighted Caseload Study for 1986 indicates that Jackson County should have no adjustment and likewise indicates that Assignment District D should have no adjustment. Therefore, the Minnesota Supreme Court may appropriately rely on the Weighted Caseload 1986 Judicial Equivalent Study to show that the services of three judges are needed in the three counties of Assignment District D and specifically that one judge is needed in Jackson County.

Point II

EXCESSIVE TRAVEL WOULD RESULT FROM TERMINATION OF THE JACKSON COUNTY JUDGESHIP.

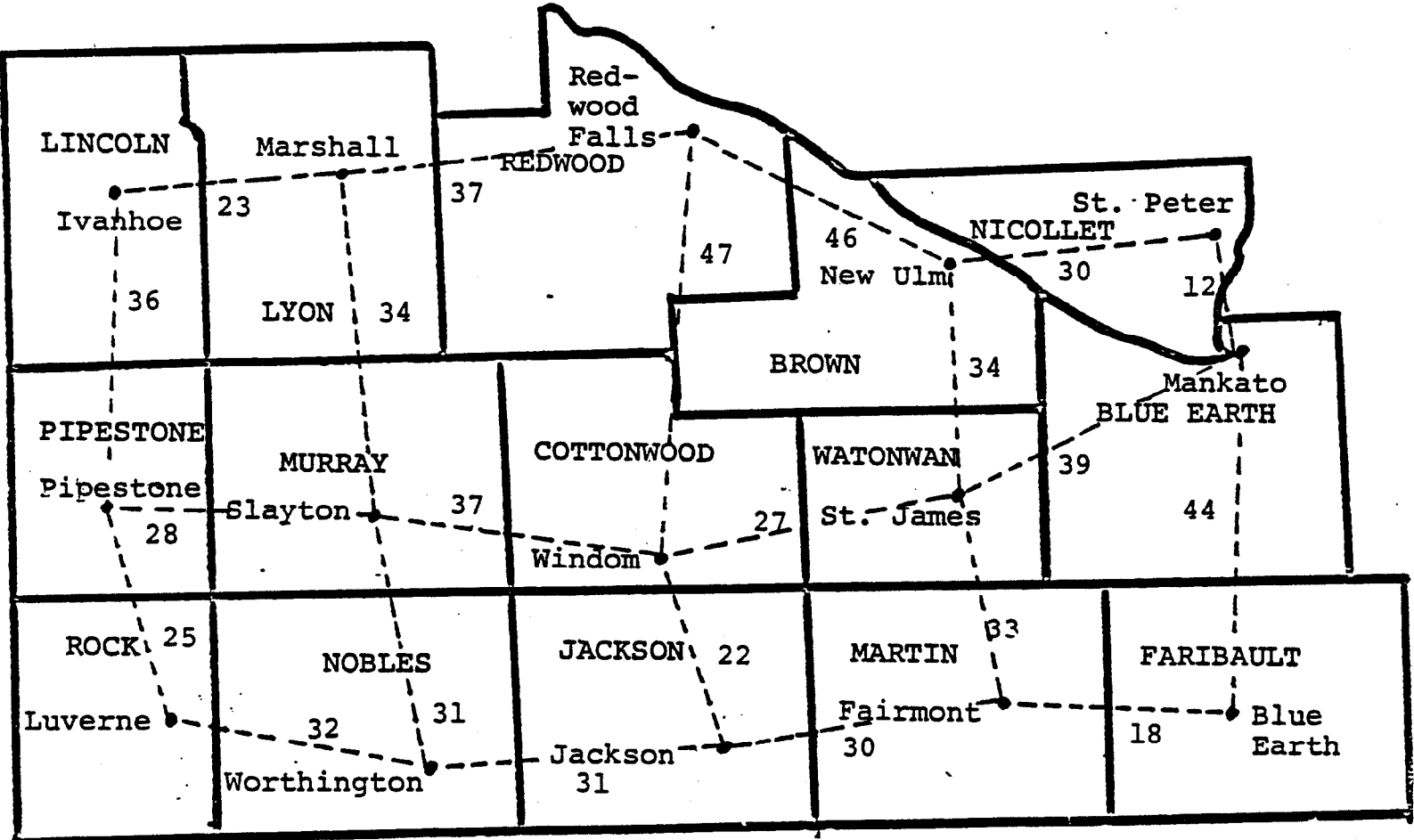
As is shown in the maps on pages 6 and 7, Jackson County is on the southernmost tier of counties in the Fifth Judicial District. The county seat of Jackson is fully 44 miles round trip from the nearest adjacent Court chambers. The next two nearest Court chambers would cause travel of in excess of 60 miles round trip. Beyond that travel to the next nearest tier (for example, Luverne, Slayton, Redwood Falls, St. James or Blue Earth) would require round trips in excess of 100 miles. This travel consideration is important for the Court to consider as it measures the availability of access to the courts of this State for the citizens of this State.

Jurisdiction	Actual	WCL Judicial Need		Access Adj	1987 Shortage
		1985	1986		
Fifth					
7 Blue Earth	4	3.8	2.7	3	-1
8 Brown	2	1.1	1.1	1	-1
22 Feribault	1	0.8	0.8	1	0
46 Martin	1	1.6	1.3	1	0
52 Nicollet	1	1.5	1.3	2	1
83 Watonwan	1	0.6	0.7	1	0
Subtotal	10	9.4	7.9	9	-1
17 Cottonwood	2	0.6	0.6	1	-1
32 Jackson	1	0.6	0.6	1	0
41 Lincoln	0	0.4	0.3	0	0
42 Lyon	2	1.5	1.3	2	0
51 Murray	1	0.5	0.4	0	-1
53 Nobles	1	1.2	1.1	1	0
59 Pipestone	1	0.6	0.5	1	0
64 Redwood	1	0.9	0.8	1	0
67 Rock	0	0.4	0.3	0	0
Subtotal	9	6.7	5.9	7	-2
Total	19	16.2	13.7	16	-3



J - Number of Resident Judges

N - 1986 WCL Judicial Need



Point III

SERIOUS DAMAGES TO CITIZENS' RIGHTS WOULD RESULT FROM
TERMINATION OF THE JACKSON COUNTY JUDGESHIP.

1987 marks the bicentennial of the Constitution of the United States.

The American Bar Association in its announcement proclaiming the 1987 Law Day USA theme states

"The 1987 theme, "We the People", encourages Law Day programs and events to focus on the bicentennial of the Constitution of the United States and on the privileges Americans enjoy because of the historical foundations of our system of law, which has liberty and justice for all as its goal."

That paragraph is not an abstract summary of lofty ideals, it is the embodiment of the foundation to our entire judicial system. Each citizen has only the courts to stand between him and the tyranny of the sovereign. If the citizens of Jackson County or the citizens of Assignment District D are denied equal access to the judicial process, then truly they have been denied the liberty and justice which is the very goal of the Constitution of the United States.

Equally important to these constitutional ideals and privileges is the practical consideration for citizens seeking redress in the courts of Minnesota. For a citizen of Jackson County to be compelled to drive inordinate distances for their day in court presents a very real economic obstacle to their equality under the law. In a simple family law case, if the husband and wife and their two attorneys are compelled to travel 45, 60 or 100 miles just to reach a courtroom, those costs in terms of mileage, time loss from their jobs and the fees incurred for two attorneys rapidly escalate. In an area of the State of Minnesota where economic realities and economic forecasts have reached crisis proportions, the citizens

of this region certainly cannot and should not be asked to bear the additional economic burden that will be placed upon them by termination of the judgeship at Jackson County.

In a simple juvenile court proceeding, which involves two parents, two or more adverse attorneys, a guardian ad litem or two and the requisite witnesses, once again the cost incurred dramatically escalates for each mile that they must travel to have their day before a judge.

As the litigation increases in complexity, the number of the parties increases, the number of adverse attorneys increase, the numbers of witnesses increase and the costs for access to the judicial system escalates astronomically.

We cherish in this State and in this Country the idea that every citizen is equal before the eyes of the law and that they should not and will not be discriminated against on the basis of their economic station in life. However, if an individual plaintiff in Jackson County is faced with the burden of taking their case before a judge sitting (a minimum) 45 miles away, their right to equal consideration under the law has been compromised. In some instances, regardless of the merits of the case, the litigant's rights to be heard at all will be snuffed out by the distance that must be travelled to be heard in the first instance.

Point IV

THE JUDGESHIP IN JACKSON COUNTY SHOULD NOT BE ABOLISHED
WHEN IT IS THE ONLY JUDGESHIP IN THE COUNTY.

The House of Delegates of the Minnesota State Bar Association passed a resolution on February 21, 1987, which supports legislation to contain the following language:

That it is the policy of the State of Minnesota that
judicial resources should be allocated in such a way

that each county in a judicial district shall have one trial court judge resident therein.

In its decision of October 2, 1985, the Minnesota Supreme Court in part justified the termination of the position of the Honorable L. J. Irvine in Fairmont (Martin County, Minnesota) by stating that Judge Irvine served throughout Assignment District D and that there were resident judges chambered in each of those three counties.

The impact of a resident judgeship in Jackson County goes beyond the complex and weighty needs of the judicial system. That impact has social and economic importance throughout the county and throughout the assignment district. Each year the State Legislature mandates more and more programs to be implemented, operated and controlled by local level of government. One such program which has found increasing acceptance within Jackson County and Assignment District D is the appointment of a guardian ad litem in juvenile and family court proceedings. The Minnesota Supreme Court has recognized the importance and often times independent position of children in dissolution proceedings and in proceedings relative to delinquency or dependency and neglect matters. Appointment of a guardian ad litem can best be handled by a judge resident and chambered in the county in which the judicial action occurs.

Although the judiciary is a separate and co-equal branch of State government, it is not without sanction by the public. Judges under our State Constitution are not appointed for life, but stand election every six years. The accountability of a judge to the constituency which he serves is another important factor in support of the continuation of the judgeship in Jackson County.

One important characteristic for proper administration of justice in this State relies on the recognition of judicial authority by the citizens

of the State. A citizen in Jackson County will feel more pertinence and more authority stems from the actions of a resident judge in determining that citizen's day to day life than would that same citizen if the judicial action is prescribed by a visiting judge from more than 100 miles away. A judge serves the judicial process not only in the routine of courtroom procedure, but by the very example of his everyday lifestyle. School children, workers, school administrator, lawyers, other professionals and citizens at large can better understand and better accept the authority exercised by a judge whom they can identify and whose standards are visible for everyone to see. These same qualities or advantages would be lost if the judgeship in Jackson County is terminated. Then the citizens would be forced to rely on the ephemeral example of a judge who only came as a visitor to their community not as a part, a community leader and an example for all to see.

CONCLUSION

In summary, there are several valid and persuasive reasons that the position of the county judgeship in Jackson County is necessary for the effective judicial administration, not only in that county, but in the Assignment District D of the Fifth Judicial District. A 1986 Weighted Caseload 1986 Judicial Equivalent Analysis clearly indicates a continued need for one judge in Jackson County and for three judges across Assignment District D. To remove the judgeship from Jackson County would be directly contrary to the Weighted Caseload Analysis on which the Minnesota Supreme Court has relied so heavily in past Sunset Hearings. The Supreme Court has recognized judicial resources of an Assignment District may be affected by vacancies and that that should be considered in a decision pursuant to M.S. 2.722, Subd. 4. If the Weighted Caseload 1986 Judicial Equivalent

Study is accorded the "great weight" which it was given by past decisions of the Minnesota Supreme Court then the judgeship in Jackson County should be filled immediately.

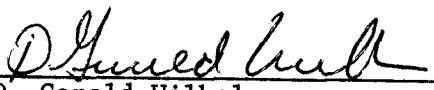
Additionally, the details contained in the Weighted Caseload 1986 Judicial Equivalent Study indicate that excessive travel would result from termination of the Jackson County judgeship. Such travel would be detrimental to visiting judges who would travel a minimum of 44 miles from the nearest adjacent Court chambers to trips in excess of 100 miles for judges travelling to cover matters in Jackson County. Additionally, litigants, attorneys, witnesses, law enforcement personnel and others dependent on swift administration of justice would face equally burdensome travel to take their cases from Jackson County to the next most accessible Court. Such a burden would be imposing a second class status to the citizens of Jackson County and to the citizens of Assignment District D. The very constitutional government we cherish envisions that those foundations are built upon liberty and justice for all. That goal would not be reached if the judgeship in Jackson County is terminated.

In keeping with the philosophy enumerated by the House of Delegates of the Minnesota State Bar Association, it should be the policy of the State of Minnesota that judicial resources be allocated so that each county in a judicial district have at least one trial court judge resident in that county. There are sound practical and philosophical reasons for that policy. The Assignment District D and Jackson County deserve the benefits of that resident judge.

We therefore respectfully submit that the judicial position in Jackson County should not be eliminated and the judgeship should be retained in the Fifth Judicial District and Assignment District D.

Dated: March 3, 1987

17TH DISTRICT BAR ASSOCIATION

BY: 
D. Gerald Wilhelm

President

115 West First Street

Fairmont, MN 56031

Telephone: (507) 238-4377

MUIR, MEYER, SIMONS, & COSTELLO

Attorneys at Law

603 Second Street
P.O. Box 365
Jackson, Minnesota 56143

AREA CODE 507
PHONE 847-4200

MAYLON G. MUIR
DAVID D. MEYER
WILLIAM P. SIMONS
PATRICK K. COSTELLO
DAVID W. HUEY
HANS K. CARLSON

March 5, 1987

OFFICE OF
APPELLATE COURTS
FILED

MAR 06 1987

WAYNE TSCHIMPERLE
CLERK

Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

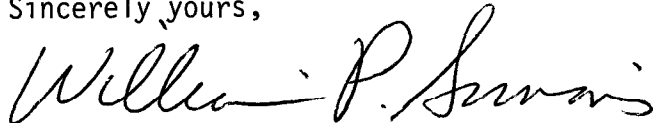
Re: Fifth Judicial District Judicial Vacancies Hearing

C9-85-1506

Dear Clerk:

Please find enclosed twelve copies of a request to make an oral presentation and a written summary of information, which copies are hereby filed by William P. Simons on behalf of the Jackson County Bar.

Sincerely yours,



William P. Simons

WPS/kjs
Encs.

OFFICE OF
APPELLATE COURTS
FILED

MAR 06 1987

STATE OF MINNESOTA
IN SUPREME COURT
C9-85-1506

WAYNE TSCHAMPERLE
CLERK

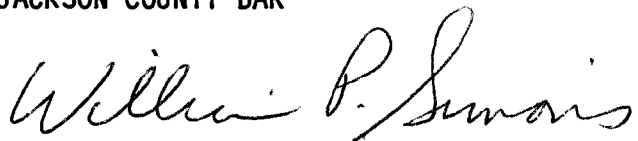
In re Public Hearing on
Vacancies in Judicial
Positions in the
Fifth Judicial District

REQUEST TO MAKE ORAL PRESENTATION AND WRITTEN
SUMMARY OF INFORMATION CONCERNING
CONTINUATION OF THE JUDICIAL VACANCY IN JACKSON COUNTY

March 5, 1987

THE JACKSON COUNTY BAR

By:



William P. Simons
Attorney at Law
603 Second Street, P.O. Box 365
Jackson, MN 56143
(507) 847-4200
Attorneys Identification
No. 101291

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I. REQUEST TO MAKE ORAL PRESENTATION

William P. Simons of Jackson, Minnesota, hereby requests permission to make an oral presentation at the hearing to be held in the City of Jackson, Minnesota, on March 13, 1987, regarding the Fifth Judicial District vacancies.

II. INFORMATION FOR CONSIDERATION BY THE COURT CONCERNING
THE JUDICIAL VACANCY IN JACKSON COUNTY

A. INTRODUCTION

It is the position of the Jackson County Bar that both judicial vacancies being considered by the court should be filled. The citizens of Jackson and Murray Counties, and the citizens in the Fifth Judicial District, deserve efficient and economical delivery of judicial services. To accomplish that end, this court must fill both vacancies.

However, the Jackson County Bar understands that each vacancy will be examined on its own. We present the following information to assist the court in determining whether to fill the Jackson County judicial vacancy.

B. ACCORDING TO THE WEIGHTED CASE LOAD STUDY,
A JUDGE IN JACKSON COUNTY IS NECESSARY
TO TAKE CARE OF THE JUDICIAL WORK LOAD
IN THE EXISTING ASSIGNMENT DISTRICT OF
JACKSON, MARTIN AND FARIBAUT COUNTIES

The Minnesota Legislature has charged this court with the responsibility of deciding whether judicial positions left vacant should be filled, transferred or eliminated. In fulfilling this responsibility, the court relies heavily on the weighted case load (WCL).

The WCL provides the court with a wealth of information, which the court uses to analyze the need to fill a judicial vacancy. The court begins by determining the need for judges on a district-wide basis; the court compares the actual number of judges in the district with the need for judges shown by the WCL.

Yet the court has made it clear that the district-wide analysis is only the starting point. When considering a particular judicial vacancy, the court also looks at the need for judges in the assignment area in which the vacancy has occurred.

The need to fill the Jackson County judicial vacancy becomes obvious when the need for judges in the Jackson County assignment area is analyzed, using WCL information. Jackson County is in a three county assignment area which includes

Jackson County, Martin County, and Faribault County. The WCL information shows three judges are needed to dispose of the judicial business in that assignment area. Unless the Jackson County vacancy is filled, that assignment area will have only two judges, far less than needed to handle the judicial business in the Jackson-Martin-Faribault assignment district.

Thus, although the WCL information apparently shows an excess of judicial manpower in the Fifth Judicial District, a careful analysis of the WCL information also makes it clear that the excess judicial manpower is not in the assignment district which includes Jackson County.

C. ACCORDING TO THE WEIGHTED CASE LOAD STUDY,
THE GEOGRAPHICAL LOCATION OF THE JACKSON
COUNTY JUDICIAL VACANCY REQUIRES THAT
THE VACANCY BE FILLED

There is yet another way of analyzing the WCL information, which demonstrates the need to fill the Jackson County Judicial vacancy. This approach does not concern itself with an assignment district; instead, it looks at the way in which a judge in Jackson County ensures the smooth and effective administration of justice in the geographical area surrounding Jackson County.

1. A JACKSON COUNTY JUDGE CAN PROVIDE
NECESSARY ASSISTANCE TO ADJOINING
COUNTIES

According to WCL information both Martin County (adjoining Jackson County on the east) and Nobles (adjoining Jackson County on the west) need more than one judge to dispose of the judicial business in those counties. Jackson County, on the other hand, does not need a full-time judge to take care of the judicial business in Jackson County, according to WCL information.

In fact, the WCL numbers on judicial need in Jackson and the two counties which flank it show a need for exactly three judges. Again, as in the assignment district analysis, it is clearly evident that the Jackson County vacancy should be filled in order to avoid a serious geographical gap in the conduct of judicial business in this part of the state. (See attached map taken from the most recent WCL study.)

Furthermore, a judge sitting in Jackson County can conveniently and consistently be available in both Martin and Nobles County. The cities of Fairmont and Worthington (the county seats in Martin and Nobles Counties respectively) are only 30 miles from the city of Jackson and travel between the cities is along Interstate 90. In this part of the state where blizzards are a fact of life, travel on Interstate 90 is often possible, even when all other highways have been closed by inclement weather.

Clearly, the counties flanking Jackson County need more judicial manpower

than they currently have. A judge in Jackson County can shoulder the excess load.

2. ADJOINING COUNTIES DO NOT HAVE
SUFFICIENT JUDGES TO TAKE CARE
OF THE JUDICIAL WORKLOAD IN
JACKSON COUNTY

The final question to be considered is: Who would do the work in Jackson County if the Jackson County judicial vacancy is not filled?

As discussed above, there is no help available from the adjoining counties of Nobles and Martin. Cottonwood County, adjoining Jackson County on the north, effectively has only a single judge, and this judge does not have enough time to fully service Jackson County. (Although Judge Harvey Holtan chambers in Cottonwood County, he is not available on a regular basis to handle the routine work of Cottonwood County. He is a "floater," being assigned on a district-wide basis to hear complex and/or lengthy cases. Furthermore, Judge Holtan will be retiring in 1990.) Although the judge in Cottonwood County can certainly help out in Jackson County, the Cottonwood County judge simply does not have enough time to handle all of the work which needs doing in Jackson County.

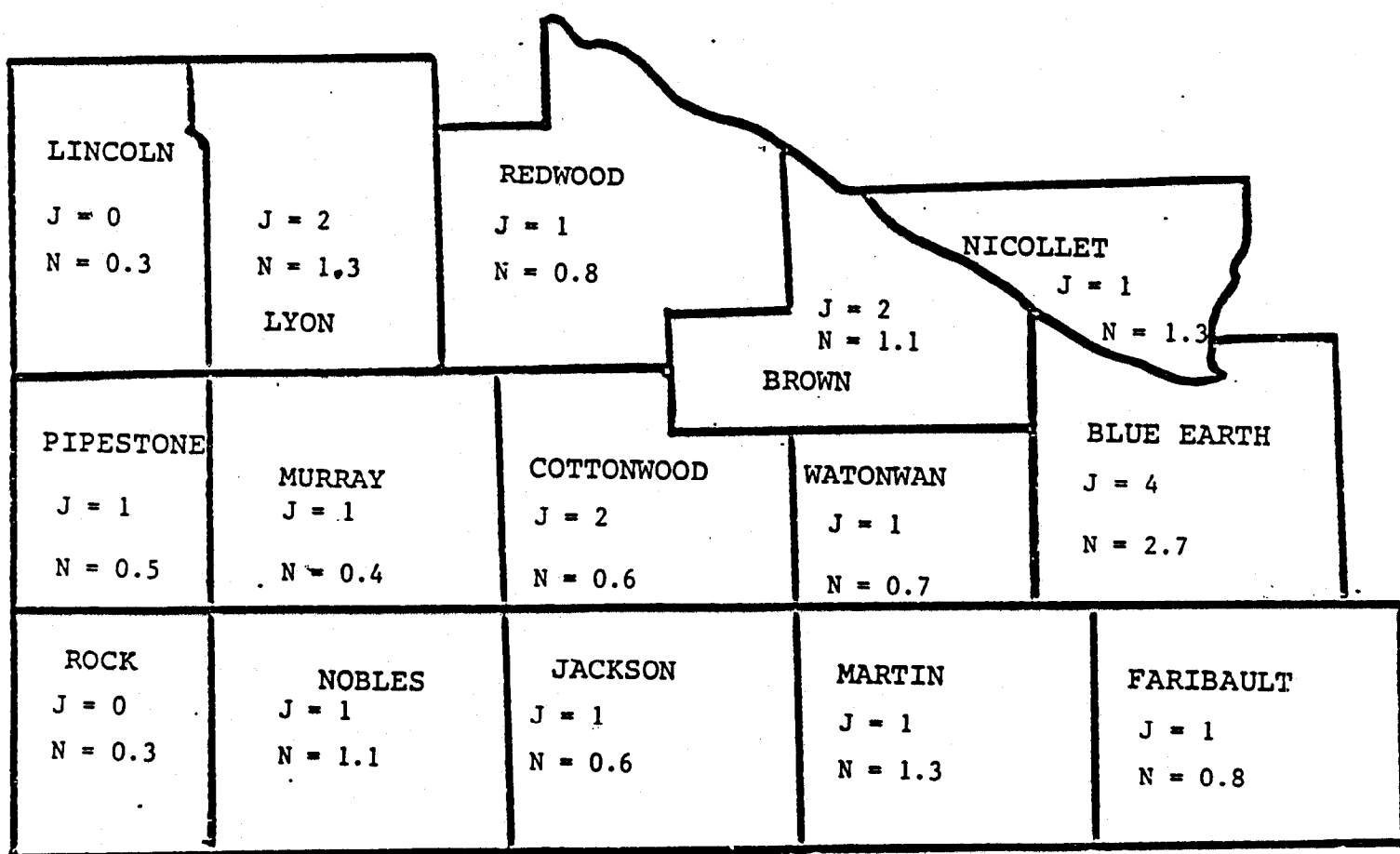
With Nobles, Martin and Cottonwood Counties unable to handle the Jackson County judicial workload, the district court administrator and the chief judge of the Fifth Judicial District will find themselves ranging far afield in order to find judges available to take care of Jackson County. Trips of 50 to 60 miles in each direction, much of it over two-lane highway, will be required; furthermore, such scheduling and travel would necessarily involve several judges, all of them considerable distance from Jackson County.

Jackson County has substantial judicial business. The surrounding counties will be unable to adequately dispose of that business. Without a judge in Jackson County, the judges and administrator of the Fifth Judicial District will face difficult, and often impossible, scheduling problems.

D. CONCLUSION

The most recent WCL information, on which the court has relied heavily when deciding on the disposition of judicial vacancies, clearly demonstrates the need to fill the Jackson County vacancy. A judge in Jackson County is necessary to provide the needed complement of judges in the Jackson-Martin-Faribault assignment district.

Furthermore, without a judge in Jackson County, a serious gap will exist in the judicial manpower needed in the southern part of the Fifth Judicial District. In addition, the judicial needs of Jackson County cannot be met effectively, except by having a judge in Jackson County.



J - Number of Resident Judges

N - 1986 WCL Judicial Need

35-87

COUNTY OF NOBLES BOARD OF COMMISSIONERS

P.O. BOX 757

WORTHINGTON, MINNESOTA 56187

FIRST DISTRICT Marvin Baumgard, Brewster	SECOND DISTRICT Frank H. Gunnink, Leota	THIRD DISTRICT Harry Russell, Bigelow
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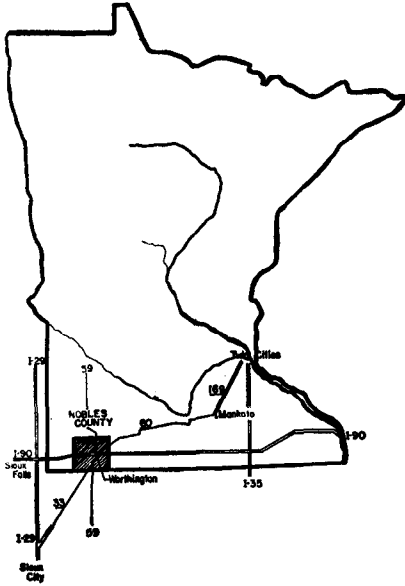
FIFTH DISTRICT Orville S. Wee, Worthington	FOURTH DISTRICT Marvell J. Tripp, Worthington
---	--

March 4, 1987

OFFICE OF
APPELLATE COURTS
FILED

MAR 5 1987

WAYNE TSCHNAPFERLE
CLERK



Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

Re: Supreme Court - Public Hearing on Vacancies
in Judicial Positions in the Fifth Judicial
District, C9-85-1506

Dear Clerk of Courts:

Enclosed you will find twelve (12) copies of a resolution unanimously passed by the Board of Commissioners of Nobles County. Please allow the Supreme Court to consider this resolution concerning the continuation of the two judicial positions in the Fifth Judicial District, at the public hearing to be held in the Jackson County Court House on March 13, 1987.

Sincerely,

Ken W. Roberts, Clerk
Board of Commissioners
County of Nobles

KWR:sab

Enclosures

cc: Hon. Jeffrey L. Flynn
Judge, County Court

RESOLUTION

WHEREAS, the Minnesota Supreme Court has scheduled a Sunset and Transfer Hearing for the judicial positions in Jackson and Murray County on Friday, March 13, 1987; and,

WHEREAS, the issue before the Supreme Court is whether to terminate, transfer, or fill the vacancies by the retirements of Judges Lasley and Holt; and,

WHEREAS, it appears to this Board that a significant factor in such determination is the Weighted Caseload Study of 1986; and,

WHEREAS, it appears to this Board that there are serious flaws in the hypotheses and premises of the Weighted Caseload Study; and,

WHEREAS, the Supreme Court's primary reliance upon the Weighted Caseload Study would, in the opinion of this Board, bring about unfair and unjust results; and,

WHEREAS, the people in Southwestern Minnesota are entitled to judicial access and prompt attention to their claims, disputes and criminal proceedings; and,

WHEREAS, by elimination of the positions referred to above would leave four Southwestern Minnesota Counties, Rock, Jackson, Murray and Lincoln, without a resident judge; and,

WHEREAS, many court proceedings require the immediate attention of a judge; and,

WHEREAS, it is in the general interests of Nobles County and of Southwestern Minnesota in general to have the necessary

judicial manpower to meet the needs of the people,


NOW, THEREFORE, be it resolved that the County Commissioners of Nobles County oppose transfer or elimination of the judgeships in Jackson and Murray County, and strongly urge the Minnesota Supreme Court to fill those positions when the vacancies occur.

