

STATE OF MINNESOTA

IN SUPREME COURT

50712

IN RE HEARING ON

REDISTRICTING PLAN OF

THIRD JUDICIAL DISTRICT.

O R D E R

WHEREAS, the subcommittee on court redistricting of the Judicial Planning Committee, with the approval of said committee, recommends that the County Court of the Third Judicial District be combined into one County Court District coterminous with the boundaries of said Third Judicial District, subject however to the requirement that chambers for County Court Judges remain as now constituted,

WHEREAS, the Supreme Court wishes to allow public testimony on this redistricting plan,

NOW, THEREFORE, IT IS HEREBY ORDERED that a hearing on the redistricting plan with respect to the Third Judicial District shall be held in the Supreme Court Chambers in the State Capitol, Saint Paul, Minnesota, at 9:30 a. m. on Thursday, March 13, 1980.

IT IS FURTHER ORDERED, that advance notice of the hearing be given by the publication of this order once in the Supreme Court edition of FINANCE AND COMMERCE, ST. PAUL LEGAL LEDGER, and BENCH AND BAR.

IT IS FURTHER ORDERED that interested persons show cause, if any they have, why the proposed redistricting plan should not be adopted. All persons desiring to be heard shall file briefs or petitions setting forth their objections, and shall also notify the Clerk of the Supreme Court, in writing, on or before March 6, 1980, of their desire to be heard on the matter.

STATE OF MINNESOTA)
) SS
COUNTY OF MOWER)

I, Graham R. Uzlik, duly elected, qualified and acting County Auditor of the County of Mower, State of Minnesota, do hereby certify that I have compared the foregoing copy of a Resolution with the original minutes of the proceedings of the Board of County Commissioners, Mower County, Minnesota, at their session held on the 26th day of February, 19 80, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Austin, Minnesota, this 4th day of March, 19 80.

Graham R. Uzlik
COUNTY AUDITOR

BOARD OF COUNTY COMMISSIONERS
MOWER COUNTY, MINNESOTA

DATE February 26, 1980

RESOLUTION _____

R E S O L U T I O N

On motion of Finbraaten, seconded by Vogel,

the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held February 26, 1980, at the Court House in Austin, Minnesota:

~~XXXXXXXXXXXXXXXXXXXX~~ WHEREAS, The Mower County Board of Commissioners is informed that the Minnesota Supreme Court will conduct a hearing on March 13, 1980, to consider redistricting of the county courts in the Third Judicial District which includes the Mower County Court.

WHEREAS, The said Board of Commissioners have reviewed the proposed redistricting plan and understand it will, if adopted, eliminate the present county court districts within the judicial district and establish a single county court district which will permit the judges of county court to be elected from the entire judicial district and not by just the county where said county court chambers are located as presently occurs.

NOW THEREFORE BE IT RESOLVED:

That the Mower County Board of Commissioners is opposed to the proposed plan of redistricting of County Courts located in the Third Judicial District and it asks the Minnesota Supreme Court to not approve any plan of redistricting which does not restrict the election of County Court Judges to just those electorate within the county where said Judges chambers will be located.

BE IT FURTHER RESOLVED:

That the Mower County Board of Commissioners feels that, because the actions of a County Court Judge most directly affects those within the county in which he sits by mere numbers of actions he participates in as opposed to a District Court Judge, the public within that county is uniquely qualified to evaluate that Judges' qualifications and performance. A Judge elected by an electorate which he primarily serves is an important component of our judicial system in the sense that the local community has a feeling that the system includes a local judiciary as opposed to a Judge who is elected from a neighboring county which has a larger population and which candidate is unknown by local citizens as to quality or qualifications.

The Commissioners voted as follows: Robert Shaw aye Robert Finbraaten aye

Art Vogel aye Richard P. Cummings aye Duane H. Hanson aye

THE MOWER COUNTY BOARD OF COMMISSIONERS.

