

STATE OF MINNESOTA
IN SUPREME COURT
No. 81-510

SUPREME COURT.
FILED
JUN 10 1981
JOHN McCARTHY,
CLERK

In the Matter of the Redistricting
of the County Courts of the Sixth
Judicial District

O R D E R

WHEREAS, the Judicial Planning Committee recommends to the Supreme Court that the county court districts comprising the Sixth Judicial District remain as presently constituted, as follows:

District A: Lake and Cook Counties.

District B: St. Louis County

District C: Carlton County,

WHEREAS, it is further recommended that the election districts and the location of chambers of the county court judges within St. Louis County remain as presently constituted in conformity with the provisions of Minn. Stat. 487.01, subd. 5 (1) (1980),

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 Sixth Judicial District shall be held in the Supreme Court Chambers in the State Capitol, St. Paul, Minnesota, at 9 a.m. on Friday, September 4, 1981.

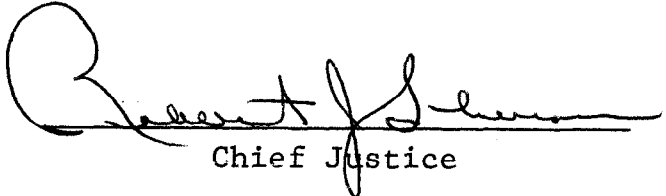
IT IS FURTHER ORDERED that until the Supreme Court acts on the above recommended plan, the county court districts comprising the Sixth Judicial District shall remain as presently constituted notwithstanding the memorandum attached to the order of this Court Dated April 16, 1980, to the contrary.

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 August 28, 1981, of their desire to be heard on the matter. Ten copies of each brief, petition, or letter should be supplied to the Clerk.

Dated: June 10th, 1981.

BY THE COURT


Chief Justice

STUART A. BECK
DISTRICT ADMINISTRATOR
COURT HOUSE
DULUTH, MINNESOTA 55802

JUL 2 1981

SIXTH JUDICIAL DISTRICT

PHONE 723-3708

June 29, 1981

Judicial Planning Committee
40 No. Milton Street
St. Paul, MN 55104

Attention: Redistricting Subcommittee
Greg Lang

Dear Mr. Lang:

A joint meeting of the District and County Court Judges was held June 24, 1981. A motion was passed unanimously supporting the position of the Judicial Planning Committee, in which they recommend to the Supreme Court that County Court Districts in the Sixth Judicial District remain as presently constituted.

Would you please pass this information on to the members of the Judicial Planning Committee and feel free to use this information in any correspondence you might have with the Supreme Court.

Very truly yours,



Stuart A. Beck
District Administrator

SAB/jam

copies: Hon. Mitchell A. Dubow
Hon. Robert V. Campbell

81-510

STUART A. BECK
DISTRICT ADMINISTRATOR
COURT HOUSE
DULUTH, MINNESOTA 55802

SIXTH JUDICIAL DISTRICT

PHONE 723-3708

August 5, 1981

**SUPREME COURT
FILED**
AUG 7 1981
**JOHN McCARTHY,
CLERK**

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

Attention: Mr. John McCarthy, Clerk

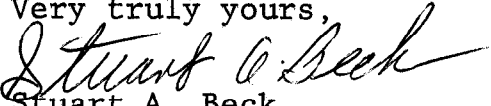
Re: Redistricting - Sixth Judicial District

Dear Mr. McCarthy:

I have been requested by the Judges of this District to inform you that a joint meeting of District and County Court Judges was held on June 24, 1981. A motion was passed unanimously supporting the position of the Judicial Planning Committee in which they recommended to the Supreme Court that County Court Districts in the Sixth Judicial District remain as presently constituted. I am enclosing nine copies of this letter which I request you provide to each of the Justices.

I am also enclosing ten copies each of resolutions passed by the St. Louis County Board of Commissioners and Carlton County Board of Commissioners concerning Redistricting. Would you please file these resolutions in the appropriate file and provide each of the Justices with a copy also.