CERTIFICATION

STATE OF MINNESOTA)
 (SS
COUNTY OF NOBLES)

I, Ken W. Roberts, Auditor of said County of Nobles, do hereby certify that I have compared the foregoing copy with the original resolution adopted by the County Board on March 3, 1987, and now remaining on file and of record in my office and that the same is a correct transcript therefrom and of the whole of such original.

Witness my hand and official seal
this 4th day of March, 1987.



Ken W. Roberts, Auditor
Nobles County, Minnesota

(SEAL)

STATE OF MINNESOTA
IN SUPREME COURT
C9-85-1506

OFFICE OF
APPELLATE COURTS
FILED

MAR 5 1987

WAYNE TSCHIMPERLE
CLERK

In re: Public Hearing on Vacancies
in Judicial Positions in the Fifth
Judicial District

P E T I T I O N

Pursuant to the Supreme Court Order of January 26, 1987, your
Petitioner informs the Court as follows:

1. That he is President of the Sixth District Bar Association com-
prises the Counties of Blue Earth and Watonwan, located in the Fifth Judicial
District, State of Minnesota;

2. That he respectfully requests permission to make an oral presentation
to the Court at the hearing to be held in Jackson, Minnesota on March 13,
1987, in favor of filling the vacancies which will occur in February, 1987,
upon the retirement of Judge Donald G. Lasley, chambered at Jackson,
Minnesota and April, 1987, upon the retirement of Judge John D. Holt,
chambered at Slayton, Minnesota;

3. That your Petitioner's remarks will generally concern the resolution
of the Sixth District Bar Association, attached hereto, supporting the
positions set forth in Judge Richard L. Kelly's presentation in support
of the continuation of the judgeships.

Respectfully submitted,



David J. Twa, President
Sixth District Bar Association
410 South Fifth Street
Mankato, Minnesota 56001
Phone: (507) 625-3031 ext. 352
Attorney I.D. #111430

DAVID J. TWA
BLUE EARTH COUNTY ATTORNEY

3587

ASSISTANT COUNTY ATTORNEYS

JOHN W. FRISTIK
ROSS E. ARNESON
CONSTANCE A. EBERT

410 SOUTH FIFTH STREET
P.O. BOX 8608
MANKATO, MN 56001
(507) 625-3031

ADMINISTRATIVE SERVICES

JUDITH S. VOSBEEK

March 4, 1987

Supreme Court of Minnesota
230 State Capitol
St. Paul, Minnesota 55155

Attn: Sue K. Dosal, State Court Administrator


Dear Ms. Dosal:

Enclosed please find Petition and attached Resolution of the Sixth District Bar Association for filing with your court.

Thanking you in advance.

Sincerely,

DAVID J. TWA
BLUE EARTH COUNTY ATTORNEY

BY 
David J. Twa

DJT/dc

Encs.

STATE OF MINNESOTA
IN SUPREME COURT
C-9-85-1506

In re Public Hearing on
Vacancies in Judicial
Positions in the
Fifth Judicial District

RESOLUTION OF THE SIXTH DISTRICT BAR ASSOCIATION

BE IT RESOLVED THAT THE SIXTH DISTRICT BAR ASSOCIATION HEREBY AGREES WITH AND SUPPORTS THE POSITIONS SET FORTH IN JUDGE RICHARD L. KELLY'S PRESENTATION IN SUPPORT OF THE CONTINUATION OF THE JUDGESHIPS HAVING VACANCIES AS A CONSEQUENCE OF THE RETIREMENTS OF JUDGE DONALD G. LASLEY, JACKSON, AND JUDGE JOHN D. HOLT, SLAYTON, DATED MARCH 1, 1987.

RESOLVED AT MANKATO, MINNESOTA THIS 26th DAY OF FEBRUARY, 1987.



David J. Twa, President
Sixth District Bar Association
410 South Fifth Street
Mankato, Minnesota 56001
Phone (507) 625-3031

C9-85-1506

MAR 5 1987

3587

RESOLUTION

WAYNE TSCHAMPERLE
CLERK

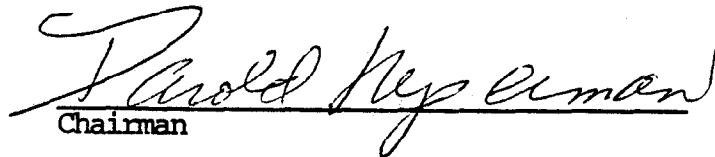
WHEREAS, two vacancies will result from the retirement of judges in the Fifth Judicial District; and

WHEREAS, the Supreme Court is holding a public hearing on the question of determining whether the offices are necessary for the Fifth Judicial District. Now, therefore,

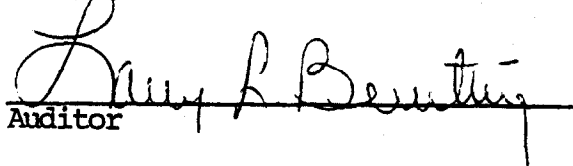
IT IS HEREBY RESOLVED by the Board of County Commissioners of Redwood County, Minnesota, as follows:

1. That continued service to the residents of the Fifth Judicial District require that judges be available to hear matters, both criminal and civil, which come before the Court.
2. That weighted caseload should not be the only consideration in determining the need for judges in the Fifth Judicial District.
3. That the availability of judges in the individual counties should be of first importance to serve the citizens of those counties.
4. That substantial amounts of time would be lost by judges in travel because of the distances involved in the Fifth Judicial District.
5. That the Board of County Commissioners of Redwood County supports the continuation of the same number of judges in the Fifth Judicial District to provide service for the citizens of the District.

Passed, approved and adopted by the Board of County Commissioners of Redwood County, Minnesota, this 3rd day of March, 1987.


Chairman

ATTEST:


Auditor

David L. Fell, D.V.M., Mayor
Dean Albrecht, City Administrator



March 3, 1987

Clerk of Appellate Courts
230 State Capitol
St. Paul, MN. 55155

OFFICE OF
APPELLATE COURTS
FILED

MAR 05 1987

WAYNE TSCHIMPERLE
CLERK

RE: City of Jackson
Input on Public Hearing For Vacancy in the Fifth Judicial District

C9-85-1506

Dear Sir:

The City of Jackson would like to submit written testimony and request time for an oral presentation at the public hearing to be held in the District Courtroom in the Jackson County Courthouse, Jackson, Minnesota at 10:30 A.M. on March 13, 1987.

The City would like to emphasize to the courts the importance concerning the replacement of Judge Donald G. Lasley, whose retirement will create a vacancy in the Fifth Judicial District. The City Police Department works closely with the courts in regard to criminal prosecution and should that position not be filled, it would be necessary for our peace officers to travel a distance for court cases causing substantial increases in time worked plus transportation and work loads. This would greatly increase the City's expenditures for police operation at a time when we cannot afford to do so in southwestern Minnesota.

The City has been forced to shut down three wells by the Minnesota Pollution Control due to contaminants, leaving the City with one well. We must meet federal guidelines by July of 1988, concerning discharge of our wastewater facilities. The Congress has eliminated Federal Revenue Sharing to cities and the Governor has proposed elimination of Local Government Aid along with a shift in homestead credits from the cities to the school systems. All of the above have or will cause an added burden to the taxpayers of Jackson, further emphasizing the need for a judge in Jackson.

Please find attached a resolution adopted and approved by the City Council concerning the pending decision of the court system in regards to the vacancy in the Fifth Judicial District.

If you wish further information, please feel free to contact me at your earliest convenience.

Sincerely,

A handwritten signature in cursive script that reads 'David L. Fell D.V.M.'.

David L. Fell, D.V.M.

Mayor

City of Jackson, Minnesota

Resolution No. 3069

WHEREAS, Minnesota Statutes prescribe procedures to determine whether a judicial position should be continued, transferred or abolished in the event that such position is vacated by the retirement of an incumbent judge, and


WHEREAS, certain vacancies in the Fifth Judicial District of the State of Minnesota are scheduled to occur as the result of forthcoming retirements of Judge Donald G. Lasley and Judge John D. Holt, and

WHEREAS, the retirement of Judge Lasley will create a vacancy in the operation of a court in this community and area of Minnesota which, if not filled, will cause great difficulty for both law enforcement officials and the public at large in the efficient and timely processing of matters required to be handled by the Court, and

WHEREAS, the Minnesota Supreme Court plans to consider information to determine if there exists a surplus of judicial positions in the Fifth Judicial District and to determine, as a consequence, whether to certify vacancies to the Governor in either or both of the above judicial positions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jackson that, in view of the most apparent need for the continued operation of court proceedings centered at the Jackson County Courthouse as have been provided in the past by Judge Lasley, that the City of Jackson joins with others in most respectfully urging that a vacancy to this position be determined and certified to the Governor by the Supreme Court following its forthcoming investigations.

Duly passed, adopted and approved this 17th day of February, 1987.


David L. Fell, D.V.M., Mayor

Attest:


Dean Albrecht, City Administrator

Corporate Seal of the
City of Jackson,
Minnesota

C9-85-1506

MAR 05 1987

5th Judicial District

To: THE HONORABLE MINNESOTA SUPREME COURT JUSTICES

WAYNE TSCHMAPERLE
CLERK

Being a Clerk of District and County Courts for 30 years, I feel that I am qualified to relate what a full time Judge means to Murray County.

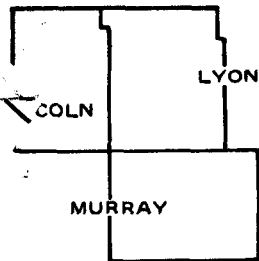
Our local Judge was always available to hear special problems from the people that really needed to be heard promptly, many times on week-ends.

The Headlines read, "Study finds 5th District has surplus of Judges." This was determined by reported cases from the Clerks, However the reported cases is only a fraction of the work of our local Judge, who is available when other, not reported-hearings were necessary; especially domestic and child abuse hearings also parents attending Court with their minor children along with probation agents for prompt attention before a Judge; Some of these types of cases have been reported once but there are second and third appearances and are not yet on the Court Calendar. Cases that get reported accurately are the cases that have been placed on the Calendar and are scheduled definitely for either Court or Jury.

In 1972 the five District Court Judges appeared before the Murray County Commissioners and gave them the ultimatum of either improving the court facilities in Murray County or they would transfer their cases elsewhere. The Commissioners proceeded to build the facilities that the Judges demanded; and now the higher courts want to deprive the Murray County residents of the sacrifice they made. It does not justify this kind of action by the Supreme Court or the Legislature. By depriving the tax payers of Murray County the availability of a resident Judge is a disservice that they do not deserve. It is unbelievable to think that the Fifth District could still function properly after loosing Four Judges within one year.

Please consider the above remarks to be true and accurate as I know from the experience that I've had with our Court System. We definitely need to keep a resident Judge in Murray County. Thank you

Douglas E. Johnson
Clerk of Court/Retired



REGION VIII NORTH
WELFARE DEPARTMENT

March 3, 1987

COURTHOUSE
OFFICES IN
IVANHOE, MN.
56142
MARSHALL, MN.
56258
SLAYTON, MN.
56172

To: Honorable Justices of the Supreme Court of Minnesota

Fr: Paul Horn, Social Service Supervisor
Region VIII North Welfare Department
Courts Building, Slayton, Mn. 56172

Paul Horn

OFFICE OF
APPELLATE COURTS
FILED

MAR 05 1987

Re: March 13th Hearing Testimony on
Murray County Judgeship **C9-85-1506**

WAYNE TSCHNAPERLE
CLERK

I am a social service supervisor in the welfare agency which serves Lincoln, Lyon and Murray Counties. I would like to add my voice in encouraging the Honorable Justices to maintain the Judgeship in Murray County.

Our Agency has a unique place in disposition of justice in Murray County. We are mandated by law with certain responsibilities to victims of abuse and neglect. The laws governing the reporting of maltreatment of children and vulnerable adults (MS626.556 and MS626.557), requires the Agency to insure that all such reports get immediate attention and if need be the victims get immediate protection. The ready availability of a judge is critical in carrying out these responsibilities. Court orders are needed to require a parent to produce a child for examination. Court orders are needed to remove a child from his/her home. Court orders are required to remove a vulnerable adult from a harmful situation. These type of situations require more than working hour availability of the court. These types of situations are not always amenable to a two to three hour wait while someone drives to another city in our region seeking a judicial order.

Murray County last year had 34 reports of Child abuse or neglect. Of these reports 13 were alleging a child/children where being physically abused and 8 were alleging a child/children were being sexually abused. In addition we had reports that 5 vulnerable adults were in need of protection.

Our Agency also has concerns about ready access to a judge in matters of domestic abuse and judicial commitments. Orders for protection removing perpetrators from the residence of a wife or of an abused child or of a vulnerable adult again are judicial remedies which require immediate action. Judicial commitments also require immediate response. In our area we do not have ready access to psychiatrists who can place people on medical holds and thus we depend upon judicial holds.

Our Agency has other non emergency needs for court services. This Agency works with probation on obtaining treatment for a number of juveniles and their families. In 1986, we provided out of home treatment for 10 plus children through this Agency. This involves a fair amount of court work. The financial side of our Agency uses the court for child support under the IV-D program. Time is a factor in these cases. The sooner child support is established the more likely it is to be collected (ie. reduce AFDC costs).

March 3, 1987

Page 2

All of the above concerns are similar to those of my colleagues in the Metropolitan area. They also need ready access to the judicial decision making process. The one difference is they are not restricted as much by delays imposed by travel. I am not, therefore, suggesting that there are not needs for more judges in the Metropolitan area. I would suggest, however, that remedies need to be found other than depleting the rural area's judicial resources below a level which is needed to provide adequate protection and access to justice for it's vulnerable citizens.

JACKSON POLICE DEPARTMENT

601 Third

Jackson, MN 56143

CHIEF RICHARD SEIM
SERGEANT ALAN OLSON
CORPORAL RODNEY DEUEL

OFFICER MARK OLSON
OFFICER ANDRE SCHOFIELD
OFFICER CLIFF SYVERSON

March 4, 1987

The Supreme Court of the State of Minnesota

Re: Public hearing on vacancies in Judicial positions in the Fifth
Judicial District.

C9-85-1506

Dear Supreme Court Justices;

The Jackson Police Department hereby submits written information and requests time for oral presentation at the public hearing on vacancies in Judicial positions in the Fifth Judicial District.

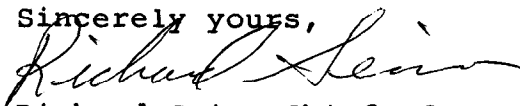
It is our opinion that consideration should be given the filling of the Judicial position in Jackson County.

Jackson County is in the midst of an economic hardship, one being the depressed farm economy and the most recent, the closing of the Unisys manufacturing plant.

Local government has been forced to cut budgets forcing local Law Enforcement to cut staff or freeze hiring. This past year, the City of Jackson experienced a significant increase in our crime rate. This upward trend has already put a strain on departmental budgets and manpower.

We believe that the lack of a Judge in Jackson County would be an additional hardship on local Law Enforcement. The extra time and expense for transporting prisoners and court time away from jurisdiction would prevent using an officers time in response to other pressing activities.

Sincerely yours,

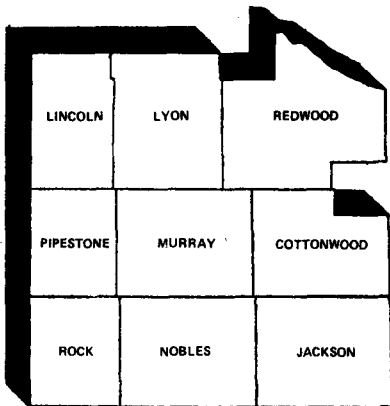

Richard Seim, Chief of Police

OFFICE OF
APPELLATE COURTS
FILED

MAR 05 1987

WAYNE TSCHMPPERLE
CLERK

Southwest Regional Development Commission



OFFICE OF
APPELLATE COURTS
FILED

Carl Hauschild, *Chairman*
Milford Gentz, *Vice-Chairman*

W. F. "Woody" Kramer, *Secretary*
Paul Mettling, *Treasurer*

MAR 06 1987

WAYNE TSCHIMPERLE
Gary Graham, *Executive Director*
Telephone 507-836-8549

2524 Broadway Avenue

Box 265

Slayton, Minnesota 56172

March 4, 1987

Wayne Tschimperle
Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

RE: Testimony submitted and to be presented on March 13, 1987 in the City of Jackson, MN for the Supreme Court Hearing on the Vacant Judicial Positions in Jackson and Murray County - The Honorable Richard L. Kelly

C9-85-1506

Dear Justice Kelly:

My name is Gary Graham, I am the Executive Director for the Southwest Regional Development Commission. The region for whom I represent consists of the 9 counties in southwest Minnesota; Lincoln, Lyon, Redwood, Pipestone, Murray, Cottonwood, Rock, Nobles and Jackson counties. On behalf of the nine county region, the Commission would like to be on record as stating that both of the judicial positions in Murray and Jackson County should be retained in their perspective counties and not transferred out of the 5th District.

To efficiently operate the 5th District as a unit it must have a sufficient number of judges. We feel that number in which the system best operates is one per county. To remove these positions would mean the territorial boundaries for the remaining judges would become greater and put unnecessary strain on the judicial system in southwestern Minnesota.

If you base your decision on the "weighted caseload study" it would seem proper to transfer the two positions into another District, I am here to point out that there are many more factors to consider than those reflected in that study. There are economic factors which are of an indirect nature but do affect the individuals involved in all areas of the court system.

It is difficult to accurately measure the amount of extra time and money that will be spent, if the judicial seats are removed. The added cost to each of the cities from within both Jackson and Murray County alone will be substantial. The Murray County Sheriff's office has estimated that additional costs incurred by law enforcement departments alone are anywhere from 2.8% to 4.2% of their entire 1987 budget.

A second important factor is the affect on those cases which need immediate attention and the time and expense it costs for travel and delay for cases like foreclosures for both farm and businesses, domestic dispute cases and those cases involving juvenilies.

A third item to consider is possibly the most difficult to measure and that is the added affect it will have on the people. The rural economy as it is has a negative impact on human attitudes and stress. In rural Minnesota it is often the legal system which indirectly brings together those people often at conflict. Without the judges at each county, that conflict could increase to devastating results.

Thank you for coming to Jackson and listening to our testimony.

Respectfully Submitted,


Gary P. Graham
Executive Director
Southwest Regional Development Commission

GG/jks

Richard H. Fasnacht
Judicial District Administrator

Marjorie Johnson
Administrative Assistant



Blue Earth, Brown, Cottonwood
Faribault, Jackson, Lincoln,
Lyon, Martin, Murray, Nicollet,
Nobles, Pipestone, Redwood
Rock and Watonwan Counties

STATE OF MINNESOTA
FIFTH JUDICIAL DISTRICT

March 5, 1987

OFFICE OF
APPELLATE COURTS
FILED

MAR 06 1987

WAYNE TSCHIMPERLE
CLERK

Wayne O. Tschimperle
Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

Dear Mr. Tschimperle:

C9-85-1506

Attached please find the Petition of Chief Judge Kelly to make an oral presentation to the Supreme Court at the March 13th Sunset Hearing in Jackson, Minnesota.

Also enclosed are 12 copies of Judge Kelly's written presentation.

Sincerely,

A handwritten signature in cursive script, reading "Richard H. Fasnacht", is written over a horizontal line.

Richard H. Fasnacht
District Administrator
Fifth Judicial District

RHF/maj
Enclosures
cc: Judge Kelly

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

In re: Public Hearing on Vacancies
in Judicial Positions in the Fifth
Judicial District

P E T I T I O N

Pursuant to the Supreme Court order of January 26, 1987, your Petitioner informs the Court as follows:

1. That he has served as a County Court Judge in the Fifth Judicial, chambered at New Ulm, Minnesota since January 1981;

2. That he has served as Chief Judge of the Fifth Judicial District and is familiar with the operation of the court system in the district and the normal case load carried in the district;

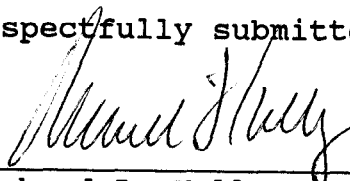
3. That he respectfully requests permission to make an oral presentation to the Court at the hearing to be held in Jackson, Minnesota, on March 13, 1987, in favor of filling the vacancies which will occur in February 1987 upon retirement of Judge Donald G. Lasley, chambered at Jackson, Minnesota and April 1987 upon the retirement of Judge John D. Holt, chambered at Slayton, Minnesota;

4. That your Petitioner was selected by the judges of the Fifth Judicial District to present the unanimous opinion of the judges of the district that these two positions should be retained;

5. That your Petitioner's remarks will generally follow the attached written presentation.

Dated this 4th day of March, 1987.

Respectfully submitted,



Richard L. Kelly
Chief Judge
Fifth Judicial District
Courthouse
New Ulm, MN 56073
Phone: (507) 354-6218

OFFICE OF
APPELLATE COURTS
FILED

MAR 06 1987

WAYNE TSCHIMPERLE
CLERK

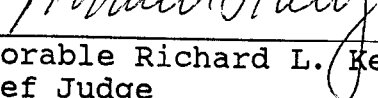
STATE OF MINNESOTA
IN SUPREME COURT
C-9-85-1506

In re Public Hearing on
Vacancies in Judicial
Positions in the
Fifth Judicial District

PRESENTATION IN SUPPORT OF THE CONTINUATION OF THE JUDGESHIPS
HAVING VACANCIES AS A CONSEQUENCE OF THE RETIREMENTS OF JUDGE
DONALD G. LASLEY, JACKSON, AND JUDGE JOHN D. HOLT, SLAYTON

March 4, 1987

FIFTH JUDICIAL DISTRICT

By: 
Honorable Richard L. Kelly
Chief Judge
Fifth Judicial District
Courthouse
New Ulm, MN 56073
Phone: (507) 354-6218

INTRODUCTION

[The] supreme court, in consultation with judges and attorneys in the affected district, shall determine whether the vacant office is necessary for effective judicial administration.

--Minnesota Statutes 2.722, subd. 4.

It is the position of the judges of the Fifth Judicial District that judgeships in Jackson and Slayton are necessary for effective judicial administration in the Fifth Judicial District.

The judges of the Fifth Judicial District present the following information in support of our position that the two judgeships should be retained in Jackson and Murray Counties.

Point I

THERE WILL NOT BE SUFFICIENT JUDICIAL ACCESS IN JACKSON AND MURRAY COUNTIES IF EITHER JUDGESHIP IS ABOLISHED.

- A. We strongly believe that each county ought to have one resident trial court judge. The citizens of rural counties have the same right to equal judicial access as residents of larger counties. The Mission Statement for the Minnesota Court System adopted by the Conference of Chief Judge states in part:

"The court's activities will be guided by the principles of fairness, impartiality, equal access, and timeliness in the provision of its services. It recognizes its responsibility to the public to administer justice in an open, consistent, predictable and cost-effective manner." See Appendix 1.

- B. If the Jackson County and/or the Murray County judgeships are abolished there will be four counties in Southwestern Minnesota that will not have a judge. Presently Rock and Lincoln Counties do not have a resident judge. See Map at Appendix 2.
- C. If either judgeship is abolished it will require increased travel by the remaining judges and we believe the circumstances of the Fifth District will parallel the false economies cited by the Supreme Court in the 1986 Sunset hearings in the Eighth Judicial District:
[J]ust as important as the concerns for the time judges spend traveling is the time required of those seeking judicial services to travel to the

judge. Many persons testified during the public hearing that while a judge might be available, it may be necessary for the parties, their counsel and witnesses to travel to another county where the judge is located to be heard. It was argued that a further reduction of judgeships would result in false economies in requiring four and five persons to take the time and incur travel costs in order to find an available judge outside of the county in which the matter is filed. Persons who wish to avail themselves of the judicial process should have reasonable access to judges, whether or not there is a resident judge in the county. Litigants, witnesses, law enforcement personnel, and court services employees, among others, should not with regularity be required to travel inordinate distances to have their judicial business transacted.

--Memorandum, page 10, to order, June 20, 1986, respecting judicial vacancies in the Eighth Judicial District.

- D. If the Murray County position is abolished judges will have to drive a minimum of 56 miles, round trip, to provide judicial services with most of the judges having to drive 68 to 74 miles, round trip to provide essential judicial services in Murray County.
- E. In addition to the immediately affected areas we also have several satellite court operations. Those involve the City of Tracy, Springfield, Sleepy Eye, North Mankato and of course Rock and Lincoln Counties. These operations would be in jeopardy even though not in the immediately affected area.

Point II

THE TWO JUDGESHIPS ARE NEEDED TO HANDLE THE WORKLOAD OF THEIR PORTION OF THE DISTRICT.

- A. Presently the County Court Districts serve as assignment districts in the Fifth Judicial District. See Appendix 3.

Table 1

		<u>Judges</u>	<u>Need</u>
<u>District A</u>	Lincoln, Lyon, Redwood	3	2.4
<u>District B</u>	Brown, Nicollet, Watonwan,	6*	3.7

	Cottonwood		
<u>District C</u>	Blue Earth	4	2.7
<u>District D</u>	Jackson, Martin, Faribault	3	2.7
<u>District E</u>	Pipestone, Murray, Rock, Nobles	3	2.3

*Judge Holtan serves district wide on cases four days or longer and he is not available regularly as a judge in Cottonwood County or the rest of District B. See Assignment Order at Appendix 4.

- B. If a judgeship is removed from District D (Jackson County) it would result in only two judges while the needs are 2.7 which the Weighted Caseload Study rounds up to 3 for these three counties.
- C. If a judgeship is removed from District E (Murray County) it would result in only two judges while the needs of that assignment district are 2.3 which should be rounded to three judges for those four counties. In addition if the Murray County position is abolished, 50% of the four counties in Assignment District E will not have a resident judge.
- D. Both of the judgeships terminated by the October 2, 1985 order served the same area of the District as the two judgeships being considered now. Judge Mann served part of District E and Judge Irvine served in District D.

POINT III

JUDGESHIPS SHOULD NEVER BE ABOLISHED IN SINGLE JUDGE COUNTIES IN MINNESOTA

- A. Presently two counties or 13% of the counties in the Fifth Judicial District are without resident judges. If the Jackson and Murray County positions are abolished four counties or 26% of the counties will be without judges. If one of the two are abolished 20% of the counties would be without judges.
- B. On February 21, 1987 the House of Delegates of the Minnesota State Bar Association passed a resolution that supports legislation that would state:

"That it is the policy of the State of Minnesota that judicial resources should be allocated in such a way that each county in a judicial district shall have one trial court judge resident therein."

C. Not having a resident judge in a county may create socio-economic problems as follows:

1. The loss of a judgeship after a highly publicized public hearing may cause a psychic loss to the counties already burdened with an agricultural depression. The loss of a judgeship has a dispiriting effect beyond the immediate criminal justice community and can negatively affect efforts at job creation. It says to the community "Things must really be bad; now they are even taking our judge away."
2. The requirements of appointing mediators, guardian ad litem, probate registrars, court service personnel, city charter commissions and county study commissions can best be handled by a judge chambered in a county.
3. Cooperation with local schools concerning student problems is essential. A judge chambered in the county would provide consistent decisions and be available to the county school authorities. He would be acquainted with local resources in dealing with problems. A consistent policy with respect to pre-sentence investigations, custody studies, social histories would be possible.
4. Juvenile cases need to be addressed immediately. A juvenile does not connect the offense to the court imposed correction if he has to wait for days for a judge to come to town or if he has to travel to another county.
5. In Murray County for 1986 juvenile felony delinquency cases are up 160% and juvenile diversion cases are up 64%, however juvenile diversion cases are not counted in the Weighted Caseload figures because the County Attorney diverts the cases prior to filing. Not having a resident judge can strip a diversion program of its effectiveness. Also cases in diversion may end up as regular juvenile cases soon which also would affect the judicial need.
6. Child neglect cases often require immediate action by a resident judge because a life is potentially at risk.
7. Domestic abuse cases increased by 80% in 1986 in Murray County. They also often require immediate

attention because a life may be at risk.

8. Counties undergoing an economic depression may actually have a greater need for judicial resources than exhibited in the Weighted Caseload statistics, due to the increases in stress levels which translate into social and legal problems.

POINT IV

THE JUDGESHIPS SHOULD NOT BE REMOVED BECAUSE
THE STATISTICS MAY NOT ACCURATELY REFLECT THE
NEED IN THE FIFTH JUDICIAL DISTRICT.