BY: Robert Shaw
CHAIRMAN

DISTRICT COURT OF MINNESOTA
THIRD JUDICIAL DISTRICT
ROCHESTER



O. RUSSELL OLSON
DISTRICT JUDGE

March 5, 1980

The Honorable Lawrence R. Yetka
Associate Justice, Minnesota Supreme Court
Room 230, State Capitol Building
St. Paul, MN 55155

Re: Third Judicial Redistricting Hearing

Dear Justice Yetka:


As Chief Judge of the Third Judicial District, I am forwarding to you letters and comments from three of the County Bar Associations in the Third Judicial District plus one resolution of the Board of County Commissioners of Mower County at Austin.

These letters are in response to a notice I mailed concerning the upcoming Third Judicial District redistricting hearing before the Supreme Court which I mailed to:

- (a) the 11 chairmen of the Boards of County Commissioners in our 11-county district and
- (b) the Presidents of the three bar associations on the judicial district basis (old 3rd, old 5th and old 10th) plus
- (c) Presidents of actual County Bar Associations (eight, I think).

I will be out-of-state on March 13th (attending a 4-day conference on "How to be a Chief Judge" if you can believe that!) but there may be one or more judges from our district who will appear.

Sincerely yours,


O. Russell Olson
Chief Judge
Third Judicial District

ORO/skw
Enclosures
CC John C. McCarthy ✓
Clerk of the Supreme Court

Donald Cullen
Third District Administrator

Winona C

GOLDBERG, TORGERSON, BREWER, KELLUM & PFLUGHOEFT
ATTORNEYS AT LAW
160 LAFAYETTE
WINONA, MINNESOTA 55987
(507) 452-2388

PAUL G. BREWER · MILTON A. GOLDBERG · JERRY L. KELLUM · WAYNE E. PFLUGHOEFT · LOREN W. TORGERSON
March 3, 1980

The Honorable O. Russell Olson
Chief Judge, Third Judicial District
Olmsted County Courthouse
Rochester, Minnesota 55901

Re: Third Judicial District County Redistricting

Dear Judge Olson:

Thank you for informing the Bar Association of the scheduled hearing on March 13, 1980 concerning the Third Judicial District county redistricting proposal.

I have appointed a committee of our Bar Association to look into the matter and communicate to the Supreme Court.

The chairman of that committee is Kent Gernander of Winona.

Very truly yours,

GOLDBERG, TORGERSON, BREWER,
KELLUM & PFLUGHOEFT


Paul G. Brewer

PGB/lml

cc: Kent Gernander

3-4-80

PATTON, HOVERSTEN & PETERSON, P.A.
A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
215 EAST ELM AVENUE
WASECA, MINNESOTA 56093

WASECA
County

WILLIAM B. PATTON
WILLIAM L. HOVERSTEN
ROBERT H. PETERSON
SUSAN STEVENS CHAMBERS

TELEPHONE (507) 835-5240

February 26, 1980

The Honorable O. Russell Olson
Chief Judge
Third Judicial District
Olmsted County Courthouse
Rochester, Minnesota 55091

Re: Third Judicial District County Redistricting

Dear Judge Olson:

Thank you for your letter of February 8th on the above matter. We have just completed a meeting of the attorneys living and practicing in the County of Waseca and have considered the redistricting plan as proposed. Thirteen of the fourteen attorneys who are living and practicing in Waseca County were present. I have contacted the absent fourteenth member who had a conflict, and he authorizes me to tell you he would have made it totally unanimous were he present at the meeting.

We enclose a Resolution which was adopted at this meeting.

We feel that the voters of Waseca County can best determine whether our County Court Judge is doing a proper job and should be retained in office or whether a new individual should be elected. If this judge runs only within his present district, he is closer to the people who know the most about him, both from his judicial responses and from his outside activity within the community. So much is being taken away from local control that we feel very strong that this option not be diluted by the votes of people who are not familiar with and working with this judge in the regular course of his work.

