

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

In re Hearing Regarding Chambers  
Arguments in the Sixth Judicial  
District.

ORDER  
Granting Continuance  
of Hearing

WHEREAS, the Supreme Court by order dated February 28, 1986, ordered a public hearing on March 17, 1986, at 10 a.m. in the District Courtroom in Carlton County on the issue of whether the successor to Judge Odden should be chambered in Carlton or St. Louis County and,

WHEREAS, the District Court Judges of the Sixth Judicial District, the President of the District Bar Association, and the Judicial Administration Committee of the local Bar Association have requested a continuance of the hearing, and

WHEREAS, the Supreme Court has considered the reasons set forth in the petition for continuance and find them sufficient,

IT IS ORDERED that the public hearing heretofore ordered for March 17, 1986, at 10 a.m. in the District Courtroom in Carlton County be, and hereby is, continued to Monday, April 21, 1986, at 10 a.m. in the District Courtroom in Carlton County.

Dated: March 11, 1986

BY THE COURT

  
Douglas K. Amdahl  
Chief Justice

OFFICE OF  
APPELLATE COURTS  
FILED

MAR 11 1986

WAYNE TSCHIMPERLE  
CLERK

STATE OF MINNESOTA  
IN SUPREME COURT  
C9-85-1506

OFFICE OF  
APPELLATE COURTS  
FILED

FEB 28 1986

WAYNE TSCHINPERLE  
CLERK

In re Hearing Regarding Chambers  
Arguments in the Sixth Judicial  
District.

WHEREAS, this Court, by order and memorandum dated February 28, 1986, continued the judicial position in the Sixth District occasioned by the retirement of the Honorable Donald C. Odden, and

WHEREAS, this Court, in the aforementioned order, did not specify the chambers location for the successor judge, and

WHEREAS, Minn. Stat. § 480.22 provides in relevant part as follows: "The Supreme Court shall designate the location of chambers for judges of all courts in the state after consultations with the judges of the affected judicial district," and

WHEREAS, this Court wishes to hold a public hearing to receive testimony from judges, attorneys, and citizens regarding whether the successor judge should be chambered in St. Louis County or Carlton County,

NOW, THEREFORE, IT IS HEREBY ORDERED that a public hearing be held on March 17, 1986, at 10:00 a.m. in the district court courtroom of the Carlton County courthouse, Carlton, Minnesota.

IT IS FURTHER ORDERED that:

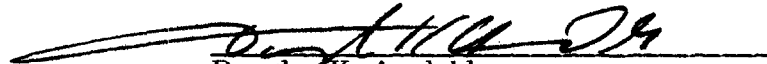
1. All persons, including members of the Bench and Bar, desiring to present written statements concerning the subject matter of this hearing, but who do not wish to make an oral presentation at the hearing, shall file 10 copies of such statement with the Clerk of the Appellate Court, 230 State Capitol, St. Paul, Minnesota, 55155, on or before March 12, 1986, and

2. All persons desiring to make an oral presentation at the hearing shall file 10 copies of the material to be so presented with the aforesaid Clerk together with 10 copies of a request to make the oral presentation. Such statements and requests shall be filed on or before March 12, 1986, and

3. All persons wishing to obtain copies of the aforesaid order and memorandum shall write to the aforesaid Clerk.

Dated: February 28, 1986.

BY THE COURT

  
Douglas K. Amdahl  
Chief Justice

OFFICE OF  
APPELLATE COURTS  
FILED

STATE OF MINNESOTA

MAR 11 1986

IN SUPREME COURT

C9-85-1506

WAYNE B. HILF  
CLERK

In re Hearing Regarding Chambers  
Arguments in the Sixth Judicial  
District.

PETITION FOR CONTINUANCE  
OF HEARING DATE

WHEREAS, the Minnesota Supreme Court has ordered the District Court position of the Honorable Donald C. Odden to be continued in the Sixth Judicial District by an Order dated February 28, 1986 in File #C9-85-1506, and

WHEREAS, the Supreme Court has by an Order dated February 28, 1986, ordered a public hearing on March 17, 1986 at 10:00 a.m., in the District Courtroom in Carlton County on the issue of whether the successor to Judge Odden should be chambered in Carlton or St. Louis County and,

WHEREAS, the District Court Judges of the Sixth Judicial District, the President of the District Bar Association, and the Judicial Administration Committee of the local Bar Association have requested a continuance of the hearing for the following reasons:

- (a) The notice of the public hearing was not received by the Chief Judge of the District until March 4, 1986; and was not able to be considered by an emergency meeting of the Judicial Administration Committee subcommittee until March 6, 1986; and the time to comply with the requirement to file statements prior


to March 12 is insufficient to permit adequate time to prepare.

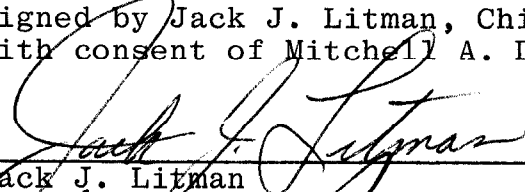
- (b) The matter of the removal of a District Court Judge from Duluth is an important matter to the local Bench and Bar requiring a sufficient notice and time to prepare a response.
- (c) That the local Bar was not aware of any intent to transfer chambers prior to the Court's February 28th Order.
- (d) That the local Bar Association does not have a regularly scheduled meeting prior to the March 17, 1986 hearing and would like to present the issue to its members for consideration and response to the Supreme Court.
- (e) That the local Bench and Bar desire time to review the SJIS statistics and local records to present an adequate response to the Supreme Court on the issue of chambers of the District Court Judge.
- (f) That the local Bench and Bar believe the SJIS statistics for the Sixth Judicial District do not adequately reflect the work load and would like to submit additional data, along with testimony of members of the local Bench and Bar.

NOW, THEREFORE, the District Court Judges of the Sixth Judicial District, the President of the Eleventh District Bar Association, and the Eleventh District Judicial Administration Committee

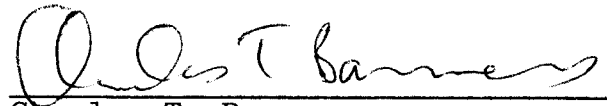
hereby request the Supreme Court to continue the hearing set  
for March 17, 1986, at 10:00 a.m. in Carlton County for 30 days.

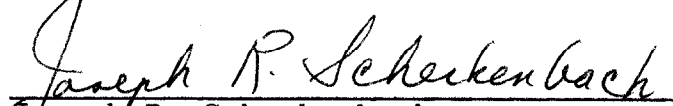
District Court Judges of the Sixth Judicial District:

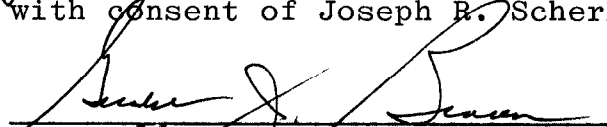
  
\_\_\_\_\_  
Mitchell A. Dubow  
Signed by Jack J. Litman, Chief Judge  
with consent of Mitchell A. Dubow

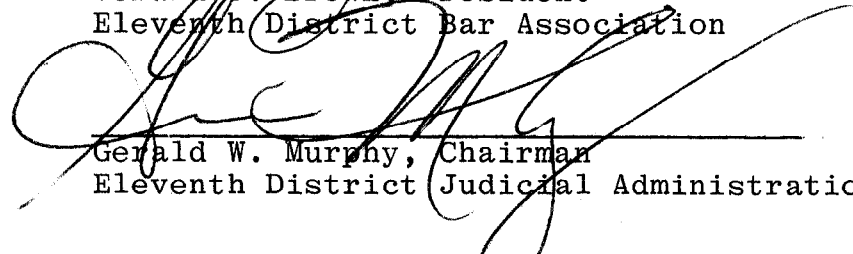
  
\_\_\_\_\_  
Jack J. Litman

  
\_\_\_\_\_  
David S. Bouchor

  
\_\_\_\_\_  
Charles T. Barnes

  
\_\_\_\_\_  
Joseph R. Scherkenbach  
Signed by Jack J. Litman, Chief Judge  
with consent of Joseph R. Scherkenbach

  
\_\_\_\_\_  
Gerald S. Brown, President  
Eleventh District Bar Association

  
\_\_\_\_\_  
Gerald W. Murphy, Chairman  
Eleventh District Judicial Administration Committee

Dated at Duluth, Minnesota

this 10th day of March, 1986.

**CARLTON COUNTY COURT**

COURTHOUSE • CARLTON, MINNESOTA 55718

OFFICE OF  
APPELLATE COURTS  
FILED

DALE A. WOLF, *Judge*

MAR 12 1986

March 11, 1986

**WAYNE TSCHIMPERLE**  
CLERK

The Honorable Justices of the Minnesota Supreme Court  
c/o Clerk of the Appellate Court  
230 State Capitol Building  
St. Paul, MN 55155

In Re: C9-85-1506  
Hearing Regarding Chambers in the Sixth Judicial District

Honorable Justices:

I start by cautioning you that I am probably very prejudiced about this matter because I am the resident Judge in Carlton County. With that fair warning I would also add that I truly feel I can also look at this matter objectively, but I leave that to your evaluation. I wish to address three major issues at this time. They are as follows:

I. Should the new District Court Judge be chambered in Carlton?

II. Should the Supreme Court exercise its chambering powers?

III. Should the Supreme Court delay the chambering decision at this time?

I. SHOULD THE NEW DISTRICT COURT JUDGE BE CHAMBERED IN CARLTON?

At the previous hearing on January 24th, I set forth factors and reasons why I felt the statistics for the judicial needs in Carlton County Court should be adjusted upward. I therefore feel we are not talking about a total need in Carlton of 1.9 Judges, but in fact approximately 2.2. However, for the purposes of this discussion, I will deal solely with your own statistics.

I have learned that a proposal was submitted from this District to help meet our needs in Carlton without any change of chambers. Although I had no prior knowledge of that proposal nor input into it, I do have many criticisms of it. At this time I will limit myself to only a couple of the major criticisms. My first regards the proposal for the District Judges to take over the gross misdemeanor matters in this County. That will not change the 1.9 total need. It will only make the current .6 District Court need much larger and thus would be even more reason to chamber a District Judge here. Secondly, it would require Two Harbors Judge Sandvik to travel literally right past the

Duluth Courthouse and travel twice as far out to Carlton, increasing not only his wasted travel time but also causing additional mileage expense for the State. Third, it ignores the fact that there are many reasons in addition to the volume of cases as to why it is desirable to have at least two Judges to be scheduled at each Courthouse. For example, the Appellate Court has determined that since there is no right to jury trial in juvenile cases, Rasmussen type hearings regarding statements in the nature of admissions or confessions should be scheduled before a Judge other than the Judge that will later be the Trial Judge. In addition, for dissolution actions and other civil pre-trial matters, we have found it best to have the attorneys and counsel fully explore settlement proposals with a Judge at the pre-trial. All parties are more open and the process more productive if that Judge conducting the pre-trial conference will not also be the actual Trial Judge if the case does not settle. Of course there is always the normal volume of Notices to Remove, Affidavits of Prejudice and also cases where a Judge may want to recuse himself. There is also the problem of access to a Judge for signing of formal complaints, domestic protection matters, juvenile detention hearings, warrants, arraignments and other items whenever you are limited to one Judge only within a Courthouse. Except for Judge Sandvik's chambers, we are able to maintain more than one Judge at each Courthouse now. Thus, even if the need for the additional Judge was equal between Duluth and Carlton, I would still be arguing that the position should be chambered here. Duluth has no access problem because there are a greater number of judicial positions located in that Courthouse than the rest of the whole District combined! Duluth thus has great flexibility to adjust to the loss of Judge Odden's position.

Judge Campbell, the prior Chief Judge of this District, has strongly indicated that chambers should be placed here in Carlton. He feels that it will help unify all of the Judges. I agree and I would point out that we are supposedly unifying here in the Sixth District this summer under a voluntary plan. Also the Senate has already passed a Unification Bill recently and I am told that having both a District and a County Judge at the Virginia Courthouse and the Hibbing Courthouse is already working well. We also deserve such an opportunity here in Carlton.

Chambering a District Judge here will free up the three District Judges in Duluth to concentrate on the workload there. In addition, even if your statistics are incorrect and additional help is needed in Duluth from time to time, District Judge Scherkenbach, who travels here from time to time, can instead go to Duluth with no increase in his travel. Also, Judge Sandvik will be available to help both Benches in Duluth. Of course, the District Court Judge here in



Carlton might also be expected to travel occasionally also. Believe it or not it is almost the same distance from Carlton to Duluth as it is from Duluth to Carlton.

## II. SHOULD THE SUPREME COURT EXERCISE ITS CHAMBERING POWERS?

Last week Robert J. Samuelson, writing in a national publication, noted an old cliché: "law is sometimes too important to be left to lawyers." I submit that efficient Trial Court administration is sometimes too important to be left solely to Trial Judges. I think most Trial Court Judges as well as this Supreme Court wants to have administrative matters within a District handled on a local level whenever possible. We support that here in the Sixth District. But I submit that the chambering issue is a unique problem that is not susceptible to local administration. The statute grants you the authority for obvious reasons. At our own Judges Meeting in Duluth ten days ago, I think it became apparent to all in attendance that we would never arrive at an agreement on this issue. Perhaps the uniqueness of our District also points out why the Supreme Court has to make such decisions. As you may know, except for Judge Sandvik in Two Harbors and myself, every other Judge, both County Court and District Court, reside in a single County, i.e. St. Louis. Obviously, with that kind of make up to move a Chamber out of St. Louis County by local decision would take much more than efficient Court administration factors. Perhaps Judge Galen Wilson expressed it best at that meeting when he said that we each look at this from a personal perspective and we are all too closely involved to make a decision.

## III. SHOULD THE SUPREME COURT DELAY THE CHAMBERING DECISION AT THIS TIME?

We all appreciate the fact that the Supreme Court has in the past been very careful and conservative in the exercise of its chambering powers. But I submit that this is the right time for such a decision in this District. Obviously, it is less traumatic to relocate chambers during a vacancy than it is to uproot a sitting Judge who has had established chambers for a number of years. In simple fairness to the candidates for the new Judgeship, the issue should be put to rest at this time.

Members of our District Court and the Duluth Bar have suggested that we ask you to wait for perhaps a year or longer until a new weighted caseload study. I feel that the District would suffer under such a delay as it has already become a divisive issue that would only grow during any delay. I also feel a delay in making the decision is not warranted for the following five reasons:

1. The current budget crunch gives us no guarantee as to when a new study will be able to be initiated or completed. The delay could be indefinite.
2. Any weight adjustment resulting from a new study would impact the same on all of the Courthouses here in this District. I submit that there is no glaring difference between the types of cases being heard in each of the Courthouses. If Duluth's needs were to be adjusted upward, Carlton's would also.
3. The current study and statistics, whether accepted by Trial Judges as completely accurate in every detail or not, must be acknowledged by everyone to at least be a very valid indication of the "disparity" that exists between the various Courthouses here in the Sixth District. Indeed the obvious disparity might be all this Court needs to make a chambering decision. I submit you already have the information you need right now to make a decision.
4. While a delay could work a future hardship in Carlton with our judicial manpower being cut in half, a rechambering of one Judgeship out of Duluth now will not cause a hardship there because:
  - a) The resolution you approved regarding the phasing out of Judicial Officers gives us the flexibility to retain the fourth Judicial Officer in St. Louis County if the need is shown. We can make such a request to you next June (1987).
  - b) The Legislature has been very receptive in creating additional Judgeships if warranted. If in the future the need at the Duluth Courthouse grows significantly to justify more Judges, I am confident the Legislature will respond.
  - c) Duluth will still be left by far with the greatest number of Judges and thus the greatest flexibility within that Courthouse to meet its needs. Duluth is also the centrally located Courthouse and thus all of the rest of us can travel from Carlton, Two Harbors, Virginia or Hibbing to help out Duluth should that ever be needed. With their fourth courtroom vacant, it would always be available and help can be brought in with no adverse impact on any of the presiding Judges there nor their calendars.
  - d) If the growth projections for the future should prove wrong and Carlton County's needs should go down and Duluth's should go up, this very Court can always change chambers again.

5. My final reason is perhaps the most important reason. Requesting a delay is also requesting this Court to become very inconsistent. It requires this Court to conclude that your own current data is insufficient to make a decision at this time. It requires that you not place great stock in the weighted caseload study and the resulting needs shown by the statistics. This would be very inconsistent because this same data base was sufficient enough to make far-reaching decisions in the Fifth District. The information was valid enough to set priorities within various Districts such as the Tenth District as to where new Judges would be added. The statistics were deemed sufficient enough to get thirteen new Judgeships from the Legislature since 1982. The data was important enough to cause the phase out of four of our Judicial Officers. The current study was also sufficient enough for this Sixth District to be allowed to retain the Judgeship that is currently vacant. It would be ironic indeed if suddenly the current study is not sufficient enough to make a less dramatic decision about a single chamber within a District.

In conclusion, I would argue that for you to not chamber the next District Judge here in Carlton you must be totally confident in two conclusions:

1. There is no administrative advantage nor workload need to justify an additional Judge here in Carlton;  
and
2. The Duluth District Court work requires that four District Judges continue to be maintained there.

I end today by thanking you for the opportunity to be heard. I want to reassure you that we will all respect whatever action your Court might take. I pledge to you, to our Chief Judge Litman and to all of the other Judges here that no matter where chambers are set, I will continue to cooperate fully in any way I can to help our Sixth Judicial District run smoothly and efficiently. Although this issue has been somewhat divisive amongst the Judges here these past three weeks, I think it has also been a blessing in disguise. It has caused us to start talking about things that must be addressed and it will lead to better communication amongst us all. I feel I know each of the Judges within this District well enough to assure you that no matter what your final decision is, the judiciary in the Sixth District will carry on in grand style and will work hard to meet the citizens' needs of justice for all.

Very truly yours,

  
THE HONORABLE DALE A. WOLF  
JUDGE OF COUNTY COURT

CARLTON COUNTY BAR ASSOCIATION.  
CARLTON COUNTY, MINNESOTA

OFFICE OF  
APPELLATE COURTS  
FILED

MAR 12 1986

March 10, 1986

WAYNE TSCHIMPERLE  
CLERK

Clerk of the Appellate Court  
230 State Capitol  
St. Paul, Mn. 55155

Re: C9-85-1506            In re Hearing Regarding Chambers  
   in the Sixth Judicial District.

REQUEST TO MAKE ORAL PRESENTATION

The Carlton County Bar Association hereby request to be heard at the hearing in the above matter to be held in Carlton on March 17, 1986.

3-10-86      CARLTON COUNTY BAR ASSOC.

CARLTON COUNTY BAR ASSOCIATION.  
CARLTON COUNTY, MINNESOTA

March 7, 1986

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

In Re: Hearing Regarding Chambers for the Sixth Judicial District

Dear Justices of the Supreme Court:

I am Ladean A. Overlie and I am appearing here today on behalf of the Carlton County Bar Association. I wish to convey to you the strong request of our Bar Association to chamber the District Judge here in Carlton where it is badly needed and obviously belongs. I am representing our Bar Association today not only because I am one of the senior members, but also because of my background. I served as a Judge in this County for more than thirty years. I was the first Carlton County Judge under the County Court Act. I continued to serve in that capacity until my retirement in 1982. I am here to affirm what your own statistics already show. The County Court work within this County requires more than a single judge. When you consider also the District Court needs here, there can be no other answer to the chambering issue. Having a District Judge chambered here would greatly help the Bar Association because we could then have a continuous District Court term instead of the general term currently scheduled three times a year. Under the current system if a matter does not get tried and is continued over in the May term, it will have no new setting until the calendar call in late September and most likely will not be heard until October. Considering the judicial resources in this District and in fairness to the litigants and to the attorneys, I know of no reason why such a system should continue.

I note with great interest your administrative position set forth in the memorandum accompanying your Order in the Fifth District. I agree wholeheartedly with that position that District and County Court Judges ought to be able to be assigned to cover each other's work. I know of the battles over these past several years regarding Trial Court unification. My own experience shows me that such assignment flexibility is owed to the public. If we are to take efficient Court administration seriously, then Carlton County should not be forced to beg and borrow a second Judge week in and week out, month after month

and year after year. In closing I must note that during my thirty plus years on the Bench, I observed that many people were appointed to the District Bench with absolutely no prior experience as a Judge. Somehow they seem to be able to carry on District Court work. I think experienced County Judges might be able to also handle such work from time to time. I have always thought issues such as unreasonable search and seizure fell under the same Constitution and we use the same Criminal Code. The last time I looked, we also had the same Rules of Evidence. Most importantly, it must be kept in mind that it is not Judges nor attorneys who deserve this solution to so many administrative problems, all of the citizens and taxpayers of this County and of this whole Sixth Judicial District are entitled to the rechambering solution.

On behalf of the entire Carlton County Bar Association, I thank you for your attention to this very important matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Ladean A. Overlie". The signature is written in dark ink and is positioned above the typed name.

LADEAN A. OVERLIE

OFFICE OF  
APPELLATE COURTS  
FILED

STATE OF MINNESOTA

APR 16 1986

IN SUPREME COURT

WAYNE TSCHIMPERLE  
CLERK

C9-85-1506

In re: Hearing Regarding Chambers  
Arguments in the Sixth Judicial  
District.

