

STATE OF MINNESOTA

IN SUPREME COURT

C9-85--1506

ORDER

In re Eighth  
Judicial District  
County Court Vacancy

Establishing County Court Boundaries  
Designating County Court Chamber  
Terminating Judicial Position  
in Eighth Judicial District  
Transferring Judicial Position  
in Fourth Judicial District

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

WHEREAS, the Supreme Court is empowered pursuant to Minnesota Statutes § 487.01, subdivision 6, to combine two or more county court districts into a single county court district for the more effective administration of justice; and

WHEREAS, the Supreme Court is empowered to designate chambers pursuant to Minnesota Statutes § 480.22 after consultation with the judges in the affected district; and

WHEREAS, after giving notice and inviting written and oral testimony, a public hearing was held on October 30, 1985 in the Meeker County Courthouse, Litchfield, Minnesota, to consult with judges and attorneys in the affected district to determine whether

the continuation of the judicial position being vacated by the retirement of Judge Cedric Williams is necessary for effective judicial administration, whether the court should establish county court boundaries coterminous with district court boundaries in the Eighth Judicial District, and whether the chambers of the Honorable John Claeson should be situated in Litchfield, Minnesota;

WHEREAS, this court has considered the arguments made, both orally and in writing, respecting the continuation of the vacant judgeship, the location of county court district boundaries and the designation of chambers for Judge John Claeson, and has attached to this order a memorandum which addresses the salient points raised in such arguments; and

WHEREAS, this court has considered the weighted caseload indicators of judgeship need in the Eighth Judicial District and finds that there exists a surplus of judicial resources in the Eighth District and in the county court districts contained therein;

WHEREAS, this court finds that coterminous county court and district court boundaries in the Eighth Judicial District would provide for the more effective administration of justice;


NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the county court judicial district geographic boundaries of the Eighth Judicial District be, and hereby are, made coterminous with the district court judicial district boundaries.
2. That the chambers of Judge John Claeson be, and hereby are, located in Litchfield, Minnesota.

3. That the vacancy in the judicial position caused by the retirement of Judge Cedric Williams be, and hereby is, terminated in the Eighth Judicial District, effective October 1, 1985.
4. That the judicial position terminated in the Eighth Judicial District by the operation of this order be, and hereby is, transferred to the Fourth Judicial District pursuant to the order of this court dated October 17, 1985.
5. That the vacancy transferred to the Fourth Judicial District be, and hereby is, certified to the Governor as a district court judgeship to be filled in the manner provided by law.

Dated November 20, 1985

BY THE COURT

  
Douglas K. Amdahl  
Chief Justice

OFFICE OF  
APPELLATE COURTS  
FILED

NOV 20 1985

WAYNE TSCHINELL  
CLERK

M E M O R A N D U M

The authority of the Supreme Court to administer the judicial branch of state government system has been recognized by the legislature and codified in some respects in statute. Minnesota Statutes § 487.01, subdivision 6, allows the Supreme Court to change county court district boundaries for the more effective administration of justice. Minnesota Statutes § 480.22 authorizes the Supreme Court to designate judicial chambers. In 1985 the Minnesota Legislature granted the Supreme Court the authority to continue, abolish, or transfer judicial positions when a judge dies, resigns, retires or is removed from office.

In our order of October 4, 1985 concerning the termination of two judicial positions in the Fifth Judicial District, the court set out the criteria by which judgeship need would be measured. That measure is as follows: If, after applying the weighted caseload analysis to a judicial district or to an assignment district therein, a determination is made that there is an overabundance of judicial resources, the burden shifts to the locality to demonstrate compelling reasons for the continuation of the judgeship in question.

The issues before us are (1) whether to continue one judicial position in the Eighth Judicial District which has been vacated by the retirement of the incumbent judge, (2) whether to establish coterminous county and district court boundaries in the Eighth Judicial District, and (3) whether to designate Litchfield,

Minnesota as the permanent chambers location for Judge John Claeson.

On September 11, 1985 Governor Rudy Perpich notified the Supreme Court of the impending retirement of County Judge Cedric Williams, effective September 30, 1985. This notification triggered the provisions of Minnesota Statute § 2.722 requiring the Supreme Court to determine within 90 days whether the vacant office is necessary for effective judicial administration.