- A. The previous Weighted Caseload study resulted in statistics that were volatile. In Blue Earth County the judicial needs have varied from 4.1 judges to 2.7 judges several years later with no appreciable difference in the demand on the judges' actual time. This is because the Weighted Caseload system measures file activations rather than actual court work. The average need in Blue Earth County for the seven years of 1980 through 1986 is 3.67 judges. See Appendix 5.
- B. The Fifth District has the third lowest district rate of cases filed to file activation and if the activations increased from 64% to 76% it would be the equivalent for approximately one additional judgeship needed.
- C. The metropolitan judges have between one and two law clerks per judge to assist in legal research and to draft memoranda, findings of fact, conclusions of law, and other orders and opinions. Other districts have one law clerk for every two judges or .5 law clerk per judge. The Fifth District has three law clerks for nineteen judges or .16 law clerk per judge. No statutory authority exists for the county court judges to have a law clerk. Consequently, rural judges are forced to do their own documents. The 1986 Weighted Caseload study makes no metro-rural adjustment for this factor.

This last Weighted Caseload Study attempted to measure the effect of law clerks on judges' time. This study concluded that law clerks did not save judges' time. I would like to suggest that anyone that has had the use of a law clerk knows that this simply is not true. If this study is capable of reaching this conclusion-which is obviously not true-then we should be cautious about accepting its conclusions without question.

- D. The Fifth Judicial District will become unified

on September 8, 1987 which will allow the district to hire more law clerks. However, efficiencies that will accrue to the District due to unification will occur gradually because of the grandfather clause in our Unification Agreement. In order to obtain the Unification Agreement it was necessary that we agree to allow District Court Judges to handle only district court work until 1991. See Appendix 6.

- E. The current Weighted Caseload analysis does not address the issue of specialization versus generalization in both the bench and the bar. The Weighted Caseload methodology does not account for the economies of a specialized bench and bar commonly found in the metropolitan areas versus the general practitioners in the rural areas. Both the bench and bar in the rural areas must necessarily spend greater time researching and presenting issues which they do not regularly deal with. Let me give you an example. In the Fifth District we had 20 Unlawful Detainer cases during the nine weeks of the Weighted Caseload Study. That means that this type of case is an infrequent enough of occurrence so that each time a case occurs the court must research the law and cases and check for changes. During this same study period Hennepin County had 1,435 Unlawful Detainer cases which a judge in the metro area could then handle without checking the law for changes.
- F. The Weighted Caseload system is flawed because some major types of cases that require extensive court activity (DWIs) are not tracked individually but are lumped together in an aggregate total with all other traffic misdemeanors and petty misdemeanors and accorded the weight of only 3.1 minutes when the true weight of a DWI if it was tracked separately would be similar to an implied consent case of 73.6 minutes.
- G. The figures of the Weighted Caseload Study are based on the principle of averages. This is a legitimate measure if in fact the participants are sometimes above the average and sometimes below the average. Looking at the state average and the Fifth District averages we find that the Fifth District is consistently above the average. See Appendix 7. That Appendix indicates that in 30 out of 37 categories of cases the Fifth District average exceeds the state average. This could mean that our judges are slower, or that we are dispensing a higher quality of justice, or that our cases are more complex, or

that we only have three law clerks for nineteen judges. This means that we consistently have a shortage and those below the average are always getting credit for more time than it actually takes to process a certain type of case.

- H. The Fifth District's input into the weight in 37 different types of cases is so small that regardless of how much time it took it would not affect the overall average time used. Let's look at a couple of categories. In most important case types the Fifth District has approximately 6% of the work of the state but during their study our district only contributed to 4% of the cases studied due to a seasonal factor, the fall harvest, during which attorneys know it would not be fruitful to file or cause their case to go forward.
- I. We must, without any implication of fraud or ill-will, recognize that the proponents of the Weighted Caseload Study have pride in authorship and product. There is no adverse evaluation by a qualified statistician. I know, like and respect Mr. Kobbervig but we all know there is room for an adverse statistician's opinion. We do not have the money or the time to obtain a second independent evaluation because we've only had the results of the Weighted Caseload Study for several weeks and I only received requested additional information on March 4.

POINT V

THE JUDGES OF THIS DISTRICT CANNOT DISPOSE OF CASES IN THE TIME ASSUMED IN THE WEIGHTED CASELOAD STUDY.

Perhaps the most important limitation is that weighted caseload systems enshrine procedures as they are rather than encourage or reward improved efficiency. The fact that judges spend an average of one hour on a contested temporary support motion in a domestic relations case, for instance, provides no clue to policymakers whether such a motion could be heard with equal fairness in 45 minutes or if an hour is too rushed to provide a full hearing to both sides.

--Task Force on Principles for Assessing the Adequacy of Judicial Resources, National Center for State Courts, Assessing the Need for Judicial Resources: Guidelines for a

One of the commendable goals of the Supreme Court in its Weighted Caseload study is to determine the average time it takes for the judges of this state to dispose of particular types of cases. However, its experts have made the assumption that there is a single average time which can be applied statewide in determining how much judicial time the average case of a particular type will require for its proper disposition. This is an unwarranted assumption.

With the lack of staff resources upon which our judges may draw in the Fifth Judicial District, having a rural bar which tends to be less specialized, and having fewer opportunities for our judges to become skilled in efficiently managing particular types of cases, the assumption which is warranted is that there will be several kinds of cases which will require more judicial time for their just disposition in this district than will be the case elsewhere, especially in a major metropolitan area. I, along with others, have consistently requested separate weights for metro and rural areas. This has consistently been rejected even though other states' advisory committees to Weighted Caseload Systems recommend a more liberal rounding up for single judge, single county courts.

POINT VI

THE BURDEN OF PROOF WHICH MUST BE MET
SHOULD TAKE ACCOUNT OF THE PRACTICALITIES
OF THE PUBLIC HEARING PROCESS.

[O]ur determination regarding the termination or continuation of a vacant judicial position is based on whether, after applying the weighted caseload analysis, to that position and concluding that its continuation is unnecessary, the locality can meet the burden of demonstrating that addition factors exist which are not a part of the weighted caseload analysis, and which justify the continuation of the judicial position in question.

--Memorandum, page 17, to order, October 2, 1985,
respecting judicial vacancies in Fifth Judicial
District

Under the policy of the Supreme Court, the issue of the elimination of a judgeship is presented by means of the public hearing process rather than by means of a contested trial. We are concerned that the Court not apply a burden of proof which is impossible to meet in the context of a public hearing. It must be recognized that persons testifying and submitting written

information will almost always lack the preparation, data and expertise of the court's experts. Due consideration must be given to the imperfect evidence which will be submitted under these circumstances. The same rigorous standards of proof which apply at a trial are not appropriate when the public hearing process is used. It should be sufficient if the arguments made and the data presented demonstrate an apparent legitimate need to retain the judgeship in question, or if they show such defects in the weighted caseload study as applied to the position in question that the Court cannot in good conscience be assured that without the defects the weighted caseload study would still show a surplus in the number of judicial positions.

We believe that the written and oral information which will be presented to the Court, including this presentation, in support of retention of the judgeships will meet the burden of proof which applies and will in fact go beyond that in convincingly showing a need to retain the two judgeships.

CONCLUSION

[Use of a weighted caseload measure] helps develop uniformity in staffing and procedures because averages may obscure legitimate differences among courts. The latter can probably be handled through documented formula exceptions.

--Larson and Gletne, Workload Measures in the Court (National Center for State Courts, 1980 page 63

A. There are a number of compelling practical reasons for the retention of the two judgeships. These reasons include the excessive travel which will be needed to serve the counties involved, the lack of access to judicial services which will result from elimination of the positions, and the need to retain these judgeships to handle the workload in their counties and in their portion of the district. These reasons apply even if the weighted caseload study otherwise accurately identifies the Fifth Judicial District as having a surplus number of judges.

B. In addition, we have shown that the weighted caseload study, while it may be the best information available to the Court, does not adequately take into account a number of factors which apply in the Fifth Judicial District. Because of this, the weighted caseload study undercounts the number of judges needed in this district. Under these circumstances, and without knowing the full effect of having abolished two judgeships previously, the Court should retain the positions which are in question rather than risk the erroneous elimination of either of the judicial positions which are now in place and whose judges are needed for efficient judicial administration in the Fifth Judicial District.

C. The Fifth District has already lost two judgeships to the

Sunset and Transfer law and we face the potential loss of three judges this year. In addition, Judge Holtan will retire in 1990 and several other judges have discussed voluntary retirement within the next three years. The Eighth District lost one judgeship under the Sunset and Transfer law in 1985 but successfully retained two judgeships last year. No judge in the Eighth District will reach mandatory retirement for seven years. Under the Sunset law the Second and Sixth Districts had positions filled and the Supreme Court just cancelled a Sunset hearing for the Third District that was set for March 20. Therefore, almost all of the "sunsetting", past, present and future will be from the Fifth District and we believe a law that negatively affects only one district is grossly unfair.

D. In conclusion let me say this-we the judges of the Fifth Judicial District applaud the efforts of the Legislature and the Supreme Court to determine judicial need. We recognize the necessity for doing it and the difficulty of the task. We should honestly recognize the Weighted Caseload Study for what it is. When you take away the formulas, remove the averages, reduce all of the analysis and strip the Weighted Caseload Study down to its bare bones what you have in effect is giving a judge a case to decide and putting a stop watch on him or her. We are not sure that under this method the independence of the judiciary can be maintained, nor can the system take advantage of the individual talents and capabilities of the judges. We are not sure that this is capable of stop watch measurement. To have made the effort to determine judicial need through the Weighted Caseload Study was courageous but to recognize the end product for what it truly is-is wisdom.

One last thought-the Weighted Caseload Study has steadfastly maintained that it was not designed to weigh and measure the work product of individual judges. The hazards of this are obvious, but what it can not do on an individual basis it does as a whole, pitting one district against the other to determine which is the fastest.

Mission Statement
for
Minnesota Court System

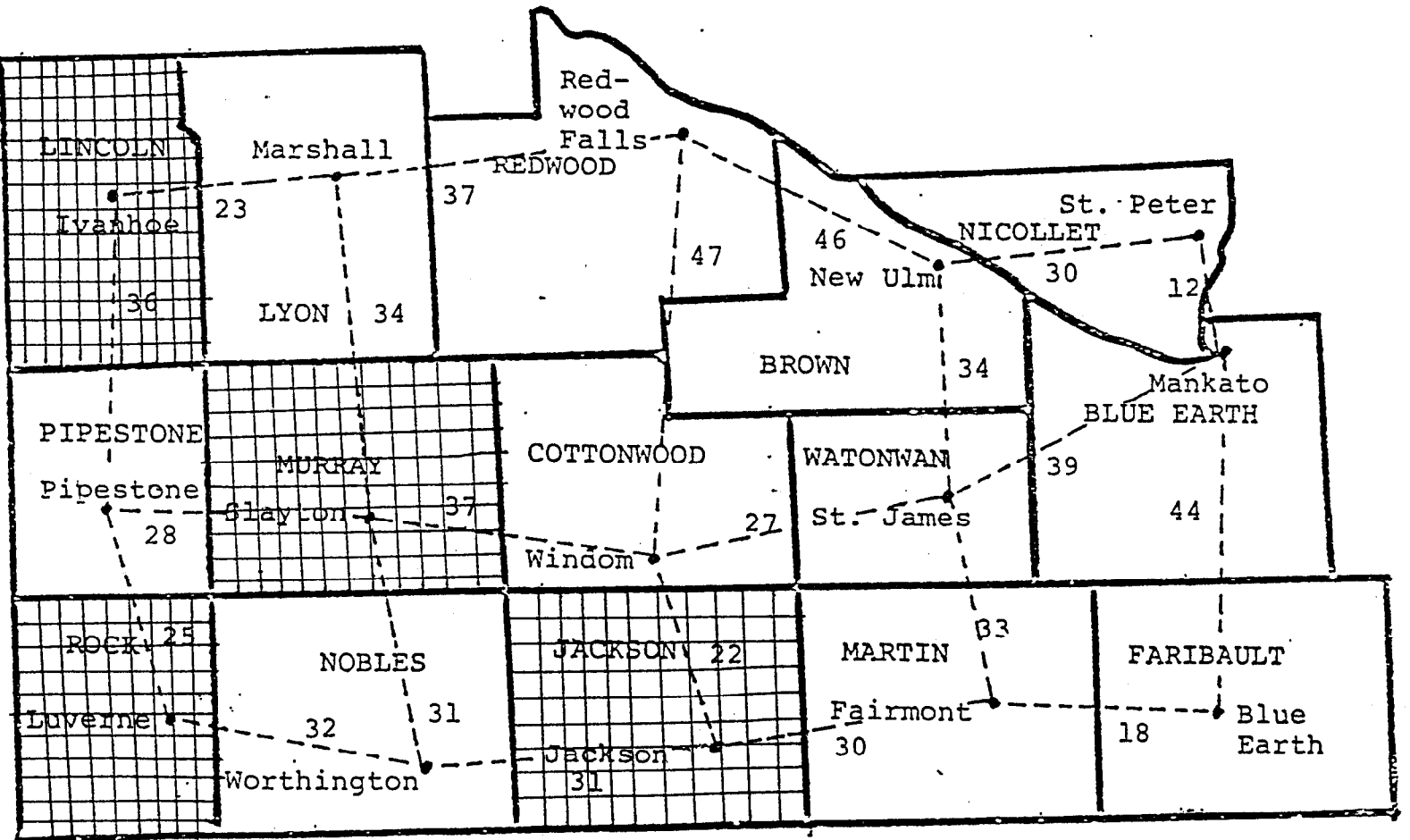
The Minnesota Court System is a separate, independent and co-equal branch of government composed of the Supreme, Appellate, and Trial Courts of the state. Its personnel include all judges, administrators and staff, who together are responsible for resolving all disputes presented to the courts between persons and between a person, or group, and the government in accordance with the constitution and the statutory authority of the courts.

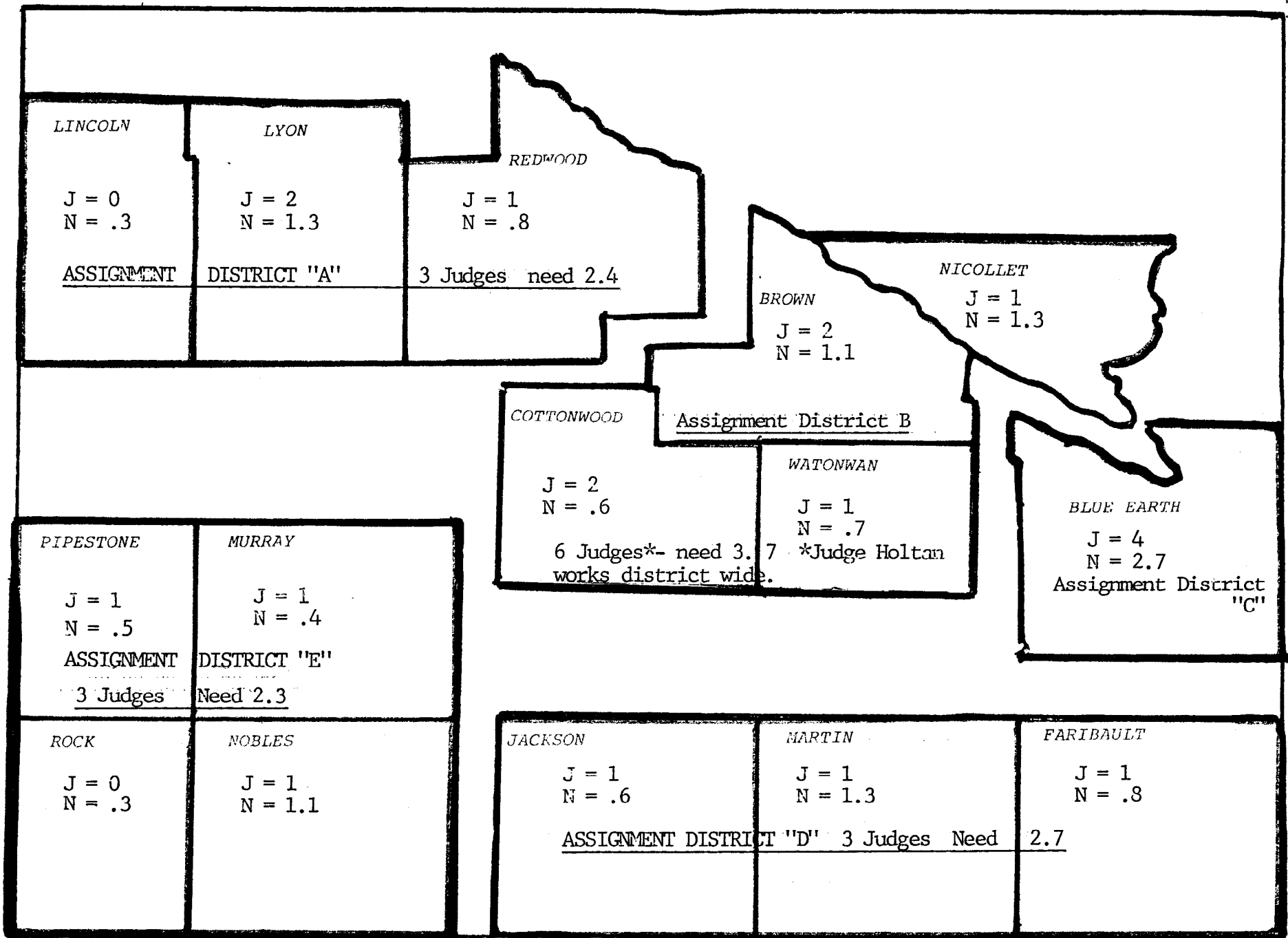
In performing this mission, the courts will provide a forum for the resolution of disputes by finding facts, interpreting applicable law and ordering its enforcement. These services will be available to all persons, groups and organizations subject to the court's jurisdiction to protect the personal and property interests of both the litigants and those affected by the court's decisions as provided for under the constitution, statutes and common law of the state.

The court's activities will be guided by the principles of fairness, impartiality, equal access, and timeliness in the provision of its services. It recognizes its responsibility to the public to administer justice in an open, consistent, predictable and cost-effective manner.

In order to maintain the courts as an independent, viable and responsive institution within the state, its leadership must be committed to the enhancement of an administrative structure that assures accountability, maintains the integrity and competence of its personnel and utilizes proven and innovative techniques in responding to changes occurring internally and externally to the courts.

Rock and Lincoln presently do not have a judge.
 Jackson and Murray Counties are shown as counties
 that could lose a judge.





STATE OF MINNESOTA

FIFTH JUDICIAL DISTRICT

ORDER NO. 114

In order to effectively and efficiently handle the work load of the Fifth Judicial District, and, after receiving the recommendations from the Caseload Committee, and after consultation with the Judges of the District,

IT IS HEREBY ORDERED:

1. Any judge of the Fifth Judicial District is authorized to handle any matter in any Court of the District and is by this assignment vested with the power to do so.

2. That any civil action which will require more than four days of trial is assigned to Judge Holtan.

a. The Court Administrator in each county shall calendar backup cases including those of less than four days for Judge Holtan through his assignment clerk.

b. The resident judge shall hear all pre-trial matters unless otherwise agreed upon between the resident judge and Judge Holtan.

c. Any judge may request Judge Holtan to assist on cases of four days or less depending upon Judge Holtan's calendar.

3. Each Court Administrator shall notify the District Administrator of any backlog. A backlog is any time a case cannot be set for trial with any previously assigned judge within the Case Processing Time Standards.

4. That the following District Court assignments are made and each group shall be responsible for calendaring of cases, setting individual procedures and caseload assignments.

a. Blue Earth County - Judges Zimmerman, Johnson Mason and Harten

b. Brown and Nicollet Counties - Judges Rosenbloom, Litynski and Kelly.

c. Faribault, Martin and Jackson Counties - Judges Gaarenstroom, Schindler and Lasley

d. Lincoln, Lyon and Redwood Counties - Judges Marshall, Farnberg and Harrelson.

e. Cottonwood County - Judges Holtan and Remund.

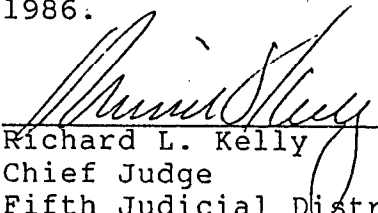
f. Watonwan County - Judge Teigum.

g. Murray, Pipestone, Nobles and Rock Counties - Judges Christensen, Flynn and Holt.

5. That backup cases shall be assigned for all cases given day certain assignments. Backup cases may be either civil or criminal and either District or County court cases.

This order shall become effective on the date hereof.

Dated this 3rd day of March, 1986.


Richard L. Kelly
Chief Judge
Fifth Judicial District

Fifth Judicial District WCL Results 1980-86

[d58086] 23-Feb-87

County	Actual	WCL Judicial Need							Access Adj	1987 Shortage
		1980	1981	1982	1983	1984	1985	1986		
7 Blue Earth	4	4.1	3.5	3.7	3.9	4.0	3.8	2.7	3	-1
8 Brown	2	1.0	1.3	1.2	1.3	1.1	1.1	1.1	1	-1
22 Faribault	1	1.0	0.9	0.9	0.7	0.7	0.8	0.8	1	0
46 Martin	1	1.3	1.4	1.5	1.3	1.2	1.6	1.3	1	0
52 Nicollet	1	1.3	1.6	1.6	1.5	1.6	1.5	1.3	2	1
83 Watonwan	1	0.5	0.7	0.6	0.6	0.6	0.6	0.7	1	0
Subtotal	10	9.2	9.4	9.5	9.3	9.2	9.4	7.9	9	-1
17 Cottonwood	2	0.6	0.8	0.5	0.6	0.5	0.6	0.6	1	-1
32 Jackson	1	0.8	0.8	0.6	0.7	0.6	0.6	0.6	1	0
41 Lincoln	0	0.3	0.5	0.3	0.3	0.3	0.4	0.3	0	0
42 Lyon	2	1.3	1.5	1.3	1.2	1.3	1.5	1.3	2	0
51 Murray	1	0.4	0.5	0.5	0.4	0.5	0.5	0.4	0	-1
53 Nobles	1	1.0	1.2	1.1	1.1	1.1	1.2	1.1	1	0
59 Pipestone	1	0.6	0.6	0.5	0.5	0.5	0.6	0.5	1	0
64 Redwood	1	0.8	0.8	0.9	0.9	0.9	0.9	0.8	1	0
67 Rock	0	0.3	0.4	0.4	0.3	0.3	0.4	0.3	0	0
Subtotal	9	6.1	7.1	6.1	6.0	6.0	6.7	5.9	7	-2
Total	19	15.1	16.5	15.5	15.2	15.3	16.2	13.7	16	-3

FIFTH JUDICIAL DISTRICT
TRIAL COURT MERGER PLAN

1. MERGER

The District Court and the County Court of the Fifth Judicial District shall be merged into a single trial court of general jurisdiction to be known as the District Court.

2. EFFECTIVE DATE

Merger shall be effective one year following certification to the Secretary of State that the merger plan has been approved in writing by a majority of the District Judges and a majority of the County Judges of the Fifth Judicial District pursuant to Minn.Stat. Section 487.191 (1984), notwithstanding any shorter period which may be provided by future amendment thereof.

3. SENIORITY

In all situations where decisions, rights or privileges shall depend upon judicial seniority within the district, seniority shall be established as follows:

- a. first, those judges who were District Judges as of the date hereof, in order of their seniority as of that date;
- b. second, and next, those judges who were County Judges as of the date hereof, in order of their seniority as of that date; and
- c. third, and next, those judges who take office, in order, after the date hereof.

4. ASSIGNMENT

a. District Court Judges in office on August 14, 1986, and during the tenure in office of that judge, shall not be required to preside over any proceeding within the sole jurisdiction of the County Court as provided by law on August 14, 1986. Any such judge shall preside over any proceeding in which there is concurrent District Court-County Court jurisdiction as of August 14, 1986, if he consents.

b. County Court Judges in office August 14, 1986, shall not be required to preside over any proceeding then within the sole jurisdiction of the District Court prior to August 14, 1991 (except proceedings then regularly and normally assigned to such judge(s) under judicial assignments, programs and schedules in existence August 14, 1986) unless by consent of the judge assigned or as provided in Par. 5, below.

c. All judges agree to accept assignment in either Court in order to meet the public interest as determined by the Chief Judge.

5. IMPLEMENTATION

From and after written execution of an instrument evidencing the affirmative vote required by Minn.Stat. Section 487.191 (1984), and the merger plan thereby adopted, up to the effective date of merger, judicial assignments, programs and schedules shall remain in place and unchanged (unless the judge(s) involved consents, or as needed to meet requirements of Minn.Stat. Section 546.27 (1984), or upon the "sunset" of a judgeship under Minn.Stat. Section 2.722, Subd.4. (Supp. 1985)).

6. CHAMBERS

The Chamber locations of the Judges of the merged Courts shall continue as provided by law.

1986 WCL Case Weights - Fifth Judicial District vs. Rest of State

[d5wts] 03-Mar-87

Case Type	Fifth District				
	N of Cases	Range of County Weights	District Weight	Rest of State	Statewide Weight
Felony	139	31.9 - 701.9	232.5	174.3	178.0
Gross Misdemeanor	92	35.7 - 286.0	107.9	61.4	63.6
Personal Injury	24	22.0 - 819.0	413.2	288.2	292.5
Contract	56	23.0 - 3895.0	433.8	244.7	255.6
Wrongful Death	1		594.0	261.9	268.1
Malpractice	2	178.0 - 2466.0	1322.0	645.3	685.1
Property Damage	1		2955.0	235.0	262.2
Condemnation	3	33.0 - 1216.0	585.3	25436.0	280.1
Unlawful Detainer	20	5.0 - 75.5	42.9	12.0	12.3
Implied Consent	8	16.3 - 229.0	60.9	73.9	73.6
Conciliation Appeal	14	34.0 - 288.3	129.9	78.0	79.9
Other Civil	48	48.8 - 758.7	299.0	136.1	142.8
Trans Judgement	286	0.2 - 20.0	2.6	0.6	0.7
Default Judgement	193	0.9 - 42.9	5.3	2.7	2.9
Trust	1		1352.0	64.8	83.5
Supervised Adm	72	6.0 - 268.5	74.3	55.2	57.2
Unsupervised Adm	73	1.2 - 132.3	30.9	57.1	51.7
Special Adm	5	5.0 - 33.0	33.4	83.5	78.4
Informal Adm	66	3.5 - 258.9	35.1	12.3	15.0
Other Probate	21	2.4 - 37.0	10.5	22.3	21.2
Guard/Conserv	21	28.0 - 544.0	149.9	165.1	163.9
Commitment	21	23.0 - 572.0	237.0	208.8	211.2
Dissolution	137	51.2 - 447.0	180.9	141.3	143.3
Support	45	17.5 - 805.0	150.9	74.0	76.5
Adoption	23	5.0 - 101.0	25.3	19.2	19.5
Other Family	3	20.0 - 291.0	632.0	405.0	414.2

Case Type	Fifth District				
	N of Cases	Range of County Weights	District Weight	Rest of State	Statewide Weight
Other Juvenile	5	24.0 - 63.0	68.2	18.4	19.9
Domestic Abuse	41	8.0 - 201.0	66.4	41.0	42.0
Delinquency	200	14.0 - 143.4	47.7	44.0	44.2
Status Offense	122	4.3 - 59.8	18.3	17.1	17.2
Dependency/Neglect	26	60.0 - 526.0	282.4	138.3	147.6
Term Parent Rights	8	21.0 - 150.0	209.0	89.8	96.3
Conciliation	722	3.7 - 30.7	10.7	5.7	6.0
Non-traffic Misd	658	6.7 - 65.4	16.0	8.3	8.6
Traffic Misd	5510	1.2 - 10.0	4.9	3.0	3.1
Juvenile Traffic	150	4.0 - 71.2	18.3	12.4	12.8
Parking	6016	0.0 - 2.4	0.1	0.2	0.2

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

OFFICE OF
APPELLATE COURTS
FILED

MAR 06 1987

WAYNE TSCHEMPERLE
CLERK


IN RE PUBLIC HEARING ON
VACANCIES IN JUDICIAL
POSITIONS IN THE FIFTH
JUDICIAL DISTRICT

REQUEST TO PRESENT

ORAL TESTIMONY

W. J. Brakke, County Commissioner for Rock County, Minnesota, hereby requests that he be allowed to present oral testimony at a hearing to be held in Jackson, Minnesota, concerning the judicial vacancies in the Fifth Judicial District.

In accordance with the Order of the Court twelve copies of a summary of the testimony to be offered are attached to this request.



W. J. Brakke
County Commissioner
Rock County, Minnesota

Summary of Oral Testimony

W. J. Brakke, County Commissioner for Rock County, Minnesota, requests that he be allowed to testify at the public hearing to be held in Jackson, Minnesota, concerning the vacancies in judicial positions in the Fifth Judicial District.

In accordance with the Court's Order the following is a summation of the oral testimony to be presented at the public hearing.

1.) Resolution of the Board of Commissioners for Rock County, Minnesota.