Thank you for your cooperation.

Very truly yours,

Stuart A. Beck
District Administrator

SAB/jam

copies: Hon. Mitchell A. Dubow
Hon. Robert V. Campbell

Certified Copy of Resolution of the Board of County Commissioners of
Carlton County, Carlton, Minnesota.

81-510

Resolution No: #40

Adopted April 14, 19 81

Book _____ **SUPREME COURT**

FILED

AUG 7 1981

By Commissioner: Schultz

WHEREAS, the Minnesota Judicial Planning Committee with **JOHN McCARTHY**
considering County Court redistricting within the Sixth Judicial **CLERK**
District, and

WHEREAS, the existing County Court Districts within the Sixth
Judicial District provide excellent distribution of judges and
adequate service for attorneys and the public in all areas of
the Sixth Judicial District, and

WHEREAS, Carlton County wishes to maintain its current level
of judicial manpower, and

WHEREAS, the Counties of Cook and Lake have adopted resolutions
opposing any redistricting of the County Court Districts, and

WHEREAS, the Redistricting Subcommittee of the Judicial
Planning Committee, after study and hearings, has also recommended
maintaining the current County Court Districts within the
Sixth Judicial District.

THEREFORE, BE IT RESOLVED, that the Carlton County Board of
Commissioners go on record as also being opposed to any redistricting
of County Court Districts within the Sixth Judicial
District.

IT IS FURTHER RESOLVED, that the Auditor is requested to forward
a true copy of this Resolution to Mr. Stuart A. Beck, District
Court Administrator, and to the Judicial Planning Committee.

.....
Upon motion by Schultz, seconded by Nynas and carried, the
above resolution was adopted.

Yea Votes: Schultz, Nynas, Lavoy, Konu, Lippo

Nay Votes: None

I, Allan W. Naslund, Auditor of the County of Carlton, do hereby certify
that I have compared the foregoing with the original resolution filed in my
office on the 14th day of April 19 81 and that the same is a true and
correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE in Carlton, Minnesota, this 5TH day
of AUGUST 19 81.

Allan W. Naslund
Allan W. Naslund, County Auditor

81-510

Resolution No: 515

Adopted

SUPREME COURT

FILED

JULY 13

1981

By Commissioner Kron:

AUG 7 1981

JOHN McCARTHY

RESOLVED, that the St. Louis County Board of Commissioners recommends to the Supreme Court that the county court districts comprising the Sixth Judicial District remain as presently constituted, and further recommends that the election districts and the location of chambers of the county court judges within St. Louis County remain as presently constituted in conformity with provisions of Minnesota Statute 487.01, Subd. 5(1) (1980).

Commissioner Kron moved the adoption of the Resolution and it was declared adopted upon the following vote: Yeas - Commissioners Doty, Kron, Shannon, Anzelc, and Chairman Hoff - 5
Nays - None Absent - Commissioners Dodge and Hall - 2

STATE OF MINNESOTA

Office of County Auditor. ss.
County of St. Louis

I, RUSSELL PETERSEN, Auditor of the County of St. Louis, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 13th day of July A. D. 19 81, and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE at Duluth, Minnesota, this 13th day of July A. D. 19 81

RUSSELL PETERSEN, County Auditor.

By *Raymond B. Carlson*
Clerk of County Board.

WALTER A. EGELAND
COUNTY COURT JUDGE
LAKE-COOK COUNTY
TWO HARBORS, MINNESOTA 55616

Chief Justice Robert Sheran
State Capitol Building
St. Paul, Minnesota

August 31, 1981

81-510

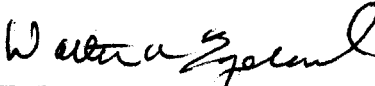
Dear Chief Justice Sheran:

At a meeting of District and County Court Judges of the Sixth Judicial District held in June, a motion was unanimously passed to support the County Court Redistricting Plan submitted by the Judicial Planning Committee. Chief Judge Dubow requested that I attend the hearing on the Plan to be held before the Court on September 4th. I now find that I may be unable to attend because of a jury trial that may run into Friday. I therefore want to take this opportunity to present the views of the Judges of the District.