On October 30, 1985 a public hearing was held in the Meeker County Courthouse in Litchfield, Minnesota, after public notice. Chief Justice Douglas K. Amdahl, liaison justice to the Eighth Judicial District, presided at the hearing. The following individuals testified at the hearing or submitted written materials to be considered by the Supreme Court:

David Minge, Chippewa County Bar Association

Walt Libby, Twelfth District Bar Association

Jeanne Brnggold, Sixteenth District Bar Association

David Moody, Kandiyohi County Bar Association

Judge R. A. Bodger, Chief Judge, Eighth Judicial District

Allan Sven Anderson, Esq., Granite Falls, Minnesota

Arthur J. Boylan, Kandiyohi County Bar Association

Donald M. Spilseth, Kandiyohi County Bar Association

At the hearing the application of the weighted caseload analysis to the Eighth Judicial District generally and to the vacant judgeship specifically was discussed by a representative of the State Court Administrator's office and that topic and other concerns were raised by attorneys and judges of the Judicial District.

WEIGHTED CASELOAD ANALYSIS AS APPLIED IN THE EIGHTH JUDICIAL DISTRICT. The Eighth District currently has a complement of 13 judges, 3 of whom are district judges and 10 of whom are county judges. Every year since the inception of weighted caseload, its findings have shown that there are substantially more judges in the district than are necessary to dispose of the district's workload. The 1984 analysis indicates a need for 9 judges in the district, 4 fewer than the existing complement. Specifically, the weighted caseload analysis indicates a need for 2.9 district judges and 5.9 county judges. Use of a rounding calculation results in a weighted caseload need for 3 district judges and 6 county judges for a total of 9 judges. Consequently, 4 fewer judges are needed than that currently authorized.

The judicial position in question is chambered in Meeker County, county court District 8A. The 1984 weighted caseload indicates a need for 4.1 county court judges in District 8A, nearly two fewer judges than the current complement of 6. District 8B also

has a surplus of 2 judges according to weighted caseload analysis. The 1984 results show a need of 1.7 judges in District 8B, compared to the 4 current judgeships. The heavier workload in Meeker County (.7) and neighboring Kandiyohi County (1.4), indicate that moving chambers from Pope County in District 8B, where the individual counties have smaller workloads, to Meeker County in District 8A would effect a more appropriate distribution of judicial resources.

Population trends add further support to the above conclusions. Meeker and Kandiyohi Counties are the only counties in the Eighth Judicial District that have populations which have increased significantly from 1960 to 1980, 12.0 and 20.3 percent respectively. These increases are projected to continue through the year 2010. The growth in these two counties contributes to a County District 8A projected population increase of 8.5 percent from 1980 to the year 2010. The population from 1980 to the year 2010 for County District 8B is projected to decline by 4.7 percent. The overall Eighth Judicial District population is projected to increase by only 4.7 percent from 1980 to the year 2010.\*

---

\*These population trends indicate that although there is some growth occurring in the Eighth Judicial District, this growth is concentrated in the counties of Meeker and Kandiyohi. While these trends do suggest that a chambers location in Meeker County is more appropriate than in Pope County, the trends do not project a future need for the four judgeships currently indicated as surplus resources by the weighted caseload analysis.

COTERMINOUS COUNTY COURT AND DISTRICT COURT JUDICIAL DISTRICT BOUNDARIES. Creating a coterminous county and district court judicial district in the Eighth Judicial District will provide greater flexibility to assign judges where needed. This flexibility is important in the Eighth Judicial District where population trends are diverse and judicial needs are distributed throughout a large geographic area. It is axiomatic that a multi-judge county court district will facilitate flexible assignment and reassignment of judges in the event that a particular judge is unavailable due to illness, vacation, affidavits of removal and the like. The larger judicial district will allow the chief judge to assign judges where needed. This flexibility will be particularly important in the future to assist the growing counties of Meeker and Kandiyohi by assigning judicial resources as may be required from the counties with smaller workloads to the north in District 8B and the south in District 8A. The judges of the Eighth District support the creation of a coterminous county and district court judicial district.

REASSIGNMENT OF CHAMBERS. Judge John Claeson agreed to be assigned to Meeker County on a temporary basis subsequent to the retirement of Judge Williams. He is willing to be chambered there permanently. The workload of Meeker County relative to the workload of Pope County is greater making the relocation of a judgeship from Pope to Meeker appropriate. In addition, greater assignment flexibility would be achieved by the redesignation of chambers from Pope to Meeker County due to the current geographic distribution of



judgeships in the Eighth District. The chief judge of the district testified in support of the relocation of chambers from Pope County to Meeker County and several attorneys who spoke cited the need for a resident judge in Litchfield. No reason was advanced at the hearing for not redesignating chambers in Meeker County.