The accompanying resolution was passed unanimously by the Rock County Board of Commissioners. The undersigned intends to rely on the resolution and to expand on the ideas expressed in the resolution and the reasons for the resolution. In order to detail more fully the opposition of the Rock County Board of Commissioners to the concept of not filling the two judicial vacancies.

2.) Areas of specific concern.

The oral testimony will focus on three considerations that are felt to be very important and that seem to be at least partly obscured by the single criteria of "weighted case load". Those considerations are:


a. Accessibility - the idea that all citizens of the state, even those in outstate Minnesota, are entitled to have access to judicial services quickly and without time and fiscal sacrifices from public officials, legal professionals and all of the citizens.

b. Visibility - our county has not had a judge in residence for many years. As such we are very aware that having a judge in residence or in the community does impact on the citizens' perception of the legal justice system and does allow greater access of our citizens to judges. We are very concerned that if the Murray County position is not filled we will be one of four counties in a single area that have only two judges in residence.

c. Fairness - we are a corner county and can point to areas of discrimination suffered by perimeter and, especially, "corner" counties. I find it inconceivable that our judicial system that we revere as fair and just would permit judicial quarters in only two of the six southwestern corner counties.

3.) A request to fill the judicial vacancies.

We appeal to the Minnesota Supreme Court to fill the vacancies in Murray and Jackson Counties and to allow the appointments and elections to continue in those counties.



W. J. Brakke,
County Commissioner
Rock County

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

IN RE PUBLIC HEARING ON
VACANCIES IN JUDICIAL
POSITIONS IN THE FIFTH
JUDICIAL DISTRICT

RESOLUTION OF ROCK COUNTY
BOARD OF COMMISSIONERS

The Board of County Commissioners for Rock County, Minnesota, at their regular monthly meeting held on March 3, 1987, passed the following resolution:

WHEREAS, The Board of Commissioners for Rock County, Minnesota, has been notified that on March 13, 1987 a hearing will be held to determine the fate of judicial vacancies located within the Fifth Judicial District being vacancies in Murray County and Jackson County; and,

WHEREAS, The Board of Commissioners for Rock County believes it is important that fair consideration be given to outstate Minnesota and to the citizens of this area in terms of access to judicial services; and,

WHEREAS, In order to ensure adequate judicial service to the citizens of Rock County and to all citizens in the Fifth Judicial District it is necessary to keep judges in the area and not discontinue or transfer judgeships;

NOW THEREFORE, BE IT RESOLVED, That the Board of Commissioners of Rock County asks the Supreme Court not to vacate or transfer the judicial positions and urges the continuation of those positions for the following reasons:

(1) The Weighted Case Load Study as presented is unfair and inaccurate in so far as it takes into consideration the administration of justice in outstate Minnesota. The statistics result from an appraisal of the judicial system governed primarily by procedures and practices adopted in the metropolitan area. As county commissioners we feel that rural Minnesota enjoys an excellent reputation for its delivery of judicial service and encourage the continuation of that tradition.

(2) We believe the citizens of our county, and of all counties in our area, have a right to be treated fairly and to have equal access to judicial services. At present the only two counties in the Fifth Judicial District without resident judges are the southwest counties of Rock and Lincoln. The proposed taking of judgeships from both or either Jackson County and Murray County will result in more judges being taken from this same area.

(3) From a review of the Weighted Case Load Study it appears that if there is a surplus of judges for the Fifth Judicial District that surplus does not exist in the area affected, particularly when access to judicial services is taken into consideration. We believe that if judgeships must be transferred they should be transferred from counties where there is already more than one chambered, resident judge.

(4) The citizens of Rock County would suffer loss of access to judicial services by requiring attorneys, clients, citizens and other prospective users of the court system to endure delays or to be discouraged in their use of the court system because of the lack of accessibility to judicial services.

BE IT FURTHER RESOLVED, That copies of this Resolution be furnished to the Supreme Court of the State of Minnesota.

Unanimously adopted this 3rd day of March, 1987.

/s/ Allan R. Slieter
Allan R. Slieter, Chairman

ATTEST:

/s/ Charles A. Braa
Charles A. Braa, Auditor



3607

THE MINNESOTA COURT OF APPEALS
1300 AMHOIST TOWER
ST. PAUL, MINNESOTA 55102

CHAMBERS OF
GARY L. CRIPPEN
JUDGE

(612) 297-1003

5 March 1987

OFFICE OF
APPELLATE COURTS
FILED


MAR 06 1987

Office of Wayne Tschimperle,
Clerk of Appellate Courts
230 State Capitol Building
St. Paul, MN 55155

WAYNE TSCHIMPERLE
CLERK

C9-85-1506

Enclosed for filing are twelve copies of written information pertinent to the forthcoming determination of the Supreme Court on vacant judicial positions in the Fifth Judicial District.


Gary L. Crippen

GLC:rmc

Attachments



THE MINNESOTA COURT OF APPEALS
1300 AMHOIST TOWER
ST. PAUL, MINNESOTA 55102

OFFICE OF
APPELLATE COURTS
FILED

MAR 06 1987

WAYNE TSCHIMPERLE
CLERK
(612) 297-1003

CHAMBERS OF
GARY L. CRIPPEN
JUDGE

5 March 1987

MEMORANDUM

C9-85-1506

To the Chief Justice and the Associate Justices of the Minnesota Supreme Court

Re: Determination of Need for Judicial Positions in the Fifth Judicial District, March 1987

Having lived and worked for nearly five decades in the deep Southwestern corner of Minnesota, my convictions on judicial services in that area compel some comments to the Supreme Court.

These observations are made in support of preserving the two vacant judicial offices now being examined by the court. I am especially moved to contend that there is compelling merit in continuing the judicial office now filled by a judge with chambers at Slayton, Murray County. A decision to preserve that office will show regard for the historic offering of judicial services in the area, and will permit reasonable regard for findings in the 1986 Weighted Caseload Study.

Overall, I would hope decision-makers would strive to avoid leaving Lincoln, Murray and Rock Counties, all in the same western end of the judicial district, without a resident judge. I subscribe to the views others are reporting on the public policy favoring retention of one judge in each county, and this

policy deserves unusual emphasis for counties that are already being wounded badly by severe economic crises and the loss of many other community services. I also endorse the opinion that it is unsound public policy to expect from judges, lawyers and support personnel in rural areas the same efficiencies evident in specialized urban court services programs.¹

More particularly, it should be noted that harm resulting from elimination of the Murray County office would occur in the four southwestern counties (Murray, Nobles, Pipestone and Rock) which have shared judicial services for many years.² This

1. Inefficiency problems involve facts other than specialization. The Fifth Judicial District already has two counties without judges and inter-county assignments to meet special needs. As has been commonly observed, travel becomes a significant part of rural area inefficiency. Inter-county involves another costly side effect that gets less attention. For nine years, I covered a county which had no resident judge, and the work included a heavy volume of community contact that duplicated activity in my home county. These contacts included frequent media interviews; numerous meetings with the county board of commissioners and local school district officials; conferences with local attorneys and with police and welfare agency staff; and many public addresses before a civic club, church groups and school personnel. Not even wedding requests could be diverted to some willing colleague.
2. Rock County presently gets service from a judge who resides at Pipestone, and that judge has some surplus time to cover needs at Worthington that cannot be met by the single judge located there. The judge at Slayton is centrally located for special assignments in eight contiguous counties. Without the judicial office at Slayton, the Pipestone judge inevitably will have regular assignments for three counties, Rock, Pipestone and Murray. The Weighted Caseload Study shows a need for 1.1 judges for these three counties and the division of the load into three parts at three places increases that need. The predictable harm tracing to abolition of the Murray County office would be felt directly in Murray County and Rock County, but also to a considerable extent in Pipestone and Nobles Counties.

harm would be particularly tragic for Rock County, because for many decades there had been a very active and able bar at Luverne; Rock County has an unusual tradition of fine law practices and good judicial services.

If the four counties in the southwest corner are to have only two judges, they will need regular assistance from outside the four-county area. While this could be arranged, theoretically, it contradicts long-standing assignment practices and regular patterns of inter-county activity in the area. For over 100 years, for example, there have been strong professional ties among the lawyers in the four counties.

In addition, eliminating the Slayton office would preclude the vision for judicial services in this area that has prevailed for two decades, a design that meets measured needs and also follows traditional patterns for commerce, government activity and judicial services in the area. I will explain this design.

In the 1971 County Court Act, provision was made to pair Pipestone and Murray County into a single county court district. Similarly, Rock and Nobles were paired. These pairings matched other community ties. Rock and Nobles Counties, for example, have had numerous shared governmental services, including many (such as mental health services) that relate to judicial activity. Rock and Nobles Counties also have historic ties in commerce, industry and education.

Nearly 20 years ago it was first envisioned that there would be a day when three judges would meet all judicial needs in the two pairs of counties deep in the corner of the state.

(Nevertheless, each of the four counties maneuvered to keep its own judge, which explains the successful local effort to sever the 1971 pairing of Pipestone and Murray Counties.) Optimally, normal assignments could be covered by one judge for Murray and Pipestone Counties and two for Rock and Nobles. This pattern of service permits some surplus for Rock and Nobles Counties, but a waste of resources is avoidable. Both Rock and Nobles County governments have shown unusual commitment of local funds to guarantee strong judicial services. Rock County court activity is traditionally busier than it has been since judicial services in the county were cut back in recent years.

I believe it remains true today that the four counties in this corner of the state need three judges. If the Murray County judicial office is filled by a Luverne appointee, which seems likely, the area will enjoy the arrangement that many have foreseen since late in the 1960's. If the appointee will reside in Slayton, this will permit continuance of the present workable three judge service arrangement.

I have attempted to give you a brief statement on one among the many concerns of people in the area affected by your decisions on these judicial offices. The comments are submitted with the hope that they prove helpful to you and to the interests of the Southwest Minnesota friends and colleagues who share these views.

A handwritten signature in black ink, appearing to read "Gary R. Dison". The signature is written in a cursive style with a large, prominent initial "G".

MARTIN COUNTY ATTORNEY

D. GERALD WILHELM
COUNTY ATTORNEY

ROBERT D. WALKER
ASSISTANT

TERRY W. VIESSELMAN
ASSISTANT

March 5, 1987

Clerk of the Appellate Courts
230 State Capitol Building
St. Paul, MN 55155

RE: Vacancies in Judicial
Positions in the
Fifth Judicial District

C9-85-1506

OFFICE OF
APPELLATE COURTS
FILED

MAR 06 1987

WAYNE TSCHAMPERLE
CLERK


115 WEST FIRST STREET
FAIRMONT, MN 56031

TELEPHONE
507/238-1594

Dear Clerk:

I enclose twelve copies of the Resolution of the Martin County Board of Commissioners per the Order of the Supreme Court relative to the public hearing on vacancies in judicial positions in the Fifth Judicial District. The hearing is scheduled for March 13, 1987.

Sincerely,


D. Gerald Wilhelm
MARTIN COUNTY ATTORNEY

DGW:cls

Enc.

C9-85-1506

MAR 06 1987

RESOLUTION

WAYNE TSCHEMPERLE
CLERK

WHEREAS, It has been made to appear to the Martin County Board of Commissioners that the Supreme Court of the State of Minnesota will consider the elimination of two county judicial positions in the Fifth Judicial District, one in Jackson County and one in Murray County, and

WHEREAS, It appears that the best interests of the people of Martin County would not be served by the elimination of the judicial position in Jackson County due to increased pressure on existing judicial resources, including those in Martin County,

NOW, THEREFORE, BE IT RESOLVED That the Martin County Board of Commissioners opposes the elimination of the judicial position in Jackson County by the Supreme Court, and urges the Supreme Court to retain this position.

MARTIN COUNTY BOARD OF COMMISSIONERS

BY: Herbert Baumhofer Vice Ch.
Clifford Ketcham, Chairman

I certify that the above is a true and correct copy of the Resolution adopted by the Martin County Board of Commissioners at its regular meeting on the 3rd day of March, 1987.

Robert Katzenberger
Robert Katzenberger
MARTIN COUNTY AUDITOR

CHARLES A. BRAA, AUDITOR
Telephone - 507-283-8212

County of Rock

P. O. BOX 100
LIVERNE, MINNESOTA 56156

OFFICE OF
APPELLATE COURTS
FILED

MAR 06 1987

WAYNE TSCHIMPER
CLERK

March 4, 1987

Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

RE: Fifth Judicial District Vacancies
Court File No. C9-85-1506

Dear Sir:

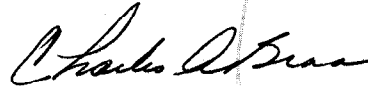
Enclosed is a Resolution passed unanimously by the Rock County Board of Commissioners on March 3, 1987.

It is requested that this Resolution be made a part of the file in the consideration of the vacancies in the Fifth Judicial District.

It is likely that a number of commissioners will be in attendance at the hearing and one will offer oral testimony. It is my understanding that the commissioner involved will be forwarding an appropriate summary of his testimony and notice of intent to testify.

The Board requests that the Court consider this Resolution in reaching its decision.

For the Board,



Charles A. Braa
Rock County Auditor

Enclosure

CORNERSTONE OF MINNESOTA

An Equal Opportunity Employer

STATE OF MINNESOTA
IN SUPREME COURT
C9-85-1506

OFFICE OF
APPELLATE COURTS
FILED
MAR 06 1987
WAYNE TSCHIMPERLE
CLERK

IN RE PUBLIC HEARING ON
VACANCIES IN JUDICIAL
POSITIONS IN THE FIFTH
JUDICIAL DISTRICT

RESOLUTION OF ROCK COUNTY
BOARD OF COMMISSIONERS

The Board of County Commissioners for Rock County, Minnesota, at their regular monthly meeting held on March 3, 1987, passed the following resolution:

WHEREAS, The Board of Commissioners for Rock County, Minnesota, has been notified that on March 13, 1987 a hearing will be held to determine the fate of judicial vacancies located within the Fifth Judicial District being vacancies in Murray County and Jackson County; and,

WHEREAS, The Board of Commissioners for Rock County believes it is important that fair consideration be given to outstate Minnesota and to the citizens of this area in terms of access to judicial services; and,

WHEREAS, In order to ensure adequate judicial service to the citizens of Rock County and to all citizens in the Fifth Judicial District it is necessary to keep judges in the area and not discontinue or transfer judgeships;

NOW THEREFORE, BE IT RESOLVED, That the Board of Commissioners of Rock County asks the Supreme Court not to vacate or transfer the judicial positions and urges the continuation of those positions for the following reasons:

(1) The Weighted Case Load Study as presented is unfair and inaccurate in so far as it takes into consideration the administration of justice in outstate Minnesota. The statistics result from an appraisal of the judicial system governed primarily by procedures and practices adopted in the metropolitan area. As county commissioners we feel that rural Minnesota enjoys an excellent reputation for its delivery of judicial service and encourage the continuation of that tradition.

(2) We believe the citizens of our county, and of all counties in our area, have a right to be treated fairly and to have equal access to judicial services. At present the only two counties in the Fifth Judicial District without resident judges are the southwest counties of Rock and Lincoln. The proposed taking of judgeships from both or either Jackson County and Murray County will result in more judges being taken from this same area.

(3) From a review of the Weighted Case Load Study it appears that if there is a surplus of judges for the Fifth Judicial District that surplus does not exist in the area affected, particularly when access to judicial services is taken into consideration. We believe that if judgeships must be transferred they should be transferred from counties where there is already more than one chambered, resident judge.

(4) The citizens of Rock County would suffer loss of access to judicial services by requiring attorneys, clients, citizens and other prospective users of the court system to endure delays or to be discouraged in their use of the court system because of the lack of accessibility to judicial services.

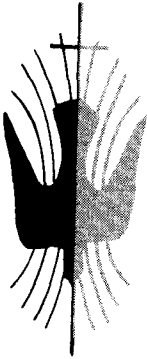
BE IT FURTHER RESOLVED, That copies of this Resolution be furnished to the Supreme Court of the State of Minnesota.

Unanimously adopted this 3rd day of March, 1987.


Allan R. Slieter, Chairman

ATTEST:


Charles A. Braa, Auditor



Assembly Of God

2643 Juniper Avenue Slayton, Minnesota 56172
[507] 836-8225

Brice A. Walz, Pastor

Lisa Walz, Music Director

March 4, 1987

OFFICE OF
APPELLATE COURTS
FILED

MAR 06 1987

WAYNE TSCHIMPERLE
CLERK

Mr. Wayne Tschimperle
Clerk of the Appellate Court
Room #230
State Capitol Building
St. Paul, MN 55155

Dear Mr. Tschimperle,

C9-85-1506
5th Judicial District

Warmest Greetings!

It is out of deep concern for the community of Slayton, and for the communities surrounding it such as Hadley, Iona, Avoca and others that I am writing to you to urge that you do not eliminate the judgeship position that is Slayton.

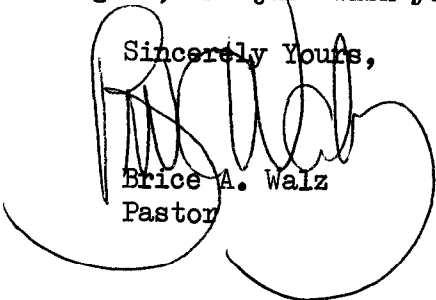
As you well know, it is scheduled to be terminated April 30, 1987, and in doing this you will be doing a great disservice to this community and this area.

This decision will have a seriously negative impact on the people of Slayton and the surrounding communities, and again, on behalf of myself and my congregation, I urge you to reverse this decision.

I sincerely thank you for your re-consideration of this matter. I am just trusting that you will make the right decision and will determine to keep this judgeship open.

I say a sincere thank you once again, and just wish you God's finest.

Sincerely Yours,


Brice A. Walz
Pastor

BAW/gb



Sleepy Eye Area Chamber of Commerce

Sleepy Eye, Mn. 56085 (507)794-4731

March 5, 1987

OFFICE OF
APPELLATE COURTS
FILED

Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

MAR 06 1987

C9-85-1506

WAYNE TSCHIMPERLE
CLERK

Supreme Court:

The Sleepy Eye Area Chamber of Commerce is in opposition to the proposed transfers of two County Court judicial positions here in the Fifth Judicial District of Minnesota. We here in the Sleepy Eye area, (we feel the 'community' of Sleepy Eye is the area surrounding our town, as well as within the corporate city limits), do not need additional numbers of our people finding it necessary to leave our town, for yet another reason - this time court purposes. The rural communities are well aware of the allure of our good neighbors in the larger communities. With it being mandatory that they drive to another community - and in some of the Fifth Judicial District this means up to 50 and 60 miles - for court proceedings as Conciliation Court, Traffic Court hearings, domestic abuse complaints, and protection orders, commitments, restraining orders, criminal complaints, search warrants, juvenile detention, abortion consents, or immediate Court appearances needed for arrested suspects, it increases the local dollars spent out of town. This means additional hardship for our already aching economy.

PLEASE reconsider your decision to take these two judicial positions and transfer them to the metro area. The reasons for this request are: our law enforcement people are overworked; the increased traffic out of our community will mean dollars spent in other communities; and our people will not be served as they ought. Also we have more and more two career families in our area. Women are finding it necessary to work outside their homes to subsidize ailing incomes. This travel to other communities will be an additional hardship on these people when they must take time off, and who are already working long hours to stay off welfare, or other state financed assistance programs. Many women are working to help keep the family farms.

THANK YOU, for reconsidering this decision to move two judicial positions from our area. We here at the Chamber in Sleepy Eye are volunteering our services to assist you in any way we can to find an alternate solution rather than moving these two judicial positions from our part of the greater outstate Minnesota. Please call me, if you would like our help.

Sincerely,

Judy Beech EVP

COUNTY of MURRAY

OFFICE OF THE AUDITOR

Duane Q. Bondhus

SLAYTON, MINN. 56172

Phone 836-6163 Ext. 147

OFFICE OF
APPELLATE COURTS
FILED

MAR 09 1987

WAYNE TSCHIMPERLE
CLERK

C9-85-1506

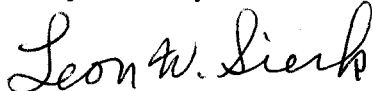
TO THE HONORABLE JUSTICES OF THE SUPREME COURT OF THE STATE OF MINNESOTA:

On March 4, 1987 the Murray County Board of Commissioners submitted twelve copies of their statement opposing the transfer of the Murray County Judgeship position to another location.

Due to an unintentional oversight we neglected to submit the written request for permission to appear in person before the Honorable body of the Supreme Court to provide verbal support for the statements as submitted.

I am hereby requesting permission to be granted the privilege to appear in person on behalf of the Murray County Board of Commissioners to support the position as stated.

Respectfully submitted,



Leon W. Sierk
Murray County Commissioner

LWS/nap

COUNTY of MURRAY

OFFICE OF THE AUDITOR

Duane Q. Bondhus

SLAYTON, MINN. 56172

Phone 836-6163 Ext. 147

OFFICE OF
APPELLATE COURTS
FILED

MAR 06 1987
March 3, 1987

WAYNE TSCHIMPERLE
CLERK

C9-85-1506

TO THE HONORABLE JUSTICES OF THE SUPREME COURT OF THE STATE OF MINNESOTA:

We, the Murray County Board of Commissioners, oppose the transferring of the Murray County Judgeship position to another location. In 1974, in response to an ultimatum from the District Court Judges serving our area at the time that either a new courts facility be built or Murray County Court cases would be transferred to another location, Murray County began construction of the present Murray County Courts Building at a cost of approximately \$355,000.00 in Murray County funds. This fine facility was dedicated in 1975 and since that time Murray County has received many compliments concerning its acoustics, accessibility and other features. To now leave Murray County without a resident County Judge would be an injustice to the people of Murray County. Murray County now more than ever needs a resident County Judge. We are not arguing the point that the urban area may need more judges but, as we understand it, a finding must be made that Murray County does not need a resident judge and we don't feel that, in good conscience, this finding can be made. As we all are aware, the economic conditions in rural Minnesota are bad and with bad economic conditions crime rates and incidents of domestic abuse increase and the demands on our judicial system and, in particular our County Judge, grow.

We understand that the Honorable Harvey A. Holtan, District Court Judge, has graciously offered to transfer his chambers from Cottonwood County to Jackson County and fill the vacancy in Jackson County in that manner, provided that the Supreme Court agrees to fill the vacancy in Murray County. A vacancy would then exist in a judgeship in Cottonwood County and the vacancy would then be transferred to one of the urban counties. We support this proposal and respectfully request the Supreme Court to adopt this solution and retain a resident County Judge to continue to serve the judicial needs of the people of Murray County.

We also understand that if the proposal outlined above is unacceptable that Judge Holtan, in the alternative, has agreed to being transferred to another district, provided that the County Judgeships in both Murray County and Jackson County are retained. We support this proposal as an alternate if the proposal outlined above is unacceptable but do not like the idea of this district losing a fine judge like Judge Holtan.

Thank you for your consideration in this matter.

Respectfully Submitted,

Paul Medling
Leor W. Sierk

Leanne Nelson Chm
Duane R. Kuchner
Primer Isder

LAW OFFICE OF
LEWIS, PRICE & CUNNINGHAM
BOX 547, 218 MAIN STREET, LAKEFIELD, MN 56150-0547

3-9-87

THOMAS W. LEWIS
KENNETH H. PRICE
LEE W. CUNNINGHAM
• ALSO LICENSED IN IOWA

TELEPHONE 507/662-6686
OTHER OFFICES
WINDOM, MINNESOTA
STORDEN, MINNESOTA

March 6, 1987

OFFICE OF
APPELLATE COURTS
FILED

MAR 9 1987

Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

WAYNE TSCHIMPERLE
CLERK

In Re: Fifth Judicial District Hearing C9-85-1506

Dear Sirs:

Enclosed are an original and 11 copies of a written summary for the hearing in Jackson on March 13, 1987. Time permitting, I would like to make an oral presentation.

Respectfully submitted,



Kenneth H. Price

KHP:jmb

Encls: 12

STATE OF MINNESOTA
IN SUPREME COURT
C9-85-1506

OFFICE OF
APPELLATE COURTS
FILED

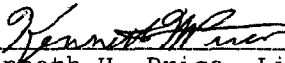
MAR 9 1987

WAYNE TSCHIMPERLE
CLERK

In Re Public Hearing on
Vacancies in Judicial
Positions in the
Fifth Judicial District

MEMORANDUM IN SUPPORT OF THE CONTINUATION OF THE JUDGESHIPS
HAVING VACANCIES AS A CONSEQUENCE OF THE RETIREMENT OF
JUDGE DONALD G. LASLEY, JACKSON COUNTY, AND JUDGE JOHN D.
HOLT, MURRAY COUNTY

March 6, 1987



Kenneth H. Price, License #88213
218 Main Street
Lakefield, MN 56150-0547
Phone: 507/662-6686

MEMORANDUM IN SUPPORT OF THE
CONTINUATION OF THE JUDGESHIPS

For the purpose of this presentation, I feel it is necessary to provide a short resumé. I am an attorney with an office in Lakefield in Jackson County since 1973. As a general practitioner, the type of legal work that I do might be compared to the sales of a hardware store. I try and provide a service for most of the categories of law for which a county court is needed, the dissolutions, the adoptions, the probate, the smaller civil cases, the criminal defense work, and the criminal prosecution for municipalities. If someone has a securities case, they won't find me handling it. Prior to that I worked in Minneapolis for a large defense business as a statistical quality engineer. That work consisted of developing mathematical models, sampling techniques, and quality control for production of defense products. That may sound like somewhat of a digression, but I feel it is necessary for the purpose of my presentation.

There have been a number of approaches concerning the reasons why Jackson County and Murray County should retain a County Court Judge. I would like to direct some comments toward the 1986 Weighted Case Load Study prepared for review prior to this hearing. Directly or indirectly, I would also like to refer to the weighted case loads for the previous years. According to the Order of the Supreme Court when the study concerned the prior hearing as to sunseting the two judges' positions in the Fifth Judicial District (i.e., Judge Irving and Judge Mann), a statement was made as follows: "[With respect to a need for judges] the best direct measure of demand is the number of weighted files i.e., the weighted case load analysis." [Supreme Court Order C9-85-1506 dated October 2, 1985, Memorandum at page 6.]

Some wag once said that liar's can figure, but figures never lie. I have no question with respect to the accuracy of the figures used for that particular study or for this study for the specific

period of time in which it was taken. However, I would submit that there is one major problem with this particular weighted case load study when one reviews my own practice and the practice of fellow attorneys in this southwest area of the State. When extrapolations are taken from statistical data, results often appear to be very accurate, but can be greatly affected by a variable that is not included in the formula, when a statistical model is originally being developed.

I would suggest that under the circumstances there has been an important factor that has been omitted from this statistical model. For the 1986 Weighted Case Load Study, the period of time sampled was from September 8, 1986, through November 7, 1986. My review of the other areas of the analysis and from the letter from Mr. Kobbervig was that all of the courts in the court system were sampled during this same period of time.

I would submit under the circumstances that there is one problem with this sampling technique. That is specifically because there is a variable outside of the test variable chosen that would affect this sampling technique. More specifically, it lies in the time period of the year in which the sample was taken. Having worked in the Twin Cities during my earlier years, I am fully aware of the fact that there were periods of time during the summer months in which entire plants shut down causing a general evacuation of the City. Under those circumstances, it would be much more likely for activities such as judges and other court personnel to also take their vacations during that time. General activities of the courts would be lesser during the summer months. As such, judicial activity would tend to be pushed out to the fall months, including September and October in the metropolitan area.

In contrast, however, selecting a rural county for sampling during this same period of time of September and October is greatly affected by one major activity. That is the fact that this is an area of harvest time. When harvest time occurs in a county in which everyone is "in the field" or is providing support for the harvesting

activities, for practical purposes the practice of law takes a vacation. For example, our three-member firm has been maintaining various internal records for the last three years. It is our opinion that these are quite reliable, as we have relied upon these reports as a portion of our interoffice communications. During this period from September 8, 1986, through November 7, 1986, we have 14.3% of our firm's total court appearances for the year during the 16.7% of the year sampling period. I might add that none of these appearances during that period of time involved a jury trial or case lasting two days. Under the circumstances, as a measure of general activity of walking into the courthouse by an attorney for a hearing, it is rather obvious that, as far as court activity, we have taken a vacation.

Other activities such as the filing of uniform traffic tickets would be a measure. During the months of June, July and August, Jackson County Court had filed 719 tickets. During the succeeding three months of September, October, and November, there were 511 tickets filed with the Court. One obvious reason, of course, is the Interstate traffic of vacationers across Interstate 90.