Statement of Donald C. Odden  
Judge of District Court (Retired)  
Sixth Judicial District  
State of Minnesota

The Honorable Chief Justice  
and Associate Justices of the  
Supreme Court of Minnesota:

Your Honors:

I have been informed that you will meet soon to determine the placement of chambers for one of the judges of the Sixth Judicial District. It is my understanding that your determination will ultimately determine where the new judge will be chambered whether in Duluth or Carlton County. I recently retired as a District Court Judge of the Sixth Judicial District, having served in that position for 27 years. I believe this is longer than any person has ever served in this District. In all of those years there had been and have been six District Court Judges within this District, four being chambered in Duluth, one in Hibbing, and one in Virginia. The placement of these chambers has more than adequately covered the needs of the four counties concerned. At no time during the period of my tenure was Carlton in need of a full time District Court Judge, nor at any time was a District Court Judge chambered in Carlton County. Under the system that we have followed throughout the years, Carlton County was more than well covered and at no time were their needs ever ignored. I think if you will check the records you will find that our District has been the most current District within the State of

Minnesota. This came about because of hard work and dedication of the judges chambered within this District. To chamber a District Court Judge in Carlton County full time would be a waste of judicial manpower and create additional automotive expenses for the State of Minnesota. I write this letter for the sole purpose of making a recommendation that the newly appointed judge to replace me should be chambered in Duluth, Minnesota.

Dated at Duluth, Minnesota this <sup>15<sup>th</sup></sup> day of April, 1986.

Donald C. Odden  
Donald C. Odden  
Judge of District Court (Retired)



**MURPHY HANSEN & ROBINSON**

ATTORNEYS AT LAW

GERALD W. MURPHY  
RICHARD C. HANSEN  
JAMES D. ROBINSON, JR.

1000 TORREY BUILDING  
DULUTH, MINNESOTA 55802  
(218) 727-1003

April 16, 1986

OFFICE OF  
APPELLATE COURTS  
FILED

APR 18 1986

WAYNE TSCHIMPERLE  
CLERK

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

Re: Hearing Regarding Chambers in the Sixth Judicial District  
Hearing Date: May 21, 1986

To: Clerk of the Appellate Court

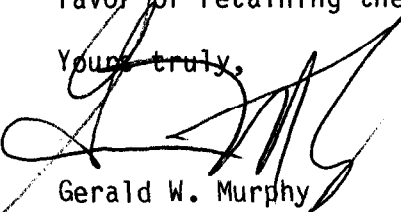
Would you please add the following two individuals to our request to make Oral Presentation dated April 11, 1986:

Don L. Bye  
Halverson, Watters, Bye,  
Downs & Maki, LTD  
700 Providence Building  
Duluth, Minnesota 55802

Gaylord W. Swelbar  
Hanft, Fride, O'Brien, Harries,  
Swelbar & Burns, P.A.  
1000 1st Bank Place  
Duluth, Minnesota 55802

I am enclosing ten copies of this letter that may be attached to our original list. Both of these members of the Eleventh District Bar Association wish to speak in favor of retaining the Judges Chambers in the City of Duluth.

Yours truly,

  
Gerald W. Murphy

ms  
Enclosures

**COUNTY OF CARLTON**LAW ENFORCEMENT CENTER  
CARLTON, MINNESOTA 55718OFFICE OF  
TERRY TWOMEY  
CARLTON COUNTY SHERIFF

March 10, 1986

**OFFICE OF  
APPELLATE COURTS  
FILED****MAR 12 1986****WAYNE TSCHIMPERLE  
CLERK**Clerk of the Appellate Court  
230 State Capitol  
St. Paul, Minnesota 55155

RE: File #C9-85-1506

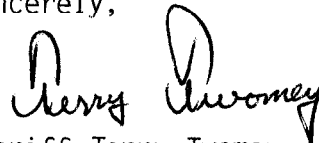
Good Morning:

As Sheriff of Carlton County I am concerned about where the new District Judge will be chambered. Beginning July 1st 1986 I fear we will be severely hampered in our work when Judicial Officer Art Albertson leaves. Such short notice duties as the signing of domestic abuse orders, search warrants, and time clock arraignments will suffer with only one judge.

It would seem highly desirable, and a wise use of manpower to have the new District Judge chambered in Carlton. In the past we have occasionally been called upon to transport prisoners to Duluth for court appearances. Parking near the St. Louis County Court House is always scarce. Many times we have had to parade our prisoner one to two blocks on foot to get to the Court House and the chances for escape escalate.

I will not have an oral presentation at the March 17th hearing but I am submitting ten copies for your perusal.

Sincerely,

Sheriff Terry Twomey  
Carlton County Sheriff's Dept.  
Carlton, Minnesota 55718

TT/dh

HON. KENNETH A. SANDVIK

JUDGE OF THE COUNTY COURT

LAKE COUNTY COURTHOUSE  
TWO HARBORS, MN. 55616  
TELEPHONE 218 - 834.5581

March 11, 1986

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

OFFICE OF  
APPELLATE COURTS  
FILED

MAR 18 1986

WAYNE TSCHIMPERLE  
CLERK

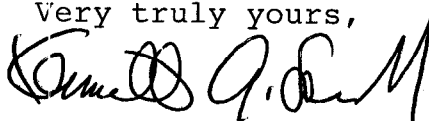
Re: C9-85-1509  
Chambers Arguments Sixth Judicial District

Dear Mr. Tschimperle:

Enclosed are ten copies of a statement with attachments for consideration by the Supreme Court at the Public Hearing scheduled in Carlton on March 17, 1986.

I intend to be available on the 17th should the Court have any questions or wish any matters clarified.

Very truly yours,



Kenneth A. Sandvik

KAS:rcb  
Enc.

**STATE OF MINNESOTA**

**IN SUPREME COURT**

**C9-85-1506**

**In Re Hearing Regarding Chambers  
Arguments in the Sixth Judicial District**

**MEMORANDUM IN SUPPORT OF  
CHAMBERS IN CARLTON**

There are three reasons why the Court ought to designate chambers for Judge Odden's successor in Carlton. Those reasons are:

1. The placement in Carlton is consistent with all the objective criteria available, including particularly the weighted caseload studies and statistics.
2. The placement in Carlton is consistent with the advancement of a unified trial court in the Sixth Judicial District and in the State of Minnesota.
3. The placement in Carlton will represent the most efficient and economical use of the Sixth Judicial District's limited judicial resources.

**BACKGROUND INFORMATION**

The perspective from which I make these observations and arguments is as follows: I am a Judge of the County Court having been appointed in November of 1984. I serve the County Court in Lake and Cook Counties, and I have, since my appointment, handled matters in the other County Courts in the District. I have regularly handled District Court matters in Cook County and to a lesser extent in Lake County. I have also tried cases in the District Court in St. Louis County.

A limited review of my logs and records for 1985 shows I spent over 60 days on the road hearing matters in Court Houses other than the Two Harbors Courthouse within the Sixth District. The over seven thousand miles that I traveled to hear matters in other Court Houses, if one assumes a highway speed of 50 mph, would indicate that I spent over 140 hours traveling between Court Houses in the Sixth Judicial District during 1985.

## OBJECTIVE CRITERIA - WEIGHTED CASELOAD STATISTICS

I do not agree with or accept the validity of the weighted caseload studies. I believe the weighted caseloads statistics and studies contain a substantial urban bias. Attached hereto are copies of correspondence from myself to the Supreme Court; one in the form of a letter dated November 14, 1985, to Debra Dailey and the other in the form of a letter under date of January 23, 1986, addressed to Dale Good. That correspondence sets forth my principal concerns. (ATTACHMENTS 1 and 2))

While it is important that it be noted that I do not accept completely the validity of the weighted caseload statistics, for the purposes of the question before the Court I believe that those statistics, when adjusted for their shortcomings, support chambering in Carlton. That is, should the statistics be adjusted for the problems that I believe exist, those statistics would still indicate that chambering ought to occur in Carlton. Clearly if they are accepted at face value they as well support chambers in Carlton.

The testimony of Judge Wolf at the earlier hearing and the findings of the Supreme Court with respect to the matters he raised, I believe, are also objective criteria indicating a need for judicial resources in Carlton.

I am not aware of any arguments indicating or suggesting that the weighted caseload indication of need for Carlton overstates Carlton's needs. While there may be suggestions that the needs of Carlton County could be met better or more appropriately in other ways, there is to the best of my knowledge no objective criteria to show that Carlton County does not need two or perhaps more full time Judicial Equivalents.

As the Court has pointed out previously, the information that is available suggests that the population will increase in Carlton County. While population trends standing alone do not accurately reflect judicial needs, increased population is consistent with increased needs.

Finally, my observations from traveling among the various Court Houses in the District are consistent with the need for additional resources in Carlton. That is, from what I have personally seen of the activity, Carlton County has a need for additional judicial manpower.

## UNIFIED COURT

Minnesota is moving towards a unified trial court. A unified trial court has strong legislative support, strong support from the judiciary of the State and is a reality in several of our Judicial Districts.

A majority of the Judges of the Sixth Judicial District have adopted a document which has been filed with the Secretary of State in July of 1985, which may be described as the first formal step towards unification of the trial court bench in the Sixth Judicial District. A copy of that instrument is attached hereto. (ATTACHMENT 3) Chambering of the replacement of Judge Odden in Carlton would be the next logical step towards trial court unification. Not only would it encourage unification in Carlton County but it would also, as a practical matter, encourage and foster a unified trial court in the other parts of the District.

As the attached schedule shows (ATTACHMENT 4), consistent with the Association of Minnesota Counties support for unified court qualified by its concerns for election subdistricts which they refer to as wards, (ATTACHMENT 5) the allocation of resources in this fashion (chambering the vacancy in Carlton) would require greater movement back and forth between the District and County benches in all parts of the District.

In one sense the arguments against chambering Judge Odden's replacement in Carlton are based upon a continuation of the existing District Court and County Court. When the needs are examined without regard to which Court, District or County, has need for judicial personnel, it becomes clear that chambering ought occur in Carlton.

#### ECONOMY AND EFFICIENCY

In addition to chambering Judge Odden's replacement in Carlton as being consistent with the objectively measured needs in the District and consistent with the concept of a unified trial bench, the chambering of a Judge in Carlton is also consistent with the economical and efficient use of judicial manpower.

I traveled, for trial purposes, over seven thousand miles within the District last year. It is the case that other Judges on both the County and District bench traveled substantially as well. I am firmly convinced that failure to chamber Judge Odden's replacement in Carlton will only increase the total number of hours on the road for Judges in the Sixth Judicial District. It is inefficient to have any more "windshield time" than is absolutely necessary.

Based upon my experiences, the mechanical or practical concerns ought not be minimized. The mechanics of calendaring are made more difficult when the proceedings involve a series of relatively short hearing. Juvenile matters for example will often involve an adjudicatory hearing, a continuance for the preparation of a social history and predisposition report, the dispositional hearing and, quite often, one or more review hearings. Dissolution proceedings and criminal matters are other kinds of matters where multiple appearances will occur. It is often the case that no single hearing or proceeding will exceed an hour in length.

I have observed as well that for District Court matters, particularly in Cook County, (110 miles from the chambers of the nearest sitting District Judge) that the interests of judicial economy will regularly mandate against a District Judge traveling to Grand Marais. It is extremely inefficient for a Judge to travel 110 miles for a twenty minute hearing. The temptation will arise, and does arise, because of such circumstances to calendar such matters where the Judge is chambered. It is much easier to work into a schedule a twenty minute sentencing hearing where the Judge is chambered than it is to bring a Judge to the location where the matter is venued. More Judges spending more time on the road will only increase this problem.

Related to the inefficient use of expensive judicial time is the expense to the State in paying people to travel from Court House to Court House. While in relative terms the amounts may be small, it ought to be recognized that there is an economic cost.

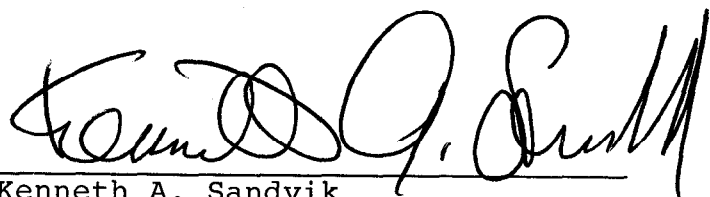
It is inefficient and unecomomical as well from the perspective of persons who appear before the Court. As discussed above, the mechanics of scheduling in a juvenile dispositional hearing involving several parties, their attorneys, perhaps a guardian ad litem, and probation officer, social worker or other professional is difficult enough when such a proceeding (which rarely takes more than an hour) also requires the bringing in of a Judge, the problem is further magnified. A Judge who is chambered in the Court House can work such a proceeding into his or her calender much more easily. A Judge who has to travel to the Court House would probably have to give up a half-day calender somewhere else to do so and litigants will more often have their matters delayed and/or heard outside their County.

While travel will continue to be necessary, and in fact in many cases is desirable, both from a judicial administration standpoint as well as from the standpoint of persons who appear before the Court, chambering Judge Odden's replacement in Carlton will reduce travel and the resulting delays and inconveniences.

#### SUMMARY

I believe that the replacement for Judge Odden should be chambered in Carlton. Such a decision is consistent with what I believe the objective criteria to show, consistent with advancing the concept of a unified trial bench and also would result in the most efficient and economical use of our limited judicial resources.

Dated at Two Harbors, Minnesota  
this 11th day of March, 1986.



Kenneth A. Sandvik  
Judge of County Court for Lake  
and Cook Counties.

HON. KENNETH A. SANDVIK

JUDGE OF THE COUNTY COURT

LAKE COUNTY COURTHOUSE  
TWO HARBORS, MN. 55616  
TELEPHONE 218 - 834.5581

November 14, 1985

Debra L. Dailey  
Research Director  
Judicial Planning  
40 North Milton Street  
Suite 421  
St. Paul, Mn. 55104

Dear Ms. Dailey:

First of all, thank you for the information you furnished in your letter of October 21st. I appreciate your assistance.

Second, I want to raise certain concerns and questions with respect to what I understand to be a new weighted caseload study. If I should be addressing them to someone else I would appreciate you either forwarding them on or advising me who I should be communicating with.

I formally request that the next weighted caseload study not lump parking tickets, petty misdemeanor violations and misdemeanor violations in the same category. My request is made on the following basis.

As I review the information your office has generated concerning the 1980 weighted caseload study, the criminal/traffic categories where the foregoing are lumped together accounts for anywhere from 60% to 80% of the total volume of cases filed.

I simply cannot understand how a misdemeanor D.W.I. and a \$2 overtime parking ticket can be equated, particularly in view of the high numbers of such filings.

It is my understanding that in Hennepin County parking tickets are not tried in the sense that we understand trials. That is, it is my understanding that there are some type of administrative hearing officers who hear such matters who aren't even considered judicial personnel. Why are such tickets counted when determining how many judges are needed?

In addition to parking tickets, petty misdemeanors, as you are aware, do not require a court appearance and I believe your research will show that the overwhelming majority of petty misdemeanor charges do not result in a court appearance.

Misdemeanors, on the other hand, when filed almost uniformly result in court activity. To me, it is patently wrong to treat similarly matters which do not require any judge time with matters that do require judge time when they can be easily separated.



If petty misdemeanors are defined to include parking tickets it is clear that there is a substantial variance in the ratio between misdemeanors and petty misdemeanors from District to District. It is the case that in many counties parking tickets are plainly not issued at all.

This further compounds the problem of including parking tickets. It is the urban areas where the great bulk of parking tickets come from.

The second concern which I would address is related to my first concern. It is my understanding from the information I have been furnished that caseweights are assigned equally throughout the State while non-case time isn't. It is my understanding that this is done despite the fact that there are substantial variations in the percentages of cases tried from District to District.

That is, a felony receives the same number of minutes without regard to where filed and without regard to the fact that there are measureable substantial differences in the rate of percentages of felonies tried between the Districts.

While there may exist some philosophical basis for treating uniformly statistics for civil matters or matters not involving the public authority as a party, I do not believe it appropriate to so treat matters where the public authority is involved as a party.

Specifically, I believe that the records do disclose that the percentage of criminal matters tried at all levels varies substantially from District to District. It seems wrong to reward judges from Districts where prosecutors plead out more cases. The choice in weighted caseload to treat such differences by ignoring them continues to foster the myth of complete control of litigation by the judiciary. While it is the case that the judiciary do have substantial controls the public's other direct arm, at least in criminal and juvenile matters (the prosecutor), also has a substantial measure of control over what percentage of cases filed are tried.

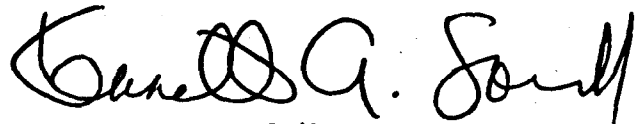
The Chief Justice's opinion notwithstanding, I believe the lower trial rates (in terms of percentages) in the metropolitan areas also result in an urban bias.

In summary the two steps of counting parking tickets, petty misdemeanors and misdemeanors separately and recognizing from a public policy standpoint that time measures ought to include (at least in the area where the public sector is involved through the prosecutor's office) a recognition of the differing percentages of cases tried would result in a more accurate measure of court personell needs.

Again, I would request that if I am directing these concerns to the wrong source that you either relay them on to where they should be or advise me who I should be expressing my concerns to.

I do thank you for your consideration and anticipate and appreciate your response and attention to these matters.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Kenneth A. Sandvik". The signature is written in dark ink and is positioned above the printed name.

Kenneth A. Sandvik

KAS:rcb

HON. KENNETH A. SANDVIK

JUDGE OF THE COUNTY COURT

LAKE COUNTY COURTHOUSE  
TWO HARBORS, MN. 55616  
TELEPHONE 218 . 834.5581

January 23, 1986

Dale W. Good  
Director, Information Systems Office  
State Court Administration  
40 N. Milton Street  
Suite 304  
St. Paul, Minnesota 55104

Dear Mr. Good:

In an attempt to test the validity of my theses, communicated to your office earlier, including particularly under date of November 14th of last year, I have reviewed some of the statistical information generated here in the Sixth Judicial District. That statistical information I believe supports my theses.

While I do not have access to the 1985 statistics, I believe for the purposes of this subject, that they will not substantially affect the validity of my argument.

According to the information that we received from SJIS for calendar year 1984, the County Courts in St. Louis County required 572,149.906 weighted case units, consisting of 363,480 in Duluth, 35,022 in Hibbing and 129,647 in Virginia. According to statistics generated by our District Administrator's Office during calendar year 1984 the County Courts in St. Louis County disposed of parking tickets, including 80,428 such tickets in Duluth, 12,210 out of Hibbing and 35,472 out of Virginia.

Using the 1.49 case weight given to such items under the 1980 case weight study I calculate 119,837 W.C.U.'s for Duluth, 18,192 W.C.U.'s for Hibbing and 52,853 for Virginia. The total W.C.U.'s on the basis of parking tickets for St. Louis County is 190,882. Dividing this figure by the total W.C.U.'s shown on your records for the St. Louis County County Courts of 572,149, it appears that parking tickets generated 33% of the workload of the St. Louis County Court.

I don't think there is anyone who would realistically suggest that such was the case. In no other County in our District does the percentage of parking tickets come anywhere near that percentage. I am convinced that the same holds true for the other more urban type Counties.

While the ratio of parking tickets to total criminal offenses may vary I remain convinced that Hennepin and Ramsey County in particular would generate percentages of W.C.U.'s allocatable to parking tickets comparable to the St. Louis County situation and much higher than most outstate counties.

I do recognize that this is in some measure attempted to be addressed by the lower caseweight given in your 1980 study. I think however, as the above calculations show, it does not completely eliminate the bias.

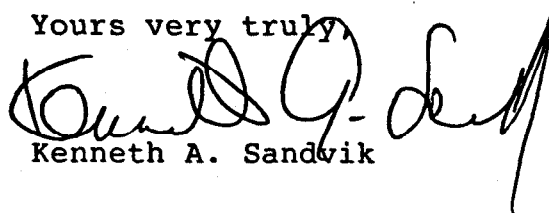
Those same statistics disclose that in St. Louis County, out of the approximate 125,000 parking tickets issued, less than 400 persons appeared for a hearing. There simply is no way that those 400 appearances before a Judge could in any way justify the 33% figure.

Obviously segregating the parking tickets from the other misdemeanors and petty misdemeanors will result in a higher caseweight for the other misdemeanors and petty misdemeanors. However, because the ratio will vary from County to County and District to District the impact will also vary.

I would again urge that such matters be separated in any future studies and again, assert my belief that that can be done because they are segregated for other purposes.

I again thank you for your attention concerning this matter.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kenneth A. Sandvik", written in a cursive style. The signature is positioned above the printed name.

Kenneth A. Sandvik

KAS:rcb

cc: Stuart Beck, District Administrator

SIXTH JUDICIAL DISTRICT COURT UNIFICATION PLAN

SECTION I:

1. The District Courts and the County Courts of the Sixth Judicial District shall be reorganized as hereafter provided, into one trial court of general jurisdiction to be known as the District Court, which shall also be the Probate Court.

2. Unification shall be effective one year following certification to the Secretary of State of this intention to reorganize, pursuant to Minn. Stat., Sec. 487.191.

This intention to reorganize shall be effective in all its terms upon each judge of the district and his/her successors.

3. The District Court shall consist of the following divisions:

a. Division I, to be presided over by Division I judges, appointed or elected as provided in Section II.

b. Division II, to be presided over by Division II judges, appointed or elected as provided in Section II.

4. Division I judges shall hear cases in which Division I has jurisdiction. Division I has original jurisdiction in all civil actions within the district, in all cases of crime committed or triable in the district, in all special proceedings not exclusively cognizable by some other court or tribunal, and in all other cases where jurisdiction is conferred upon it by law. It shall also have appellate jurisdiction in every case in which an appeal to the District Court is allowed by law from any other court, officer, or body.

5. Division II judges shall hear cases in which Division II has jurisdiction. Division II has original jurisdiction as provided in Chapter 487 and as follows:

a. The jurisdiction of a juvenile court as provided in Chapter 260.

b. In law and equity for the administration of estates of deceased persons and all guardianship and incompetency proceedings; and

c. In proceedings for the management of the property of persons who have disappeared as provided by Chapter 576.

d. To exercise all duties as provided by MSA 260.311.