If for some reason the Court were to determine that the county court district should be co-terminous with the Third Judicial District's area as proposed, then as the best acceptable alternative, we would propose to the Court that each county court judge should be chambered within a county or within a multiple county unit (as is presently the case) and, in order to be qualified to file for election to this particular judicial post, an attorney would have to be resident within that county or multiple county area at the time of filing. This would give the voters some "handle" on the man and not allow someone not remotely connected with the area in which the judge is going to have primary responsibility to file and

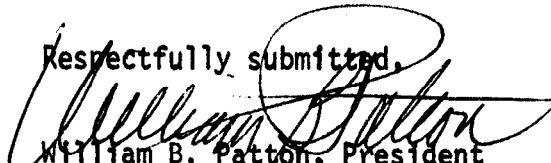
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The Honorable O. Russell Olson
Page Two (2)
February 26, 1980

be elected from the more populous areas because the vote is district-wide. At least the individual in filing would then be required to cast his lot into the area from which he would be running and not be allowed to "carpet-bag" the position to which he would like to be elected.

We will have someone at the Supreme Court on March 13th to supplement these views in the event further information is required or desired by the Court.

Respectfully submitted,



William B. Patton, President
Waseca County Bar Association

WBP:jma

cc: Each attorney living and practicing
in the County of Waseca

Waseca
County

RESOLUTION

WHEREAS the hearing is to be held by the Minnesota Supreme Court on March 13, 1980, at 9:30 o'clock A.M., in which a redistricting proposal submitted by the county judges of the Third Judicial District will be considered,

AND WHEREAS it is the understanding of all of the lawyers living and practicing in the County of Waseca that this redistricting proposal would expand the county court district to be co-terminous with that of the present Third Judicial District, thereby requiring a county judge to run at large before all of the voters of the Third Judicial District for election as county court judge,

AND WHEREAS it is the unanimous opinion of the lawyers that a county court judge can best be evaluated by the voters of the county in which he is chambered and in which his primary responsibility is located by virtue of more personal contact and knowledge, both in the courtroom, in judicial matters, and in civic and private matters,

NOW THEREFORE, BE IT RESOLVED that all of the attorneys living and practicing in the County of Waseca are opposed to any redistricting plan that would require a judge to run for election in an area larger than his primary area of responsibility as presently defined by the present districting bill.

Dated this 25th day of February, 1980, and respectfully submitted.



William B. Patton, President
Waseca County Bar Association

O. Russell Olson
Chief Judge
Third Judicial District
District Court of Minnesota
Rochester, MN 55901

Mower Co

Re: Third Judicial District County Court Redistricting --
Proposal Submitted by the County Judges of the Third
Judicial District

Dear Judge Olson:

This letter expresses the sense of the Mower County Bar Association regarding the above captioned proposal.

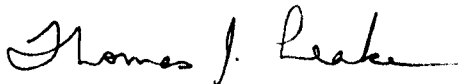
Because the actions of a county court judge most directly affect those within the county in which he sits, we believe the Bar and public within that county are uniquely qualified to evaluate that judge's qualifications and performance. Additionally, we view the "local" judge, elected by the constituency which he primarily serves, as an important component of our judicial system, recognizing that a judge is not responsive to his constituency in the same sense as a legislator.

However, as we understand the redistricting proposal, a judge would sit in a particular county while being elected by a district wide constituency. This could have the unfortunate effect of causing a judge whose actions impact primarily on one county to be elected by residents of other counties, of providing an over-all less enlightened constituency vis-a-vis a particular judge, and of detracting from the feeling in the community that the judicial system includes a "local" judge.

Therefore, we ask that the ultimate question of whether redistricting is in fact justified by need be carefully examined by the Redistricting Committee in the light of our concerns.

We do not believe anything would be added to the foregoing by an appearance at the March 13 hearing, and in consequence ask that this letter be accepted as a submission of our views.