With respect to the weighted case load analysis in other areas of the State, if the variable of time was not taken into consideration, it could have an effect. I would submit that if one examined the northern districts of the State there is a much higher activity in the summer months as opposed to the winter months for the simple reason that there is more vacation activity during that period of time, and there are more people there. In other words, people are out and about. To show what cold weather does for activity in the court system, a prime example appeared in Jackson County. In November and December of 1985, there were only 128 tickets per month issued. No one was driving during that particularly bitter cold and in that heavy snow of those two months. In 1984 the November and December average was 188, and in 1986 it was 179, both years being more average winters.

These are but a small measure of activities that would tend to show that the weighted case load analysis for rural areas may need

other variables incorporated into the statistical model. My suggestion would be to incorporate a random sampling technique whereby judicial activity during the time frame of the entire year is measured, as opposed to a concentrated period of two months. A properly constructed random sampling system, including the entire period to be reviewed, will tell as much as a concentrated sampling over a small period of time. Further, when one is sampling large quantities of data, it will eliminate unknown variables or unanticipated variables in the statistical model.

What does this all boil down to? When discussions evolve around a weighted case load analysis, I have heard judges and other court personnel say to the effect that "I don't know about the conclusions of the study, but I sure seem busy." I think one has to face the fact that there are certain amounts of "dead" time in any job involving services, which any part of the law practice, including the judiciary, is. I would think that under the circumstances with respect to the weighted case load analysis the time for sampling of the specific judge's activity during the period of September 8, 1986, through November 7, 1986, was a period of time, as far as Southwest Minnesota in particular, was one in which there was a much higher probability of dead time. This is simply because of the fact that, if any discretion is possible for scheduling a hearing involving a farming or agri-business person, that appearance tends to be delayed until later into the fall or into early winter. With respect to district court activity, this has further been made possible by going to a continuous term since scheduling of trials is no longer concentrated during a particular month or two months of the year.

Although the writer did not review any of the records of Murray County, the argument presented in this paper would lend itself very effectively to Murray County, as Murray County is probably more single-industry oriented to agriculture than Jackson County, as far as percentage of population is concerned.

This does not mean that at other times during the year Jackson County and Murray County each need two judges. What is being said is that the need for judges based upon the weighted case load analysis

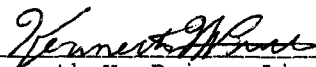
is a very conservative figure when speaking of a .6 need in Jackson County and a .4 need in Murray County. In addition, during the particular 1986 two-month period that the actual activities of the judges were sampled, it is my personal recollection that Judge Lasley was on sick leave during a significant portion of late October and early November. Whether that has an effect on the measure, it is difficult to determine without knowing more detail about the weighted case load analysis for that type of non-judicial activity. If only visiting judges' activities were measured, it would show both county courts with reduced times.

Finally, there is one other comment that I wish to present. That comment relates to the difficulty of a person practicing in a town that is not the county seat if no judge is permanently located there. People outside of the county seat also need legal services. So, if one doesn't live in the county seat, what is the problem with driving to Windom, which is only three miles further from Lakefield than Jackson; or to Worthington, which is only 12 miles further, if one wants an order signed? The answer is rather simple. First of all, you first have to go to the county seat to get the file, and then go to the courthouse in which the judge is located. Often times, the judge may or may not be familiar with the file and would have to familiarize himself with it. If a judge has been assigned a file such as in dissolution cases, the attorney is going to have to go to that judge regardless of where he may be. In the case of Jackson County, that might be Judge Schindler in Blue Earth. A review of the weighted case load analysis would indicate that Murray County is not going to get any help from Nobles County, as there is a need for greater than one judge there. Likewise, Jackson County is not going to get much help from Martin County, as Martin County needs help there. A review of the weighted case load analysis also indicates an inconsistency in that there are certain areas of the State in which counties show a weighted case load value of .4 that are rounded upward to require one judge, and other ones such as Murray County with a .4 which, in turn, has been rounded down to indicate that there is no need for a judge.

CONCLUSION

Since the time frame chosen for judicial activity was September and October of the test year, the showing of judicial needs as measured by the weighted case analysis in predominately agricultural counties would be very conservative. Using that measure, a judge should be retained in Jackson County full time. The writer's appearances in Murray County have been limited, and I do not feel qualified to speak with respect to that county's day-to-day needs, only that I would suspect that because of the method of sampling used, it too would be rather conservative. Other speakers may have indicated that there was a maldistribution of judges within the Fifth Judicial District, but the only conclusion with respect to Jackson County is that there is a need for a full-time judge to be retained, and that a review of the weighted case load analysis would conclude that there is one warranted.

Respectfully submitted,



Kenneth H. Price, License #88213
218 Main Street
Lakefield, MN 56150-0547
Phone: 507/662-6686



Minnesota House of Representatives

REPRESENTATIVE KATY OLSON
523 State Office Building
St. Paul, Minnesota 55155
(612) 296-5373

OFFICE OF
APPELLATE COURTS
FILED

MAR 9 1987

WAYNE TSCHIMPERLE
CLERK

March 6, 1987

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

C9-85-1506

Dear Justice Amdahl:

I am writing to express my concern over the potential loss of two judgeships in the Fifth Judicial District.

Our rural communities continue to experience severe problems associated with the depression within the agricultural economy. I fear that the courts potential action to remove these judgeships will cause additional hardships for our citizens and hurt an already psychologically damaged community.

I have reviewed the materials that the court has developed concerning the filling of judgeship vacancies and would like to make a couple of comments concerning the issues of access and quality.

It has been brought to my attention that at the present time, in some parts of the district, one cannot get scheduled for a hearing until May or June. I believe that this situation can only become worse under your proposal.

If a woman must wait several months for a divorce hearing after leaving an abusive domestic situation, who will support her? Most likely, our welfare system until a divorce decree and support order are rendered. It is this type of situation that will be exacerbated by your proposal.

My concern about quality also comes from the fact that with judges traveling between counties, there will be less time available to spend in deliberations regarding legal issues. In addition, there will be fewer judges available for conflict matters. Attorneys will be less likely to file against judges who may have a conflict or prejudice in a matter knowing that there will be a long delay before a case can be heard. This type of issue, though, will be more stridently addressed by the legal community.

My most overriding concern is the psychological impact of yet another major institution within our community deserting our area. Our towns are losing people and businesses, schools are closing - frustration, anger and violence are on the rise. I am worried that the loss of these judgeships will be just another sign that our communities are dying and that no one cares. It will only heighten the depression that we are already experiencing.

Chief Justice Amdahl

Page 2

March 6, 1987

As a legislator, I am aware that these actions are a result of previous legislative activity. Presently, the legislature is more attuned and concerned about our rural communities. I would ask that the court also be aware of our needs.

I am hopeful that you will give these concerns serious consideration while making your decision regarding the judgeships. I am more than willing to assist the court in its efforts to find a solution to the problems associated with the need for more judges in the metropolitan area, but special consideration must be given to our rural areas in this time of crisis. I would ask that you retain both of these positions and ensure that the Fifth Judicial District has good access to highly qualified court system.

Sincerely,

A handwritten signature in cursive script, appearing to read "Katy Olson".

Katy Olson

State Representative

3687

DENNIS FREDERICKSON

Senator 23rd District
R.R. 1, Box 49
Morgan, Minnesota 56266
Phone: (507) 249-3346
Office:
143 State Office Building
St. Paul, Minnesota 55155
Phone: (612) 296-8138

Senate

State of Minnesota

**OFFICE OF
APPELLATE COURTS
FILED**

MAR 6 1987

**WAYNE TSCHIMPERLE
CLERK**

March 6, 1987

Chief Justice Douglas K. Amdahl
Supreme Court - State of Minnesota
230 State Capitol
St. Paul, MN 55155

C9-85-1506

Dear Chief Justice Amdahl:

I am writing in opposition to the proposed transfer of the two Judicial positions from Jackson and Murray Counties to other Judicial districts. It is my feeling there should be at least one resident trial judge in each county in order for there to be effective judicial administration.

In the rural areas of our state there is an increasing amount of domestic abuse complaints, juvenile detention, abortion consents, as well as suspects arrested on warrants requiring immediate court appearances. Having to wait for a traveling judge is not expeditious administration of justice.

I might remind you that at the present time we do not have judges in the nearby counties of Rock and Lincoln.

Southwest Minnesota is an economically depressed area. We are struggling to diversify and regain our economic vitality. We struggle to keep our farms and businesses, to keep our schools open, to keep a doctor and dentist in our community, and to maintain essential community and governmental services. The respected judge in the Courthouse at the county seat, who owns a home and lives in our community among us, is visible, palpable evidence of stability and permanence. Governor Perpich has made many proposals to help rural Minnesota. There are a literal plethora of bills before the legislature intended to help rural Minnesota. Please don't add to the difficulties facing rural Minnesota by diminishing our rural Minnesota Judicial system. Eliminating more of our judges would only add to the abandoned feeling that many of our citizens have.

Chief Justice Amdahl
March 6, 1987
Page Two

I would appreciate your careful consideration of these issues when you consider transferring the two county judgeships at the hearing on March 13, 1987.

Sincerely yours,

A handwritten signature in cursive script that reads "Dennis".

DENNIS FREDERICKSON
State Senator

DF:rp

VON HOLTUM, HAND, MALTERS & SHEPHERD

ATTORNEYS AT LAW

DAVID R. VON HOLTUM
DAVID N. HAND
JAMES E. MALTERS
MARK W. SHEPHERD

BOX 517
607 TENTH STREET
WORTHINGTON, MINNESOTA 56187-0517
(507) 376-4166

OFFICE OF
APPELLATE COURTS
March 6, 1987 FILED

MAR 09 1987

39-87

WAYNE TOBINPERS
CLERK

Clerk of Appellate Courts
230 State Capitol
St. Paul, Minnesota 55155

Re: Public Hearing on Vacancies
in Judicial Positions in the
Fifth Judicial District
Court No. C9-85-1506

Dear Sir:

Enclosed for filing are twelve copies of a written summary in regard to the public hearing concerning the continuation of two judicial vacancies.

I also desire to make a short oral presentation at the hearing.

Yours very truly,



DAVID R. VON HOLTUM
For the Firm

Enclosures

skd

OFFICE OF
APPELLATE COURTS
FILED

MAR 09 1987

STATE OF MINNESOTA
IN SUPREME COURT
C-9-85-1506

WAYNE TSCHEMPERLE
CLERK

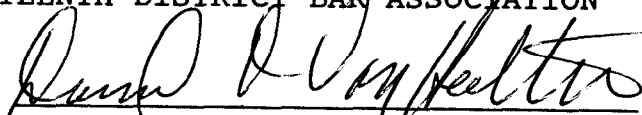
In re Public Hearing on
Vacancies in Judicial
Positions in the
Fifth Judicial District

PRESENTATION IN SUPPORT OF THE CONTINUATION OF THE JUDGESHIPS HAVING
VACANCIES AS A CONSEQUENCE OF THE RETIREMENTS OF JUDGE DONALD G.
LASLEY, JACKSON, AND JUDGE JOHN D. HOLT, SLAYTON

March 6, 1987

THIRTEENTH DISTRICT BAR ASSOCIATION

By:



DAVID R. VON HOLTUM

Attorney at Law

607 Tenth Street, P.O. Box 517

Worthington, Minnesota 56187-517

Registration No. 113219

This presentation, on behalf of the Thirteenth District Bar Association, is being made at the request of John Doyle, President of the Thirteenth District Bar Association.

I have had the benefit of copies of most of the presentations that have been or will be given to the Court during the course of this hearing.

I do not think there is any need for reiteration and will not do so.

I have had contact from most of the attorneys in the 13th District. From those contacts it appears to me that the majority of the lawyers in the 13th District wish to see the vacancy in Jackson County and the vacancy in Murray County filled.

Of particular note is the fact that I received a letter from all of the law firms in Rock County and, in one instance, from two members of the same firm. All of the members of the bar in Rock County favor filling both vacancies. It is of note because Rock County does not have and has not had a sitting judge in the county for many years. The lawyers in that county have hands on experience.

Copies of all of the letters that I received have been delivered to the Court for insertion into the record in this matter. Several of the letters contain suggestions which appear to have some merit.

It appears to me that a short review of the history of the court system in our Southwest area of Minnesota should be done. This is not meant to be an appeal to the emotions but is for the purpose of identifying a cycle which appears to be in progress.

- I. Situation with the judicial system on January 2, 1964.
 - A. Each county had a probate judge
 - a. Jurisdiction
 1. Probate matters including estates and guardianships
 2. Juvenile matters
 - B. Many of the larger towns had a municipal judge.
 - a. Jurisdiction
 1. Misdemeanors committed in the municipality
 - a. DWI
 - b. bad checks
 - c. petty theft
 - d. traffic violations
 - C. A district judge
 - a. Five of them
 - b. had a circuit
 - c. handled everything that was not handled by the other courts
 - d. Monday special terms
 - e. counties had a spring and fall term

- II. Decided needed judges learned in the law
 - A. Gradually implemented
 - B. County Courts with limited jurisdiction
 - C. Expanded the jurisdiction
 - D. Unified courts - soon in this area
- III. Losing the district court judges
- IV. All of the county court judges will be district court judges
 - A. Unified court
- V. Jurisdiction
 - A. conciliation court
 - B. family law
 - C. juvenile
 - D. misdemeanors
 - E. felonies
 - F. everything
- VI. End result appears to be a push at some time in the future for a magistrate or a referee system with one in each county.

All of the letters that I have received, all of the conversations that I have had with lawyers, all of the meetings of the county boards in the affected counties, are heavily in support of the proposition that no county in the state should be without a seated judge. There is no point in going through all of the reasons.

The desire of the people in the area is mentioned because if the Court decides that it is not possible to fill both vacancies, a compromise has been mentioned. Judge Holtan, who is chambered in Cottonwood County, has indicated that he is willing to make some accommodation, within reason, if the result of the accommodation is to permit both of the counties involved in this hearing to retain a seated judge.

In summary, it appears that to fill both vacancies is the wish of the people in this area. If that it not possible, it is hoped that an arrangement can be made so no more counties in Southwest Minnesota are deprived of a seated judge.

Exhibits A-I

SKEWES, KLOSTERBUER & CONNELL

ATTORNEYS-AT-LAW

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TELEPHONE (507) 283-9111

MORT B. SKEWES
DONALD R. KLOSTERBUER
TIMOTHY K. CONNELL

MARLYN VOLLMER
(1933-1976)

March 2, 1987

Mr. David Von Holtum
Von Holtum, Hand, Malters & Shepherd
P. O. Box 517
607 Tenth Street
Worthington, Minnesota 56187-0517

Dear Dave,

I am glad to hear that you have been designated as the spokesman for the Thirteenth District Bar Association as I am sure you will eloquently represent the views of the District Bar. I submit the following in regards to the various proposals that are being considered.

First, I think that everyone in the rural area has some real concerns with the Weighted Case Load Study and the manner in which the same is conducted. It appears to me that what is done in this process is that the "standard" of judicial services is established by Hennepin County and the rest of the state is then compared to that particular standard. I think that we have to seriously ask ourselves whether the Hennepin County standard is one which we all want to aspire to. That is, the question should be raised as to the quality of the judicial services being delivered more so than just the mere number of cases that are being handled within a certain time period. I have yet to see any specific instance in which there has been a finding that the availability of more judicial time as to cases is harmful to the overall administration and delivery of justice. I don't think it is necessarily bad that our judges might have some additional time as I believe it can improve and enhance the quality of their service.

Secondly, I think that there is a factor that is present in the judicial area as well as in the practicing bar that separates and distinguishes our outstate areas from the metropolitan areas. For the most part I think it would be fair to say that members of the bar tend to "specialize" in the metropolitan area and I believe the same may be true, to some degree, of the judges. That is, the judges there are not necessarily required to hear the diverse areas that judges in this part of the state are required to do. I am sure you realize from your private practice that the requirement of having to possess a working knowledge in many areas simply takes more time as far as preparation, research, and things of that sort. I do not believe that that has necessarily ever been taken into account in the weighted case load studies,

EXHIBIT A

Mr. David Von Holtum
RE: Judicial Vacancies
Page 2
March 2, 1987

nor has necessarily any due consideration been given to that particular fact. We must realize that this particular point would subject us as attorneys, as well as the judges, to criticism from a "efficiency expert" but none the less it is a fact of life that has to be faced in rural Minnesota.

I strongly support the proposal of Judge Holtan to transfer his chambers to Jackson County to fill the vacancy in that county. As I understand it Judge Holtan indicated that his transfer would be contingent upon the Supreme County agreeing to fill the vacancy in Murray County. I believe this particular plan has a great deal of merit and probably more so in the long term than in the short term.

Information we have received has indicated that Judge Holtan has decided that if he were to transfer his chambers to Jackson County he would not necessarily engage in the normal "county judge" activities. Understandably Jackson County is very opposed to this. However, I think we as a Bar Association have to consider the impact of what is going to happen if the move of Judge Holtan is not accepted. I think there is probably little question that when one of the two Cottonwood County positions become vacant it will not be filled. Accordingly, the result of not accepting the Holtan proposal would be to no doubt have us lose the Murray County judgeship now and then lose the one Cottonwood County position at the time Judge Holtan retires. We would then be left with three judges in the Thirteenth District and we would lose two judges rather than possibly only losing one. If the Holtan move were approved obviously we would lose one judge and that would be the current Cottonwood position that would be available when Judge Holtan moved and I really don't think anyone will argue that is necessarily a bad idea.

The question then becomes as to what impact this has on Jackson County. I recognize that it would create some short term problems for Jackson County in that they would have to rely upon their "county court" services to be provided by outside judges. However, they would have a resident chambered judge and I believe it would be significantly more difficult for the Supreme Court to justify termination of the Jackson County position at the time of Judge Holtan's retirement if he were chambered in Jackson County. That is, I find it hard to believe that the Supreme Court is going to terminate the judicial position in Jackson County showing a need of .6 judges or such greater number as subsequent studies may indicate. If Jackson County is concerned about the overall delivery of judicial services over the long term it would seem that this proposal would be acceptable to them.

Also, I think Jackson County should realize that even if they do succeed in filling their position now the subsequent loss of both the Murray County and the one Cottonwood County position

Mr. David Von Holtum
RE: Judicial Vacancies
Page 3
March 2, 1987

would necessarily mean that they would lose some of their judicial services from their resident judge. In other words, that judge is going to have to start coming over to cover Nobles, Murray and Cottonwood counties, and things of that sort. If you have one less judge in the area it's just naturally going to result in less available service.

An alternative of course would be to reach an arrangement with the State Court Administrator's office agreeing to fill the Murray County position now and agreeing that the Cottonwood County position would not be filled when it becomes available upon Judge Holtan's retirement. I'm not sure that we as a Bar Association could necessarily bind ourselves to such an arrangement, or whether the State would be willing to do so. However, this would achieve the same result.

Additionally, I think an issue must be made that this is the first time of which I am aware that they are proposing elimination of a judgeship so as to leave a county without a resident judge. Previously when they terminated judgeships in this district they took them from county seats where a judge still remained. I believe a strong policy argument can and should be made as to the merit of each county having a resident judge and recognizing that this should be adopted as a general policy of the judiciary and the state.

Judge Christensen has suggested, and I believe the idea has some merit, that if the placement of judges in county seats results in excess judicial time that to some degree that might be alleviated by rotating the rural judges into the metropolitan area on a regular basis. He indicates that in some states rural judges routinely "rotate" into the metropolitan areas and will spend a month or more each year hearing cases. I believe this has some merit in that it would tend to serve the purpose of providing a resident judge in each county and also would probably prove to be beneficial for the judges themselves. I believe the exposure to additional attorneys, procedures, practices and things of that sort can be nothing but beneficial and this would indeed benefit the delivery of the services by these judges in their respective counties.

In conclusion, I believe that the only logical resolution of this potentially bad situation is to accept the Judge Holtan proposal. It is my understanding that the judges have met and have not endorsed the same, due primarily to the impassioned plea of Judge Lasley. However, I think as a District Bar Association we have to look beyond the individual wants of one county and look at a plan that would preserve the maximum number of judgeships in this region. I personally believe that the acceptance of the Holtan proposal would ensure that we would only lose one judicial position in the six southwest counties. I believe that not accepting the Holtan plan will result in the loss of two

Mr. David Von Holtum
RE: Judicial Vacancies
Page 4
March 2, 1987

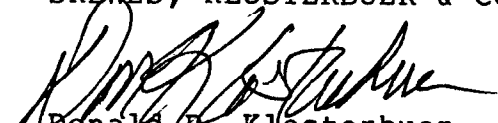
judges in these counties over the next couple years. The latter result is definitely going to effect the delivery of judicial services and I think will prove detrimental to the practicing bar and to the citizens of this area.

As far as other points relevant to the hearing, again I would conclude that there has been no showing that having more time available to spend on cases in any way lessens the degree of quality of judicial services and I believe only tends to enhance the same. Additionally, some thought might be given to a regular rotation of judges to the metropolitan area to eliminate some of the case load problems that may be developing there.

I plan to be in attendance at the hearing as I believe to some degree a show of numbers will be of some importance and significance in this regard. Hopefully this matter can be resolved in an agreeable and acceptable fashion to serve the needs of the practicing bar and our clients.

Yours truly,

SKEWES, KLOSTERBUER & CONNELL



Donald R. Klosterbuer

DRK:mr b

SKEWES, KLOSTERBUER & CONNELL

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MARLYN VOLLMER
(1933-1976)

March 2, 1987

Mr. David VonHoltum
Von Holtum, Hand, Malter & Shepherd
P. O. Box 517
607 Tenth Street
Worthington, Minnesota 56187-0517

Dear Dave,

I did want to respond to your letter of February 25th regarding the judicial vacancies, but before doing so I wanted to review the materials from the Eighth District hearing and also review the proposed presentation that Judge Kelly will be giving. I am sure you probably have looked at those items by now.

I do think there are some legitimate points that are not raised in any other forum and that perhaps you would have the opportunity to raise in your presentation on behalf of the Thirteenth District.

To begin with, I know that no one relishes the idea of having to get into a fight among ourselves in the Fifth District; however, I think most of that talk is coming from the eastern part of the district and at this point they certainly have no reason to complain or to fight. My own observation is that the western side of the district is again the one that's going to be taking the lumps. Therefore, I don't think you can help but make certain observations as to how we're being treated out here.

To begin with, as I was going through the various presentations, one thing that jumped out at me was this thing they call "access adjustment." Basically what has been done is that various judicial positions have either been increased or decreased in order to adjust for access to judicial services. I have taken the liberty of coloring a map which directs itself to that question alone. I am attaching a copy of that map to this letter. What I have done is color in red the counties that have negative access adjustments. In other words those counties are the ones where the actual need for a judge is higher than the number of judges allowed to serve that area.

Take a look at that map and I think you will agree that it's very interesting that four out of the six counties that have negative adjustments come right out of the southwest corner. In each of those cases we have less judges than the need calls for

EXHIBIT B

Mr. David Von Holtum
RE: Judicial Vacancies
Page 2
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and there is no adjustment made for access. This argument contemplates the proposed taking of the Murray County position. In keeping the Jackson County position an increase in the access adjustment from .6 to one judge is made.

Probably the most interesting aspect of that access adjustment occurs up in the Blue Earth and Nicollet County areas. In Mankato they are showing a need of 2.7 judges and have adjusted the access to allow three judges. In St. Peter, or Nicollet County, they are showing the need for 1.3 and are adjusting that to allow for two judges. In other words the total need in those two counties will be 4.0 judges and they are allowing five. The county seats are twelve miles apart. I think it becomes very apparent that that access adjustment is again being weighted against the counties that are farther outstate and becoming an advantage to those counties that are closer to the Twin Cities, even when those counties are exceptionally close together.

How does this access adjustment question fit in? A second point that I think has to be considered is the historical context of the Fifth Judicial District. As you are aware, back in 1971 Rock and Nobles County, in an effort to avail itself of efficient judicial services, formed a joint county district. Further, our two counties go a long way back in having numerous joint powers agreements and have done everything they could to economize in terms of working together whenever possible. I think the same is true to a certain extent with Pipestone and Murray counties. In fact when the county court districts were changed, County Court District E became Rock, Nobles, Pipestone, & Murray.

Therefore, to a large extent the people in those four counties know each other and this extends to the judiciary. The effect of losing the Murray County judgeship means that we would then have two judges in an area that calls for 2.3. If there is to be an access adjustment made, I believe it should be made so that we have three judges serving that 2.3 need. I think that argument is also fleshed out in the points that are made in the Eighth District memo as well as Judge Kelly's memo. I believe the impact of showing this access adjustment and showing that basically the corner counties are again taking the brunt is a strong consideration.

An additional point is the idea of removing judges from counties and leaving a county seat without a judge. Obviously we feel very sensitive about that in Luverne. We know what it's like to be without a chambered judge in our county, and believe me it is not a good experience. If we are then left with only two judges in a four county area it becomes even more difficult. As you know, Judge Holt now travels on a regular basis to Nobles County to help them out. If there is no judge to do that then

Mr. David Von Holtum
RE: Judicial Vacancies
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March 2, 1987

Judge Christensen will have to spend even more time in Nobles County than he does now. If he spends more time in Nobles County that means less time in Rock County or somewhere else. Also, Judge Christensen will have to pick up all the load in Murray County. It simply makes no sense to vacate that Murray County position from that standpoint.

We then come to your specific question of the Judge Holtan offer. On the one hand the Supreme Court is telling us that they don't care whether the judgeships are county, district, or some mixture of both. They are looking at each judge as a judge who can perform all judicial duties. Therefore, I believe that Judge Kelly's memo is somewhat flawed in saying that Judge Holtan can only be looked at as a person who handles four-day trials. Depending on the impact of what is happening and depending on losing one or more judges, there will have to be adjustments made. If Judge Holtan is willing to chamber in Jackson and allow that seat to be retained in that fashion I really believe that the Thirteenth District should strongly support that idea even if the judges are not willing to do so. This allows us to have a chambered judge in each county that now has one and I believe also allows us to have a stronger argument, when Judge Holtan vacates his position, for keeping a judge in Jackson County. As I said, even though the judges did not seem to be able to support that position I think it is one that has justification.

Those are some of my thoughts. I hope you find them useful and I am sure you will give a very excellent presentation at Jackson.

As we both know, it is quite an uphill battle and I am certainly not expecting any good results but I believe we do have to give it our best shot.

Very truly yours,

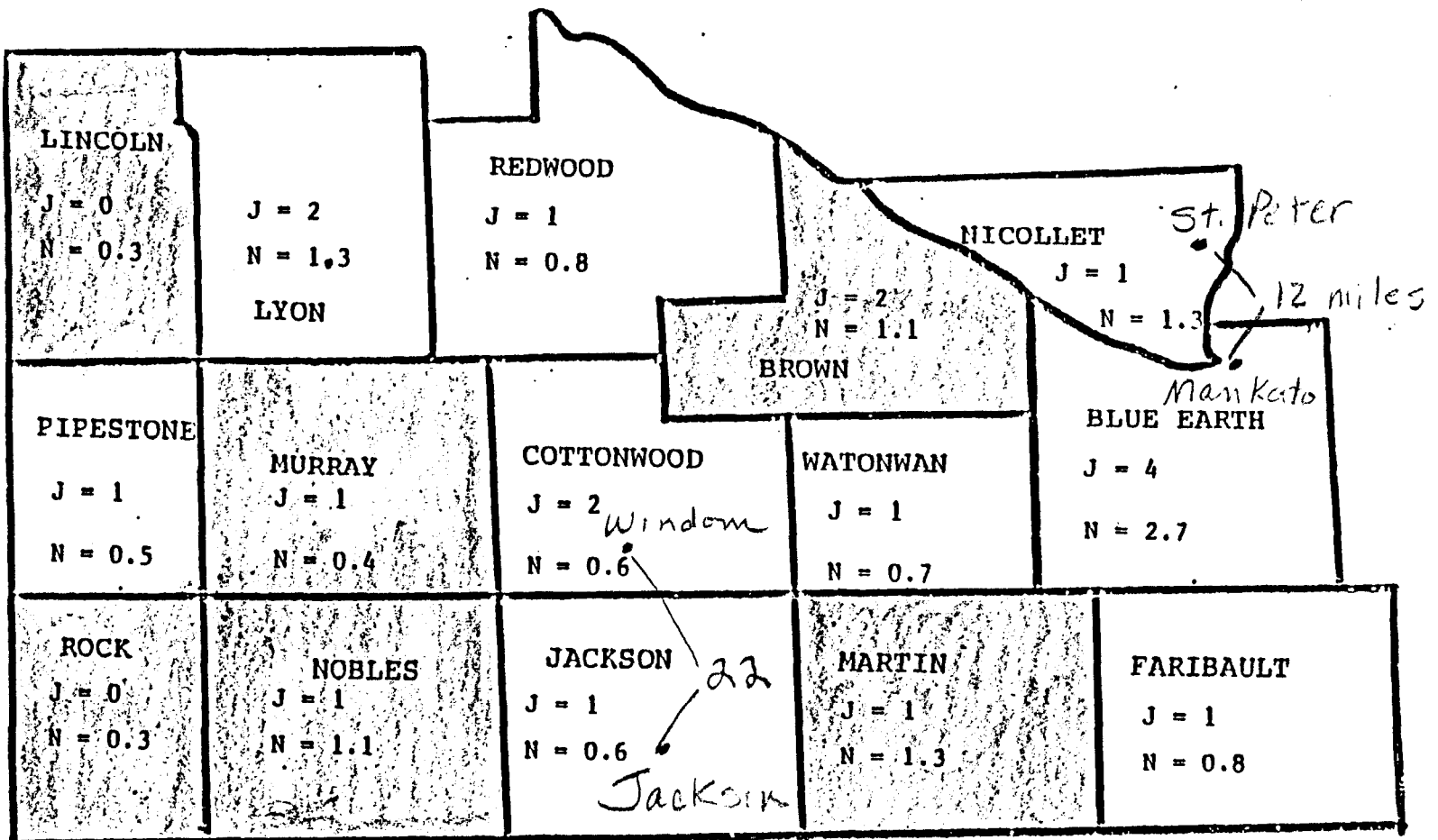
~~SKEWES, KLOSTERBUER & CONNELL~~

Tim

Timothy K. Connell

TKC:mr
enclosure

Access Adjustment



J - Number of Resident Judges

N - 1986 WCL Judicial Need

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Attorneys At Law
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(507) 283-9546

Benjamin Vander Kooi, Jr.
Douglas E. Eisma

March 2, 1987

Edgerton Office
816 Main Street
(507) 442-6561
Wednesday
11:00 to 5:00

Mr. David R. Von Holtum
Von Holtum, Hand, Malters & Shepherd
P. O. Box 517, 607 Tenth Street
Worthington, Minnesota 56187-0517

RE: VACANCIES IN THE JUDICIARY

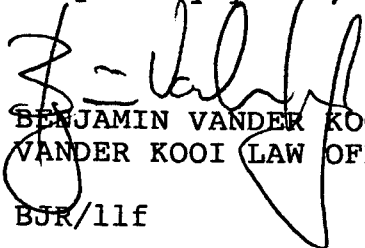
Dear Dave:

Thank you for your letter of February 25, 1987, regarding the hearing to be held at Jackson on March 13, 1987, for the vacancies in the Jackson County and Murray County Judgeships.