6. All causes of action venued in the District Court prior to the effective date of this Plan, shall be venued in Division I. All causes of action venued in the County Court prior to the effective date of this Plan shall be venued in Division II.

7. The District shall maintain the same number of Division I Judges and have the same chamber locations as authorized by law for the District Court of the judicial district as of March 15, 1985.

The District is divided into Division II Districts which shall be the same as the County Court Districts in existence as of March 15, 1985. The Division II Districts shall be entitled to the same number of Division II Judges and the same chamber locations as authorized by law for the County Court Districts in the Sixth Judicial District, as of March 15, 1985. Division II in St. Louis County shall be subdivided into a Juvenile-Probate Subdivision, a Southern General Trial Subdivision, a Northeastern Juvenile-General Trial Subdivision and a Northwestern Juvenile-General Trial Subdivision encompassing the area now designated in M.S. 487.01, Subdivision 5.

#### SECTION II:

1. All District Court Judges in office on March 15, 1985 are Division I Judges of the District and shall continue in office for the balance of the terms of which they were last elected and are eligible for reelection to office as incumbent Division I Judges of the District Court.

2. All County Court Judges in office on March 15, 1985 are, after the effective date of this Plan, Division II Judges of the District Court. The judges shall serve as Division II District Judges for the balance of the terms for which they were elected or appointed. All judges, upon completion of their terms of office, are eligible for election or reelection as incumbent Division I judges of the District Court. Each Division II Judge shall be a resident of and elected from the Division II District of the judicial district area in which he now serves as designated in M.S. 487.01, Subdivisions 3 and 5.

#### SECTION III:

1. Commencing July 1, 1985, a Division I Judge shall be elected and serve as Chief Judge of the District for a period of two years, and a Division II Judge shall be elected and serve as Assistant Chief Judge for a term of two years; that the Division II Judge elected as Assistant Chief Judge, shall be elected and succeed to the office of Chief Judge, commencing July 1, 1987; and a Division I Judge shall be elected and serve as Assistant Chief Judge for a term of two years; that thereafter at each biannual election, the office of Chief Judge and Assistant Chief Judge shall be alternatively held in exchange between the two divisions, it being the intent of the judges at each election to promote the Assistant Chief Judge to the position of Chief Judge and electing a new Assistant Chief Judge every two years.

That the Chief Judge and Assistant Chief Judge shall each appoint two judges to a nominating committee not less than 30 days before the biannual election spring meeting; which nominating committee shall

report to the judges their nominations for the positions of Chief Judge and Assistant Chief Judge.

That this provision for the election of the Chief Judge and Assistant Chief Judge may not be rescinded without a majority vote of the judges of the Division I and a majority vote of the Division II judges of the District Court.

2. The Chief Judge, and in his absence, the Assistant Chief Judge, subject to the authority of the Chief Justice, shall exercise general administrative authority over the Court within the District. In the interest of efficiency and where the need arises, the Chief Judge may assign any judge in the district to hear any matter in either Division. A judge may not refuse an assignment upon the basis of the date of the judges appointment or election to the court. No judge may be assigned to another division except for individual cases, without his approval. A judge aggrieved by an assignment may appeal to the judges of his division, and their decision shall be final.

3. The Chief Judge shall convene a conference at least semiannually of all judges of the District to consider administrative matters and Rules of Court and to provide advice and counsel to the Chief Judge.

#### SECTION IV:

1. Candidates who seek nomination for the office of District Judge shall state the following additional information on the Affidavit required pursuant to Minn. Stat. 1983, Sec. 204B.06, Subd. 4.

- a. That he/she is a candidate for District Court Division I or Division II and shall state in the Affidavit of Candidacy the office of the particular judge for which the individual is a candidate. The individual shall be a candidate only for the office identified in the Affidavit. Each Division I or Division II judge is deemed to hold a nonpartisan office.

#### SECTION V:

1. The appointment of Judicial Officers, Court Reporters and Law Clerks shall be in accordance with existing statutes and court rules.

#### SECTION VI:

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

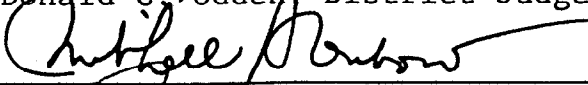
- a. Division I: Those judges who were District Judges as of the date hereof, in order of their seniority as of that date.

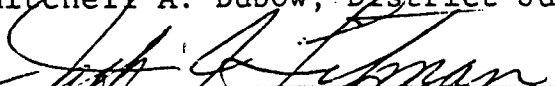
- b. Division II: Those judges who were County Judges as of the date hereof, in order of their seniority as of that date.

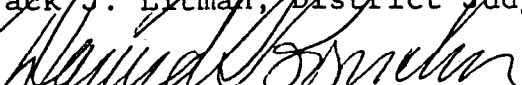
STATE OF MINNESOTA  
SIXTH JUDICIAL DISTRICT  
INTENTION TO REORGANIZE

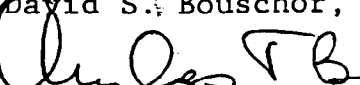
We, the undersigned District Judges and County Judges, respectively hereby express our intention to reorganize the Trial Courts of the Sixth Judicial District into one general Trial Court to be known as the District Court, Division I and Division II, pursuant to the attached Court Unification Plan and in accordance with Minn. Stat., Sec. 487.191.

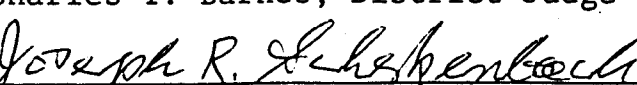
  
Donald C. Odder, District Judge

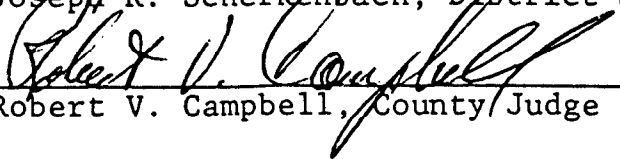
  
Mitchell A. Dubow, District Judge

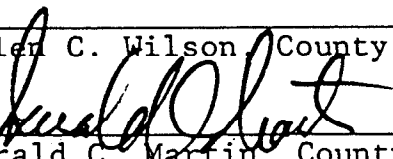
  
Jack J. Litman, District Judge


  
David S. Bouschor, District Judge

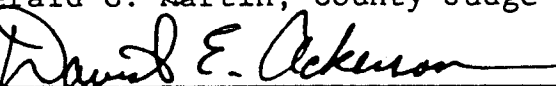
  
Charles T. Barnes, District Judge

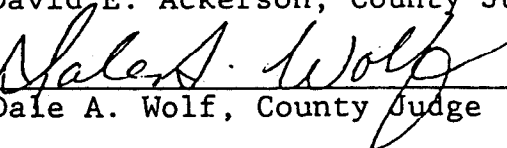
  
Joseph R. Scherkenbach, District Judge

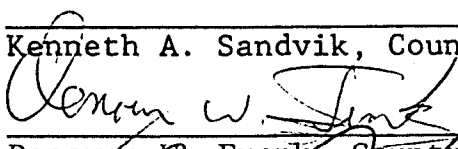
  
Robert V. Campbell, County Judge

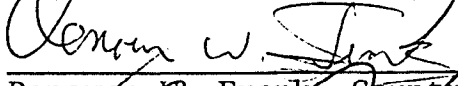
  
Galen C. Wilson, County Judge

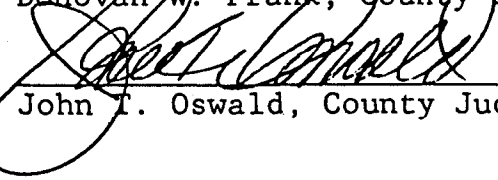
  
Gerald C. Martin, County Judge

  
David E. Ackerson, County Judge

  
Dale A. Wolf, County Judge

  
Kenneth A. Sandvik, County Judge

  
Donovan W. Frank, County Judge

  
John I. Oswald, County Judge



ATTACHMENT 4

	<u>Carlton</u>	<u>Lake/Cook</u>	<u>Iron Range</u>	<u>Duluth</u>
PRESENT NEEDS				
WCL*				
COUNTY	1.3	.5	2.8	4.9
DISTRICT	.6	.3	1.3	2.6
	—	—	—	—
TOTALS	1.9	.8	4.1	7.5
RESOURCES				
ALLOCATED **				
COUNTY	1.0	1.0	2.0	5.0
DISTRICT	1.0	.0	2.0	3.0
	—	—	—	—
TOTALS	2.0	1.0	4.0	8.0

\* from published 1984 statistics

\*\* consistent with the allocation under the Judicial Officer reduction resolution accepted and approved by the Supreme Court and chambering of Judge Odden's replacement in Carlton

## ATTACHMENT 5

### COURT UNIFICATION MINNESOTA COUNTIES SUPPORT THE UNIFICATION OF THE COUNTY AND DISTRICT TRIAL COURTS \*

In unified districts, courts should sit within each county on a regular basis.

County employees in the court system should be under the jurisdiction of the county board. (See G.G. 34)

Election of judges within a district should ensure proper representation to the less populated areas - for example, elections might occur within wards.

District Court boundaries should be reviewed for appropriateness.

#### **Discussion**

Under unification, all judges would be district court judges and authorized to hear any civil or criminal case. Creating such a single district court system would eliminate the artificial restrictions that currently impede efficient and flexible use of judicial personnel.

It has been demonstrated that a larger pool of judges, scheduled appropriately, would reduce the case backlog, equalize the workload, minimize support staff underutilization and probably reduce travel expenses. Strengths and preferences of judges should be a consideration in assignment for some period of time.

Currently, the Third, Seventh, Ninth and Tenth Districts are unified. Additionally, the First District has instituted a unified calendar.

\* A portion of the Minnesota County Platform adopted by the Association of Minnesota Counties January 27, 1986

ATTORNEYS AT LAW  
**MUNDT & ASSOCIATES**  
715 WEST SUPERIOR STREET  
DULUTH, MINNESOTA 55802-1594

TELEPHONE  
(218) 722-3665

DANIEL H. MUNDT\*

BRUCE M. ANDERSON  
STEVEN J. RUNNING

THEODORE L. HALL  
OF COUNSEL

\*ADMITTED IN WISCONSIN

March 11, 1986

OFFICE OF  
APPELLATE COURTS  
FILED

MAR 14 1986

WAYNE TSCHIMPERLE  
CLERK

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

Gentlemen:

C9-85-1506

Enclosed you will please find a statement I wish to have  
filed and made a part of record relative to the appointment  
of Judge for the Sixth Judicial District.

Thanking you for your attention, I remain

Respectfully,



Daniel H. Mundt,  
MUNDT & ASSOCIATES

gb

Enc.

ATTORNEYS AT LAW

**MUNDT & ASSOCIATES**  
715 WEST SUPERIOR STREET  
DULUTH, MINNESOTA 55802-1594

TELEPHONE  
(218) 722-3665

DANIEL H. MUNDT\*

BRUCE M. ANDERSON  
STEVEN J. RUNNING

THEODORE L. HALL  
OF COUNSEL

\*ADMITTED IN WISCONSIN

March 11, 1986

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

OFFICE OF  
APPELLATE COURTS  
FILED

MAR 14 1986

WAYNE TSCHIMPERLE  
CLERK

Gentlemen:

Our law firm wishes to go on record as supporting the appointment of a judge for our district to be chambered in St. Louis County.

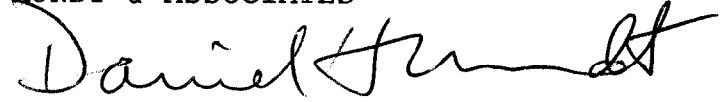
The following reasons indicate to us that this is the preferred choice:

1. The system in the past has worked effectively by allowing the chief judge for our district to make judicial assignments as needed.
2. Our district encompasses a very large geographic area with the population center located in Duluth (St. Louis County).
3. The travel distance from Duluth (St. Louis County) to Carlton is minimal.
4. The other judges are chambered in St. Louis County. This gives the various judges an opportunity to share and cross-pollinate when and if they feel it necessary. A judge situated in Carlton County will not have the same opportunity, certainly not with the same ease and flexibility.

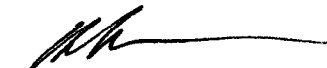
We respectfully submit that the judge should be appointed and should be chambered in St. Louis County to replace Judge Donald C. Odden.

Respectfully,

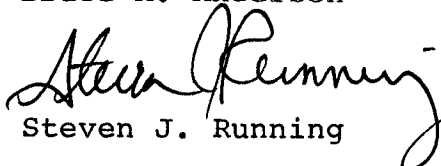
MUNDT & ASSOCIATES



Daniel H. Mundt



Bruce M. Anderson



Steven J. Running

**CARLTON COUNTY COURT**

COURTHOUSE • CARLTON, MINNESOTA 55718

DALE A. WOLF, *Judge*

OFFICE OF  
APPELLATE COURTS  
FILED

MAR 11 1986

WAYNE TSCHIMPERLE  
CLERK

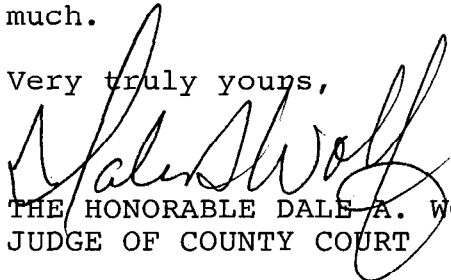
March 10, 1986

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

RE: C9-85-1506  
In Re Hearing Regarding Chambers  
in the Sixth Judicial District

I am sending this letter as my formal request to make oral presentation at the hearing to be held here in Carlton on March 17th, 1986, pursuant to the Supreme Court's Order of February 28th, 1986. Under separate cover I am sending ten copies of the written summary of the material I will address at that hearing. Thank you very much.

Very truly yours,



THE HONORABLE DALE A. WOLF  
JUDGE OF COUNTY COURT

DAw/rsk

JOHN D. DURFEE  
ATTORNEY AT LAW  
518 PROVIDENCE BUILDING  
DULUTH, MINNESOTA 55802  
TELEPHONE 218-722-7343

March 7, 1986

OFFICE OF  
APPELLATE COURTS  
FILED

MAR 10 1986

WAYNE TSCHIRPERLE  
CLERK

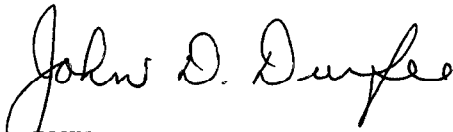
Clerk of Appellate Court  
230 State Capitol  
St. Paul, Minnesota 55155

Re: In Re Sixth Judicial District  
District Court Vacancy  
C9-85-1506

Dear Sir:

Enclosed please find the original and ten (10) copies of my Affidavit which I wish to submit to the Supreme Court, pursuant to the Order of Chief Justice Douglas K. Amdahl dated February 28, 1986. Because of a previous commitment, I will be unable to attend the hearing scheduled for March 17, 1986 in Carlton, Minnesota.

Very truly yours,

  
JOHN D. DURFEE

JDD/ikd  
Enclosures

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

OFFICE OF  
APPELLATE COURTS  
FILED

MAR 10 1986

WAYNE TSCHINDLER  
CLERK

In re Sixth Judicial District  
District Court Vacancy

AFFIDAVIT

STATE OF MINNESOTA :  
  : SS.  
COUNTY OF ST. LOUIS:

John D. Durfee, being first duly sworn upon oath, deposes and makes the following Affidavit in response to an Order by the Honorable Chief Justice Douglas K. Amdahl dated February 28, 1986, regarding the chambers location of the newly appointed judge to succeed the retired Honorable Donald C. Odden.

Your affiant advises this Honorable Court that he is a duly licensed practicing attorney, having been admitted to practice before this court and all other courts of the State on October 14, 1957, and has been practicing law, civil and criminal, continuously since that time. Additionally, your affiant advises this Honorable Court that on January 1, 1966, your affiant was appointed the District Public Defender for the Sixth Judicial District and has held that position continuously to date.

Your affiant advises this Honorable Court that in addition to administering the District Public Defender position, your affiant has, since the date of your affiant's appointment and up to this date, assumed a proportionate caseload as trial attorney as a public defender.

Your affiant wishes it understood that he is not appearing before this Court and speaking as the District Public Defender for the Sixth Judicial District, but rather is speaking as a public defender engaged in the active defense of criminal matters and as a private attorney engaged in the active representation of citizens primarily with problems involving domestic relations,

personal injury, misdemeanor criminal trials and administrative hearings such as revocation of driver license, etc.

Your affiant wishes to advise this Honorable Court that while your affiant has been engaged as trial counsel in the Federal courts and in jurisdictions outside the Sixth Judicial District, your affiant's caseload is primarily venued in the Sixth Judicial District. If this Court would be interested in an approximate percentage, your affiant would make an educated guess that 90 percent of your affiant's trial work is venued in the Sixth Judicial District; the balance elsewhere.

Your affiant wishes to advise this Honorable Court that for at least the past 15 years your affiant regularly and consistently spends a minimum of three (3) days of each week of the year personally present in either district court or county court. Additionally, it is not unusual for your affiant to spend four (4) of the five (5) working days and often times the entire week in either district court or county court. Your affiant wishes this Honorable Court to understand that your affiant, because of the nature of his practice, is completely familiar with the county and district courts located in St. Louis, Carlton, Lake and Cook Counties. It is the belief of your affiant, because of his experience, that he is uniquely positioned to advise the Court concerning the designation of chambers of the District Court position to be filled as a result of the retirement of the Honorable Donald C. Odden.

Your affiant spends no fewer than three (3) days out of the month in Lake County either in district court or county court. There are times when your affiant has spent as many as six (6) days out of a month in Lake County in either district court or county court. Additionally, your affiant regularly spends at least one (1) day out of the month in Cook County in either district court or county court and it is not unusual for your affiant to spend as many as four (4) days out of the month in Cook County in either district court or county court.



From your affiant's experience your affiant advises this Honorable Court that without question there is insufficient work to justify the position of a full time county court judge in Lake County and Cook County. What your affiant is conveying is that in combining the county court work in Lake County and Cook County it is your affiant's opinion, from years of experience in those courts, that the total combined caseload does not justify a full time county court judge in those two (2) counties. Additionally, your affiant advises this Honorable Court that the district court caseload in Cook County, civil and criminal, in comparison to the other three (3) counties, is almost nonexistent. While the caseload in Lake County is somewhat heavier than Cook County, again, if you were to combine the district court caseload in Lake and Cook Counties, you could not justify a full time position for a district court judge to cover those two (2) counties. However, if one were to combine both the district court and the county court caseload in Lake and Cook Counties, it is your affiant's belief, based upon years of personal experience in those court rooms, that one full time judicial position might be justified.

At the present time the Honorable Kenneth Sandvik presides in Lake and Cook Counties in county court matters. Your affiant has known the Honorable Kenneth Sandvik for approximately five (5) years. In that time the Honorable Kenneth Sandvik has been a private attorney, city attorney for Two Harbors, Minnesota, and, of course, now county court judge. There is no question in your affiant's mind that the Honorable Kenneth Sandvik is fully qualified and fully capable of handling all county court and district court matters and if those duties were unified, as has been legislated, there would be no need for the judges chambered in the City of Duluth to be concerned with leaving their chambers to cover Lake County and Cook County.

Your affiant is himself officed in the City of Duluth. Your affiant has spent all of his professional life monitoring the court caseload, both

civil and criminal, in St. Louis County in both district court and county court. Your affiant advises this Honorable Court that at no time during your affiant's professional career has there ever been a backlog of civil or criminal cases that was not artificially manufactured by the lawyers involved in the particular cases and not because of a sparsity of judges. Your affiant advises this Honorable Court that all during your affiant's professional career there has been chambered in the City of Duluth four (4) district court judges. Your affiant has searched his memory to recall when, if ever, all four (4) of those judges were at one time actively engaged in trial or courtroom work at one given time and your affiant fails to recall such an occurrence. Further, your affiant advises this Honorable Court that while there have been times when there have been two (2) trials conducted at one and the same time in district court in Duluth, those times are uncommon. It is your affiant's belief that ever since your affiant has commenced the practice of law there has always been at least one (1) district court judge too many in the City of Duluth relative to the caseload that presented itself to the district court judges.

Regarding the St. Louis County Court your affiant's experience is primarily limited to the City of Duluth. At the present time anyone conversant with the caseload and the number of judicial officers and judges available to handle those cases would obviously conclude that there are too many judicial officers and too many judges. But more importantly, your affiant again is completely familiar with the judicial caliber and quality of the county court judges now sitting in the City of Duluth. Your affiant wishes to advise this Honorable Court that those judges are fully qualified to hear any matter, civil or criminal, which is now being handled by either district court or county court judges. The obvious point that is being made is that if the Chief Judge of the Sixth Judicial District would utilize the judges available to him in the method that is available to him, there would be no need whatever for any judge

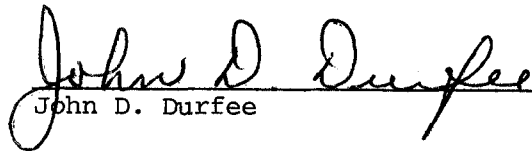
sitting in Duluth to leave the Duluth environs for another venue. This is assuming that the Honorable Kenneth Sandvik would also be permitted to hear both district court and county court cases. This is even taking into consideration that all, save one, of the judicial officers will be eliminated from St. Louis County.

Lastly, referring to the judicial situation as it will exist in Carlton County once Judicial Officer Arthur Albertson is removed, anyone who practices in Carlton County will recognize that the calendar will become chaotic because there is no possible way that one judge can handle that caseload. Of the county courts in the Sixth Judicial District in which your affiant practices law none has been more busy, in my experience, than the Carlton County court. It would seem to this observer that, having in mind the county court caseload, it is inescapable that the Chief Judge of the Sixth Judicial District would be continually assigning a judge outside of Carlton to take up the slack. If one looks at the statistics and asks the lawyers who practice in that court if one judge can handle that caseload day by day and week by week the answer would be a unanimous "No". Additionally, while the district court caseload, civil and criminal, in Carlton County exceeds that of both Lake and Cook Counties combined, it is your affiant's opinion that there would still not be a caseload sufficient to justify the assigning of a district court judge to do just the district court work in Carlton County.