CRITICISMS OF WEIGHTED CASELOAD ANALYSIS. Several persons who testified at the public hearing or who filed documents with the court criticized the weighted caseload methodology. The concerns raised essentially are two-fold: 1) current case weights have become dated as court jurisdiction and changes in law and procedure regarding several case types have occurred since 1980; and 2) there is an urban bias inherent in the weighted caseload analysis.

With respect to the first argument, we note that other jurisdictions that use the weighted caseload methodology typically have revised their case weights on a cycle no more frequent than that planned for Minnesota. Given the magnitude of the surplus of judicial positions indicated in the Eighth District, we are confident that we can safely reduce the judicial complement by one and still accommodate any change in judgeship need which might occur as a result of updating the current case weights.

Turning to the second argument, we have noted in our order of October 4, 1985 that the weighted caseload analysis includes a variable judicial equivalent which recognizes the additional travel, case management and research time required of rural judges. In addition, weighted caseload results show the predominantly rural

Seventh and Ninth Judicial Districts as adequately staffed and urban Second District as overstaffed. We are unpersuaded that there exists a bias favoring the urban districts in the weighted caseload analysis.

ACCESS TO JUDGES UPON THE REDUCTION OF ONE COUNTY JUDGESHIP.

Individuals who addressed the court on this matter expressed the need for adequate access to judicial resources. Even with the loss of one judgeship in the Eighth Judicial District there will still be a surplus of 3 judgeships according to weighted caseload analysis. By comparison, we note that the similarly geographically large, rural, multi-county Seventh and Ninth Judicial Districts appear to operate effectively, without unusual access difficulties, with proportionately fewer judges than would be afforded to the Eighth District after termination of one position. For these reasons, we cannot anticipate that judicial access would be in any way seriously impaired as a consequence of discontinuing the judgeship.

CONCLUSION. As we have stated above, our determination regarding the termination or continuation of a vacant judicial position is based upon whether, after applying the weighted caseload analysis to that position and concluding that its continuation is unnecessary, the locality can meet the burden of demonstrating that additional factors exist which are not a part of the weighted caseload analysis, and which justify the continuation of the

judicial position in question. With respect to the judgeship at issue, we conclude that the burden has not been met.

The assertions that weighted caseload does not take into account such factors as judicial travel requirements, court administration duties and time spent in legal research are inaccurate since all are part of the judicial equivalent component of the weighted caseload analysis. The analysis considers the additional time generally spent by non-metropolitan judges in performing these activities, and contains a specific factor for the Eighth Judicial District. Concerns about access to judicial services, are allayed in this instance by the fact that by comparison, the similarly geographically large, rural, multi-county Seventh and Ninth Judicial Districts appear to operate effectively, without unusual access difficulties, with proportionately fewer judges than the Eighth District. Moreover, weighted caseload clearly demonstrates that, even in the absence of the judicial position being terminated, both county court districts will enjoy a surplus of judicial resources. Finally, to the extent that population is an indicator of judge need, we note that population in the Eighth Judicial District has been decreasing during the period 1960 to 1980, and projections are that it will increase by only 4.7 percent by the year 2010.

The establishment of county court district boundaries coterminous with district court boundaries allows the maximum flexibility to the chief judge for scheduling judges where the

workload demands. Situating the chambers of the Honorable John Claeson in Litchfield locates judicial resources in a county where the population is growing and in a county where the workload is the second greatest in the district. The redesignation effects a more appropriate distribution of judicial resources within the district.

The Supreme Court is mindful of the fact that the reduction in the judicial complement will require some adjustments in making judicial assignments as a consequence of this order. The designation of chambers from Pope to Meeker County will accommodate the greater workload in the Meeker-Kandiyohi area and the establishment of coterminous county and district court boundaries will provide the necessary flexibility for judge assignment. We are confident that the action we are taking with respect to the Eighth Judicial District will not be unduly burdensome to the judges, attorneys, litigants and others who need reasonable access to the courts in the affected counties. Other non-metropolitan districts are functioning well with proportionately fewer judges than those who will remain in the Eighth Judicial District.

The basic principle underlying the weighted caseload analysis is that judicial positions should be allocated in accordance with a rational method of demonstrated need. This guiding philosophy underlies the action taken in the order accompanying this memorandum.