I agree with the proposal that Judge Holtan move his chambers to Jackson County, since I believe that otherwise Murray County will be left without a judge. I think it is important to preserve the principal that every county should retain at least one resident judge. Otherwise, the Supreme Court will not be done with us until the Fifth Judicial District is a checkerboard of counties with vacant judgeships being served by a resident judge in an adjoining county.

Please let me know if I can be of further assistance in your presentation on March 13.

Very truly yours,



BENJAMIN VANDER KOOI, JR.
VANDER KOOI LAW OFFICES, P. A.

BJR/11f

OFFICES OF
NOBLES COUNTY ATTORNEY

HARRIS I. DARLING, COUNTY ATTORNEY

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(507) 372-2974

ANDREW E. HAGEMANN, JR., ASST.
KENNETH J. KOHLER, ASST.

February 25, 1987

David Von Holtum
Attorney at Law
607 10th Street
Worthington, MN 56187

Re: Judicial Vacancies

Dear Dave:

I think the proposal you outlined in your letter is the best that we can expect. If we don't agree to let one judge go the Supreme Court will take both of them.

Very truly yours,



Harris I. Darling
Nobles County Attorney

HID:cs

MAR 6 1987

Murray County Attorney

2548 Broadway Ave.
SLAYTON, MINNESOTA 56172

MERLYN ANDERSON
COUNTY ATTORNEY
Phone: (507)836-6194

JOHN A. DOYLE
ASSISTANT MURRAY
COUNTY ATTORNEY

March 5, 1987

David Von Holtum
Von Holtum, Hand, Malters & Shepherd
Attorneys at Law
P. O. Box 517
607 Tenth Street
Worthington, Minnesota 56187-0517

Re: Sunset and Transfer Hearing, Vacancies in Fifth
Judicial District

Dear Dave:

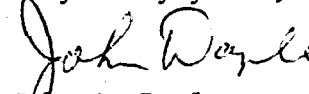
I disagree with the elimination of Judge Holt's position in Murray County on grounds that there will be no access to a resident judge in the county and Nobles County's judicial needs will not be met by the regular sharing of the Nobles County Bench by the judge historically residing in Murray County. Since 1981 Judge Holt has been on the bench in Nobles County every Friday and has, since 1984 had more than 1300 cases before him in Nobles County.

The elimination of the Murray County judicial position will result in three counties on the western side of the Fifth District without a resident trial judge greatly exacerbating the lack of accessibility to judicial resources for the residents of this part of Minnesota.

I believe that the transfer of Judge Holtan's chambers to Jackson would fairly distribute the judicial resources in County Court Districts B and D, but unless the position in Murray County is retained, the accessibility to a judge will still be lacking in County Court District E.

Consequently, I agree that if the position in Murray County is retained, the transfer of one of the two Cottonwood County positions to Jackson County will affect a fair distribution of judicial resources.

Very truly yours,


John A. Doyle

JAD/ir

Terry L. Bloch
ATTORNEY AT LAW
633 SECOND AVENUE
WINDOM, MINNESOTA
56101

OFFICE PHONE
507-831-2526

March 3, 1987

Mr. David R. Von Holtum
Attorney at Law
Box 517
Worthington, MN 56187

Dear Mr. Von Holtum:

As a member of the Windom legal community, I would prefer not to have Judge Holtan move from Windom and Cottonwood County. However, if that is the only way that southwestern Minnesota can retain one of the two judgeships, I would be in agreement with it.

My main concern is with the increased lack of access to a Judge and the resulting driving distance we as rural attorneys are being adversely affected in efficiently representing our clientel.

Respectfully submitted,

Terry L. Bloch
Terry L. Bloch

TLB:11w

ROBERT R. MAUNU

Attorney at Law

P.O. BOX 762
224 SOUTH HIAWATHA
PIPESTONE, MINNESOTA 56164
TELEPHONE (507) 825-5848

February 26, 1987

Mr. David R. Von Holtum
Attorney at Law
Box 517
Worthington, MN 56187

Dear Dave:

This is in response to your letter of February 25, 1987.

I am in favor of the transfer of Judge Holtan's chambers to Jackson County as a means to convince the Supreme Court to fill the Murray County vacancy. I strongly urge that every effort be made to effect the transfer of Judge Holtan's chambers to save the Murray County judgeship.

In my opinion, the loss of further judgeships will have a serious negative effect on the quality of court services in the Fifth Judicial District.

I have earlier written to the Court on the subject and I enclose herewith for your review a copy of my letter which more fully explains my position on the vacancies.

Thank you.

Very truly yours,



Robert R. Maunu

RRM/pm

Enclosure

Nancy Gruchow

Attorney at Law

Office: 921 Fourth Avenue

Worthington, Minnesota 56187

Phone 507-376-9770

Feb. 26, 1987

Dave Von Holtum
Box 517
607 Tenth St.
Worthington, MN 56187

Re: Judicial Vacancies

Dear Dave:

The last time the Supreme Court considered judicial vacancies, it decided to fill them despite the caseload statistics. The judicial district was up near Kandiyohi County, as I recall. The opinion cited all sorts of reasons why the statistics were not going to be relied upon. The only reasons that I can recall now are: 1) that the judges had no law clerks; 2) that each county should have a resident judge. Obviously both of those reasons apply to our current situation.

My suggestion is that we look up that opinion and take some ideas from it. If these are reasons the Court found persuasive once, it may find them persuasive again.

I would like all the judgeships filled. The public defenders find it much more difficult now that Mann and Irvine are gone. I have been urging Calvin Johnson, the chief public defender for the 5th Judicial District, to get a presentation together. If he doesn't speak on this subject on March 13th, I would be willing to do so. My focus would be on the hardship incurred by the defendant in jail, awaiting trial.

So far as the transfer of Judge Holtan to Jackson goes, that is fine with me if he wants to do it. My impression is that Jackson and Fairmont are more badly in need of a judge than Windom is. But this is like choosing between two raggedy pairs of blue jeans: one has a big hole in the left knee, and one has a big hole in both knees.

Yours truly,



Nancy Gruchow
NG:hs

ROBERT R. MAUNU
Attorney at Law

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PIPESTONE, MINNESOTA 56164
TELEPHONE (507) 825-5848

February 16, 1987

Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

In Re: Public Hearing on Vacancies
in Judicial Positions in the
Fifth Judicial District

Dear Sir:

The purpose of this letter is to state my opposition to transferring or abolishing the 2 judicial positions soon to become vacant as a result of the retirement of Judge John D. Holt and Judge Donald G. Lasley. If either or both of the positions are not filled, there will not be sufficient access to the judicial system in the counties involved. Eliminating the positions will have a detrimental impact on the area citizens as well as on court personnel, lawyers, and judges.

In addition to my regular private practice, I am a one-half time Public Defender for the Fifth Judicial District. To illustrate the expected impact, I have prepared a table based on the criminal defense work. My Public Defender criminal defense work requires court appearances in 7 counties (Pipestone, Murray, Rock, Nobles, Lincoln, Lyon, and Redwood). The year of 1985 was the last year in which Judge Walter H. Mann and Judge L. J. Irvine remained in office before their positions were transferred out of the Fifth Judicial District. The following table presents a comparison of statistics before and after the loss of the 2 positions.

T A B L E

	<u>1985</u>	<u>1986</u>
Felonies	80	70
Gross Misdemeanors	34	42
Totals	114	112
Total Time Required	787.3 hours	813.5 hours
Average Time Per Case	6.9 hours	7.3 hours

*Mailed
10/1/87
3-11-87*

Clerk of Appellate Courts
Page Two
February 16, 1987

The average time required per case has increased by 6% in 1986. It is my opinion that this increase has been directly caused by the loss of the 2 positions of Judge Mann and Judge Irvine. Prior to the loss of the 2 positions, it was possible to schedule most pre-trial hearings in felony and gross misdemeanor cases on Mondays with an occasional Thursday appearance. Since the loss, we are required to regularly schedule pre-trial hearings on Mondays, Thursdays, and Fridays, depending on when a judge is available. Scheduling these matters has become a nightmare for me and my staff.

Not only has this caused our office problems, but I am certain this has also resulted in additional time expended by Court Administrators and their staff, the witnesses, County Attorneys and their staff, and judges. This has also clearly resulted in inconvenience to clients and the public.

We have experienced a similar increase in time required on files in our private practice since the elimination of the judgeships. We have received and continue to receive complaints from clients and others about the delays experienced in the judicial system. The public pays for the costs of the inefficiency caused by the loss of needed judges.

The upshot of this is that the loss of any further judicial positions in this District would only exacerbate the problems. We simply would not have enough judges to give each case the time and attention required for fair, efficient and speedy justice.

Respectfully submitted,

Robert R. Maunu

RRM/pm

Walter A. Tofteland

ATTORNEY AT LAW
108 N. CEDAR STREET

Luverne, Minnesota

56158

February 25, 1987

*File
13th District*

Mr. David R. Von Holtum
Von Holtum, Hand, Malters & Shepherd
Attorneys at Law
Box 517
Worthington, MN 56187

Re: Vacancies in the Judiciary

Dear Dave:

Thank you for your efforts in trying to retain the judgeship in Murray County. In your letter you request thoughts concerning the transfer by Judge Holtan of his chambers to Jackson.

My thought is that I wish to thank Judge Holtan for his willingness to transfer his chambers to Jackson County on the condition that the Supreme Court would agree to fill a vacancy in Murray County. Since we are in the extreme southwest corner of the state we do not have the privilege of going to the south and to the west to obtain judicial service so I am very much in favor of trying to retain three judges in the four county area of southwestern Minnesota.

Sincerely,

Walt

Walter A. Tofteland

WAT:cw

MALONE & MAILANDER

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Slayton, Minnesota 56172

Eugene D. Mailander
(507) 836-8582

March 6, 1987

OFFICE OF
APPELLATE COURTS
FILED

MAR 09 1987

WAYNE TSCHIMPERLE
CLERK

Mr. Wayne O. Tschimperle
Clerk of Supreme Court
230 State Capitol
St. Paul, MN 55155

Attention: The Honorable Glenn E. Kelly

Re: Judgeship in Murray County

C9-85-1506

Gentlemen:

This letter is for the purpose of providing you input relative to the proposals on whether or not to retain Judgeships in Murray and Jackson Counties. I have practiced law in Murray County for the preceding twelve (12) years, and the law firm I work with at the present consists of three (3) lawyers, including myself, Eugene D. Mailander and Pamela J. Mailander, all working in Slayton, which is the County Seat of Murray County. Because our offices are located in the center of the County, most of our clients are Murray County residents and taxpayers in Murray County, and my clients are all concerned about their ability to have access to Court promptly and reasonably.

The residents and taxpayers of Murray County have in the past indicated their committment to the judicial system by paying for a new Courthouse. The Murray County Courthouse, which was used into the early 1970's had (like many Courthouses which were built before 1900) become somewhat obsolete and in a state of disrepair. The District Judges had indicated a strong reluctance to conduct Court in the Murray County Courthouse and Courtroom as it existed. Due least in part to judicial presssure, the Murray County Commissioners and the Murray County taxpayers undertook construction of a new Courthouse and Courts Building to provide adequate and proper facilities for the Judges and judicial system. The initial Courthouse and judicial chambers were built in 1974 at a cost of approximately \$355,000.00. In addition, the Murray County taxpayers built another new building adjacent to the actual Courtroom for housing the rest of the Murray County Government Staff, and in 1982 the County constructed a jail and Sheriff's Office, which is adjacent to and attached to the Court Administrator's Office and the Courtroom at a cost of approximately \$310,000.00.

The Murray County taxpayers, at the encouragement of the judicial system, expended substantial sums to provide adequate facilities for the judicial system. I submit that it is inappropriate to reward those taxpayers by terminating the Judgeship that exists in Murray County. It places the taxpayers and citizens of Murray County in a position where they must wait until a time convenient to a Judge who is living in a different County to drive to Murray County, and puts them through the difficulty of driving

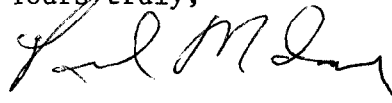
Re: Judgeship
Page 2
March 6, 1987

more than thirty (30) miles to find a Judge if there is some emergency. I also submit that it is inappropriate to compel the taxpayers to now pay the Sheriff's Department, the Police Department and other law enforcement personnel for the cost of going to some other town to obtain judicial services when those services are needed on an emergency basis.

I understand that there is a problem in certain areas of the State where there are insufficient Judges to handle pending cases and as a result there are delays in the Court system. I further understand that proposals to move Judges from rural districts are designed to remedy the problem. However, I submit that the removal of the Judge from Murray County will merely shift the location of the problem rather than remedy it. Rock County and Lincoln County, both of which abutt a corner of Murray County, are currently without sitting County Court Judges. Judge Holt has accommodated the absence of Judges in those districts by traveling to Nobles County to assist the Nobles County Court. To now remove the Murray County Judge and not replace him would place three (3) counties, all within very close proximity, without sitting County Court Judges. The result would be that whoever is to replace the currently sitting Murray County Court Judge, and perform his services, would have to travel an additional distance to Murray County. In addition, traveling would probably result in a reduced quality of service, additional judicial time wasted in traveling, and less access to the Courts by the Murray County residents.

For the reasons set forth in this letter, I respectfully submit that the judicial position in Murray County not be terminated or moved.

Yours truly,



PAUL M. MALONE
Attorney at Law

PMM/cl

Slayton Public Schools

Slayton, Minnesota, 56172

3-9-87

Cornelius H. Smit
Superintendent
Phone 507-836-6183

OFFICE OF
APPELLATE COURTS
FILED

MAR 09 1987

March 6, 1987

WAYNE TSCHNAPERLE
CLERK

To Whom It May Concern:

C9-85-1506

The purpose of this correspondence is to express my concern regarding the purposed reduction of two judgeships in the Fifth Judicial District. As I understand these purposed reductions they are to be the judgeships that will become vacant due to retirement in Murray and Jackson Counties.

There are two areas of the judicial service that I am particularly concerned about as a chief school administrator. One area centers around the administration of juvenile justice. The other is domestic abuse cases particularly as it relates to child neglect and abuse. Nationwide rapid increases in both the number and severity of these crimes have occurred. This same type of statistical increase in these types of crimes are occurring in our community. In both cases having the direct, immediate intervention of a judge is necessary. If we need to travel great distances, and have dockets and calendars that are booked into the future then the close relationship between a criminal act and punishment will be lost and in the case of domestic violence, injury or death could result because of the lack of timeliness.

Please consider these concerns before further reducing the number of judges in the Fifth Judicial District. Further, please be advised that I will not be able to directly address the concerns of the court at the scheduled hearing, but would like this letter to be entered as written testimony.

Sincerely yours,



Cornelius H. Smit
Superintendent of Schools

CC: John Doyle, Assistant County Attorney, Murray County

Murray County Attorney

2548 Broadway Ave.
SLAYTON, MINNESOTA 56172

MERLYN ANDERSON
COUNTY ATTORNEY

Phone: (507)836-6194

JOHN A. DOYLE
ASSISTANT MURRAY
COUNTY ATTORNEY

March 5, 1987

OFFICE OF
APPELLATE COURTS
FILED

MAR 09 1987

WAYNE TSCHEMPERLE
CLERK

Wayne Tschemperle
Clerk of Appellate Courts
230 State Capitol
St. Paul, Minnesota 55155

Re: Judicial Vacancies in the Fifth Judicial District,
Sunset and Transfer Hearing March 13, 1987 at
Jackson, Minnesota

C9-85-1506

Dear Mr. Tschemperle:

Enclosed is the original and twelve copies of the brief or position paper of the Murray County Attorney's Office required by the Supreme Court's Order dated January 26, 1987 for the above captioned consultation hearing.

Together with Attorney David Von Holtum for the Thirteenth District Bar Association, I as the association's president will be filing another brief or position paper with twelve copies for the above captioned hearing. Since I will be speaking for the Murray County Attorney's Office, Mr. Von Holtum will be the spokesman for the Thirteenth District Bar Association.

I do here request the opportunity to address the Court on March 13th in Jackson for the Murray County Attorney's Office and do request the opportunity for Mr. Von Holtum to address the Court for the Thirteenth District Bar Association.

Very truly yours,



John A. Doyle
Assistant Murray County Attorney

Encls.

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

OFFICE OF
APPELLATE COURTS
FILED


MAR 09 1987

WAYNE TSCHIMPERLE
CLERK

IN RE PUBLIC HEARING ON
VACANCIES IN JUDICIAL
POSITIONS IN THE
FIFTH JUDICIAL DISTRICT

BRIEF IN SUPPORT OF THE CONTINUATION OF THE JUDGESHIPS
HAVING VACANCIES AS A CONSEQUENCE OF THE RETIREMENTS OF
JUDGES JOHN D. HOLT, SLAYTON AND DONALD G. LASLEY,
JACKSON

By: _____


John A. Doyle
Assistant Murray County Attorney
2548 Broadway Avenue
Slayton, Minnesota 56172
Phone (507) 836-6060

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INTRODUCTION

[The] supreme court, in consultation with judges and attorneys in the affected district, shall determine whether the vacant office is necessary for effective judicial administration.

Minnesota Statutes Sec. 2.722, subd. 4

It is the position of the Murray County Attorney's Office that the county judgeships at Slayton and at Jackson are necessary for effective judicial administration with the Fifth Judicial District. The two positions should be retained. In the event one position is to be eliminated it should not be the position in Murray County. This brief is presented in support of our position. It discusses our reasons for believing that the Murray County position should be retained.

POINT I

THE TWO JUDGESHIPS SHOULD BE RETAINED BECAUSE OF THE
WORKLOAD IN THEIR RESPECTIVE COUNTY COURT DISTRICTS
"D" AND "E."

The Fifth Judicial District is comprised of fifteen counties, which are grouped into five County Court Districts by this Court's order dated January 1, 1981, In Re Hearing of the Redistricting of the Fifth Judicial District Effective January 1, 1981, Minn. Rep. 296-300 NW 2d, XXIII. Jackson, Martin and Faribault Counties make up County Court District "D" and Murray, Pipestone, Rock and Nobles make up County Court District "E" of the Fifth Judicial District. Geographically, both Murray and Jackson Counties fall within the nine counties of the western portion of the Fifth District. The weighted caseload study distributed February 13, 1987 indicated the judicial need of 2.7 judges for County Court District "D" and a need of 2.3 judges for County Court District "E." There are currently three judges in County Court Districts "D" and "E" respectively. The elimination of either of the two affected judgeships would result in two judges within sub-districts "D" and "E." With the elimination of the affected judgeships, a gap or lack of judicial resources of .3 is realized in sub-district "E" and .7 in sub-district "D." Elimination of the affected judgeships will result in four counties on the western end of the Fifth Judicial District without sitting resident judges - Lincoln, Rock, Murray and Jackson.

POINT II

THE JUDICIAL POSITION IN MURRAY COUNTY SHOULD NOT BE
ELIMINATED.

The elimination of Judge Holt's position in Murray County will result in 50% of the four counties in sub-district "E" without resident sitting trial judges and 50% of the six counties in the southwest corner of the state without resident sitting judges - Lincoln, Murray and Rock.

The Murray County Court has been shouldering the judicial needs of Nobles County on a regular and consistent basis since January of 1981 and has been doing so historically as early as 1979. Judge Holt was initially during 1979 voluntarily extending himself to the neighboring Nobles County which has historically had a greater population and a need for more than one judge.

Murray County by recent computations, has a need for .4 of a judge, and Nobles County has a recent need of 1.1 judges. To terminate the Murray County judge position would remove a judge from a central position on the western side of the Fifth District.

Judge John D. Holt has been seated on the Nobles County bench on a regular one-day a week basis since January of 1981, and has been taking cases in Nobles County on a frequent basis since 1979. Figures of cases and hearings before Judge Holt between 1984 and early 1987 have been compiled by the Nobles County Court Administrator's Office (attached hereto and marked as Exhibit "A.")

While figures have been compiled for only three of the eight years that Judge Holt has labored in the Nobles County Courthouse, they demonstrate that a substantial judicial load has been carried by the Murray County Court Judge's Position in the County Court District "E", outside of Murray County. An average of more than 2½ trials, omnibus hearings and dissolutions per month, have been before Judge Holt in Nobles County during 1984, 1985 and 1986, and nine of these cases and proceedings have been before Judge Holt in Nobles County during January of 1987 alone.

During the three years and one month of the study of Judge Holt's work in Nobles County by the Nobles County Court Administrator, one thousand three hundred and ninety-eight cases and proceedings have been before the judge position extended from Murray County to Nobles County.

The elimination of the affected position in Murray County will not only detrimentally affect the accessibility of Murray County residents to judicial services, but the loss of the one Murray County position will directly impact on Nobles County and result in the third county on the western end of the Fifth District without a resident sitting judge. The most recent weighted caseload study calls for 2.3 judges in County Court District "E" of the Fifth Judicial District, and in the event of the elimination of the Murray County position there will be only two judges to meet that need, which results in a judicial load of 1.15 for each of the remaining judges. The remaining gap of judicial resources in County Court District "E" cannot be met by judicial resources from County Court District "A" (Lincoln, Lyon and Redwood Counties) for the reason that there is already lacking accessibility to a resident sitting judge in Lincoln County and the 1986 weighted caseload study demonstrates that each of the remaining three judges in County Court District "A" has a load of .8 of a judge position. It is not reasonable to expect that judicial resources, upon the elimination of the Murray County position, will be allocated in such a manner as to provide service to Murray County from District "A" which has a need of 2.4 judges.

The lack of sitting resident judges in two of the counties neighboring Murray County, Lincoln and Rock, will exacerbate existing bad accessibility to judicial resources in the entire western end of the Fifth Judicial District. There will be three counties out of six in the southwest corner of the state without resident judges, and four judges in those six counties to meet the need of 3.9 positions. This will result in each of the remaining judges in the six corner counties to bear the weight of .975 judges.

Whereas, it is the policy of the Minnesota Supreme Court that, wherever possible, judicial resources should be allocated in such a way that each county in a judicial district shall have one county court judge resident therein before any other county in the judicial district shall have two or more resident county court judges,
In Re Hearing on the Redistricting of the Fifth Judicial District, Effective January 1, 1981 - Minn. Rep.
296-300 NW 2d, XXIII.

The drastic measure of eliminating an entire judicial position in the affected corner area of the state is not supported by the resulting close margins demonstrated by the application of the weighted caseload study in the meager judicial resources remaining after an elimination of the position in Murray County. The added disadvantage of those counties, within Minnesota, which are on or near

the borders of two states, namely; South Dakota and Iowa, is that judicial resources cannot be allocated to them from either the west or the south. This disadvantage is not experienced by many other counties and population centers in Minnesota. Murray County's unique central geographical location in the western end of the Fifth District supports the proposition that judicial resources can more easily be allocated from Murray County with a resident judicial position retained there, than is or would be the case of retaining positions in Jackson, Lincoln or Rock Counties.

In one urban judicial area, the Second Judicial District, where the weighted caseload study demonstrated that the Second Judicial District had 1.95 more judicial personnel than needed, an affected judicial position under consideration was not eliminated, In Re Second Judicial District Court Vacancy June 9, 1986 Minn. Rep. 386-387 NW 2d LXXVIII. This court referred not only to its preference for elected judges over appointed quasi-judicial personnel, but also to the increased filings experienced in the Second District in its decision to maintain the judicial position for the Second Judicial District, see page numbered LXXXV of Minn. Rep. 386-387 NW 2d.

In a rural judicial district, the Eighth, where the weighted caseload study demonstrated a need for 9.2 judges there and where the Eighth District had 12 judges, two of the 12 were under consideration for elimination. The decision was made to maintain the two affected positions, In Re Eighth District County Court Vacancies, June 20, 1986, Minn. Rep. 386-387 NW 2d LXXXVII.

...it is noted that the location of these specific vacancies makes the termination of one, if not both of the positions problematic because of access concerns. If the Yellow Medicine judgeship were removed, four adjoining counties - Traverse, Big Stone, Lac Que Parle, and Yellow Medicine - would be without a resident judge, In Re Eighth District County Court Vacancies, supra. at XCIII.

POINT III

ELIMINATIONS OF JUDICIAL POSITIONS, SHOULD COME FROM THE EASTERN COUNTIES OF THE FIFTH JUDICIAL DISTRICT.

By the 1986 weighted caseload study there are presently a surplus of judges in two of the Fifth District's County Court Districts. County Court District "B" (Nicollet, Brown, Watonwan and Cottonwood Counties) has six resident judges and it has a demonstrable need of 3.7 judges. County Court District "C" (Blue Earth

County) has four resident judges with a demonstrable need of 2.7 judges. There certainly is accessibility to judicial resources in the eastern side of the district.

It is helpful to speculate that the transfer of one of the Cottonwood County positions to Jackson County where one of the two judges seated there resides. Such a transfer addresses the surplus of judicial positions in County Court District "B," and it also addresses the accessibility of Jackson County residents to judicial resources. The burden of meeting the margins created by the 1986 weighted caseload study is met by this transfer.

One of the two judicial positions with chambers in Cottonwood County is filled by Judge Harvey Holtan who provides judicial services district wide by conducting complex cases of five days length or more throughout the Fifth District. Judge Holtan resides in the City of Lakefield within Jackson County and is relatively near the Jackson County Seat of Jackson. The other judicial position with chambers in Cottonwood County is filled by Judge James W. Remund, who resides in the City of Windom and the weighted caseload study calls for .6 judge position for Cottonwood County. Consequently, the speculated transfer of an existing judicial position to the affected county of Jackson does not address the lack of access to judicial resources for residence in the far western side of the district and to the residents specifically of Murray County.

In Murray County two legal areas, particularly sensitive to the need of a resident sitting judge, namely; domestic abuse and juvenile law of all classifications experienced dramatic increases in numbers during the calendar year 1986 over 1985. According to logs and records maintained by the Murray County Attorney's Office, juvenile proceedings of all sorts increased by 50% in 1986. Felony delinquency conduct committed by children increased 160% during 1986, which represents an increase of children alleged to have committed felony delinquency offenses from 10 in 1985 to 26 during 1986. According to records maintained by the Murray County Court Administrator's Office, Domestic Abuse Petition filings increased by 80% during 1986. The case filings for juvenile delinquency matters are down 21.1% in Jackson County during 1986, and Domestic Abuse Petition filings in Jackson County are down 11.1% during 1986.