The obvious solution is that the district court position now open in the Sixth Judicial District be chambered in Carlton County and, in pursuance of the legislative mandate for unification of the bench, that judge be obligated to assume the responsibilities the law demands of him, i.e., work in harmony with the county court judge without regard to the nature or severity of the case at hand, but the target being to resolve disputes. Quoting from a case this Honorable Court handed down, In Re Public Hearings on Vacancies, Etc., 375 N.W.2d 463 (Minn. 1985): "Efficient judicial administration requires that any type

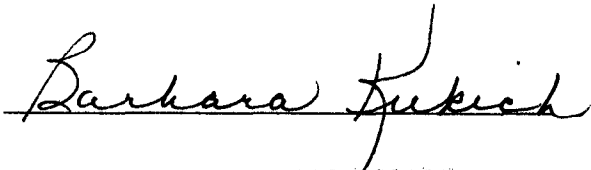
of case can be disposed of by any trial judge, without respect to title".

FURTHER YOUR AFFIANT SAITH NOT, save and except that this Affidavit is made in support of a request that the next Sixth Judicial District Court appointment be chambered in Carlton County and that further steps be made to unify the judiciary in the Sixth Judicial District.

  
John D. Durfee

Subscribed and sworn to before me

this 6 day of March, 1986.





STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

4-11-86  
OFFICE OF  
APPELLATE COURTS  
FILED

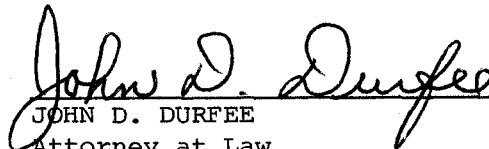
APR 11 1986

WAYNE TSCHIMPERLE  
CLERK

In re Hearing Regarding Chambers  
Arguments in the Sixth Judicial  
District

Pursuant to the Order of this Court dated February 28, 1986,  
the undersigned hereby requests to make an oral presentation at the  
hearing to be held on April 21, 1986, at 10:00 a.m. in the district court  
courtroom of the Carlton County Courthouse, Carlton, Minnesota, regarding  
chambers arguments in the Sixth Judicial District.

Dated this 8th day of April, 1986.



JOHN D. DURFEE

Attorney at Law

518 Providence Building

Duluth, Minnesota 55802

(218)722-7343

License #24995

JOHN D. DURFEE  
ATTORNEY AT LAW  
518 PROVIDENCE BUILDING  
DULUTH, MINNESOTA 55802  
TELEPHONE 218-722-7343

April 8, 1986

OFFICE OF  
APPELLATE COURTS  
FILED

APR 11 1986

WAYNE TSCHIMPERLE  
CLERK

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

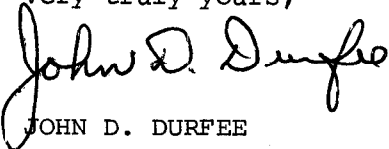
Re: In re Hearing Regarding Chambers  
Arguments in the Sixth Judicial District  
C9-85-1506

Dear Sir:

Enclosed and attached to this letter please find supplemental material which I have compiled to support some of the assertions I have made in my previous Affidavit submitted to you on March 7, 1986. It is my wish that this material be made an addendum to that Affidavit.

The content of the enclosed material covers the years 1984 and 1985 and is my personal court room appearances in the Sixth Judicial District including both district court and county court. The material also discloses the date of the appearance, city, county or district court, client's name, nature of hearing and the judge involved. The purpose of this material is to corroborate the assertions and observations made by me concerning calendar conjection in the various counties in both district court and county court.

Very truly yours,



JOHN D. DURFEE

JDD/ikd  
Enclosure

1984

01/03/84 - Duluth - County Court - Tina Martin - pre-trial hearing - Judge Oswald  
01/03/84 - Carlton - County Court - Norman Rubesh - divorce motion - Judge Albertson  
01/04/84 - Carlton - District Court - Kenneth Dileva - plea of guilty - Judge Bouschor  
01/04/84 - Carlton - District Court - Todd Dunphy - sentencing - Judge Bouschor  
01/04/84 - Carlton - District Court - Kenneth Demenge - sentencing - Judge Bouschor  
01/05/84 - Duluth - District Court - Jean Cullen - plea of guilty - Judge Bouschor  
01/05/84 - Duluth - District Court - Keith O'Hearon - plea of guilty - Judge Bouschor  
01/05/84 - Duluth - District Court - James Gabrio - plea of guilty - Judge Bouschor  
01/05/84 - Duluth - District Court - Hartley Dee - plea of guilty - Judge Bouschor  
01/09/84 - Duluth - County Court - Patricia Peterson - divorce hearing - Judge Sederberg  
01/10/84 - Carlton - County Court - Dean Bishop - arraignment - Judge Albertson  
01/10/84 - Duluth - County Court - Loren Mesedahl - plea & sentencing - Judge Oswald  
01/11/84 - Carlton - District Court - Peter Welsh - arrng. & plea of guilty - Judge Bouschor  
01/11/84 - Carlton - District Court - Scott Kiehl - plea of guilty - Judge Bouschor  
01/11/84 - Duluth - District Court - Douglas Poire - sentencing - Judge Barnes  
01/12/84 - Duluth - County Court - Thomas Wagner - pre-trial hearing - Judge Sweeney  
01/16/84 - Duluth - District Court - Julie Dutter - arraignment -  
01/16/84 - Duluth - County Court - Michael Maylin - fugitive hearing - Judge Oswald  
01/17/84 - Duluth - County Court - Carl Francisco - arraignment - Judge Oswald  
01/18/84 - Duluth - District Court - James Gabrio - sentencing - Judge Bouschor  
01/31/84 - Duluth - District Court - Timothy Sommerville - sentencing - Judge Odden  
01/31/84 - Duluth - District Court - Julie Dutter - plea of guilty - Judge Bouschor  
01/31/84 - Duluth - District Court - Jean Cullen - sentencing - Judge Bouschor  
01/31/84 - Duluth - District Court - Sharon Tobolaski - plea of guilty - Judge Odden  
01/31/84 - Duluth - District Court - Keith O'Hearon - sentencing - Judge Bouschor  
01/31/84 - Duluth - District Court - Hartley Dee - sentencing - Judge Bouschor

(1984 continued)

02/01/84 - Duluth - County Court - Tina Martin - plea of guilty - Judge Oswald  
02/03/84 - Duluth - County Court - Carl Francisco - arraignment - Judge Oswald  
02/03/84 - Duluth - County Court - Timothy Schaak - arraignment - Judge Bujold  
02/06/84 - Duluth - District Court - Ricky Moody - sentencing - Judge Barnes  
02/06/84 - Duluth - District Court - Ricky Moody - violation hearing - Judge Bouschor  
02/06/84 - Duluth - District Court - Mark Samich - sentencing - Judge Barnes  
02/06/84 - Duluth - District Court - Herbert Bucholz - <sup>continue</sup> sentencing - Judge Barnes  
02/07/84 - Duluth - County Court - Terrence Trottier - pre-trial hearing - Judge Bujold  
02/09/84 - Duluth - District Court - Terrence Brekke - arraignment - Judge Barnes  
02/10/84 - Carlton - County Court - Dean Bishop - plea of guilty - Judge Albertson  
02/10/84 - Duluth - County Court - Thomas Wagner - divorce trial - Judge Sweeney  
02/13/84 - Duluth - District Court - Tane Forstrum - violation hearing - Judge Bouschor  
02/13/84 - Duluth - District Court - Terrence Brekke - continue omnibus - Judge Barnes  
02/13/84 - Duluth - District Court - Sharon Tobolaski - sentencing - Judge Odden  
02/14/84 - Duluth - District Court - Carl Francisco - omnibus hearing - Judge Oswald  
02/15/84 - Carlton - District Court - Ernest Belcourt - arrng. & plea of guilty - Judge Barnes  
02/16/84 - Duluth - County Court - Fred Johnson - arraignment -  
02/16/84 - Duluth - District Court - Gary Magnant - arraignment - Judge Barnes  
02/16/84 - Duluth - District Court - Margaret Monahan - arrng. & plea of guilty - Judge Barnes  
02/16/84 - Duluth - District Court - Debbie Quante - arrng. & plea of guilty - Judge Barnes  
02/16/84 - Duluth - District Court - Michael Schullo - arraignment - Judge Barnes  
02/16/84 - Duluth - County Court - Michael Maylin - waive extradition -  
02/16/84 - Duluth - County Court - Robert Johnson - waive extradition -  
02/22/84 - Duluth - District Court - John Ulrich - violation hearing - Judge Odden  
02/27/84 - Duluth - District Court - Julie Dutter - sentencing - Judge Bouschor  
02/27/84 - Duluth - District Court - Terrence Brekke - omnibus hearing - Judge Barnes



(1984 continued)

02/27/84 - Duluth - District Court - Gary Magnant - not guilty plea - Judge Barnes  
02/27/84 - Duluth - District Court - Michael Schullo - plea of guilty - Judge Barnes  
02/29/84 - Duluth - District Court - Fred Johnson - omnibus hearing -  
03/02/84 - Carlton - District Court - Peter Welsh - sentencing - Judge Bouschor  
03/02/84 - Carlton - District Court - Scott Kiehl - sentencing - Judge Bouschor  
03/02/84 - Carlton - District Court - Kenneth Dileva - sentencing - Judge Bouschor  
03/14/84 - Carlton - District Court - Elmer Berg - arraignment - Judge Litman  
03/19/84 - Duluth - County Court - Carl Francisco - sentencing - Judge Oswald  
03/19/84 - Duluth - District Court - Linda Schultz - omnibus hearing - Judge Litman  
03/19/84 - Two Harbors - County Court - Donna Nelson - divorce hearing - Judge Campbell  
03/19/84 - Two Harbors - County Court - James Peterson - divorce pre-trial - Judge Campbell  
03/20/84 - Carlton - County Court - Amy Berg - dependency hearing - Judge Wolf  
03/20/84 - Carlton - County Court - Norman Rubesh - temp. divorce hearing - Judge Albertson  
03/21/84 - Duluth - District Court - Fred Johnson - plea & sentencing - Judge Bouschor  
03/21/84 - Duluth - County Court - Kathy Johnson - arraignment -  
03/22/84 - Duluth - District Court - Herbert Bucholz - sentencing - Judge Barnes  
03/22/84 - Duluth - District Court - Erick Watson - arraignment -  
03/26/84 - Duluth - District Court - Michael Konczak - continue arrng. -  
03/27/84 - Duluth - District Court - Michael Swain - not guilty plea - Judge Litman  
03/27/84 - Duluth - District Court - Debbie Quante - sentencing - Judge Barnes  
03/27/84 - Duluth - District Court - Margaret Monahan - sentencing - Judge Barnes  
03/28/84 - Carlton - District Court - Randy Vrana - arraignment - Judge Wolf  
03/28/84 - Duluth - District Court - Gary Magnant - plea of guilty - Judge Barnes  
03/29/84 - Carlton - County Court - Dean Bishop - sentencing - Judge Albertson  
03/29/84 - Duluth - District Court - Kenneth Rep - arrng. & Rule 20 - Judge Litman  
03/29/84 - Duluth - District Court - Edward Valure - arraignment - Judge Litman

(1984 continued)

04/03/84 - Duluth - County Court - Marc Hamilton - arraignment -  
04/03/84 - Duluth - District Court - Ernest Belcourt - sentencing - Judge Barnes  
04/03/84 - Duluth - District Court - Michael Schullo - sentencing - Judge Barnes  
04/04/84 - Carlton - District Court - Elmer Berg - omnibus hearing - Judge Litman  
04/04/84 - Carlton - District Court - Wayne Hirdler - arraignment - Judge Litman  
04/04/84 - Duluth - County Court - Mary Lou Anderson - divorce motion - Judge Sweeney  
04/04/84 - Duluth - District Court - Julie Dutter - violation hrng. - Judge Bouschor  
04/05/84 - Duluth - County Court - Mary Hooey - domestic protection hrng. - Judge Sweeney  
04/05/84 - Duluth - County Court - Dan Brown - divorce hearing - Judge Martin  
04/06/84 - Duluth - District Court - Edward Valure - omnibus hearing - Judge Odden  
04/06/84 - Duluth - District Court - Linda Schultz - plea & sentencing -  
04/06/84 - Duluth - County Court - Jay Hawkinson - court trial -  
04/09/84 - Duluth - District Court - Michael Konczak - arraignment - Judge Litman  
04/11/84 - Carlton - District Court - Randy Vrana - waive omnibus - Judge Odden  
04/11/84 - Duluth - District Court - Terrence Brekke - plea of guilty - Judge Barnes  
04/11/84 - Duluth - District Court - Kenneth Rep - plea of guilty - Judge Barnes  
04/12/84 - Duluth - District Court - Karen Collander - arrng. & plea of guilty - Judge Odden  
04/13/84 - Carlton - County Court - Amy Berg - review hearing - Judge Wolf  
04/16/84 - Two Harbors - County Court - James Peterson - divorce hearing - Judge Campbell  
04/17/84 - Duluth - District Court - Michael Konczak - omnibus hearing -  
04/18/84 - Carlton - District Court - Wayne Hirdler - plea of guilty - Judge Odden  
04/18/84 - Carlton - County Court - Amy Berg - juvenile hearing - Judge Wolf  
04/18/84 - Carlton - District Court - Huebert Blossom - arraignment - Judge Odden  
04/19/84 - Duluth - District Court - Richard Hakola - arrng. & plea of guilty - Judge Odden  
04/19/84 - Duluth - District Court - Bruce Paro - arraignment - Judge Odden  
04/20/84 - Duluth - District Court - Michael Swain - plea of guilty - Judge Barnes

(1984 continued)

04/23/84 - Duluth - County Court - Sue Johnson - divorce motion - Judge Campbell  
04/25/84 - Duluth - County Court - Terry Siegle - arraignment - Judge Oswald  
04/25/84 - Two Harbors - District Court - Margaret Rose - arraignment - Judge Odden  
04/26/84 - Carlton - County Court - Todd Palmer - arraignment - Judge Albertson  
04/26/84 - Duluth - District Court - Bruce Paro - not guilty plea - Judge Odden  
04/26/84 - Duluth - District Court - Kenneth Rep - sentencing - Judge Barnes  
04/26/84 - Duluth - District Court - Anthony Schnorr - sentencing - Judge Barnes  
04/30/84 - Duluth - District Court - Kirt Anderson - arraignment -  
05/01/84 - Duluth - District Court - Gerald Gregg - omnibus hearing - Judge Bouschor  
05/01/84 - Duluth - District Court - Gary Magnant - sentencing - Judge Barnes  
05/02/84 - Carlton - District Court - Huebert Blossom - not guilty plea - Judge Bouschor  
05/02/84 - Carlton - District Court - Randolph Hill - arrng. & plea of guilty - Judge Bouschor  
05/04/84 - Duluth - County Court - Terry Siegle - arraignment - Judge Oswald  
05/04/84 - Duluth - County Court - James Suojanen - arraignment - Judge Oswald  
05/04/84 - Duluth - District Court - Michael Swain - sentencing - Judge Barnes  
05/07/84 - Duluth - County Court - Susan Johnson - custody hearing - Judge Sederberg  
05/07/84 - Duluth - District Court - Terrence Brekke - sentencing - Judge Barnes  
05/07/84 - Duluth - District Court - Carl Reinighaus - arraignment & plea - Judge Bouschor  
05/07/84 - Duluth - District Court - Kirt Anderson - plea of guilty - Judge Bouschor  
05/07/84 - Duluth - District Court - Bruce Paro - plea of guilty - Judge Bouschor  
05/08/84 - Duluth - County Court - Susan Johnson - visitation hearing - Judge Sederberg  
05/09/84 - Carlton - District Court - Todd Palmer - arraignment - Judge Bouschor  
05/09/84 - Carlton - County Court - Julius Matten - violation hearing - Judge Albertson  
05/09/84 - Duluth - County Court - Ann Culhane - change of name - Judge Sweeney  
05/09/84 - Duluth - District Court - Wayne Hirdler - sentencing - Judge Odden  
05/10/84 - Duluth - District Court - Karen Collander - sentencing - Judge Odden

(1984 continued)

05/10/84 - Carlton - County Court - Richard Barney - arraignment - Judge Albertson  
05/10/84 - Duluth - District Court - Elizabeth Bubalo - arraignment -  
05/14/84 - Duluth - County Court - Larry Thompson - fugitive hearing -  
05/16/84 - Duluth - County Court - Beverly Hanson - arraignment - Judge Oswald  
05/17/84 - Duluth - District Court - Richard Hakola - sentencing - Judge Odden  
05/17/84 - Duluth - County Court - Terry Siegle - omnibus hearing -  
05/18/84 - Duluth - County Court - James Suojanen - omnibus hearing -  
05/18/84 - Carlton - County Court - Amy Berg - pre-trial hearing - Judge Wolf  
05/21/84 - Duluth - District Court - Katherine Gasman - arraignment -  
05/21/84 - Duluth - District Court - Michael Williamson - arraignment -  
05/21/84 - Duluth - District Court - Elizabeth Bubalo - continue omnibus -  
05/22/84 - Carlton - County Court - Richard Barney - pre-trial hearing - Judge Albertson  
05/23/84 - Virginia - County Court - Jay Hawkinson - pre-trial hearing - Judge Harvey  
05/23/84 - Two Harbors - District Court - Margaret Rose - omnibus hearing - Judge Bouschor  
05/23/84 - Two Harbors - District Court - Brent Brue - arraignment - Judge Bouschor  
05/24/84 - Duluth - District Court - Rebecca Goad - arrng. & plea of guilty - Judge Bouschor  
05/25/84 - Duluth - District Court - Elizabeth Bubalo - continue omnibus - Judge Bouschor  
05/25/84 - Duluth - District Court - Bruce Paro - sentencing - Judge Bouschor  
05/25/84 - Duluth - District Court - Kirt Anderson - sentencing - Judge Bouschor  
05/25/84 - Duluth - District Court - Mary Ann Sersha - violation hrng. - Judge Litman  
05/29/84 - Duluth - District Court - Katherine Gasman - plea of guilty - Judge Barnes  
05/29/84 - Duluth - District Court - Michael Williamson - plea of guilty - Judge Barnes  
05/29/84 - Duluth - County Court - Mary Hooey - arraignment - Judge Wilson  
05/31/84 - Carlton - County Court - Karsten Beck - arraignment - Judge Albertson  
05/31/84 - Duluth - District Court - Paul Gentilini - arraignment - Judge Bouschor  
05/31/84 - Duluth - District Court - Leroy Henry - plea & sentencing - Judge Bouschor  
05/31/84 - Duluth - District Court - Lewis Rogers - plea & sentencing - Judge Bouschor  
05/31/84 - Duluth - District Court - Carl Reinighaus - sentencing - Judge Bouschor

(1984 continued)

06/01/84 - Duluth - District Court - Elizabeth Bubalo - omnibus hearing -  
06/06/84 - Carlton - District Court - Todd Palmer - plea of guilty - Judge Barnes  
06/06/84 - Carlton - District Court - Elmer Berg - plea of guilty - Judge Barnes  
06/06/84 - Grand Marais - County Court - Mark Anderson - arraignment -  
06/07/84 - Carlton - County Court - Doug Wise - arraignment -  
06/07/84 - Duluth - District Court - Tracy Johnson - arraignment -  
06/07/84 - Duluth - District Court - Paul Gentilini - continue omnibus -  
06/08/84 - Carlton - County Court - Amy Berg - review hearing - Judge Wolf  
06/12/84 - Duluth - County Court - Terry Siegle - plea of guilty - Judge Oswald  
06/13/84 - Carlton - District Court - Doug Wise - arraignment -  
06/13/84 - Carlton - District Court - Linda Buscko - continue arraignment -  
06/13/84 - Duluth - County Court - Larry Thompson - fugitive hearing -  
06/15/84 - Duluth - County Court - Michael Hanson - arraignment - Judge Wilson  
06/15/84 - Duluth - District Court - Paul Gentilini - plea of guilty - Judge Barnes  
06/15/84 - Duluth - County Court - Timothy Schaak - violation hrng. - Judge Bujold  
06/18/84 - Duluth - District Court - Michael Konczak - trial - Judge Odden  
06/19/84 - Duluth - District Court - Michael Konczak - trial - Judge Odden  
06/20/84 - Carlton - District Court - Linda Buscko - plea of guilty - Judge Barnes  
06/20/84 - Duluth - District Court - Katherine Gasman - sentencing - Judge Barnes  
06/20/84 - Duluth - District Court - Gerald Gregg - motion -  
06/22/84 - Two Harbors - District Court - Corrine Heller - arraignment - Judge Barnes  
06/22/84 - Two Harbors - District Court - Brent Brue - not guilty plea - Judge Barnes  
06/22/84 - Two Harbors - District Court - Richard Sorenson - plea of guilty - Judge Barnes  
06/25/84 - Duluth - District Court - Michael Williamson - sentencing - Judge Barnes  
06/25/84 - Duluth - County Court - Steven Miskowsky - protection hrng. - Judge Sweeney  
06/27/84 - Duluth - District Court - Rebecca Goad - sentencing - Judge Bouschor

(1984 continued)