Respectfully Submitted,



THOMAS J. LEAKE
President, Mower County Bar Association

BOARD OF COUNTY COMMISSIONERS
MOWER COUNTY, MINNESOTA

DATE February 26, 1980

RESOLUTION _____

Mower Co

RESOLUTION

On motion of Finbraaten, seconded by Vogel,

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WHEREAS, The said Board of Commissioners have reviewed the proposed redistricting plan and understand it will, if adopted, eliminate the present county court districts within the judicial district and establish a single county court district which will permit the judges of county court to be elected from the entire judicial district and not by just the county where said county court chambers are located as presently occurs.

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BE IT FURTHER RESOLVED:

That the Mower County Board of Commissioners feels that, because the actions of a County Court Judge most directly affects those within the county in which he sits by mere numbers of actions he participates in as opposed to a District Court Judge, the public within that county is uniquely qualified to evaluate that Judges' qualifications and performance. A Judge elected by an electorate which he primarily serves is an important component of our judicial system in the sense that the local community has a feeling that the system includes a local judiciary as opposed to a Judge who is elected from a neighboring county which has a larger population and which candidate is unknown by local citizens as to quality or qualifications.

The Commissioners voted as follows: Robert Shaw aye Robert Finbraaten aye
Art Vogel aye Richard P. Cummings aye Duane H. Hanson aye

THE MOWER COUNTY BOARD OF COMMISSIONERS.

BY: Robert Shaw
CHAIRMAN
BY: Graham R. Uzlik
AUDITOR

STATE OF MINNESOTA)
) SS
COUNTY OF MOWER)

I, Graham R. Uzlik, duly elected, qualified and acting County Auditor of the County of Mower, State of Minnesota, do hereby certify that I have compared the foregoing copy of a Resolution with the original minutes of the proceedings of the Board of County Commissioners, Mower County, Minnesota, at their session held on the 26th day of February, 19 80, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Austin, Minnesota, this 4th day of March, 19 80.

Graham R. Uzlik
COUNTY AUDITOR

RESOLUTION

TO: Supreme Court of the State of Minnesota
State Judicial Planning Committee
Capitol Building
St. Paul, Minnesota

Whereas, the Supreme Court has mandated the redistricting of the Judicial Districts in and for the State of Minnesota including the Third Judicial District, and

Whereas, the Third Judicial District Judges Association has submitted to the Judicial Planning Committee a proposed redistricting plan providing for the present arrangement to be retained and made status quo without alteration of adjustment with a secondary provision that if the status quo must be changed it would provide for the Judges to run on a district-wide basis with the provision that the County Judges be chambered in the particular county which they are serving, and

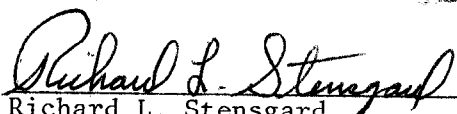
Whereas, the County Commissioner's in and for Fillmore County, Minnesota, would prefer retaining the present arrangement for both District and County Judges, and

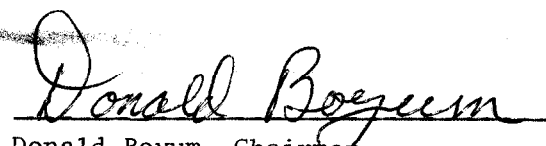
Whereas, it is deemed vital and essential by the County Commissioner's in Fillmore County, Minnesota, that the County Judge be available at all times for immediate access on judicial matters of an emergency nature and/or requiring prompt attention pursuant to statutory law;

NOW, THEREFORE, BE IT RESOLVED, That the Fillmore County Commissioner's, hereby request that the State Judicial Planning Committee retain the status quo relative to the present duties and services of the District and County Judges in the Third Judicial District.

Dated: March 11, 1980.

Attest:


Richard L. Stensgard
Fillmore County Auditor


Donald Boyum, Chairman
Fillmore County Board