The District Court general filings and District Court total criminal filings have also increased dramatically during 1986 in Murray County, compared to Jackson County's filings during 1986. See State Judicial Information System (SJIS)

Report, caseload statistics for Murray and Jackson Counties for 1986 in Exhibit "B" attached hereto. While there is not the critical need for immediate access to a sitting resident judge for these categories of filings, as compared to the juvenile and domestic abuse filings, the compared percentage increases for District Court "general civil" and "criminal total" filings establish that Murray County's judicial position should be retained in light of the 1986 SJIS reports.

The quality of justice will suffer with the elimination of the judicial position in Murray County. The time required to adjudicate and dispose of the drastically increased juvenile caseload in the county during 1986 would not have been available from judicial resources around or neighboring Murray County without the existing resident judge. While it may be argued that those juvenile cases would have been "processed" the quality of justice achieved in those juvenile cases could not have been achieved by judges operating on a circuit rider basis. Only a resident sitting judge could have achieved the correct adjudications, the required out-of-home placements which did in fact occur in Murray County, the required reviews of those placements and the integrity of juvenile delinquency case files during 1986. In addition to the quality of the judicial decisions reached in each of the juvenile cases by the resident Murray County Court judge, convenience to the schedules of parents of the children involved, witnesses required at both adjudication and disposition hearings and to law enforcement personnel was achieved because of the resident sitting Murray County Court judge on those files.

With the elimination of the Murray County position as the third judicial position from the six counties in the southwest corner of the state, the quality of justice will decrease. See the letter of Public Defender Attorney, Robert R. Maunu, attached hereto and marked as Exhibit "C," the needs of children will not be met. See the letter of Perry Zimmerman, Director of the Pipestone County Family Service Center attached hereto and marked as Exhibit "D" and domestic abuse petitions will not be judicially addressed upon their filing.

CONCLUSION

The compelling practical reasons for the retention of the two judgeships are the excessive travel which will be needed to serve the counties involved, the lack of access to judicial services required in the western portion of the district, which will result from the elimination of the positions and the need to retain these judgeships to handle the workload in their counties and in

County Court Districts "D" and "E." These reasons apply even if the weighted caseload study otherwise accurately identifies the Fifth Judicial District as having a surplus number of judges.

The judicial position in Murray County should not be eliminated for the compelling reason that the result would be a third county among the six counties in the southwestern corner of the state without a resident sitting judge, eliminating accessibility to judicial resources in Murray County and for half of the counties in that corner of the state. The regular allocation of judicial resources to Nobles County from Murray County will likewise be eliminated. The dramatic increase of juvenile court cases and of domestic abuse petition filings experienced in Murray County during 1986 surpass similar filings in Jackson County during the same period as do the District Court total criminal filings and the District Court general civil filings.

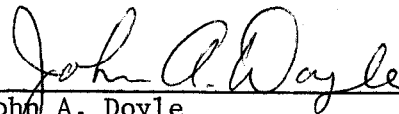
Without knowing the full effect of having abolished two judgeships previously in the Fifth District, the Court should retain the positions which are in question, and should specifically retain the Murray County position rather than risk the erroneous elimination of that position which is now in place and whose judge is needed for the efficient judicial administration in the Fifth Judicial District.

We respectfully submit that neither judicial position should be eliminated. The Murray County position should specifically be retained in the Fifth Judicial District.

Dated: March 5, 1987

Murray County Attorney's Office

By:



John A. Doyle
Assistant Murray County Attorney
2548 Broadway Avenue
Slayton, Minnesota 56172
Phone (507) 836-6194

TIMOTHY L. OSTBY

P.O. Box 547 • Worthington, Minnesota 56187
Telephone (507) 376-6173

Court
Administrator
For

NOBLES
COUNTY

February 24, 1987

Mr. John Doyle
Assistant County Attorney
Murray County
Slayton, MN 56172

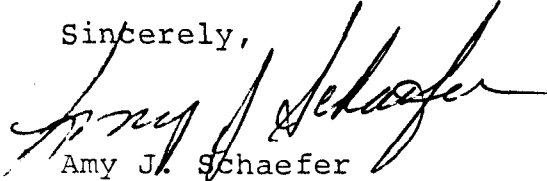
Dear Mr. Doyle:

I have reviewed the Nobles County court minutes from the years 1984 thru January 1987. I have recorded the following statistics for your information.

	1984	1985	1986	1/1987
Traffic Court (including 1st appearance for Dist/Ct. Courts)	296	185	367	41
Conciliation Court	8	49	209	36
Court Trials (including omnibus hrgs and Dissolutions)	29	34	34	9
Juvenile	9	3	2	-
Probate	42	32	13	-

I hope this information will be of assistance to you.

Sincerely,


Amy J. Schaefer
Deputy
Nobles County, Minnesota

SJIS ANNUAL REPORT

CASELOAD STATISTICS

1986

FOR MURRAY AND JACKSON COUNTIES

	<u>MURRAY COUNTY</u>	<u>JACKSON COUNTY</u>
District Court General Civil filings	73 (55.3%)	52 (10.6%)
District Court Criminal Total	14 (27.3%)	22 (10.0%)
Domestic Abuse	9 (80.0%)	16 (-11.1%)
Juvenile Delinquency	40 (0.0)	30 (-21.1%)

The number in parenthesis is the percent net change from the previous reporting period.

ROBERT R. MAUNU

Attorney at Law

P.O. BOX 762
224 SOUTH HIAWATHA
PIPESTONE, MINNESOTA 56164
TELEPHONE (507) 825-5848

February 16, 1987

Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

In Re: Public Hearing on Vacancies
in Judicial Positions in the
Fifth Judicial District

Dear Sir:

The purpose of this letter is to state my opposition to transferring or abolishing the 2 judicial positions soon to become vacant as a result of the retirement of Judge John D. Holt and Judge Donald G. Lasley. If either or both of the positions are not filled, there will not be sufficient access to the judicial system in the counties involved. Eliminating the positions will have a detrimental impact on the area citizens as well as on court personnel, lawyers, and judges.

In addition to my regular private practice, I am a one-half time Public Defender for the Fifth Judicial District. To illustrate the expected impact, I have prepared a table based on the criminal defense work. My Public Defender criminal defense work requires court appearances in 7 counties (Pipestone, Murray, Rock, Nobles, Lincoln, Lyon, and Redwood). The year of 1985 was the last year in which Judge Walter H. Mann and Judge L. J. Irvine remained in office before their positions were transferred out of the Fifth Judicial District. The following table presents a comparison of statistics before and after the loss of the 2 positions.

T A B L E

	<u>1985</u>	<u>1986</u>
Felonies	80	70
Gross Misdemeanors	34	42
Totals	114	112
Total Time Required	787.3 hours	813.5 hours
Average Time Per Case	6.9 hours	7.3 hours

M...

Clerk of Appellate Courts
Page Two
February 16, 1987

The average time required per case has increased by 6% in 1986. It is my opinion that this increase has been directly caused by the loss of the 2 positions of Judge Mann and Judge Irvine. Prior to the loss of the 2 positions, it was possible to schedule most pre-trial hearings in felony and gross misdemeanor cases on Mondays with an occasional Thursday appearance. Since the loss, we are required to regularly schedule pre-trial hearings on Mondays, Thursdays, and Fridays, depending on when a judge is available. Scheduling these matters has become a nightmare for me and my staff.

Not only has this caused our office problems, but I am certain this has also resulted in additional time expended by Court Administrators and their staff, the witnesses, County Attorneys and their staff, and judges. This has also clearly resulted in inconvenience to clients and the public.

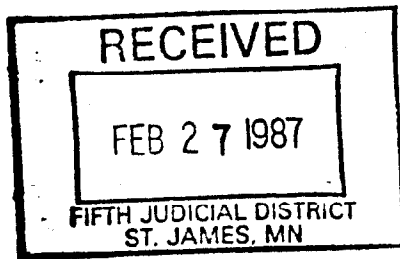
We have experienced a similar increase in time required on files in our private practice since the elimination of the judgeships. We have received and continue to receive complaints from clients and others about the delays experienced in the judicial system. The public pays for the costs of the inefficiency caused by the loss of needed judges.

The upshot of this is that the loss of any further judicial positions in this District would only exacerbate the problems. We simply would not have enough judges to give each case the time and attention required for fair, efficient and speedy justice.

Respectfully submitted,

Robert R. Maunu

RRM/pm



PIPESTONE COUNTY
FAMILY SERVICE CENTER

116 2nd Ave. SE
Pipestone, Minnesota 56164
Telephone 507/825-3357

February 20, 1987

To Whom It May Concern:

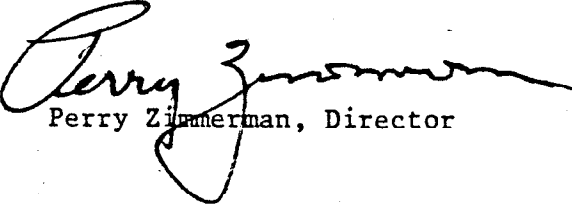
This letter is written in ~~op~~position to the recent news of the contemplative decreases in judges in Southwest or rural Minnesota.

Being a rural welfare director, with responsibilities to juveniles, having a judge available is essential for the efficient running of my office. Juvenile matters must be handled immediately and the time constraints by law are such that a judge must be available to render decisions. The present allocation of judges in Southwest Minnesota seems, from a welfare perspective, to be sufficient, but would not be in favor of having fewer judges to serve our area.

Again, Pipestone County Family Service Center, would not be in favor of reducing the number of judges in Southwest Minnesota.

Yours truly,

PIPESTONE COUNTY FAMILY SERVICE CENTER



Perry Zimmerman, Director

PZ /jb



Judy Haberman
City Clerk - Treasurer
507-793-2826

CITY OF HERON LAKE

JACKSON COUNTY
912 2nd Avenue
HERON LAKE, MINN. 56137

Roland Wray
Mayor

3-9-87

March 5, 1987
OFFICE OF
APPELLATE COURTS
FILED

MAR 09 1987

WAYNE TSCHIMPERLE
CLERK

Minnesota Supreme Court
c/o Clerk of Appellate Courts
230 State Capitol
St. Paul, Minnesota 55155

RE: Judicial vacancy, Jackson County Court,
Fifth Judicial District *C9-85-1506*

The City Council of the City of Heron Lake, in Jackson County, and I, as Police Chief of Heron Lake, wish to express our desire to have the judicial vacancy in the Jackson County Court filled rather than to transfer or abolish this position.

At the present time we in this area are working through an economic depression. The loss of a Judge for Jackson County can only create more hardship and expense for all those concerned. It is our feeling that the caseload justifies appointing a replacement for this vacancy.

Thank you for your consideration of this letter.

Sincerely,

Dennis E. Waldron
Dennis E. Waldron
Chief of Police
City of Heron Lake

jah

Jackson Area Chamber of Commerce

603 Third Street

Jackson, Minnesota 56143

OFFICE OF
APPELLATE COURTS
FILED

3-9-87

March 3, 1987

MAR 9 1987

WAYNE TSCHIMPERLE
CLERK

IMPORTANT

Clerk of Appellate Courts
230 State Capitol
St. Paul, Minnesota 55155

C9-85-1506

Dear Sir:

We are writing this letter to express the CONCERN of the Jackson, Minnesota Community, of the possible loss of the County judgeship. We feel this would be yet another devastating blow to the already long list our community has already received.

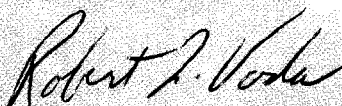
We cannot understand your unconcern for the economic and personal hardship this would cause our small rural community. The additional expense and the added out of town time and travel this would incur on our citizens and our local law enforcement officials. We feel with the population of the twin cities, this problem could be handled in some other way, without causing undo hardships to the smaller communities, that are struggling in every area already to just survive.

Not only does this cause undo hardship to our law enforcement officials, but to all the citizens of the community from the elderly to the teenagers of the community. These people are all in need of and in favor of retaining our judgeship for our county.

We strongly request your utmost consideration be given for the small rural communities of America, the backbone of our nation.

We are also requesting testimony time on March 13th @ 10:30A.M. to be heard with the above summary and comments to be stated.

Sincerely,



Robert Voda, President
Jackson Area Chamber of Commerce

CITY OF WINDOM
OFFICE OF CITY ATTORNEY
THOMAS W. LEWIS - CITY ATTORNEY
LEE W. CUNNINGHAM - ASS'T CITY ATTORNEY
P.O. BOX 397
WINDOM, MINNESOTA 56101

3-9-87

831-3878
AREA CODE 507

OFFICE OF
APPELLATE COURTS
FILED

March 6, 1987

MAR 6 1987

WAYNE TSCHIMPERLE
CLERK

Clerk of Appellate Court
230 State Capitol
St. Paul, MN 55155

Dear Sir/Madam:

C9-85-1506

Enclosed are twelve (12) copies of the written presentation I wish to place on the record, in oral presentation at the hearing on vacancies in the office of Jackson County and Murray County District Court Judges on March 13, 1987.

Very truly yours,

LEWIS, PRICE & CUNNINGHAM

Thomas W. Lewis

Thomas W. Lewis

TWL/clp
Encl.-12

MAR 9 1987

Comments for Court Selection **WAYNE TSCHIMPERLE**
CLERK

The use of statistical studies to effect Judicial efficiency is based on assumptions for statistical data purposes only and does not take into account the full Judicial process and the overall decrease in efficiency to the Judicial process that will occur in Southwest Minnesota.

The need for a search warrant, domestic abuse order or restraining order in any dispute will, upon removal of these Judges require that the City of Windom allot an additional 2 to 3 hours minimum to the acquisition of these documents if we must seek them by a searching process of locating a Judge, arranging for our officers to meet the Judge in a different City, during his recess or noon break, return to the City of Windom and serve such papers.

Windom presently has 7 police officers and the need for this travel would reasonably require an additional officer on standby, at a minimum, since we often have only one officer on duty and his removal from the City to seek a Court signed document would leave the City without police service. Over 3 shifts per day for 7 days this reasonably projects to at least 1 more officer needed to serve the City of Windom only, an increase of 14.3 %.

For Jackson, Jackson County, Slayton, Murray County, Lakefield and Mountain Lake, all of which have substantially smaller police forces this increase is substantially higher.

In addition, Worthington, Adrian, and Nobles County as well as Cottonwood County police forces can reasonably expect the same problem.

Without mathematical probability studies, the effect can reasonably be calculated at a minimum of 4 and quite possibly 6 or 7 additional officer needed in just the 4 county area of Jackson, Cottonwood, Murray and Nobles County.

At a cost of \$25,000 per year, present worth, of salary and fringe benefits this could cause the tax payers of the 4 county area \$100,000 to \$175,000.

These tax dollars come directly from this area, not from a state distributed tax burden, as the Judicial salary does. Thus, we then have a direct impact on the population of approximately 62,000 people which is substantially disproportionate to the Judicial salary tax impact on the metropolitan areas.

In addition, I believe most law enforcement agencies will find the need for additional vehicles to handle the travel needs. This need could reasonably be calculated at better than one vehicle per county affected, over the four county area.

The additional tax burden to the citizens of the most economically devastated section of Minnesota, the burden of hiring additional police officer and coordinating the service of process of Judicial orders seems to far outweigh the statistical data indicating rural Judges are not fully employed in Southwest Minnesota.

The effect of the loss of service of the Judicial branch of government to the residents of rural Minnesota needs a more comprehensive statistical analysis than that provided by the weighted case level study. The economic effect is negative, the socialological effect is undoubtedly negative and the citizens would be better served by a Supreme Court study showing the need for additional Judicial positions than the transfer of present positions.

In this type of study, and in presenting it to the legislature, I can assure you all citizens of Southwest Minnesota would join.

Respectfully submitted,
LEWIS, PRICE & CUNNINGHAM

Thomas W. Lewis

Thomas W. Lewis
City Attorney - City of Windom

TWL/clp

Henry J. Kalis
District 29B
Blue Earth-Faribault-Freeborn-
Martin-Waseca Counties



Minnesota House of Representatives

Fred C. Norton, Speaker

Committees:
Transportation, Chair
Appropriations
Agriculture, Transportation and
Semi-State Division
Agriculture
Agriculture Finance Division
Judiciary

OFFICE OF
APPELLATE COURTS
FILED

MAR 09 1987

WAYNE TSCHIMPERLE
CLERK

March 9, 1987

Minnesota Supreme Court Justices
Clerk of Appellate Courts
230 State Capitol
St. Paul, Minnesota 55155

Dear Honorable Justices:

C9-85-1506

I am sorry that I am unable to attend the hearing on March 13 at Windom, Minnesota, regarding court reorganization.

As a farmer and a legislator who has lived in the Fifth Judicial District nearly all of my 50 years and as a person who has always been involved in local government, it is very evident and clear that numbers alone cannot be the basis for equitably, fairly, and justly providing government services.

Few folks will argue that we are not suffering from a very poor economy and losing some of our population in rural America. Local units of government as well as the state and federal government have recognized that they have not been able to reduce service to the same degree and have found that in many areas this loss has caused drastic increases in cost.

Minnesota has long been recognized as the state that works. We are recognized in this light because all units and branches of government have been understanding.

I ask that this period of "downturn" in our economy not be the basis for a decision which determines the future of a great state.

Sincerely,

Henry J. Kalis
Henry J. Kalis
State Representative

kb

Reply to: 543 State Office Building, St. Paul, Minnesota 55155
 Route 1, Box 55, Walters, Minnesota 56092

Office: (612) 296-4240

Home: (507) 294-3147

3-9-87



CITY OF WINDOM

"Where industry, business and agriculture meet"

March 5, 1987

507-831-2363

OFFICE OF
APPELLATE COURTS
FILED

MAR 09 1987

WAYNE TSCHIMPERLE
CLERK

Clerk of Appellate Courts
230 State Capitol
St. Paul, MN 55155

RE: Public hearing on vacancies in judicial positions in the Fifth Judicial
District

C9-85-1506

Dear Sir:

Enclosed are twelve copies of a resolution approved by the City of Windom, in reference to the proposed elimination of two Judgeships in the Fifth Judicial District. The City of Windom requests that this resolution be placed in the record at the public hearing on March 13, 1987 at Jackson, Minnesota.

John Galle, Sr., Windom Mayor and Thomas Lewis, Windom City Attorney both wish to make oral comments at this hearing.

Sincerely,

Dennis Nelson, City Clerk
City of Windom

DN:SS

OFFICE OF
APPELLATE COURTS
FILED

MAR 09 1987

WAYNE TSCHIMPERLE
CLERK

RESOLUTION #13-87

INTRODUCED: Messer
SECONDED: Otto
VOTED: All Aye

A RESOLUTION OBJECTING TO THE PROPOSED ELIMINATION OF
TWO JUDGESHIPS FOR THE FIFTH JUDICIAL DISTRICT.

WHEREAS, the City of Windom has been advised that the Fifth Judicial District is to lose the Judicial positions in Jackson County and Murray County; and

WHEREAS, the loss of these positions will necessitate the work load of these two positions being assumed by existing Judges; and

WHEREAS, the assumption of work load will cause the Judicial positions in Windom to assume a greater burden and be absent from their Chambers; and

WHEREAS, the City Council of the City of Windom sees this as creating delay in Judicial service to the rural population, an added cost and time burden in the prosecution of criminal cases and civil cases; and

WHEREAS, the City of Windom believes immediate access to a Judge is important to the residents of Windom in obtaining search warrants, domestic abuse situations, juvenile cases, and civil cases requiring restraining orders;

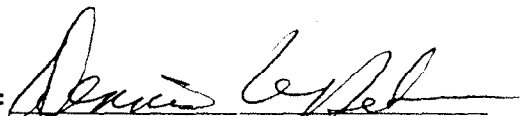
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDOM:

That the City of Windom opposes the elimination or removal of either or both of these positions and request that these positions remain intact for the proper and useful service of the rural population of the State of Minnesota and that the use of statistical data not be used to interfere with the administration of Justice of rural Minnesota.

Adopted the 3rd day of March, 1987.



Mayor John L. Galle, Sr.

Attest: 

Dennis W. Nelson, City Clerk

Vander Kooi Law Offices, P.A.

Attorneys At Law
127 E. Main, P.O. Box 116
Luverne, Minnesota 56156-0116

(507) 283-9546

Benjamin Vander Kooi, Jr.
Douglas E. Eisma

March 4, 1987

Edgerton Office
816 Main Street
(507) 442-6561
Wednesday
11:00 to 5:00

OFFICE OF
APPELLATE COURTS
FILED

MAR 09 1987

WAYNE TOSCHINPELE
CLERK

Mr. Wayne Kobbervig
40 North Milton Street
Suite 201
St. Paul, Minnesota 55104

RE: PUBLIC HEARING ON VACANCIES
FIFTH JUDICIAL DISTRICT

Dear Mr. Kobbervig:

Enclosed with this letter is a resolution of the Rock County Bar Association regarding the public hearing on vacancies in judicial positions of the Fifth Judicial District which will be held in Jackson County, Minnesota, on March 13, 1987.

I would like an opportunity to make an oral presentation at the hearing based on the written information which is contained in the enclosed resolution of the Rock County Bar Association.

If you have questions or would like to discuss this matter before the hearing, please contact my office.

Very truly yours,


BENJAMIN VANDER KOOI, JR.
VANDER KOOI LAW OFFICES, P. A.

BJR/11f

Enclosure

OFFICE OF
APPELLATE COURTS
FILED

MAR 09 1987

WAYNE TSCHMPELE
CLERK

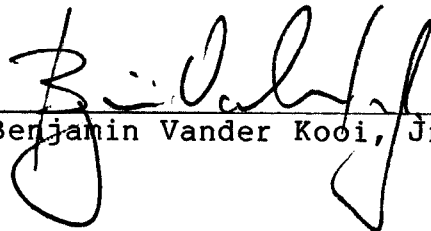
STATE OF MINNESOTA
IN SUPREME COURT
C9-85-1506

IN RE PUBLIC HEARING ON
VACANCIES IN JUDICIAL
POSITIONS IN THE FIFTH
JUDICIAL DISTRICT

REQUEST TO PRESENT
ORAL TESTIMONY

Benjamin Vander Kooi, Jr., as representative of the Rock County Bar Association, hereby requests that he be allowed to present oral testimony at a hearing to be held in Jackson, Minnesota, concerning the judicial vacancies in the Fifth Judicial District.

In accordance with the Order of the Court twelve copies of a summary of the testimony to be offered are attached to this request.



Benjamin Vander Kooi, Jr.

MAR 09 1987

Summary of Oral Testimony

WAYNE TSCHMFERLE
CLERK

Benjamin Vander Kooi, Jr., as representative of the Rock County Bar Association, intends to present oral testimony at a hearing to be held in Jackson, Minnesota, on March 13, 1987. In accordance with the Order of the court the following is a summary of the oral testimony to be presented.

I. Resolution of Rock County Bar Association.

Attached as Exhibit "1" is a copy of a Resolution of the Rock County Bar Association. I would intend in testimony to touch on each of the areas of concern as set forth in the Resolution itself and expand on those concerns.

II. Impact of the removal or transfer of either of the current vacancies and a review of the placement of judges.

Attached as Exhibit "2" is a copy of a map indicating counties that would be without a resident judge if neither vacancy were filled. Exhibit "3" is a map showing the counties if the Jackson County position were filled and the Murray County vacancy were not filled.

I intend to offer testimony as to the impact of not filling the vacancies as it relates to the concept of having counties without resident judges and also the impact of having all of the counties clustered in one specific geographical area, that being the southwest corner of the state. This becomes of particular concern if the Murray County vacancy is not filled because at that point there are three counties without resident judges and all of those counties border the others.

I intend to expand on that in a somewhat historical context by pointing out to the Court the long-standing relationships between groups of counties dating all the way back to 1971 when Rock County and Nobles County joined together as a County Court District followed by the establishment of County Court District E which is currently comprised of Pipestone, Murray, Rock, and Nobles counties.

III. The concept of access as applied to the current weighted caseload study and to the proposed vacancies.

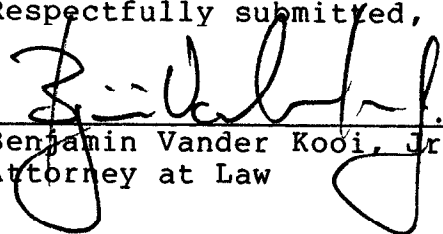
Attached as Exhibit "4" is a map created in accordance with of the weighted caseload study as it refers to access adjustments. The shaded area of each map indicates those counties where negative access adjustments

Summary of Oral Testimony of
Benjamin Vander Kooi, Jr.
Page Two

were made and the unshaded areas are those where positive access adjustments were made. I would intend to comment on the obvious tendency in making negative access adjustments which discriminate against the southwest corner counties. Of the six counties with negative adjustments, four of them are in the immediate southwest corner of the state.

I further intend to comment as to the "access" needs in Blue Earth and Nicollet counties where, according to access adjustments, five judges will serve a need requiring 4.0 judges. This occurs in two counties where the county seats are only twelve miles apart, being the closest two county seats in the entire Fifth Judicial District.

Respectfully submitted,



Benjamin Vander Kooi, Jr.
Attorney at Law

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

IN RE PUBLIC HEARING ON
VACANCIES IN JUDICIAL
POSITIONS IN THE FIFTH
JUDICIAL DISTRICT

RESOLUTION OF ROCK
COUNTY BAR ASSOCIATION

The Rock County Bar Association, having met on March 3, 1987, passed the following resolution:

WHEREAS, the Minnesota Supreme Court has issued its Order dated January 26, 1987, pursuant to the provisions of MSA §2.722, subd. 1(a) (1985), regarding the judicial vacancies in the Fifth Judicial District which will occur as a consequence of the retirement of Judge Donald G. Lasley and Judge John D. Holt; and

WHEREAS, the undersigned individuals believe that it would be in the best interest of the people of Rock County, the Fifth Judicial District, and the entire state of Minnesota to continue both judicial positions which will be vacated before the end of 1987, for the following reasons:

1. We believe that every county in Minnesota should have at least one resident judge; if either or both of the judicial positions are transferred or abolished, there would be less likelihood that Rock County will ever receive a resident judge.
2. We believe that the Minnesota Weighted Case Load Analysis Study is seriously flawed, in that it fails

to take into consideration the following judicial functions mandated by statute which require a resident judge:

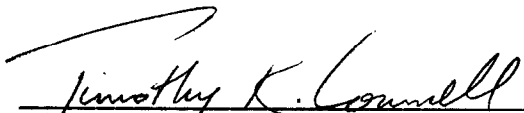
- A. Domestic Abuse Complaints
 - B. Commitments
 - C. Abortion Consents
 - D. Arrest Warrants requiring immediate court appearances
 - E. Juvenile Detention Hearings
 - F. Search Warrants
 - G. Restraining Orders
3. We believe that the Minnesota Weighted Case Load Analysis Study is flawed because it does not take into consideration travel expenses and time loss for law enforcement, members of the bar, their clients and witnesses in the scheduling of court proceedings in a rural district such as the Fifth Judicial District.
 4. We believe that our clients will suffer delays and additional costs if either or both of the judicial positions are vacated.
 5. We believe that if there are surplus judges in the Fifth Judicial District those judgeships should be transferred from counties where there currently is more than one resident judge so as to provide citizens in all counties with more immediate access to judicial services and as a result believe that the current vacancies in Jackson County and Murray County should be filled. We therefore support the transfer of Judge Holtan's chambers to Jackson County.


WHEREAS, all seven (7) members of the Rock County Bar Association are in favor of the continuation of both judicial positions currently held by Judge Donald G. Lasley and Judge John D. Holt,


NOW THEREFORE, it is resolved by the undersigned members of the Rock County Bar Association that we are unanimously in favor of continuing both judicial positions under review by the Minnesota Supreme Court and that a copy of this Resolution be sent

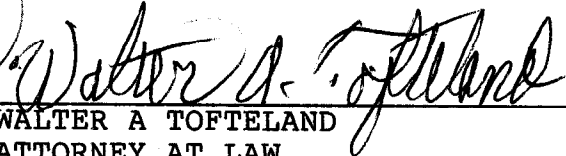
to Mr. Wayne Kobbervig at 40 North Milton Street, Suite 201, St. Paul, Minnesota, 55104, on or before the date of the hearing in this matter scheduled for Friday, March 13, 1987, in Jackson, Minnesota.

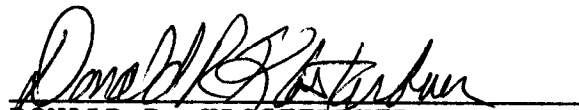
IN WITNESS WHEREOF, the undersigned members of the Rock County Bar Association have set their hands on this 3rd day of March, 1987.