06/27/84 - Duluth - County Court - Michael Hanson - plea of guilty - Judge Wilson  
06/27/84 - Duluth - County Court - Beverly Hanson - plea of guilty - Judge Wilson  
07/02/84 - Duluth - County Court - Michael Hanson - sentencing - Judge Wilson  
07/02/84 - Duluth - County Court - Beverly Hanson - sentencing - Judge Wilson  
07/02/84 - Duluth - District Court - Corrine Heller - arrng. & plea of guilty - Judge Odden  
07/03/84 - Duluth - District Court - Tracy Johnson - continue omnibus -  
07/10/84 - Duluth - County Court - Gerald Berg - temporary divorce hrng. - Judge Martin  
07/11/84 - Carlton - District Court - Keith Lindholm - arraignment - Judge Litman  
07/12/84 - Carlton - County Court - Richard Barney - plea & sentencing - Judge Wolf  
07/12/84 - Duluth - County Court - Roman Dorosz - fugitive hearing -  
07/12/84 - Duluth - District Court - Kirt Anderson - violation arrng. - Judge Bouschor  
07/16/84 - Two Harbors - County Court - Rory Sipper - arraignment - Judge Campbell  
07/16/84 - Duluth - District Court - Barry Blanchette - plea & sentencing - Judge Wilson  
07/17/84 - Carlton - County Court - David Mattson - divorce hearing - Judge Albertson  
07/18/84 - Carlton - District Court - Keith Lindholm - omnibus hearing - Judge Litman  
07/19/84 - Carlton - County Court - Christopher Polo - arraignment - Judge Albertson  
07/19/84 - Carlton - County Court - Karsten Beck - arraignment - Judge Albertson  
07/19/84 - Duluth - District Court - Robert Johnson - arraignment -  
07/20/84 - Duluth - County Court - David Limoseth - arraignment -  
07/23/84 - Duluth - County Court - Roman Dorosz - waive extradition -  
07/23/84 - Duluth - District Court - Eric Koch - arraignment - Judge Bouschor  
07/23/84 - Duluth - District Court - Kirt Anderson - violation hrng. - Judge Bouschor  
07/24/84 - Duluth - District Court - Tracy Johnson - omnibus hearing - Judge Bouschor  
07/24/84 - Duluth - District Court - Robert Johnson - plea of guilty - Judge Bouschor  
07/24/84 - Duluth - District Court - Larry Morneau - violation hrng. - Judge Odden  
07/25/84 - Carlton - County Court - Rick Blake - fugitive hearing -

(1984 continued)

07/26/84 - Carlton - County Court - Suzanne Benkoski - arraignment - Judge Albertson  
07/30/84 - Carlton - County Court - Karsten Beck - plea of guilty - Judge Albertson  
08/02/84 - Duluth - District Court - Tracy Johnson - omnibus hearing - Judge Bouschor  
08/02/84 - Duluth - District Court - Eric Koch - omnibus hearing - Judge Bouschor  
08/06/84 - Duluth - District Court - Michael Konczak - sentencing - Judge Odden  
08/06/84 - Duluth - District Court - Larry Morneau - violation hrng. - Judge Odden  
08/09/84 - Duluth - County Court - Eric Koch - fugitive hearing -  
08/13/84 - Grand Marais - District Court - Mark Anderson - plea & sentencing - Judge Wilson  
08/15/84 - Carlton - District Court - Archie Villiard - violation hrng. - Judge Barnes  
08/15/84 - Carlton - District Court - Todd Palmer - sentencing - Judge Barnes  
08/15/84 - Carlton - District Court - Elmer Berg - sentencing - Judge Barnes  
08/15/84 - Carlton - District Court - Linda Buscko - sentencing - Judge Barnes  
08/16/84 - Duluth - District Court - Richard Hakola - arrng. & plea of guilty - Judge Barnes  
08/16/84 - Duluth - District Court - Paul Gentilini - sentencing - Judge Barnes  
08/17/84 - Two Harbors - District Court - Randy Sundvick - violation arrng. - Judge Barnes  
08/17/84 - Two Harbors - District Court - Corrine Heller - plea of guilty - Judge Barnes  
08/17/84 - Two Harbors - District Court - Brent Brue - arraignment - Judge Barnes  
08/27/84 - Duluth - District Court - Robert Johnson - sentencing - Judge Bouschor  
08/27/84 - Carlton - County Court - Russell Theisen - call of calendar - Judge Albertson  
08/29/84 - Carlton - District Court - Jack Randa - arraignment - Judge Bouschor  
08/29/84 - Carlton - District Court - Doug Wise - omnibus hearing - Judge Bouschor  
08/29/84 - Superior - County Court - Diane Pearson - divorce pre-trial -  
08/30/84 - Carlton - County Court - Christopher Polo - plea & sentencing - Judge Wolf  
08/30/84 - Duluth - District Court - Randy Sundvick - violation hrng. - Judge Litman  
08/31/84 - Duluth - District Court - Gerald Gregg - plea of guilty - Judge Bouschor  
09/04/84 - Duluth - District Court - Tracy Johnson - trial - case dismissed - Judge Bouschor

(1984 continued)

09/04/84 - Duluth - District Court - Richard Hakola - sentencing - Judge Barnes  
09/06/84 - Duluth - District Court - Richard Hakola - violation hrng. - Judge Odden  
09/06/84 - Superior - District Court - John Reitz - pre-trial hrng. - Judge McDonald  
09/11/84 - Two Harbors - District Court - Rory Sipper - plea of guilty - Judge Overlie  
09/14/84 - Duluth - County Court - Patricia McClellan - motion for new trial - Judge Sweeney  
09/17/84 - Duluth - County Court - Douglas Ranthum - arraignment -  
09/18/84 - Duluth - County Court - Richard Olson - temporary divorce hrng. - Judge Martin  
09/19/84 - Carlton - District Court - Huebert Blossom - plea of guilty - denied -  
09/19/84 - Carlton - County Court - Lynn Beaulieu - arraignment - Judge Wolf  
09/20/84 - Duluth - County Court - Peter Laiti - arraignment -  
09/20/84 - Duluth - District Court - Gregory Drouillard - arraignment -  
09/21/84 - Duluth - County Court - Suzanne Benkoski - plea & sentencing - Judge Oswald  
09/21/84 - Duluth - County Court - David Limoseth - waive omnibus - Judge Wilson  
09/24/84 - Carlton - County Court - Russell Theisen - call of calendar - Judge Wolf  
09/25/84 - Carlton - County Court - Lynn Beaulieu - dependency/neglect hrng. - Judge Wolf  
09/26/84 - Carlton - County Court - Lynn Beaulieu - post divorce motion - Judge Wolf  
09/27/84 - Carlton - County Court - Gene Vaineo - arraignment - Judge Albertson  
09/27/84 - Carlton - County Court - Peter Nelson - arraignment - Judge Albertson  
09/27/84 - Duluth - County Court - George Flaim - domestic hrng. - Judge Sweeney  
09/27/84 - Duluth - District Court - Douglas Ranthum - arraignment -  
09/28/84 - Duluth - County Court - Peter Laiti - arraignment -  
09/28/84 - Duluth - District Court - Corrine Heller - sentencing - Judge Barnes  
10/10/84 - Duluth - District Court - Corrine Heller - sentencing - Judge Odden  
10/01/84 - Duluth - District Court - Gregory Drouillard - plea of guilty - Judge Bouschor  
10/01/84 - Duluth - District Court - Todd Larson - arraignment -  
10/01/84 - Duluth - County Court - Mary Lou Anderson - divorce pre-trial - Judge Martin



(1984 continued)

10/03/84 - Carlton - District Court - Huebert Blossom - plea of guilty - Judge Bouschor  
10/03/84 - Carlton - District Court - Jack Randa - case dismissed - Judge Bouschor  
10/03/84 - Carlton - District Court - Lynn Beaulieu - continue omnibus - Judge Bouschor  
10/03/84 - Carlton - District Court - Dolly Adams - arraignment - Judge Bouschor  
10/04/84 - Duluth - District Court - Alvin Avery - continue arraignment -  
10/09/84 - Carlton - County Court - Gene Vaineo - pre-trial hrng. - Judge Albertson  
10/09/84 - Duluth - District Court - Todd Larson - plea of guilty - Judge Bouschor  
10/10/84 - Carlton - District Court - Peter Welsh - violation hearing - Judge Bouschor  
10/11/84 - Duluth - District Court - Alvin Avery - arraignment -  
10/12/84 - Duluth - District Court - Larry Stevens - violation hrng. - Judge Litman  
10/15/84 - Duluth - County Court - George Flaim - fact hearing - Judge Sweeney  
10/15/84 - Duluth - County Court - Gerald Berg - divorce hearing - Judge Campbell  
10/17/84 - Carlton - District Court - Doug Wise - continue omnibus - Judge Bouschor  
10/17/84 - Carlton - District Court - Lynn Beaulieu - plea of guilty - Judge Bouschor  
10/17/84 - Carlton - District Court - Dolly Adams - plea of guilty - Judge Bouschor  
10/22/84 - Grand Marais - District Court - Mark Anderson - trial - Judge Barnes  
10/23/84 - Grand Marais - District Court - Mark Anderson - trial - Judge Barnes  
10/24/84 - Grand Marais - District Court - Mark Anderson - trial - Judge Barnes  
10/25/84 - Duluth - District Court - Lynn Freeman - arraignment - Judge Bouschor  
10/25/84 - Duluth - District Court - Marie LeMay - arraignment - Judge Bouschor  
10/25/84 - Duluth - District Court - Douglas Ranthum - plea of guilty - Judge Bouschor  
10/26/84 - Carlton - County Court - Amy Berg - review hearing - Judge Wolf  
10/29/84 - Duluth - District Court - Elizabeth Bubalo - trial - Judge Barnes  
10/30/84 - Duluth - District Court - Elizabeth Bubalo - trial - Judge Barnes  
10/31/84 - Carlton - County Court - Gene Vaineo - plea of guilty - Judge Wolf

(1984 continued)

11/01/84 - Carlton - County Court - Lynn Beaulieu - arraignment - Judge Albertson  
11/01/84 - Duluth - District Court - Alvin Avery - plea of guilty - Judge Barnes  
11/05/84 - Duluth - County Court - Gordon Beier - divorce hearing - Judge Sederberg  
11/06/84 - Carlton - County Court - Harold Biskey - temporary hearing - Judge Wolf  
11/09/84 - Two Harbors - District Court - Daniel Knaffla - arraignment - Judge Barnes  
11/09/84 - Duluth - District Court - Gregory Drouillard - sentencing - Judge Bouschor  
11/13/84 - Carlton - County Court - Lynn Beaulieu - pre-trial - Judge Albertson  
11/13/84 - Carlton - County Court - Peter Nelson - pre-trial hearing - Judge Albertson  
11/13/84 - Duluth - District Court - Todd Larson - sentencing - Judge Bouschor  
11/13/84 - Duluth - District Court - Marie LeMay - plea of guilty - Judge Barnes  
11/13/84 - Duluth - District Court - Lynn Freeman - continue omnibus - Judge Barnes  
11/15/84 - Duluth - County Court - Peter Doyon - arraignment -  
11/15/84 - Duluth - County Court - David Kunz - arraignment -  
11/15/84 - Duluth - County Court - Fred Marble - juvenile hearing - Judge Martin  
11/19/84 - Duluth - District Court - James Weaver - arraignment -  
11/20/84 - Duluth - District Court - Roxanne Klindt - plea of guilty - Judge Barnes  
11/20/84 - Duluth - District Court - Douglas Ranthum - sentencing - Judge Bouschor  
11/20/84 - Duluth - District Court - Huebert Blossom - sentencing - Judge Bouschor  
11/20/84 - Duluth - District Court - Lynn Beaulieu - sentencing - Judge Bouschor  
11/20/84 - Duluth - District Court - Dolly Adams - sentencing - Judge Bouschor  
11/26/84 - Duluth - District Court - Timothy Posch - arraignment -  
11/26/84 - Duluth - District Court - David Kunz - arraignment -  
11/28/84 - Two Harbors - District Court - Brent Brue - plea of guilty - Judge Bouschor  
11/28/84 - Two Harbors - District Court - Daniel Knaffla - omnibus hearing - Judge Bouschor  
11/29/84 - Carlton - County Court - Obert Bolme - arraignment - Judge Wolf  
11/29/84 - Duluth - District Court - Randy Bonebrake - arraignment -

(1984 continued)

11/30/84 - Duluth - County Court - Patricia McClellan - divorce trial - Judge Sweeney  
12/03/84 - Duluth - District Court - Lynn Freeman - plea of guilty - Judge Litman  
12/03/84 - Duluth - District Court - Randy Bonebrake - omnibus hearing -  
12/03/84 - Duluth - District Court - David Kunz - plea of guilty - Judge Litman  
12/04/84 - Duluth - County Court - James Ksicinski - custody motion - Judge Martin  
12/04/84 - Carlton - County Court - Harold Biskey - pre-trial hrng. - Judge Wolf  
12/04/84 - Duluth - County Court - Peter Laiti - omnibus hearing - Judge Bujold  
12/04/84 - Duluth - District Court - Timothy Posch - plea of guilty - Judge Bouschor  
12/05/84 - Carlton - District Court - Wendy Hanninen - plea of guilty - Judge Litman  
12/10/84 - Duluth - District Court - Kelly Bergman - plea of guilty - Judge Litman  
12/11/84 - Duluth - County Court - Steve Bothun - arraignment -  
12/11/84 - Carlton - County Court - Obert Bolme - arraignment - Judge Albertson  
12/11/84 - Carlton - County Court - Peter Nelson - omnibus hearing - Judge Albertson  
12/12/84 - Two Harbors - County Court - Rory Sipper - sentencing - Judge Overlie  
12/12/84 - Duluth - County Court - Peter Doyon - pre-trial hrng. -  
12/12/84 - Duluth - District Court - Darlene Sandman - plea of guilty - Judge Bouschor  
12/13/84 - Grand Marais - District Court - Mark Anderson - sentencing - Judge Barnes  
12/18/84 - Duluth - District Court - James Weaver - continue omnibus -  
12/19/84 - Duluth - District Court - Elizabeth Bubalo - sentencing - Judge Barnes  
12/19/84 - Duluth - District Court - Marie LeMay - sentencing - Judge Barnes  
12/19/84 - Duluth - District Court - Alvin Avery - sentencing - Judge Barnes  
12/19/84 - Duluth - District Court - Roxanne Klindt - sentencing - Judge Barnes  
12/20/84 - Duluth - District Court - Lynn Freeman - sentencing - Judge Litman  
12/20/84 - Duluth - District Court - Howard Britton - plea of guilty - Judge Litman  
12/31/84 - Duluth - District Court - James Weaver - omnibus hearing - Judge Litman

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01/03/85 - Carlton - County Court - Jeff Zack - arraignment - Judge Albertson  
01/07/85 - Duluth - District Court - James Weaver - motion for continuance - Judge Bouschor  
01/07/85 - Carlton - County Court - Obert Bolme - plea & sentencing - Judge Wolf  
01/09/85 - Duluth - District Court - David Kunz - sentencing - Judge Litman  
01/10/85 - Duluth - County Court - Carl Ruhnke - divorce hearing - Judge Martin  
01/14/85 - Duluth - District Court - Wayne Babieczko - violation arrng. - Judge Litman  
01/15/85 - Duluth - County Court - Thomas Pearson - divorce hearing - Judge Martin  
01/15/85 - Duluth - District Court - Darlene Sandman - sentencing - Judge Bouschor  
01/15/85 - Duluth - County Court - Peter Doyon - plea & sentencing - Judge Oswald  
01/17/85 - Duluth - District Court - Kelly Bergman - sentencing - Judge Litman  
01/17/85 - Duluth - District Court - Wayne Babieczko - violation hearing - Judge Litman  
01/21/85 - Two Harbors - District Court - George Rule - trial - Judge Litman  
01/22/85 - Two Harbors - District Court - George Rule - trial - Judge Litman  
01/23/85 - Two Harbors - District Court - George Rule - trial - Judge Litman  
01/25/85 - Duluth - District Court - Randy Bonebrake - not guilty plea -  
01/25/85 - Duluth - District Court - Timothy Posch - plea of guilty - Judge Bouschor  
01/25/85 - Duluth - District Court - David Kunz - post-sentence hrng. - Judge Litman  
01/28/85 - Carlton - County Court - Russell Theisen - Call of Calendar - Judge Wolf  
01/29/85 - Duluth - County Court - Douglas Scouton - arraignment - Judge Wilson  
01/30/85 - Duluth - County Court - James Suojanen - trial - Judge Bouschor  
01/31/85 - Duluth - County Court - Peter Laiti - plea of guilty - Judge Barnes  
01/31/85 - Carlton - County Court - Loren Poferl - sentencing - Judge Albertson  
02/01/85 - Carlton - County Court - David Mattson - plea of guilty - Judge Albertson  
02/01/85 - Two Harbors - District Court - George Rule - sentencing - Judge Litman  
02/04/85 - Duluth - District Court - James Weaver - motion to amend complaint - Judge Barnes  
02/05/85 - Duluth - District Court - Raymond Lundgren - change of name - Judge Barnes

(1985 continued)

02/05/85 - Duluth - County Court - Peter Laiti - sentencing - Judge Barnes  
02/06/85 - Carlton - District Court - Keith Lindholm - arraignment -  
02/07/85 - Duluth - District Court - Janet Ritt - arraignment - Judge Barnes  
02/07/85 - Duluth - District Court - Michael Maylin - arraignment - Judge Barnes  
02/07/85 - Duluth - District Court - Kenneth Rep - arraignment - Judge Barnes  
02/08/85 - Duluth - County Court - Mary Lou Anderson - divorce matter - Judge Martin  
02/08/85 - Carlton - County Court - David Mattson - sentencing - Judge Albertson  
02/08/85 - Duluth - District Court - James Evans - plea of guilty - Judge Barnes  
02/11/85 - Duluth - District Court - Michael Schullo - violation hrng. - Judge Barnes  
02/11/85 - Duluth - District Court - Laura Japp - plea & sentencing -  
02/12/85 - Carlton - County Court - Loren Poferl - sentencing - Judge Albertson  
02/12/85 - Carlton - County Court - Jeff Zack - arraignment - Judge Albertson  
02/12/85 - Carlton - County Court - Jeff Zack - arraignment - Judge Albertson  
02/13/85 - Carlton - County Court - Keith Lindholm - plea of guilty - Judge Bouschor  
02/14/85 - Superior - County Court - Diane Pearson - divorce hearing -  
02/15/85 - Duluth - District Court - Kenneth Rep - plea of guilty - Judge Bouschor  
02/15/85 - Duluth - County Court - Michael Williamson - plea of guilty - Judge Oswald  
02/19/85 - Duluth - District Court - James Weaver - trial - Judge Barnes  
02/20/85 - Duluth - District Court - James Weaver - trial - Judge Barnes  
02/21/85 - Duluth - District Court - James Weaver - trial - Judge Barnes  
02/22/85 - Duluth - District Court - Brett Robertson - violation hrng. -  
02/25/85 - Duluth - District Court - Timothy Posch - sentencing - Judge Bouschor  
02/27/85 - Two Harbors - District Court - Brent Brue - sentencing - Judge Bouschor  
02/28/85 - Duluth - District Court - Timothy Posch - arraignment -  
02/28/85 - Duluth - County Court - David Limoseth - plea & sentencing - Judge Bouschor  
03/04/85 - St. Paul - District Court - Michael Bickman - snow storm  
no hearing

(1985 continued)

03/05/85 - Duluth - County Court - Jonathan Buchan - fugitive hearing -  
03/06/85 - Grand Marais - County Court - Bruce Everson - arraignment - Judge Sandvik  
03/07/85 - Duluth - District Court - Lora Green - waiver hearing - Judge Litman  
03/07/85 - Duluth - District Court - Terry Martin - arraignment -  
03/08/85 - Duluth - District Court - Janet Ritt - bench warrant hrng. -  
03/11/85 - Duluth - District Court - Kenneth Rep - sentencing - Judge Bouschor  
03/11/85 - Duluth - District Court - Timothy Posch - continue omnibus - Judge Barnes  
03/11/85 - Duluth - District Court - James Evans - sentencing - Judge Barnes  
03/12/85 - Grand Marais - District Court - Bruce Everson - arraignment - Judge Sandvik  
03/14/85 - Carlton - County Court - Harold Biskey - divorce trial - Judge Wolf  
03/19/85 - Duluth - County Court - Harvey Pearson - visitation hearing - Judge Martin  
03/21/85 - Duluth - District Court - Eric Tynjala - arraignment -  
03/26/85 - Duluth - District Court - Keith Lindholm - sentencing - Judge Bouschor  
03/27/85 - Duluth - District Court - Doug Poldoski - violation hrng. - Judge Odden  
03/28/85 - Duluth - County Court - Stanley Olson - arraignment - Judge Wilson  
03/28/85 - Carlton - County Court - Jeff Zack - omnibus hearing - Judge Wolf  
04/01/85 - Carlton - County Court - Peter Nelson - plea & sentencing - Judge Wolf  
04/01/85 - Carlton - County Court - Russell Theisen - plea & sentencing - Judge Wolf  
04/01/85 - Duluth - District Court - Eric Tynjala - plea of guilty - Judge Odden  
04/03/85 - Carlton - District Court - Heide Packard - plea of guilty - Judge Litman  
04/04/85 - Duluth - District Court - Stanley Olson - arraignment -  
04/05/85 - Duluth - County Court - Mary Lou Anderson - divorce trial - Judge Martin  
04/05/85 - Duluth - County Court - Jonathan Buchan - fugitive hearing -  
04/08/85 - Duluth - District Court - James Weaver - trial - Judge Barnes  
04/09/85 - Duluth - District Court - James Weaver - trial - Judge Barnes  
04/10/85 - Duluth - District Court - James Weaver - trial - Judge Barnes

(1985 continued)

