

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

Order Continuing Judicial Position  
in the Fifth Judicial District

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

WHEREAS, the Governor notified this court on July 21, 1987, that a vacancy will occur in the Fifth Judicial District as a consequence of the retirement of the Honorable Miles Zimmerman; and

WHEREAS, the court has considered the issues raised by the application of the weighted caseload study as well as issues raised in the hearing conducted on vacancies in the Fifth Judicial District held on March 13, 1987, and has attached a memorandum addressing these issues;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the vacancy occasioned by the retirement of Honorable Miles Zimmerman be, and hereby is, continued in place and chambered in Blue Earth County in the Fifth Judicial District; and
2. That such vacancy be, and hereby is, certified to the Governor to be filled in the manner provided by law.

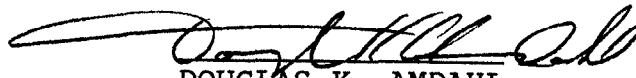
Dated: September 30, 1987.

BY THE COURT

OFFICE OF  
APPELLATE COURTS

SEP 30 1987

FILED

  
DOUGLAS K. AMDAHL  
Chief Justice

## MEMORANDUM

On March 13, 1987, this court conducted a hearing in the Jackson County Courthouse, Jackson, Minnesota, to determine whether to continue two vacancies created by the retirement of judges within that district. Following that hearing and applying the recently completed weighted caseload analysis to the distribution of judicial resources in that district and in the other districts of this state, we determined to terminate one of those positions and transfer it to the First Judicial District. In addition, we transferred chambers of one judge within that district from Cottonwood County to Jackson County. (In re Fifth District Judicial Vacancies, Order of April 14, 1987).

As we stated in our order of April 14, 1987 (*id.*) our overriding concern must be that all citizens of the state have equal and adequate access to judicial resources. We have expressed often our confidence in the use of case filings, case weights and the judicial equivalents derived from State Judicial Information Systems and the weighted caseload analysis. (See generally, In re Fifth District Judicial Vacancies, *id.*; In re Eighth District County Court Vacancies, Order of June 20, 1986; In re Vacancies in the Second Judicial District, Order of June 9, 1986; In re Eighth Judicial District Vacancy, Order of November 20, 1985; In re Fifth District Judicial Vacancies, Order of October 2, 1985.) The weighted caseload analysis indicates that the Fifth Judicial District, and most notably Blue Earth County within that district, continues to have a surplus of judges. A rigid and mechanistic application of that analysis would transfer the burden of showing compelling reasons for continuing the judgeship in question to the district.

We have chosen not to make such an application of the study under the present circumstances of the Fifth Judicial District. Our concern with the proper and efficient use of limited judicial resources remains unchanged. Our confidence in the weighted caseload analysis as an important tool for determining the distribution of those resources continues. But we recognize the special concerns of the Fifth Judicial District at this particular time. When we have extensively used the authority to transfer or terminate judicial positions within a relatively short period, we have continued some positions to enable the district to adjust to the changes made so that efficient and comprehensive assignment schedules may be developed. (In re Eighth District County Court Vacancies, Order of June 20, 1986.) In our prior hearing on vacancies in the Fifth Judicial District, we heard concerns similar to those raised in the Eighth Judicial District regarding the accessibility of judges, the placement of judges within the district, and the removal of judges from an economically troubled area. Our previous order regarding this district attempted to address these problems. We believe the Fifth Judicial District should be given time to adjust to the

changes that our order made in the assignment patterns, travel patterns, and distribution of judicial resources. Further, the district should be permitted some opportunity to deal with the transitional problems relating to unification, which became effective in September.

We would encourage the Fifth Judicial District to utilize this opportunity to its fullest. It should be noted that Nicollet County, which is immediately adjacent to Blue Earth County, has a demonstrated need for additional judicial resources. We trust that this position may be used to fill some of that need, as well as to address any case delay or backlog problems which may exist in the Fifth Judicial District. Providing the highest standard of justice within the limited resources available is a fundamental responsibility of the entire judiciary.