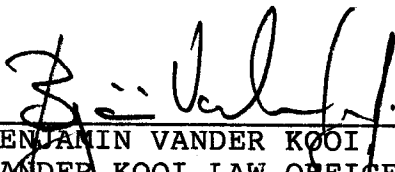

TIMOTHY K. CONNELL
SKEWES, KLOSTERBUER & CONNELL
129 E. MAIN
LIVERNE, MN 56156



MORT B. SKEWES
SKEWES, KLOSTERBUER & CONNELL
129 E. MAIN
LIVERNE, MN 56156


DOUGLAS E. EISMA
VANDER KOOI LAW OFFICES, P.A.
127 E. MAIN, P. O. BOX 116
LIVERNE, MN 56156


WALTER A. TOFTELAND
ATTORNEY AT LAW
109 N. CEDAR
LIVERNE, MN 56156


DONALD R. KLOSTERBUER
SKEWES, KLOSTERBUER & CONNELL
129 E. MAIN
LIVERNE, MN 56156

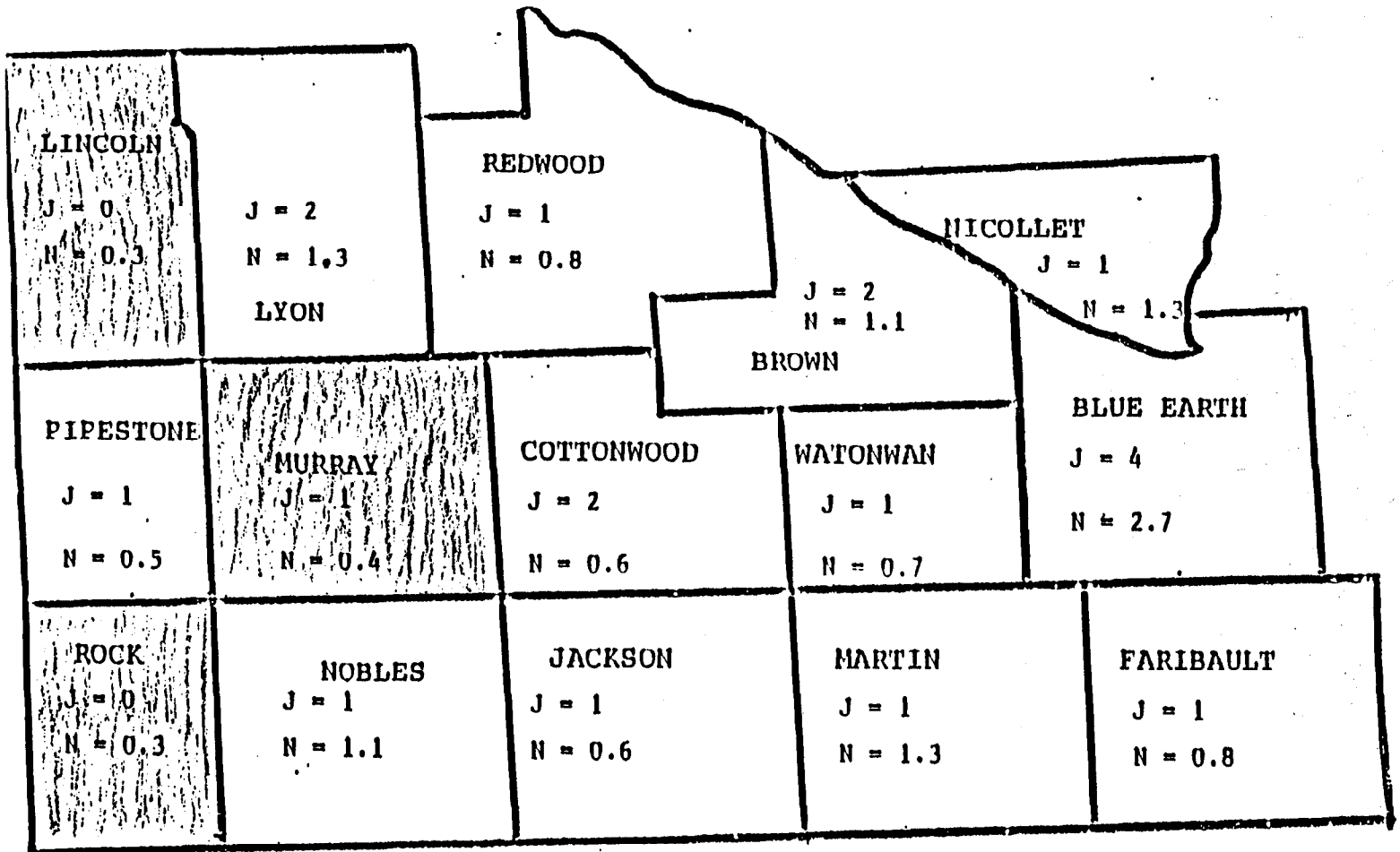

BENJAMIN VANDER KOOI, JR.
VANDER KOOI LAW OFFICES, P. A.
127 E. MAIN, P. O. BOX 116
LIVERNE, MN 56156


ANDREW G. PASMA
ATTORNEY AT LAW
114 W. MAIN
LIVERNE, MN 56156

LINCOLN J = 0 N = 0.3	LYON J = 2 N = 1.3	REDWOOD J = 1 N = 0.8	BROWN J = 2 N = 1.1		NICOLLET J = 1 N = 1.3
PIPESTONE J = 1 N = 0.5	MURRAY J = 1 N = 0.4	COTTONWOOD J = 2 N = 0.6	WATONWAN J = 1 N = 0.7	BLUE EARTH J = 4 N = 2.7	
ROCK J = 0 N = 0.3	NOBLES J = 1 N = 1.1	JACKSON J = 1 N = 0.6	MARTIN J = 1 N = 1.3	FARIBAULT J = 1 N = 0.8	

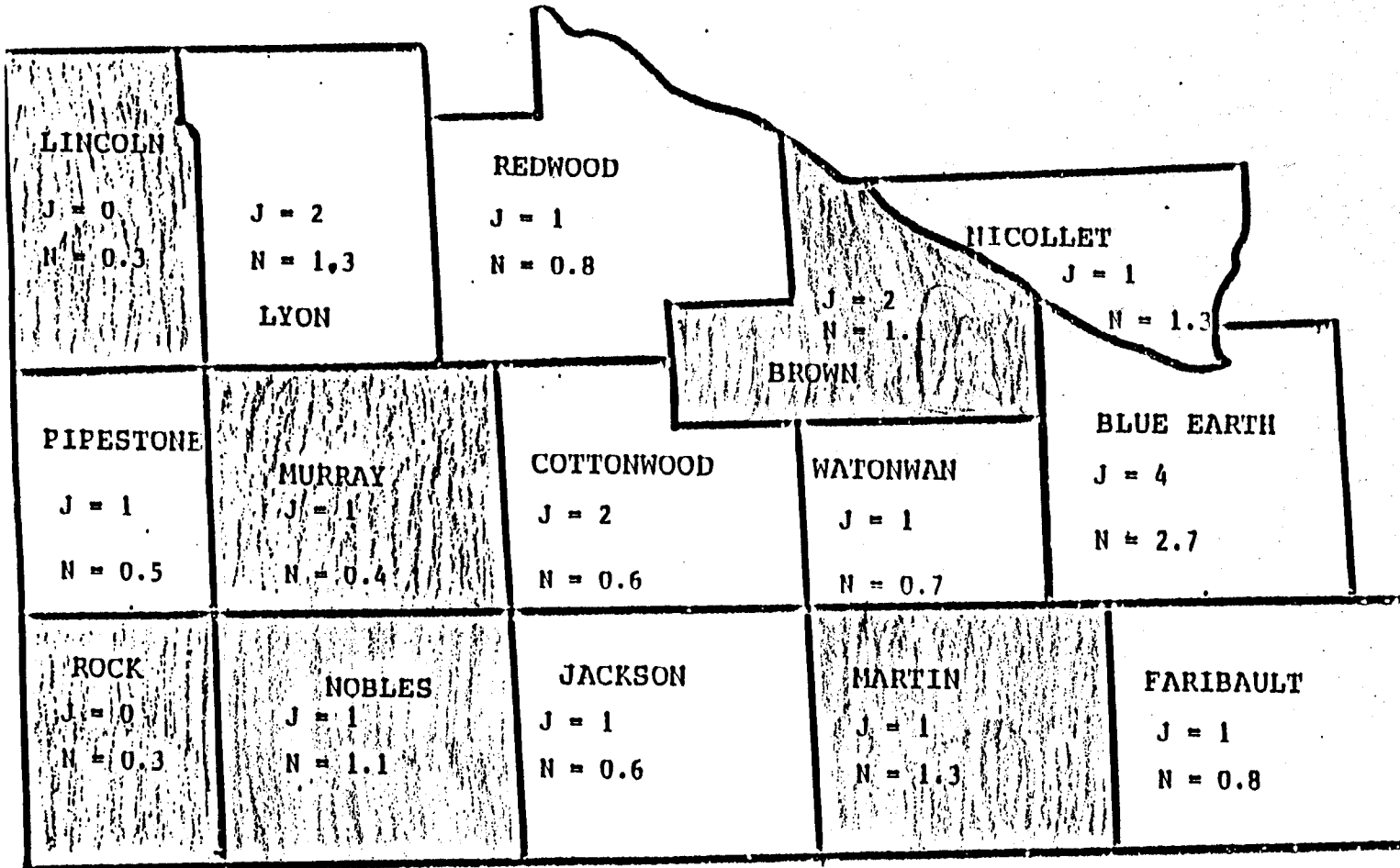
J - Number of Resident Judges

N - 1986 WCL Judicial Need



J - Number of Resident Judges

N - 1986 WCL Judicial Need



J - Number of Resident Judges

N - 1986 WCL Judicial Need

Murray County Attorney

2548 Broadway Ave.
SLAYTON, MINNESOTA 56172

MERLYN ANDERSON
COUNTY ATTORNEY
Phone: (507)836-6194

OFFICE OF
APPELLATE COURTS
FILED

3-12-87
JOHN A. DOYLE
ASSISTANT MURRAY
COUNTY ATTORNEY

MAR 10 1987

March 4, 1987

WAYNE TSCHIMPERLE
CLERK

TO THE HONORABLE JUSTICES OF THE SUPREME COURT OF THE STATE OF MINNESOTA:

I am presently the county attorney for Murray County and am starting my third term in that position. I have been an attorney in Slayton since 1973. I oppose the transfer of the Murray County judgeship position to a metro area. In my eight plus years as county attorney I have encountered situations where it was absolutely critical that we have a resident county judge available, particularly in domestic abuse cases and where search warrants were needed. I am not disputing the point that the metro areas may need more judges but I do not think that a finding that Murray County does not need a resident county judge can be justified.

The present economic conditions in rural Minnesota are depressed, with the result that more crimes are being committed and more incidents of domestic abuse are occurring. This increases the need for a resident county judge in Murray County.

In 1974, at the urging of the district judges serving our area at the time, Murray County constructed the present Murray County Courts Building. The district judges and our county judge actively participated in the planning and designing of the building and I feel it is one of the finest courts buildings in the area. The facility cost the taxpayers of Murray County approximately \$355,000.00. In 1982 the County constructed a jail and Sheriff's office which is attached to our courts building. To now leave Murray County without a resident judge would be an unjustified disservice to the people of Murray County, putting them in a position of having to wait until a time convenient for an out-of-county judge to drive to Murray County or requiring them to drive at least thirty (30) miles to find a judge if there is an emergency such as a domestic abuse situation.

Two instances come to my mind as examples of why Murray County needs a resident county judge and I would like to share them with you:

In, July of 1985, we had a double homicide in Murray County. The Bureau of Criminal apprehension came down to the scene of the murders and requested that I get a search warrant for them. Our county judge, Judge Holt, was in the cities attending a judge's conference at the time. As a result I ended up contacting the Nobles County judge, Judge Flynn, at the Worthington fire hall to get the search warrant signed at approximately 3 A.M. in the morning, causing a delay for the BCA of several hours while they were waiting for the search warrant.

The other instance I am going to relate is typical of the way things are handled when our resident county judge is available.

On a Saturday morning about three weeks ago I received a call from one of our deputy sheriffs requesting that a protection order be issued in a domestic abuse situation. I called Judge Holt and he went to his chambers and met with the parties and the matter was handled within an hour.

If Murray County loses its resident judge the delay in the first instance will become a common occurrence rather than an exception.

I understand that the Honorable Harvey A. Holtan, District Court Judge, has unselfishly offered to transfer his chambers from Cottonwood County to Jackson County and fill the vacancy in Jackson County in that manner, provided that the Supreme Court agrees to fill the vacancy in Murray County. A vacancy would then exist in a judgeship in Cottonwood County and the vacancy would then be transferred to one of the metro counties. I support this proposal and respectfully request the Supreme Court to adopt this solution and retain a resident county judge to continue to serve the judicial needs of the people of Murray County.

I also understand that if the proposal outlined above is unacceptable that Judge Holtan, in the alternative, has agreed to being transferred to another district, provided that the county judgeships in both Murray County and Jackson County are retained. I support this proposal as an alternate if the proposal outlined above is unacceptable except that I do not like the idea of this district losing Judge Holtan, who in my opinion is one of the finest judges in the State of Minnesota and a credit to our judicial system. I would like to take this opportunity to commend Judge Holtan to the Supreme Court for his unselfish actions in this matter. Judge Holtan realizes the critical importance of retaining our county judgeships in Murray and Jackson Counties.

I would also like to take this opportunity to commend to the Supreme Court the services of our present county judge, John D. Holt. His availability during the day, on week ends and at odd hours of the night have contributed greatly to the effectiveness of our law enforcement and judicial systems during his tenure as our county judge.

Thank you for your careful consideration of this matter. I consider the retaining of a resident county judge in Murray County to be of crucial importance to the continued effective functioning of our law and enforcement and judicial systems in Murray County.

Respectfully Submitted,



Merlyn Anderson

MA:jh

P.S. I would like the opportunity to address this matter on Friday, March 13th at Jackson.

PUBLIC HEARING ON VACANCIES IN
JUDICIAL POSITIONS IN THE 5TH
JUDICIAL DISTRICT

Supreme Court No: C9-85-1506

RETIREMENT OF:

Hearing Date: March 13, 1987
10:30 a.m.
Jackson County Courthouse
Jackson, MN

Donald G. Lasley
John D. Holt

NAME		DATE WRITTEN SUMMARY FILED	ORAL PRESENTATION	
			YES	NO
Robert R. Maunu	1/2 Time Public Defender	2-17-87		X
Peter W. Eggimann	Jackson County Sheriff	2-23-87	X	
Kay Schellpeper	Guardian ad litem with the Martin County Courts	2-23-87		X
Milford Gentz	Chairman, Jackson County Human Services Board	2-26-87	X	
Donald E. Schmid, Jr.	City of Sleepy Eye City Council	2-26-87		X
Steve Kettler	Resident, Jackson County	2-27-87		X
Norman Pohlman	Vice-Chairman, Jackson County Board of Commissioners	3-2-87	X	
Ronald E. McKenzie	Murray County Sheriff	3-2-87	X	
Gene Hugoson	State Representative, District 29A	3-3-87	X	
Daniel A. Gislason	Member-9th District Bar Assoc.	3-4-87	X	
Hon. John D. Holt	Judge of District Court, Murray County	3-4-87		X
Donald E. Schmid, Jr	On behalf of 9th Dist. Bar Association	3-4-87		X
D. Gerald Wilhelm	President, 17th District	3-5-87	X	
Ken W. Roberts	Clerk, Board of Commissioners County of Nobles	3-5-87		X
David J. Twa	President, 6th District Bar Association	3-5-87	X	
	Board of County Commissioners Of Redwood County	3-5-87		X
David L. Fell	Mayor, City of Jackson	3-5-87	X	
Douglas E. Johnson	Retired Clerk of Court	3-5-87		X
Paul Horn	Social Service, Region VIII No. Welfare Department	3-5-87		X
Richard Seim	Chief of Police, Jackson Police Department	3-5-87	X	
Mary Graham	Executive Director, Southwest Regional Development Comm.	3-6-87	X	

CONTINUED-Public Hearing on Vacancies in
the 5th Judicial District.

Supreme Court No: C9-85-1506

Hearing Date: March 13, 1987

Retirement of:
Donald G. Lasley
John D. Holt

NAME		DATE WRITTEN SUMMARY FILED	ORAL PRESENTATION	
			YES	NO
William P. Simons	Jackson County Bar	3-6-87	X	
Chief Judge Kelly	Chief Judge of the Fifth Judicial District	3-6-87	X	
Leon W. Sierk, et al	Murray County Board of Commissioners	3-6-87	X	
Charles A. Braa, et al	Rock County Board of Commissioners	3-6-87		X
Brice A. Walz	Pastor, Assembly of God Slayton	3-6-87		X
Judy Beach	Sleepy Eye Area Chamber of Commerce	3-6-87		X
Judge Gary L. Crippen	Associate Judge, Court of Appeals	3-6-87		X
Clifford Ketcham	Chairman, Martin County Board of Commissioners	3-6-87		X
W. J. Brakke	County Commissioner for Rock County	3-6-87		X
Bruce F. Gorss	Cottonwood County Attorney	3-6-87	X	
Dennis Frederickson	Senator 23rd District	3-6-87		X
Katy Olson	Minn. House of Representatives	3-9-87		X
Kenneth H. Price	Attorney, Jackson, MN	3-9-87	X	
David Von Holtum	Attorney, Worthington, MN	3-9-87	X	
Paul M. Malone	Attorney, Slayton, MN	3-9-87		X
Cornelius H. Smit	Superintendent of Schools, Slayton, MN	3-9-87		X
John A. Doyle	Assistant Murray County Attorney	3-9-87	X	
Dennis E. Waldron	Chief Of Police, City of Heron Lake	3-9-87		X
Robert Voda	President, Jackson Area Chamber of Commerce	3-9-87	X	
Thomas W. Lewis	City Attorney, City of Windom	3-9-87	X	
Henry J. Kalis	State Representative	3-9-87		X

SUNSET AND TRANSFER HEARING
 JACKSON COUNTY DISTRICT COURTROOM
 MARCH 13, 1987

If attending on behalf of
 an organization, list
 what organization.

Name	Address	County	If attending on behalf of an organization, list what organization.
Mary Anders	Sloyton, Mo.	Murray	Murray County
LeRoy Brockberg	Sloyton Mo	Murray	
Herb Johnson	Hedley Minn	Murray	
KE Hagen	Sloyton Mo	Murray	
Don Johnson	" "	"	
Jim Johnson	" "	"	
Steve Schwallier	4 KOSKARD JACKSON	JACKSON	
Allen S. Kubs	Jackson	Jackson	
Norris Sketten	Mr State Patrol	Marshall	
W D Linder	Blue Earth	Fairbank	
Kirk Stevens	1170 GRANT ST	JACKSON	JACKSON STATE BANK
Ray Salvordel	WINDY	JACKSON	
Dr Clayton L	Jackson	"	
Mr Bill Zelber	Jackson	"	
David W Johnson	" "		
Edward M Pappert	Lakefield	Cook	
Mary Kelly	New Ulm	Brown	
Muriel Kelly	"	"	

SUNSET AND TRANSFER HEARING
 JACKSON COUNTY DISTRICT COURTROOM
 MARCH 13, 1987

Name	Address	County	If attending on behalf of an organization, list what organization.
Carla Nordby	1001 So. Hwy	Jackson	Court Services
Carol Achtenkuch	1435. Hwy	Jackson	Human Soc.
Ray H. Achtenkuch	1435. Hwy	Jackson	Ray's Service my business
Don Klosterman	Box 247	Rock	Atty.
L & Gervais	405. 2nd	Jackson	Bus.
Old Fale	117 Maple St	Jackson	Sheriff's Dept
Pat Stewart	122 N ridge Dr	Jackson	Public Health
Dan DeBettignies	102 Shady Lane	"	Jackson Development Corp.
Judy Haberman	Heron Lake	Jackson	City of Heron Lake
Barbara Spencer	Jackson	Jackson	Community Health
Dave Lovell	Jackson	"	City of Jackson
Roland + Helen ^{Wray}	Heron Lake	"	Mayor + wife
Frank Stum	Jackson	"	Businessman
Leila Hiev	Jackson		
Howard A. Goltz	Jackson		Council City
Cheryl A. Goltz	Jackson	"	
Ernie Harsel	Lakeland	"	Judge Court

SUNSET AND TRANSFER HEARING
 JACKSON COUNTY DISTRICT COURTROOM
 MARCH 13, 1987

If attending on behalf of
 an organization, list
 what organization.

Name	Address	County	If attending on behalf of an organization, list what organization.
Bruce Isler	Kulda	Murray	County Court.
Paul Mettling	Slayton	"	" "
Bee Buey	Blue Earth	Fairbault	
Richard L. Kelly	N. Wm. Minn	Brown	5 th Dist Judge.
Rev Norman Heisinger	Jackson Minn	Jackson	Hilltop memorite church
Philip Theobald	Sherburn Minn	Martin	County Comm
David O Baynes	Jackson Minn.	Jacks	
Lester Nelson	Balaton Minn	Murray	Co. Commissioner
Frank Rolland	Jackson Minn	Jackson	Business Man
Tim Ostby	Worthington	Nobles	
Glenn Barber	Jackson Minn	Jackson	Comm.
Mabel Vaccara	" "	"	
Arny Eggert	" "	"	
Gordon Groves			
Glenn Olson	Jackson	"	
Kenneth M	Zakfield	Jackson	Jackson City Bar Office.
Robert L. Knaegmann	Jackson	Jackson	Jackson Co. Human Services
Calvin P. Johnson	Mankato	Blue Earth	District Public Defenders

SUNSET AND TRANSFER HEARING
 JACKSON COUNTY DISTRICT COURTROOM
 MARCH 13, 1987

If attending on behalf of an organization, list what organization.

<u>Name</u>	<u>Address</u>	<u>County</u>	If attending on behalf of an organization, list what organization.
Edna Schafer	Jackson	Jackson	farmer
Dye Wolf	Jackson	"	Businessman
Mrs & Mrs M.L. Emery	Jackson	Jackson	no
DAN GISCASON	New Ulm	BROWN	9th Dist. Exe
Skusey	Jackson	Jackson	
Paul W. H.	Worthington	Nobles	
Samuel	"	"	
Benji. Polif	Luverne	Rock	Rock Co. Ba Ass'n.
Bill Braakhe	"	"	Co. Commissioner
Don Martus	Stayton	Murray	law firm - Malone & Nichols
Sam Mulander	Stayton	Murray	law firm - "
Tim Connell	Luverne	Rock	County Atty.
Paul Malone	Stayton		Atty
Bob Schmidt	FIRMONT	MARTIN	Count Administrator
Anna Mae Muir	Luverne	Rock	Court Administrator
Nichelle Harvey Engelbach	Luverne	Rock	Rock County State Trial
Ann H. H. H. H.	Stayton	Murray	Court Administrator

SUNSET AND TRANSFER HEARING
 JACKSON COUNTY DISTRICT COURTROOM
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Name	Address	County	If attending on behalf of an organization, list what organization.
Ralph Bonnell	Heron Lake	Jackson	County Comm.
Edwin	Jackson	Jackson	
DAVE CARLSON	MANKATO	Blue Earth	Cover Admins.
PAT SONTAG	Heron Lake	Jackson	Jri - County News
Arvid U. Hei	Jackson	Jackson	Jackson Int. Assn.
Edward Tozer	Jackson	Jackson	
Quiter Handwick	Jackson	Jackson	
Julia Schultz	Blue Earth	Faulk	17th District BAR Assn.
Vicki Lisa	Jackson	Jackson	
Heidi Anderson	"	"	
Das Tina	Manly	Blue Earth	6th Dist Bar Assn.
Merrily Anderson	Jackson	Jackson	Chamber of Commerce
Tonnie Anderson	Jackson	Jackson	Chamber of Commerce
Dr. H. T. Trefler	Jackson	Jackson	Retired
Norman Polman	High Park	Jackson	Comm.
Irene Anderson	Jackson	Jackson	
Myron Anderson	Jackson	Jackson	Retired

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John A. Doyle	1212 Duba Street Worthington mo. 56187	Murray 2549 Broadway Starrville, MO 64772	Thirteenth District Bar Association - Pres. Murray Co. Attorneys Ofc.
RE "Toby" Schmid	109 Main W Sleepy Eye mo	Brown	9th District Bar Assoc. - President
Judith Beech	108 West Main ⁵⁶⁰⁵⁵ Sleepy Eye	Brown	Sleepy Eye Area Chamber of Commerce
Aster E. Tordson	Lakefield mo 2025 Hwy 86 R2B4	Jackson	Bo. 1.56 - City Coun.
Darcy Samel	Jackson	Jackson	---
Marjorie Euckson	Jackson	Jackson	---
Lynn Lierk	Murray	Murray	Co. Comm.
Viola Graves	Jackson	Jackson	---
Helen Holmberg	Jackson	Jackson	---
Sylvia Kautson	R1 Alpha	Jackson	---
Margaret Henrichs	808 Bond St Jackson	Jackson	---
Majouel Johnson	Fifth Dist. Adm. office	Jackson	---
Dixie Poole	Jackson	Jackson	SVTI - Court Reporters
Chad Bogue	Jackson	"	SVTD Court Rpt.
Verna Jones	Wisdom	Cottonwood	County Administrator
Jeff Frym	WGTN.	Nobles	JUDGE
Luanne R. Kuchner	Westbrook	Murray	Comm. -

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Name	Address	County	If attending on behalf of an organization, list what organization.
Tom Burns	124 Ray ave	Jackson	Tom Burns Ford
Al Tweed	Rt. 2 Box 135	Jackson	Jackson Fairing Assn. Jackson Cemetery Assn.
Ann Shultz	103 Parkside	Jackson	
Leopold Ercker	213 Sverdoup	Jackson	
Lynton E. Allen	1002 Soant	Jackson	60 hours
Ray S. Allen	Rt. 2 Box 61	Jackson	Counselor
Robert Perdaems	1546 Sayles Dr.	Jackson	Jackson Public Schools
De Roy Sybess	Jackson		
Louise Boyer	Jackson	Jackson	
Wm. S. Carlson	"	"	
Ronald V. Johnson	"	"	First National Bank & Jackson Development Co.
Boyer W. Lowell	"	"	Landings Lighthouse
Linda Voda	Jackson	Jackson	60 hours
Lowell Benson	"	"	
Ralph Miller	Jackson	Jackson	
E. Bruce Esau	"	"	
Robert C. Howard	Jackson	Jackson	

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Steve W. Hier	110 Gillie Dr. Jackson MN	Jackson	
Jean Benda	Alpha, mn	Jackson	
Loren Erickson	Jackson	Jackson	
Billy Swenson	Jackson		Jackson Co Human Services
Roger R. Hutchinson	Lakefield	Jackson	Lakefield Police Dept.
Henry Wing	Jackson	Jackson	
Jordan LaThe	Jackson	"	D.W. Corp.
Lyrelle Nordquist	Jackson	Jackson	
El Leach	Jackson	"	
Jerome Littlebey	"	"	
Mary Berkner	Jackson	Jackson	
Mary Leach	Jackson	Jackson	Jackson County Court
Charles Cuykendall	Jackson	Jackson	
Bruce Rind	Blue Earth	Foraker	Foraker as Bar
Paul Bobz	Jackson	Jackson	Sheriff's Dept
Raul Janning	Jackson	Jackson	Sheriff's Dept
Ann Schaffer	Stayton	Murray	Southwest Regional Development Commission

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Name	Address	County	If attending on behalf of an organization, list what organization.
Tom H. Hurdvick	Jackson, MN	Jackson	Attorney City of Jackson
Dean Albrecht	Jackson, MN	Jackson	City of Jackson
Tom Lem	Wadena	Cottonwood	City of Wadena - Attorney
Linda Torgerson	Jackson	Jackson	
Mildred Sydness	Jackson	Jackson	
Le Roy Sydness	Jackson	Jackson	
Mike [unclear]	Jackson	"	City of Jackson
Robert D. [unclear]	Jackson	Jackson	City of Jackson
John J. Jelles	Wadena	Cottonwood	City Mayor
Richard Eggen	Jackson		farmer
Melvin Eggen	"		"
Lee [unclear]	Wadena	Cottonwood	Atty
Ron Bayard	Elboweth	Rock	Rock Co. Comm.
David L. Fell	Jackson	Jackson	City of Jackson
Bob Vota	Jackson	Jackson	Jackson Chamber of Commerce
Fran Madsen	Marshall	Lyon	Southwest Women's Shelter
Senda Pitus	Jackson	Jackson	

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Name

Address

County

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what organization.

Dorced Weibel

115 W First Street
Fairmont Minn 56031

Martin

17th Dist. Bar Assn

Todd P. Alzant

Worthington

Noble

att'y

Cliff Symerson

Jackson

Jackson

Police Dept.

Ron McKenna

Gleyton

Murray

Sheriff

Etaine Wemele

Jackson

Jackson