04/11/85 - Duluth - District Court - James Weaver - trial - Judge Barnes  
04/12/85 - Duluth - District Court - James Weaver - trial - Judge Barnes  
04/15/85 - Duluth - District Court - James Weaver - trial - Judge Barnes  
04/16/85 - Duluth - District Court - James Weaver - trial - Judge Barnes  
04/17/85 - Duluth - District Court - James Weaver - trial - Judge Barnes  
04/18/85 - Duluth - District Court - Cheryl Tiessen - arrng. & plea of guilty - Judge Litman  
04/19/85 - Two Harbors - District Court - Brent Brue - sentencing - Judge Bouschor  
04/19/85 - Duluth - District Court - Eric Tynjala - sentencing - Judge Odden  
04/22/85 - Duluth - District Court - Timothy Posch - plea of guilty - Judge Litman  
04/22/85 - Duluth - District Court - Conrad Ostrander - not guilty plea - Judge Litman  
04/23/85 - Duluth - County Court - Leroy Siegle - arraignment - Judge Wilson  
04/24/85 - Duluth - County Court - Jill Olson - juvenile hrng. - Judge Campbell  
04/25/85 - Duluth - District Court - Stanley Olson - continue omnibus -  
04/25/85 - Duluth - District Court - Terry Martin - omnibus hearing - Judge Litman  
04/29/85 - Duluth - District Court - Tammie Trader - arrng. & plea of guilty - Judge Litman  
04/30/85 - Duluth - County Court - Jonathan Buchan - fugitive hearing -  
05/01/85 - Carlton - District Court - Heide Packard - plea of guilty - Judge Litman  
05/01/85 - Carlton - District Court - Cecelia Peterson - arrng. & plea of guilty - Judge Litman  
05/01/85 - Carlton - District Court - Peter Welsh - arraignment - Judge Litman  
05/09/85 - Duluth - District Court - Stanley Olson - omnibus hearing - Judge Odden  
05/09/85 - Duluth - District Court - Catherine Rich - plea of guilty - Judge Odden  
05/13/85 - Duluth - District Court - Peter Welsh - violation hearing - Judge Bouschor  
05/14/85 - Duluth - District Court - Timothy Posch - sentencing - Judge Litman  
05/15/85 - Duluth - County Court - Kathleen Peterson - divorce hearing - Judge Campbell  
05/15/85 - Duluth - County Court - Kelly Evans - fugitive hearing - Judge Oswald  
05/17/85 - Duluth - County Court - Leroy Siegle - arraignment -

(1985 continued)

05/20/85 - Carlton - County Court - Jeff Zack - Call of Calendar - Judge Wolf  
05/21/85 - Duluth - District Court - Timothy Posch - sentencing - Judge Litman  
05/21/85 - Duluth - District Court - Cheryl Tiessen - sentencing - Judge Litman  
05/22/85 - Grand Marais - District Court - Bruce Everson - omnibus hearing - Judge Sandvik  
05/23/85 - Duluth - District Court - Carl Tibbetts - arraignment - Judge Odden  
05/23/85 - Duluth - District Court - Peter Welsh - arraignment - Judge Odden  
05/23/85 - Duluth - District Court - Donald Stunkart - arraignment - Judge Odden  
05/24/85 - Duluth - District Court - Stanley Olson - plea of guilty (denied) - Judge Barnes  
05/29/85 - Carlton - District Court - Darla Koski - arraignment - Judge Odden  
05/29/85 - Duluth - District Court - Donald Stunkart - plea of guilty - Judge Odden  
05/30/85 - Duluth - District Court - Donald Simons - arraignment - Judge Odden  
05/30/85 - Duluth - District Court - Peter Welsh - plea of guilty - Judge Odden  
05/30/85 - Duluth - District Court - Carl Tibbetts - plea of guilty - Judge Odden  
06/03/85 - Duluth - County Court - Damon Paulson - waive extradition -  
06/03/85 - Duluth - County Court - Debby Graven - waive extradition -  
06/03/85 - Duluth - District Court - Kristina Olsson - arrng. & plea of guilty - Judge Barnes  
06/04/85 - Virginia - County Court - Kendall Barchus - juvenile hearing - Judge Hall  
06/05/85 - Duluth - District Court - Terry Martin - plea of guilty - Judge Litman  
06/05/85 - Duluth - District Court - Heide Packard - sentencing - Judge Litman  
06/05/85 - Carlton - District Court - Cecelia Peterson - sentencing - Judge Litman  
06/06/85 - Duluth - District Court - Mark Anderson - viol. hearing - Judge Barnes  
06/06/85 - Duluth - District Court - Patricia Nolin - arraignment - Judge Barnes  
06/06/85 - Duluth - District Court - Bonnie Williams - arrng. & plea of guilty - Judge Barnes  
06/06/85 - Duluth - District Court - Brian Sorlie - arrng. & plea of guilty - Judge Barnes  
06/06/85 - Duluth - District Court - Donald Simons - plea of guilty - Judge Barnes  
06/06/85 - Duluth - District Court - Catherine Rich - sentencing - Judge Odden



(1985 continued)

06/07/85 - Duluth - District Court - James Weaver - <sup>continue</sup> sentencing - Judge Barnes

06/07/85 - Duluth - District Court - Tammie Trader - sentencing - Judge Litman

06/11/85 - Duluth - County Court - Thomas Wagner - post-divorce motion - Judge Sweeney

06/11/85 - Carlton - County Court - Lynn Beaulieu - review hearing - Judge Wolf

06/17/85 - Duluth - District Court - Bruce Thompson - post-conviction hrng. - Judge Litman

06/17/85 - Duluth - District Court - Terry Martin - sentencing - Judge Litman

06/17/85 - Duluth - District Court - Terry Graves - arraignment - Judge Litman

06/17/85 - Duluth - District Court - Angela Hansen - arrng. & plea of guilty - Judge Litman

06/17/85 - Duluth - County Court - James Reed - fugitive hearing -

06/19/85 - Carlton - District Court - Darla Koski - continue omnibus - Judge Bouschor

06/19/85 - Duluth - County Court - Leroy Siegle - omnibus hearing -

06/21/85 - Duluth - District Court - James Weaver - sentencing - Judge Barnes

06/21/85 - Duluth - District Court - Stanley Olson - plea of guilty - Judge Barnes

06/24/85 - Duluth - District Court - Conrad Ostrander - plea of guilty - Judge Litman

06/24/85 - Carlton - County Court - Jeff Zack - call of calendar - Judge Wolf

06/25/85 - Duluth - District Court - Terry Graves - omnibus hearing - Judge Bouschor

06/27/85 - Duluth - District Court - Carl Tibbetts - sentencing - Judge Odden

06/28/85 - Duluth - District Court - Donald Stunkart - sentencing - Judge Odden

07/01/85 - Virginia - District Court - Randy Androsky - plea of guilty - Judge Scherkenbach

07/01/85 - Duluth - District Court - Peter Welsh - sentencing - Judge Odden

07/01/85 - Duluth - District Court - Joe McCorison - arrng. & plea of guilty - Judge Barnes

07/01/85 - Duluth - District Court - William Cameron - arraignment -

07/01/85 - Duluth - District Court - Edward Lake - arrng. & plea of guilty - Judge Barnes

07/01/85 - Duluth - District Court - Donald Simons - sentencing - Judge Barnes

07/01/85 - Duluth - District Court - Kristina Olsson - sentencing - Judge Barnes

07/02/85 - Virginia - County Court - Kendall Barchus - juvenile hearing - Judge Hall

(1985 continued)

07/03/85 - Carlton - District Court - Mark Gaston - arrng. & plea of guilty - Judge Barnes  
07/03/85 - Carlton - District Court - Darla Koski - plea of guilty - Judge Barnes  
07/08/85 - Duluth - District Court - Brian Sorlie - sentencing - Judge Barnes  
07/08/85 - Duluth - District Court - Bonnie Williams - sentencing - Judge Barnes  
07/09/85 - Duluth - District Court - Patricia Nolin - not guilty plea - Judge Barnes  
07/09/85 - Duluth - County Court - Thomas Wagner - post-divorce motion - Judge Sweeney  
07/09/85 - Duluth - District Court - Edward Houle - arrng. & plea of guilty - Judge Barnes  
07/16/85 - Duluth - District Court - Conrad Ostrander - sentencing - Judge Litman  
07/17/85 - Duluth - County Court - James Reed - fugitive hearing -  
07/19/85 - Duluth - District Court - Stanley Olson - sentencing - Judge Barnes  
07/22/85 - Duluth - District Court - Angela Hansen - sentencing - Judge Litman  
07/22/85 - Duluth - County Court - Susan Brown - divorce hearing - Judge Sederberg  
07/22/85 - Duluth - District Court - Craig Hanson - arraignment - Judge Litman  
07/23/85 - Carlton - County Court - Jan VanWave - divorce hearing - Judge Albertson  
07/25/85 - Duluth - County Court - Arthur Durfee - domestic hearing - Judge Sweeney  
08/01/85 - Carlton - County Court - Lynn Beaulieu - review hearing - Judge Wolf  
08/01/85 - Duluth - District Court - Michael McKean - arrng., issue warrant -  
08/01/85 - Duluth - District Court - Harold Wanamaker - arraignment -  
08/05/85 - Duluth - District Court - Edward Lake - sentencing - Judge Barnes  
08/05/85 - Duluth - District Court - Joe McCorison - sentencing - Judge Barnes  
08/05/85 - Duluth - District Court - Steven Hunt - arraignment -  
08/05/85 - Duluth - District Court - Edward Houle - sentencing - Judge Barnes  
08/06/85 - Virginia - County Court - Kendall Barchus - juvenile hearing - Judge Hall  
08/06/85 - Carlton - County Court - Patricia Schwartz - divorce hearing - Judge Wolf  
08/08/85 - Duluth - County Court - Arthur Durfee - domestic hearing - Judge Sweeney  
08/08/85 - Duluth - District Court - Harpreet Kathuria - arraignment - Judge Odden

(1985 continued)

08/08/85 - Duluth - District Court - Lora Green - arraignment - Judge Odden  
08/08/85 - Duluth - District Court - Craig Hanson - plea of guilty - Judge Bouschor  
08/12/85 - Duluth - District Court - Lora Green - not guilty plea - Judge Odden  
08/12/85 - Duluth - District Court - Harpreet Kathuria - bench warrant issued - Judge Odden  
08/14/85 - Hibbing - District Court - Randy Androsky - sentencing - Judge Scherkenbach  
client - no show  
08/15/85 - Duluth - District Court - Harold Wanamaker - continue omnibus - Judge Odden  
08/15/85 - Duluth - County Court - James Reed - fugitive hearing -  
08/16/85 - Duluth - District Court - Steven Hunt - omnibus hearing -  
08/20/85 - Duluth - District Court - Michael McKean - plea of guilty - Judge Odden  
08/20/85 - Duluth - District Court - Kimberly Byrnes - plea of guilty - Judge Odden  
08/20/85 - Duluth - District Court - Harold Wanamaker - continue omnibus - Judge Odden  
08/23/85 - Carlton - County Court - Kyle Maunu- juvenile hearing - Judge Wolf  
08/23/85 - Carlton - County Court - Michael Carlson - sentencing - Judge Albertson  
08/27/85 - Duluth - County Court - Kevin Heide - waive extradition -  
08/27/85 - Duluth - District Court - Harold Wanamaker - omnibus hrng. case dismissed -  
08/27/85 - Duluth - District Court - Craig Hanson - sentencing - Judge Bouschor  
08/29/85 - Duluth - District Court - Nancy Carlson - arraignment - Judge Bouschor  
08/29/85 - Duluth - District Court - Tammy Bloomer - arraignment - Judge Bouschor  
08/30/85 - Virginia - County Court - Douglas Barchus - arraignment - Judge Frank  
09/04/85 - Carlton - District Court - Anthony Habisch - arraignment - Judge Litman  
09/04/85 - Duluth - District Court - Terry Graves - plea of guilty - Judge Bouschor  
09/05/85 - Duluth - District Court - William Chastain - continue arrng. -  
09/06/85 - Duluth - District Court - Gerald Erickson - violation hrng. - Judge Litman  
09/06/85 - Duluth - District Court - Michael McKean - sentencing - Judge Odden  
09/06/85 - Duluth - District Court - Kimberly Byrnes - sentencing - Judge Odden  
09/06/85 - Duluth - District Court - Michael Maylin - violation hrng. - Judge Barnes

(1985 continued)

09/09/85 - Duluth - District Court - William Chastain - arraignment -  
09/10/85 - Duluth - District Court - William Chastain - bail hearing -  
09/11/85 - Carlton - District Court - Anthony Habisch - plea of guilty - Judge Litman  
09/11/85 - Carlton - District Court - Michael Friedman - arraignment - Judge Litman  
09/11/85 - Duluth - District Court - Steven Hunt - plea of guilty - Judge Odden  
09/12/85 - Duluth - District Court - Bruce Everson - continue plea - Judge Barnes  
09/12/85 - Duluth - District Court - Tammy Bloomer - continue omnibus - Judge Litman  
09/12/85 - Duluth - District Court - Nancy Carlson - waive omnibus - Judge Litman  
09/12/85 - Duluth - District Court - William Chastain - waive omnibus - Judge Litman  
09/16/85 - Hibbing - District Court - Randy Androsky - sentencing - Judge Scherkenbach  
09/17/85 - Carlton - County Court - Patricia Schwartz - review hearing - Judge Wolf  
09/18/85 - Carlton - District Court - Michael Friedman - waive omnibus - Judge Litman  
09/18/85 - Grand Marais - District Court - Bruce Everson - plea of guilty - Judge Sandvik  
09/19/85 - Duluth - District Court - Kathleen Hendrickson - arraignment -  
09/23/85 - Duluth - District Court - Jackie Solots - plea of guilty - Judge Litman  
09/23/85 - Duluth - District Court - Janice Chapman - plea of guilty - Judge Litman  
09/23/85 - Duluth - District Court - Suzanne Nelson - arraignment -  
09/23/85 - Duluth - District Court - Tammy Johansen - arraignment -  
10/07/85 - Virginia - District Court - Douglas Barchus - arraignment - Judge Dubow  
10/07/85 - Duluth - District Court - Kathleen Hendrickson - waive omnibus - Judge Odden  
10/07/85 - Duluth - District Court - Steven Hunt - sentencing - Judge Odden  
10/07/85 - Duluth - District Court - Leroy Peterson - plea of guilty - Judge Odden  
10/08/85 - Two Harbors - District Court - Michael Mahoney - arraignment - Judge Sandvik  
10/08/85 - Two Harbors - District Court - Jay Cole - arraignment & Rule 20 - Judge Sandvik  
10/09/85 - Grand Marais - District Court - Bruce Everson - sentencing - Judge Sandvik  
10/10/85 - Duluth - District Court - Tammy Johansen - plea of guilty - Judge Barnes

(1985 continued)

10/10/85 - Duluth - District Court - Suzanne Nelson - omnibus-case dismissed -  
10/11/85 - Carlton - District Court - Darla Koski - sentencing - Judge Barnes  
10/11/85 - Carlton - District Court - Mark Gaston - sentencing - Judge Barnes  
10/16/85 - Duluth - District Court - Lora Green - trial - Judge Litman  
10/17/85 - Duluth - District Court - Lora Green - trial - Judge Litman  
10/18/85 - Duluth - District Court - Lora Green - trial - Judge Litman  
10/21/85 - Virginia - District Court - Douglas Barchus - arraignment - Judge Dubow  
10/23/85 - Two Harbors - District Court - Michael Mahoney - plea of guilty - Judge Odden  
10/23/85 - Duluth - District Court - William Chastain - plea of guilty - Judge Barnes  
10/24/85 - Carlton - County Court - Arlene Madison - plea & sentencing - Judge Albertson  
10/24/85 - Carlton - District Court - Anthony Habisch - sentencing - Judge Litman  
10/24/85 - Carlton - District Court - Michael Friedman - sentencing - Judge Litman  
10/25/85 - Duluth - County Court - Thomas Pearson - <sup>continued</sup> pre-trial hearing - Judge Campbell  
10/28/85 - Two Harbors - District Court - Jeff Tikkanen - arraignment - Judge Sandvik  
10/28/85 - Carlton - County Court - Kyle Maunu - pre-trial hearing - Judge Wolf  
10/29/85 - Duluth - County Court - Thomas Pearson - pre-trial hearing - Judge Campbell  
10/30/85 - Duluth - District Court - Nancy Carlson - plea of guilty - Judge Litman  
10/30/85 - Duluth - District Court - Janice Chapman - sentencing - Judge Litman  
10/30/85 - Duluth - District Court - Michael Morkved - violation hrng. - Judge Barnes  
10/31/85 - Duluth - District Court - Richard Hakola - plea of guilty - Judge Barnes  
11/04/85 - Duluth - District Court - Mark Anderson - violation hrng. - Judge Barnes  
11/04/85 - Two Harbors - District Court - William Chastain - arraignment - Judge Sandvik  
11/04/85 - Duluth - District Court - Kevin Thorpe - arrng. & plea of guilty - Judge Odden  
11/04/85 - Duluth - County Court - Michael Wright - fugitive hearing - Judge Oswald  
11/05/85 - Carlton - County Court - Raymond Benkoski - divorce hearing - Judge Albertson  
11/07/85 - Duluth - District Court - Michael Mahoney - sentencing - Judge Odden

(1985 continued)

11/07/85 - Duluth - District Court - Leroy Peterson - sentencing - warrant issued - Judge Odden  
11/07/85 - Duluth - District Court - Kim Fairbanks - arrng. & plea of guilty - Judge Bouschor  
11/07/85 - Duluth - District Court - Tammy Bloomer - waive omnibus - Judge Bouschor  
11/08/85 - Duluth - County Court - Michael Wright - fugitive hearing - Judge Oswald  
11/12/85 - Duluth - District Court - Tammy Johansen - sentencing - Judge Barnes  
11/12/85 - Duluth - District Court - Richard Hakola - sentencing - Judge Barnes  
11/12/85 - Duluth - District Court - Carl Reininghaus - violation hrng. - Judge Bouschor  
11/12/85 - Duluth - District Court - William Chastain - sentencing - Judge Barnes  
11/12/85 - Duluth - District Court - Jackie Solots - sentencing - Judge Litman  
11/13/85 - Duluth - County Court - Steven Spanie - implied consent hrng. - Judge Nord  
11/14/85 - Duluth - District Court - Kathleen Hendrickson - plea of guilty - Judge Odden  
11/15/85 - Duluth - County Court - Thomas Pearson - divorce trial - Judge Campbell  
11/19/85 - Carlton - District Court - Michael Friedman - sentencing - Judge Litman  
11/20/85 - Grand Marais - District Court - Mark Anderson - violation hrng. - Judge Wilson  
11/21/85 - Duluth - District Court - Rodney Wehmanen - arraignment -  
11/25/85 - Duluth - District Court - Joseph Rich - arrng. & plea of guilty - Judge Bouschor  
11/25/85 - Duluth - District Court - Kevin Heide - arraignment -  
11/25/85 - Duluth - County Court - Michael Wright - extradition hearing - Judge Oswald  
11/26/85 - Duluth - District Court - Tammy Bloomer - plea of guilty - Judge Bouschor  
11/27/85 - Two Harbors - District Court - Jeff Tikkanen - plea of guilty - Judge Bouschor  
11/27/85 - Two Harbors - District Court - Jay Cole - not guilty plea - Judge Bouschor  
11/27/85 - Two Harbors - District Court - William Chastain - plea of guilty - Judge Bouschor  
11/27/85 - Duluth - District Court - Kevin Thorpe - sentencing - Judge Odden  
12/02/85 - Virginia - District Court - Douglas Barchus - omnibus hearing - Judge Dubow  
12/03/85 - Duluth - District Court - Rodney Wehmanen - omnibus, client no show - Judge Bouschor  
12/03/85 - Duluth - District Court - Kevin Heide - plea of guilty - Judge Bouschor

(1985 continued)

12/03/85 - Duluth - District Court - Nancy Carlson - sentencing - Judge Litman  
12/16/85 - Duluth - District Court - Lora Green - motion & sentencing - Judge Litman  
12/18/85 - Carlton - District Court - Glenda Powers - plea of guilty - Judge Barnes  
12/19/85 - Duluth - District Court - Ransom Boggio - arrng. & plea of guilty - Judge Barnes  
12/20/85 - Two Harbors - District Court - Jeff Tikkanen - sentencing - Judge Bouschor  
12/20/85 - Two Harbors - District Court - William Chastain - sentencing - Judge Bouschor  
12/20/85 - Duluth - District Court - Kathleen Hendrickson - sentencing - Judge Odden  
12/23/85 - Duluth - District Court - Cynthia Wuolu - plea of guilty - Judge Barnes  
12/23/85 - Duluth - District Court - Theodore Beaudoin - plea of guilty - Judge Barnes  
12/23/85 - Duluth - District Court - Rodney Wehmanen - plea of guilty - Judge Barnes  
12/23/85 - Duluth - District Court - Sharon Gilberg - arrng. & plea of guilty - Judge Barnes  
12/24/85 - Duluth - District Court - Joseph Rich - sentencing - Judge Bouschor  
12/24/85 - Duluth - District Court - Tammy Bloomer - sentencing - Judge Bouschor  
12/24/85 - Duluth - District Court - Kevin Heide - sentencing - Judge Bouschor  
12/26/85 - Duluth - District Court - Donald Halverson - arrng. & plea of guilty - Judge Barnes  
12/30/85 - Duluth - District Court - Kim Jones - arrng. & plea of guilty - Judge Barnes  
12/31/85 - Carlton - County Court - Peter Nelson - motion for release - Judge Wolf  
12/31/85 - Carlton - County Court - David Mattson - motion for custody - Judge Wolf

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

In Re Hearing Regarding Chambers  
Arguments in the Sixth Judicial District

OFFICE OF  
APPELLATE COURTS  
FILED

APR 17 1986

WAYNE TSCHIMPERLE  
CLERK

REQUEST TO PRESENT ORAL TESTIMONY

I respectfully request permission to present brief oral testimony supplementing my letter of March 5, 1986, which supports chambering a District Judge in Carlton. The issues which I believe should supplement my position are as follows:

1. The issue of chambering trial judges is not easily administered locally and requires intervention of the Supreme Court.
2. The chambering issue in the Sixth District should be decided at this time and further delay is unwarranted.

Dated at Duluth, Minnesota,  
this 15th day of April, 1986.



---

R. V. Campbell  
Judge of County Court



# St. Louis County

OFFICE OF COURT ADMINISTRATOR FOR ST. LOUIS COUNTY

JUDGES: DULUTH  
JOHN T. OSWALD  
ROBERT V. CAMPBELL  
GERALD MARTIN  
GALEN C. WILSON

VIRGINIA:  
DONOVAN W. FRANK

HIBBING:  
DAVID E. ACKERSON

OFFICE OF  
APPELLATE COURTS  
FILED

MAR 7 1986

WALTER T. THOMPSON  
CLERK

JUDICIAL OFFICERS:  
JEANNE SEDERBERG  
WILLIAM SWEENEY  
LARRY NORD  
ELDON HALL

COURT ADMINISTRATOR  
JOSEPH M. LASKY

March 5, 1986.

The Honorable Justices of  
the Supreme Court of Minnesota  
State Capitol Building  
St. Paul, Minnesota 55155

Attention: Clerk of the Appellate Court - Room 230

Re: Hearing regarding chambers in the  
Sixth Judicial District - C9-85-1506

Honorable Justices:

I have been on the County Bench of St. Louis County since 1968, first as a Probate Judge then as a Probate - Juvenile Judge and now as a County Court Judge. I have experienced every court reorganization and been a recipient of all jurisdiction transferred to the County Court by the legislature or discarded by the District Court. In the past 18 years I have held court in every courthouse and in most of the city halls, hospitals, detox centers, and treatment centers within the Sixth Judicial District. I have continuously ridden a weekly, now monthly, circuit to Virginia and Hibbing. In 1984 I rode a weekly circuit to Two Harbors and Grand Marais to cover the disability of the Honorable Walter Egeland. I am at Moose Lake Regional Treatment Center at least monthly and at times cover County Court in Carlton. I was the Assistant Chief Judge of the Sixth District from July 1, 1981, to July 1, 1983, and the Chief Judge from July 1, 1983, to March 1, 1985.

As a result of the statistical evidence, and my personal experience and observations, I wholeheartedly support the

America's Iron Ore Center...



at the Head of the Seaway

"An Equal Opportunity Employer"

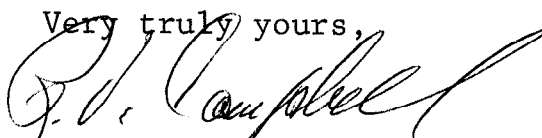
preservation of the Honorable Donald C. Odden's District Judgeship and the designation of Carlton as chambers for that judgeship.

If you accept the proposition that the people of Minnesota and this District are entitled to a judicial system administered in the most effective and efficient manner, the conclusion is inescapable that two judges should be chambered in Carlton. The statistics indicate the need for 1.3 County Judges and .6 District Judges, totaling 1.9 judges in Carlton County. The special circumstances of Moose Lake Regional Treatment Center require additional County Court judicial time. Two judges should, without regard to which one is a County Judge and which is a District Judge, equally share the District and County work load. Judicial work could be calendared efficiently, vacations covered easily, physical facilities utilized appropriately, and other agencies and the public would have the availability of a local judiciary. Travel costs alone should dictate that chambers now be located in Carlton. The Chief Judge, District Administrator and County Administrators would have greater flexibility in the utilization of judicial personnel with such a proposed change in chambers.

Although members of both our District Bench and County Bench have individually offered to assist one another, the two court or two tier system has continued to operate in this District. Such a system fosters inefficiency. One need look only at the systematic scheduling of both County and District Judges in rural courthouses in this District to illustrate the problem. Chambering the judgeship in Carlton County would assist the judges of this District in unifying our two courts in a manner which will best serve our constituents.

Thank you for allowing me an opportunity to express these views.

Very truly yours,



R. V. Campbell

RVC/sab



Allan W. Naslund  
County Auditor

COURTHOUSE  
CARLTON, MINNESOTA 55718  
TELEPHONE 218-384-4281

P. Jerome Turnquist  
County Coordinator

OFFICE OF  
APPELLATE COURTS  
FILED

MAR 12 1986

WAYNE TSCHIMPERLE  
CLERK

March 7, 1986

Clerk of the Appellate Court  
230 State Capitol  
St. Paul, Mn. 55155

Re: C9-85-1506, Hearing Regarding Chambers in the Sixth District.

Please be advised that our County Board, through its chairman, wishes to be heard at the March 17th hearing to be held here at our Carlton County Court House.

Pursuant to Chief Justice Amdahl's order of Feb. 28th I am enclosing for filing with your office 10 copies of this request and 10 copies of the material to be presented. If you need any further information please contact me at once. Thank you very much.

Very truly yours,

*Allan W. Naslund*  
Allan W. Naslund  
County Auditor

encl:  
AWN/bms



*Allan W. Naslund*  
County Auditor

**COURTHOUSE**  
CARLTON, MINNESOTA 55718  
TELEPHONE 218-384-4281

*P. Jerome Turnquist*  
County Coordinator

RE: Chambers within the Sixth Judicial District

TO: The Honorable Supreme Court of the State of Minnesota:

On behalf of the Carlton County Board of Commissioners and the citizens of Carlton County, I extend to you a warm welcome and a sincere thanks for coming to Carlton County and for granting us an opportunity to be heard on the issue of where the new District Judge should be chambered within the Sixth District.

Let me start by explaining that Carlton County has always been concerned about effective judicial service to its citizens. Carlton County has been willing to invest great sums of money to supplement the State Court System. For more than a decade, we have recognized the need for more than one judge in Carlton County and we have paid for a judicial officer and a second court reporter. We have also constructed a second courtroom and provided a second bailiff, as well as two offices for the judges and two offices for the court reporters. We have listened and responded to the requests for a law library and additional chambers and conference rooms.

We have observed the volume of Court activity here --- including giving up our own County Boardroom at times when up to four Courts were in session here.

We were informed in December that a phase-out plan regarding judicial officers had been approved by the Judges of this District. While that greatly helps our own county budget, we still feel strongly that a second judgeship belongs here. The Carlton Courthouse has the needed courtrooms, as well as the office space and chamber space required if the District Judge is chambered here. We stand ready to continue our cooperation with the Judiciary.

Two resident judges here not only best serves our own citizens and the attorneys and people from other counties that are involved in court here, but it also grants better judicial access to our county officials that is greatly needed from time to time.

The current system of travelling District Judges costs this County needless expense. For example, when Hibbing District Judge Scherkenbach holds court here (as he will do again this April) the state pays for his hotel and meals, but this County pays for his court reporter. It is obvious that chambering a District Court Judge here will also save state court budget money, as there will be less travel and room and board expenses.

The population trends and projections support our position. And, it should be noted that the east end of our county is somewhat of a bedroom community for Duluth. We anticipate a further growth, if Duluth has growth in the future. But, without even anticipating any growth whatsoever, we feel the current 1.9 needs supports our position and that we will continue to have that need plus additional needs into the far future.

During the last few years, county commissioners throughout the State of Minnesota have been exposed to the ongoing debate regarding trial court unification. Such fighting has led some people to wonder aloud whether the Judiciary can administer itself. The Supreme Court has been providing that answer loud and clear: "Yes we can!" This current issue of chambering reminds me of our own process of re-districting of county commissioners' districts. Minnesota Statute Section 375.025, Subd.3, makes it impossible for us county commissioners to be a part of that process. And that is rightly so, because we are too close to the issue to make the most appropriate decisions. I believe that is also why the law provides for the Supreme Court, not the trial courts, to study and set chamber requirements. Your Orders and memos that we have reviewed during these last six months make it clear to this Board that you intend to carry out your duties under the law.

I conclude today by reminding everyone what the real issue is here and what is not the issue. Today, we are not talking about "personalities," nor are we talking about a specific "title" for a trial judge. The whole issue in our view is total judicial resources available throughout this District. We are in a period of tight budgets on both the state and county levels. This has forced us and other county boards to make very tough administrative decisions. The Judiciary must also make important administrative decisions. Trial judges are highly paid public officials. The public cannot afford anything less than the most efficient and effective judicial administration possible. The objective study of the facts in this District makes the conclusion inescapable. Chambering a District Judge in Carlton will greatly enhance efficient court administration and it will in no way work a hardship in Duluth. We are confident that the Judicial branch of government can administer itself and we look to the state judicial leadership to prove our assumptions correct.

Again, thank you very much for coming to Carlton and, on behalf of the County Board, thank you for letting us state our position.

Very truly yours,

CARLTON COUNTY BOARD OF COMMISSIONERS

By: Bill Baresh  
Bill Baresh, Chairman

FLOYD D. RUDY  
DEL D. PREVOST  
DENNIS J. SEITZ  
JOHN M. GASSERT  
FRANK YETKA

# RUDY, PREVOST & SEITZ

A PROFESSIONAL ASSOCIATION

*Attorneys at Law*

123 AVENUE C  
CLOQUET, MINNESOTA 55720-1593  
TELEPHONE (218)878-3363

March 11, 1986

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

OFFICE OF  
APPELLATE COURTS  
FILED

MAR 12 1986

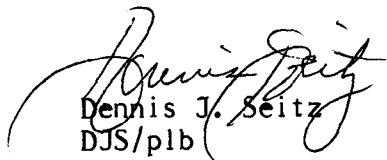
Re: Sixth Judicial District Chambering Decision

WAYNE TSCHIMPERLE  
CLERK

Gentlepersons:

Enclosed are ten copies of a statement which I wish to be considered by the Supreme Court in rendering its decision concerning the chambering of the judge to be appointed in the Sixth Judicial District.

Sincerely,

  
Dennis J. Seitz  
DJS/plb

Enclosure

FLOYD D. RUDY  
DEL D. PREVOST  
DENNIS J. SEITZ  
JOHN M. GASSERT  
FRANK YETKA

# RUDY, PREVOST & SEITZ

A PROFESSIONAL ASSOCIATION

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CLOQUET, MINNESOTA 55720-1593  
TELEPHONE (218)879-3363

March 11, 1986

Minnesota Supreme Court  
230 State Capitol Building  
St. Paul, MN 55155

**OFFICE OF  
APPELLATE COURTS  
FILED**

**MAR 12 1986**

**WAYNE TSCHIMPERLE  
CLERK**

Re: Sixth Judicial District Chambers

Honorable Justices:

Because of long-established travel plans, I am unable to be present at the public hearing to be held on March 17, 1986 on this question. Please consider the contents of this letter in rendering your decision concerning chambering of the judge to be appointed in the Sixth Judicial District.

Much has been or will be said concerning how the chambering decision will affect the convenience of attorneys and/or judges. I share the view that logic demands that a county's judicial needs cannot be met when one judge attempts to do the work of 1.9 judges, especially when the indicated work load for that one judge requires 1.3 judges. I make that statement as an attorney whose practice consists of approximately 75% domestic relations work and 25% civil litigation work.

I feel that the clients whom I serve have to be considered in this chambering decision also. Because of the nature of my practice, the vast majority of my clients hire me on an hourly basis which means that any time I am spending on the file of client A should be billed to that client. And when I am forced to travel to Duluth for that client, a round trip of 42 miles from my office to the Courthouse, I cannot work on the file of client B. Who must pay for that trip? Obviously, client A. I attempt to keep my time to a minimum, which minimizes my client's costs, but I will not be able to do that if I am forced to travel to Duluth to get Orders signed during those times when one sitting judge in Carlton County would be unavailable, a situation that was the case in the not-so-distant past.

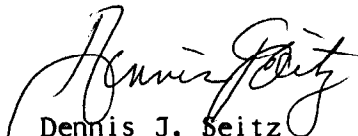
A second judge sitting in Carlton County could also alleviate the circus atmosphere that attends the trial term of District Court in Carlton County. When a judge is assigned to hear trials for a one month term, three and four cases are set on for trial at the same time and date and much unnecessary scrambling takes place to try to position cases so that they can be heard



appropriately. Justice is not served by that system. Nor is justice served when cases are delayed for several terms because a judge must leave Carlton County at the end of the assigned month or six weeks to begin hearing cases the next week in another portion of the District.

Thank you for your consideration of these comments on behalf of the clients of the attorneys who practice in Carlton County.

Sincerely,



Dennis J. Seitz  
DJS/plb

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

In re Hearing Regarding Chambers  
Arguments in the Sixth Judicial  
District.

Statement of Charles T. Barnes  
Judge of District Court  
Sixth Judicial District  
State of Minnesota.

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

Per the notice concerning the above-captioned matter, I wish to inform you that I wish to make an oral presentation on April 21st in Carlton, Minnesota, concerning the following observations.

For decades past, the District Court Judges chambered in Duluth have handled the Special Term requirements and the General Term requirements in Carlton County, with some assistance from District Court Judges chambered in Hibbing and Virginia.

Because of this long experience, it is appropriate that the information be furnished as to the amount of time and the type and numbers of cases which have required attention from District Court Judges in the past few years.

Those statistics and reports will establish that the District Court Judges are regularly and routinely assigned to Special Term in Carlton at least three Wednesdays each month, and occasionally have Special Term calendars on four Wednesdays.

The Special Term time which is actually spent by the Judges is normally one-half day or less. All of the Special Term matters which are on the calendar in Carlton are handled in this fashion and attorneys and party litigants from Carlton County are not

required to come to Duluth for those hearings, unless the parties themselves or the attorneys make such requests.

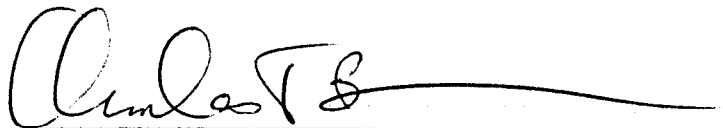
My own records indicate that it is rare for me to be required to be in Carlton on Wednesday after 10:30 a.m., with the Special Term calendar being completed by that time.

It is my belief and information that the same schedules and the same time requirements are applicable to my colleagues in the District Court.

For many years Carlton has had three General Terms of Court, although it has become more of a continuous term in recent years. All cases, on which the parties and attorneys are ready, both civil and criminal, are normally completed within a span of time anywhere from one week to four weeks on those three occasions.

As indicated, I do wish to address these observations on April 21st, for the purpose of showing that at least in the District Court, the calendars are as current as possible, that the attorneys and litigants are afforded an expeditious opportunity to proceed, and that there are few if any long-standing items of litigation which have not been handled by the District Court.

Dated this 10 day of April, 1986.

A handwritten signature in cursive script, appearing to read 'Charles T. Barnes', with a long horizontal flourish extending to the right.

Charles T. Barnes  
Judge of District Court  
Sixth Judicial District  
State of Minnesota

4-11-86

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# Eckman & Fillenworth, Ltd.

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Lawyers

John Fillenworth

Heather L. Sweetland

April 9, 1986

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

IN RE: HEARING REGARDING CHAMBERS ARGUMENTS IN THE SIXTH  
JUDICIAL DISTRICT  
Court File: C9-85-1506

To Whom It May Concern:

Enclosed herein for filing please find the original and ten (10) copies of the Statement of Heather L. Sweetland, Attorney at Law, regarding the above entitled matter. I am not requesting an oral presentation.

Very truly yours,



HEATHER L. SWEETLAND  
Atty. Reg. No. 137273

HLS/blr

Enclosure

OFFICE OF  
APPELLATE COURTS  
FILED

APR 11 1986

STATE OF MINNESOTA

WAYNE TSCHIMPERLE  
CLERK

IN SUPREME COURT

C9-85-1506

In re Hearing Regarding Chambers  
Arguments in the Sixth Judicial  
District.

STATEMENT OF  
Heather L. Sweetland  
Attorney at Law

My name is Heather L. Sweetland and I am an attorney licensed to practice law within the State of Minnesota. I am currently associated with Eckman & Fillenworth, Ltd., 309 Board of Trade Bldg., Duluth, MN 55802. In addition, I am a part-time public defender with St. Louis County in the Juvenile Delinquency Division of Juvenile Court.


I am filing this statement with the Supreme Court regarding the location of chambers for the District Court Judge who will be named to replace the Honorable Donald Odden. I am in support of the placement of these chambers in Carlton County.

I have occasion to practice in Carlton County in both Family and Juvenile Court. It is clear from the statistics which have become known to the local Bar that Carlton County needs approximately 1.9 Judges, either County or District, to handle the workload in Carlton County. I have appeared before both Judge Dale Wolf and Judicial Officer Arthur Albertson during the past three and one half years that I have been in private practice. I have seen the operation of the Carlton

County bench.

On the basis of my experience in Carlton County, I strongly urge the Supreme Court to place the chambers of the new District Court Judge in Carlton County. It seems only logical and efficient to have two Judges in Carlton County where they are needed rather than having a District Court Judge chambered in Duluth and a number of different Judges expected to travel to Carlton on a rotating basis. Besides affecting the service which would be provided to Carlton County, it certainly would affect the calendar and scheduling of court dates in St. Louis County as well.

Therefore, I urge the Supreme Court to have the successor District Court Judge chambered in Carlton County.

  
HEATHER L. SWEETLAND  
ECKMAN & FILLENWORTH, LTD.  
Attorney at Law  
309 Board of Trade Bldg.  
Duluth, MN 55802  
218 727-4868  
Atty. Reg. No. 137273



JACK J. LITMAN  
JUDGE OF THE DISTRICT COURT  
COURT HOUSE  
DULUTH, MINNESOTA 55802

4-11-86

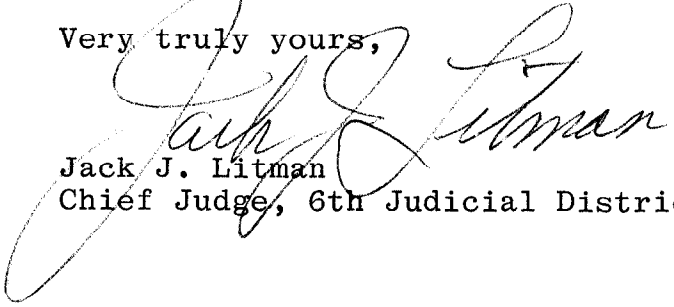
April 10, 1986

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

Dear Sir:

Enclosed please find written statement concerning the above-captioned matter. It is also my desire to make an oral presentation at the hearing on April 24, 1986.

Very truly yours,

  
Jack J. Litman  
Chief Judge, 6th Judicial District

JJL/mam

cc: File

OFFICE OF  
APPELLATE COURTS  
FILED

APR 11 1986

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

**WAYNE TSCHIMPERLE**  
CLERK

In re Hearing Regarding Chambers  
Arguments in the Sixth Judicial  
District.

Statement of Jack J. Litman  
Judge of District Court  
Sixth Judicial District  
State of Minnesota.

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

I am presently the Chief Judge of the Sixth Judicial District having been elected to that position in March of 1985. I have been a District Court Judge within this District since my appointment in June of 1977.

I have been a practicing attorney in the Duluth area from October of 1951 until my appointment as a Judge. During my years as a practicing attorney, I practiced before the Municipal, County, and District Courts within this District. My experience in those years was primarily involved in domestic relations, criminal law, juvenile court, and civil trials. During nineteen of those active practicing years, I was Executive Secretary of the Legal Aid Service and handled in excess of five thousand cases in addition to my private practice. As a District Court Judge, I have presided at trials in Hibbing, Virginia, Carlton, Grand Marais, Two Harbors and Duluth, I believe that my experience in the past thirty-five years within the judicial system has provided me with a thorough knowledge and understanding of the needs of the public, the needs of the practicing attorneys



as well as the needs of the court system.

Upon my appointment to the Bench, the Sixth Judicial District was faced with a considerable backlog in both District and County Court work. The backlog of cases often resulted in a delay in divorce [now dissolution] and custody cases for periods of time often exceeding one-and-one-half-years. Criminal cases were often delayed for periods of time extending to one year. Civil cases were not reached for trial for a period of one to two years after the filing of the Certificate of Readiness. For the past four to five years there has been a marked improvement in the management of cases in all divisions of the Courts in the Sixth Judicial District. I believe the current status of the calender within the Sixth Judicial District is equal to or better than that of any other District within the State of Minnesota. It is my belief that this decided change for the better can be attributed to two major factors. They are first and foremost a compliment of District Court Judges, County Court Judges, and Judicial Officers who have worked hard and diligent and expended great effort in reducing the backlog. Second, a declining population and economy which has reduced the total case load. I believe this decline to be but temporary.

At the close of the year 1985, I was informed that the Honorable Donald C. Odden was planning to retire due to failing health. Being aware of the provisions of Minn. Stat. §2.722, Subd. 4 [1985] and also the results of the hearing conducted in the Fifth Judicial District pursuant to the aforestated statute, I called a special meeting of all Judges in the District to

determine what action, if any, should be made by the Judges of the District. A resolution was submitted to the Chief Justice of the Minnesota Supreme Court setting forth a voluntary termination of Judicial Officers in a time and a manner which we hoped would not devastate the judicial process within the District. This severe act was proposed in an effort to retain the judicial position held by the retiring Judge Odden. This act, as severe as we believed the repercussions might be, was proposed notwithstanding the deep concerns held as to the validity of the Weighted-Caseload information which was relied upon by the Supreme Court in making its determination in the application of the Sunset Law as it pertained to the Fifth Judicial District.

Following the Public Hearing of January 24th, 1986, the Supreme Court issued its Order to fill the vacancy created in the Sixth Judicial District by Judge Odden's retirement. Subsequent thereto the Supreme Court, by further Order, set a Public Hearing to be held in the District Courtroom in Carlton County on the issue of whether the successor to Judge Odden should be chambered in Carlton or in St. Louis County. It is to this issue that this letter is addressed.

A determination of such a vital issue as the change of chambers of a District Court Judge should be based only upon reliable and objective criteria. In my humble opinion, the criteria that has been used by the Supreme Court to date, namely, the Weighted-Caseload Study and Statistics is a totally unreliable basis in which to make a decision let alone a decision of the magnitude and complexity of re-chambering a District Court Judge.

I set forth the following criticisms of the Weighted-Caseload Study:

- (a) The Weighted Caseload Study was completed, for the first time, in May of 1980. Despite the high percentage of judges who responded to that Study, I believe the Study to be unreliable due to the nature of the information furnished to the Study Commission by the judges. Information was submitted under the belief that that information could be used to convince the Legislature of the need for more judges. As a result, judges supplied statistics indicating their ability to handle literally record number of cases in relatively short periods of time. This, of course, is fatal in that the ultimate statistics obtained from that Study do not truly reflect the time that is actually expended in any given type of a judicial proceeding, but a false statistic based on faulty information.
- (b) The Study was based upon reports submitted by clerks in the various districts throughout the State of Minnesota. The filing and reporting system are not uniform throughout the State of Minnesota. An example of this fatal error is that in St. Louis County a case which has been opened as a non-support, or a domestic abuse case often results in a dissolution action between the parties. In St. Louis County when a dissolution case is commenced involving parties to a prior non-support and/or domestic abuse action, the filing of the dissolution action does not result in the opening of a new case, but it is considered as merely a continuation of the non-support and/or the domestic abuse case. It is estimated that as many as seventy-five filings per year are lost as a result of this procedure.
- (c) Another example is in criminal proceedings. In some districts, criminal matters are filed in a single complaint containing multiple counts. In other jurisdictions, in lieu of multiple counts there are multiple files opened each alleging a single count, or perhaps two counts.
- (d) Another example is the reporting within St. Louis County in which clerks are assigned to identify a case upon filing to identification of causes of action, is in doubt as to the type of a case they identify it as "Other general civil." A review of a number of files within St. Louis County indicates that a number of these cases should have been identified as a specific type of case as opposed to "Other general civil."

This obviously would have resulted in that case being assigned a greater unit weight.

- (e) There are numerous other areas of the Weighted-Caseload Study which I as well as others believe requires further study and correction before a Weighted-Caseload Study can be used as a basis for any major decision affecting a system as vital as the Courts of the State of Minnesota.

As a practical matter, based upon my experiences, I personally observed the error of the Weighted-Caseload Study as it pertains to the Sixth Judicial District. In 1980 the Weighted-Caseload Study indicated that there was a need for 7.7 District Court Judges in the Sixth Judicial District. This was in error as the Sixth District Court Judges were capable of handling all District Court matters and did not have at that time, nor do they presently have the need for any more District Court Judges.

The latest Weighted-Caseload Study indicates that in the year 1984 there was a need of .6 District Court Judges in Carlton County. In that year the District Court Judges who performed all of the District Court work in Carlton County spent approximately 60-Judge days in Carlton County, which is approximately .3 Judges, not .6 Judges.

The criticisms I am making with respect to the Weighted-Caseload Study are not necessarily criticisms shared only by myself or other Judges but, as I am sure you are aware, are criticisms that have been made by members of the 1986 Legislature. In fact, based upon the questionable validity of those statistics, as well as upon the fact that no subsequent study has been made since 1980, the House of Representatives on March 10,

1986 passed H.F. 1797, which continued the Supreme Court's authority to transfer or abolish judgeship subject to suspension of its use until January 30, 1987. This Bill was not heard by the Senate Committee at the request of its author.

Based upon the foregoing, I respectfully submit that any decisions with respect to the transfer of chambers should be withheld until such time as you are in receipt of a Study which will satisfy everyone with respect to its accuracy and reliability.

However, in the event it is your decision to proceed forthwith, I respectfully submit that that decision can only be based on the current Weighted-Caseload Study. That Study reveals that Carlton County requires .3 judicial positions to fulfill the County Court work. In addition, notwithstanding my prior statement to the fact that only .3 District Court judges are needed to dispose of the District Court work in Carlton County, I for the sake of argument, will accept a Weighted-Caseload Study of .6 judge. That Study reveals that the County Court work in Cook County and Lake County require a total of .5 judge. District Court work in Hibbing requires .49591 judge. Based upon these statistics, the District Court judge in Hibbing with the assistance of District Court judges in Duluth could easily dispose of all District Court matters in Carlton. The assignment of the Lake and Cook County judge to Carlton for the .5 "so-called" excess time would more than pick up the alleged .3 judge deficiency County Court work in Carlton County.

As the Chief Judge of the District, it has been

been my duty to oversee the assignment and disposal of all cases within the District. As I have previously stated, I believe my successors and myself have done an admiral job in that respect in the past. It is my intention to continue this in the future. We have accomplished this by frequent use of the cross-assignment between District and County Court judges. We have extended the Special Term days in Carlton from two per month to three, and sometimes four days per month when necessary to keep current with the work.

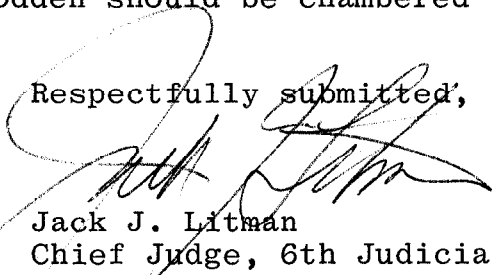
We will in July of 1986 be working under a Unified Court Plan, which I believe will further assist us in providing judicial services throughout the District, and in as equitable a manner as is possible.

I, as a Chief Judge, have a great deal of concern over the transferring of District Court chambers to Carlton County. It has been my experience that when a judge is chambered in an outlying area such as Virginia, Hibbing, Two Harbors, and Carlton, that that judge despite an attempt to the contrary develops a system which makes it difficult, if not at times impossible, to have that judge available for use in other courts throughout the District. This is especially true with District Court positions. I believe the most effective system would be to have all judges chambered in Duluth, and perhaps a number as well in Virginia, and to send them out daily on a central assignment. This, however, is not what I am proposing, but merely to impress upon you the flexibility that we presently have in Duluth

with four District Court judges, and the concern that I have for the reduction of that flexibility upon the loss of one or more District Court judges in Duluth.

In conclusion, I believe that based upon the obvious errors in the Weighted-Caseload Study, the fact that the Weighted-Caseload Study is based upon statistics obtained almost six years ago, the issue as to what effect the newly created Juvenile court on the Fond Du Lac Indian Reservation may have upon the Carlton County caseload, together with the other factors listed herein, that the chambers of the District Court Judge should be in Duluth. As an alternative resolution, based upon the foregoing, I would recommend that pending a decision to be made by you only after a new and more reliable Weighted-Caseload Study is made available that the successor to the Honorable Donald C. Odden should be chambered in Duluth.

Respectfully submitted,



Jack J. Litman  
Chief Judge, 6th Judicial District

4-14-86

**JAMES A. SOMMERNESS**  
ATTORNEY-AT-LAW  
P. O. BOX 188  
GRAND MARAIS, MINNESOTA 55604  
PHONE: 218/387-1362

April 11, 1986

OFFICE OF  
APPELLATE COURTS  
FILED

APR 14 1986

Wayne O. Tschimperle  
Clerk of the Appellate Court  
230 State Capitol  
St. Paul, Minnesota 55155

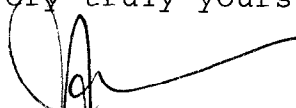
WAYNE TSCHIMPERLE  
CLERK

Re: C9-85-150<sup>6</sup>  
Chambers Arguments Sixth Judicial District

Dear Mr. Tschimperle:

Attached hereto is a summary of a statement I would like to present orally at the Hearing re the above matter on April 21st in Carlton. Also enclosed are 9 copies of each, per the Court Order.

Very truly yours,

  
James A. Sommerness

JAS/lkt

Enclosures



## SUMMARY OF ORAL PRESENTATION

I have been admitted to practice in the State of Minnesota since October of 1971, practicing from October of 1971 through October of 1975 in Duluth, Minnesota and since that time in Grand Marais, Minnesota. While in Duluth I was an Assistant Felony Public Defender for the Sixth Judicial District. From 1973 through present I have held the position in both Lake and Cook County of Misdemeanor Public Defender, as well as engaged in the private practice of law in Lake and Cook County. I will present the following:

First, the lawyers of Cook County unanimously support the position taken by the Honorable Kenneth A. Sandvik by letter and statement dated March 11, 1986.

Second, my personal opinion and views, including support of Judge Sandvik's position and Judge Campbell's position, as set out in his letter to the Court dated March 5, 1986, as well as the following personal observations:

Some years ago Lake and Cook County were unified in the sense that then County Court Judge Walter Egeland was authorized and in fact did handle all matters, County or District Court, in the Lake and Cook County court system. That arrangement was extremely efficient and worked to the benefit of all parties, particularly the citizens of Lake and Cook County. This authority was ended some years ago, with District Court Judges again handling District Court matters.

It has been and will continue to be extremely inefficient for District Court Judges chambered in Duluth to serve the needs of Lake and Cook County. Scheduling and traveling are such that it makes no sense to have a District Court Judge from Duluth hearing one or two criminal matters of very short duration, when we have a competent and able Judge in Cook County at least two days per month. In the past, and no doubt in the future, the District Court Judges will understandably be reluctant to come to Two Harbors or Grand Marais for such matters. It is equally inefficient, unfair and unnecessary to require counsel, parties and/or witnesses to travel to Duluth to be heard.

Statistics, common sense, and any other yardstick to be used indicate that all matters needed to be heard in Lake and Cook County should be heard by Judge Sandvik or any other Judge, whether District or County Court by name, level one or level two, tier one or tier two, or whatever designation you want to attach.

The same reasoning applies to the existing vacancy. All available statistics indicate that another Judge, whatever label you want to give him or her, is needed in Carlton County. That Judge should be chambered in Carlton County and authorized and required to do whatever work needs to be done in Carlton County.

The weighted case load situation is such that the Judges appear to be interested in a "body count" analysis,

rather than the development of the most efficient method of operating our civil and criminal justice system.

If the Court chambers the replacement Judge in St. Louis County, the "body count" mentality will only grow worse in an attempt to obtain current figures to justify that continued chambering. Meanwhile, the absurd situation of Judges traveling hither and yon to handle cases suitable to their seniority, title and relative importance will only worsen.

James A. Sommerness

**MURPHY HANSEN & ROBINSON**

ATTORNEYS AT LAW

GERALD W. MURPHY  
RICHARD C. HANSEN  
JAMES D. ROBINSON, JR.

1000 TORREY BUILDING  
DULUTH, MINNESOTA 55802  
(218) 727-1003

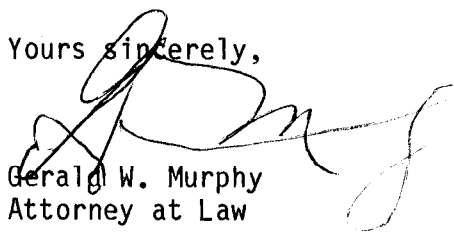
April 11, 1986

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

To: Clerk of the Appellate Court

Please find the enclosed request for Oral Presentation.

Yours sincerely,

  
Gerald W. Murphy  
Attorney at Law

OFFICE OF  
APPELLATE COURTS  
FILED

APR 14 1986

WAYNE TSCHIMPERLE  
CLERK

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

OFFICE OF  
APPELLATE COURTS  
FILE

APR 14 1986

WAYNE TSCHIMP  
CLERK

In re Hearing Regarding Chambers  
Arguments in the Sixth Judicial  
District.

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REQUEST TO MAKE ORAL PRESENTATION

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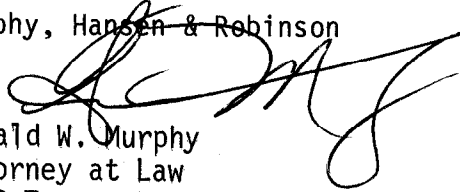
The following individuals desire to appear and make Oral Presentation before the members of the Supreme Court assigned to the hearing on April 21, 1986 at 10:00 a.m. on the issue of moving the chambers of the District Court Judge from Duluth to Carlton.

1. Gerald J. Brown, Attorney at Law - Brown, Andrew, Hallenbeck Signorelli Zallar PA, 306 W. Superior, Duluth, MN 55802, 722 1764  
President, 11th District Bar Association
2. Gerald W. Murphy, Attorney at Law - Murphy, Hansen & Robinson, 1000 Torrey Bldg., Duluth, MN 55802, 727-1003  
Chairman, Judicial Administration Committee for the 11th District Bar Association
3. John Killen, Attorney at Law - Johnson, Killen, Thibodeau & Seiler PA, 811 Norwest Center, Duluth, MN 55802, 722-6331
4. James H. Stewart, Attorney at Law - Fryberger, Buchanan, Smith & Frederick 700 Lonsdale Building, Duluth, MN 55802, 722-0861
5. Harold L. Munger, Attorney at Law - MacDonald, Munger & Downs, 400 Norwest Center, Duluth, MN 55802, 727-7221
6. Michelle Mategko, Program Director of the Duluth Chamber of Commerce, 325 Harbor Drive, Duluth, MN 55802, 722-5501

Ms. Mategko will speak to the members on the population statistics and economic outlook for the City of Duluth. All parties listed request an opportunity to speak before the members of the court in opposition to the transfer of the District Court Chambers from Duluth to Carlton.

Dated: April 11, 1986

Murphy, Hansen & Robinson

By:   
Gerald W. Murphy  
Attorney at Law  
1000 Torrey Building  
Duluth, MN 55802  
(218) 727-1003

**BROWN ANDREW HALLENBECK  
SIGNORELLI & ZALLAR, P.A.**

Attorneys at Law  
300 Alworth Building, 306 West Superior Street  
Duluth, Minnesota 55802

Gerald J. Brown  
Thomas F. Andrew  
Terry C. Hallenbeck\*  
Mark T. Signorelli  
Robert J. Zallar\*

OFFICE OF  
APPELLATE COURTS  
FILED  
March 31, 1986  
APR 2 1986  
Telephone  
(218) 722-1764  
\* Also licensed in Wisconsin

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

**WAYNE TSCHIMPERLE  
CLERK**

RE: C-9-85-1506  
Chambers Location: Sixth  
Judicial District

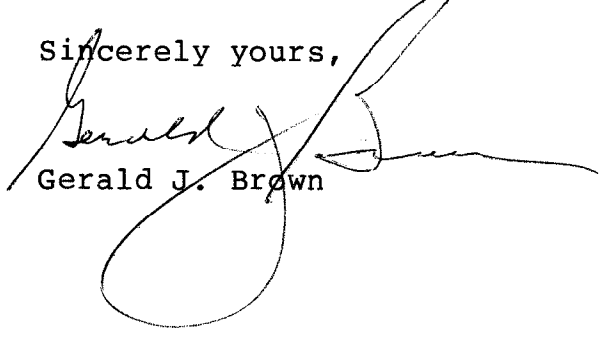
Dear Sir or Madam:

The Supreme Court is hereby advised that the Eleventh District Bar Association adopted the following resolution on March 19, 1986:

"RESOLVED, that the Chambers of the District Judge appointed to fill the vacancy created by the resignation of Honorable Donald C. Odden continue to be in the St. Louis County Courthouse, Duluth, Minnesota, and not transferred to the Carlton County Courthouse, Carlton, Minnesota."

Our District Bar Association further directed that the Supreme Court be advised of the foregoing resolution. Ten copies of this communication are enclosed in accordance with the Court's order.

Sincerely yours,

  
Gerald J. Brown

GJB:crb  
Enclosure

DISTRICT COURT OF MINNESOTA  
SIXTH JUDICIAL DISTRICT  
VIRGINIA  
55792



CHAMBERS OF  
MITCHELL A. DUBOW  
JUDGE

April 2, 1986

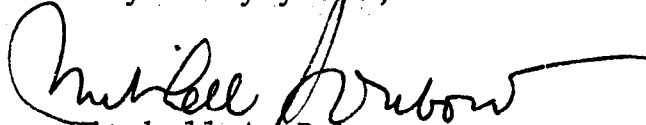
Mr. Wayne Tschimperle  
Clerk of Appellate Courts  
230 State Capitol  
St. Paul, Minnesota 55155

RE: Hearing Regarding Chambers Arguments in the  
Sixth Judicial District. C9-85-1506

Dear Mr. Tschimperle:

Enclosed please find an original and  
ten copies of my statement in connection with the  
captioned matter which I would appreciate be  
distributed in the appropriate manner.

Very truly yours,

  
Mitchell A. Dubow

cc: Hon. Jack J. Litman, Chief Judge, 6th Jud. Dist.

MAD/dmu

ORIGINAL

OFFICE OF  
APPELLATE COURTS  
FILED

APR 9 1986

WAYNE TSCHIMPERLE  
CLERK

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

In re Hearing Regarding Chambers  
Arguments in the Sixth Judicial  
District.

Statement of Mitchell A Dubow  
Judge of District Court  
Sixth Judicial District  
State of Minnesota.

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

I regret that due to a longstanding family commitment I will be out of the state and unable to personally attend the hearing on April 21st on the issue of whether the successor to Judge Donald C. Odden should be chambered in Carlton or remain in St. Louis County. I have requested that a member of the Duluth bench or bar present in my behalf the views expressed in this document.

I am the senior judge in the Sixth Judicial District, having been appointed to the District Court in November 1966. In these 20 years I have served the people of the Sixth Judicial District in every location that court has been held in the district. While my chambers have been at Virginia, I have also presided at trials and a variety of judicial proceedings at Hibbing, Duluth, and Ely in St. Louis County; Grand Marais in Cook County; Two Harbors in Lake County; and at Carlton in Carlton County. I have served as Chief Judge



of the district, most recently from 1980 to 1983; I have served as President of the Minnesota District Judges Association, and am currently Past-President. I have, I believe, extensive knowledge and experience, administrative as well as judicial, in the functioning of the courts of our state as well as of the Sixth District.

Historically, the outstate district courts of Minnesota, differing from the 2nd and 4th districts, have always been circuit courts, serving multiple counties. In our district, all of the district judges have been chambered in St. Louis County where 85% of the district's population resides; four in Duluth, one in Virginia, and one in Hibbing. Minn. Stat. § 484.45, first enacted in 1909, makes it the duty of the St. Louis County Board of Commissioners to furnish and maintain adequate accommodations for holding terms of the district court at both Hibbing and Virginia. Almost one-half of the county's population lives on the Iron Range where these two cities are located. Notwithstanding the questionable statistics provided by S.J.I.S., it should be obvious that 85% or more of the district court's judicial business is in fact centered in St. Louis County. Duluth is the principal focal point of this business and the place where the majority of the lawyers have their offices. Of course, all of the six district judges have served wherever court is held as the need is determined by the court's administrator and chief judge. This method has given us a flexibility which

permits us to attack the court's case load at Duluth with 4 judges functioning simultaneously, and at the same time, to be able to send one or more, as needed, to other places in the district, and then to return to Duluth and resume the four-barrelled attack. That this method has been successful and in the public interest is borne out by the most recent reports of the State Court Administrator commending our district for its high performance in transacting its business.

The retirement of Judge Donald C. Odden has become the occasion, apparently, to suggest considering whether one of the judgeships chambered in Duluth should be moved to Carlton. It should be noted that the Supreme Court, with the concurrence of all of the judges of both the district and the county court, has directed that the district judgeship be retained but that the offices of at least 3, and perhaps more, of the judicial officers now serving shall be eliminated in an orderly manner over a period of time so as not to radically disrupt the business of our courts and permit us over a reasonable period of time to adjust to the new condition.

In this same spirit, I believe it is manifestly in the public interest, and I urge the Supreme Court, to delay changing the chambers' structure of the district courts in our district until the experience that will follow can demonstrate with far-more accuracy than is currently available what is the appropriate course to take. Minn. Stat. § 480.22

enables the Supreme Court to make such chambers location determinations any time it concludes is appropriate. In the meantime I am certain that the judicial needs of Carlton County as well as those of the rest of the district will continue to be met satisfactorily, as in the past, by our Chief Judge, District Administrator, and the rest of us.

Dated this 22<sup>nd</sup> day of April, 1986.



Mitchell A. Dubow  
Judge of District Court  
Sixth Judicial District  
State of Minnesota

HEARING REGARDING CHAMBERS ARGUMENTS IN

THE SIXTH JUDICIAL DISTRICT

Supreme Court No: C9-85-1506

Date of Hearing: ~~March 17,~~ <sup>April 21,</sup> 1986  
10:00 a.m.

(changed by order of 3-11-86)

Carlton County Courthouse

called 3-11-86 re continuance  
of hearing. mailed copy  
of order.

Name	Date Written Summary Filed	Request Oral Presentation	
		Yes	No
Hon. R. V. Campbell "	3-7-86 <i>Request for oral filed 4-17-86</i>	X	
John D. Durfee "	3-10-86 <i>4-11-86</i>	X	
Hon. Dale A. Wolf "	3-11-86	X	
Dennis J. Seitz "	3-12-86		X
Allan W. Naslund "	3-12-86	X	
Hon. Kenneth A. Sandvik "	3-12-86	X	
Sheriff Terry Twomey "	3-12-86		X
Ladean A. Overlie "	3-12-86	X	
Daniel H. Mundt	3-14-86		X
Hon. Mitchell A. Dubow	4-3-86		X
Hon. Charles T. Barnes	4-11-86	X	
Heather L. Sweetland	4-11-86		X
Hon. Jack J. Litman	4-11-86	X	
James A. Sommersness	4-14-86	X	
Gerald W. Murphy	4-14-86 <i>Request for oral only</i>	X	
Gerlad J. Brown	4-14-86 "	X	
John Killen	4-14-86 "	X	
James H. Stewart	4-14-86 "	X	
Harold L. Munger	4-14-86 "	X	
Michelle Mategko	4-14-86 "	X	
Donald C. Odden	4-16-86		X