The Plan submitted by the Committee will make no changes in the existing Districts. We believe that the existing Districts provide good geographic distribution of judicial personnel and should therefore be continued.

The Memorandum of the Court dated April 16, 1980 made it apparent that the Court would require redistricting the County Courts in all judicial districts of the State. Chief Judge Chanak appointed a committee of District and County Court Judges and members of the Bar Associations to study the matter of redistricting and to submit a proposed plan. A plan was submitted and approved by all the Judges in attendance at a meeting called for that purpose, with one exception. A copy of that plan is attached. It was submitted to the Judicial Planning Committee which in turn held hearings on the proposal in Duluth. There was very little support for the plan; all of the County Boards in the District opposed any redistricting. The plan provides for a single County Court coterminous with the Judicial District boundaries. Judge would be elected district-wide but would be required to maintain chambers and residence substantially as required by existing law, thus assuring good geographic distribution of judges. In the event the Court rejects the plan submitted by the Judicial Planning Council, the Judges in the District, except one, request that the attached plan be considered for adoption by the Court.

Respectfully submitted,


Walter A. Egeland

WAE:rcb
Enc.

COUNTY COURT REDISTRICTING PROPOSAL

SIXTH JUDICIAL DISTRICT

The Sixth Judicial District is comprised of four counties: Carlton, Cook, Lake and St. Louis. The population of the District is 266,500 and is distributed between the counties as follows:

Carlton County	29,400
Cook County	3,800
Lake County	13,900
St. Louis County	219,400

The District covers an area of 6,897,858 acres. Carlton County lies to the southwest of St. Louis County. Lake and Cook Counties lie to the east of St. Louis County. St. Louis County has three courthouses located in Duluth, Hibbing and Virginia. The other counties have their courthouses in Carlton (Carlton County), Two Harbors (Lake County) and Grand Marais (Cook County). There are six District Court Judges, four of which have chambers in Duluth, one in Virginia and one in Hibbing.

Within the District, there are eight county court judges. There are six County Court Districts:

- Carlton County - one judge
- Lake-Cook County - one judge
- St. Louis County - six judges in four county court districts
- Northeast District (Virginia) - one judge
- Northwest District (Hibbing) - one judge
- South District (Duluth) - two judges

"At Large District" - two judges are elected at large in St. Louis County. They both maintain chambers and reside in Duluth and specialize in probate and family matters.

In addition to the eight county court judges and six district court judges, there is one full-time judicial officer serving Carlton County and four full-time and one part-time judicial officer serving St. Louis County.

The Sixth Judicial District's capacity to meet the demands of its caseload throughout the four counties under the redistricting proposal submitted herewith, is premised on the assumption that the current

Judicial work force (which includes six Judicial Officers), will at least be maintained at its current level. That would be accomplished by the Legislature either continuing the Judicial Officer positions or by replacement through the creation of new Judgeships.

The existing County Court Districts provide excellent distribution of judges and adequate services for attorneys and the public in all areas of the district. The only county which does not have a resident judge is Cook County with a population of 3800. That county together with Lake County is served by one judge who resides in Two Harbors.

If the County Court Districts are to be redistricted so that there are at least three judges in each district serving a population of 20,000 to 25,000 each and redistricting is to follow county lines, it becomes apparent that with the population distribution and the physical location of the counties to each other that there must be one district coterminous with the Sixth Judicial District.

If the County Courts are redistricted into one district covering all four counties in the District, it is necessary that chambers and residence requirements be established to assure that judges will continue to be located where they can best serve the public. In arriving at the conclusion that the geographic distribution of judges is essential, the following considerations were considered to be persuasive:

1. One of the purposes of the County Court Act was to have at least one full-time judge in every county except in those counties where caseloads would not justify a full-time judge.
2. County Court Judges deal to a large extent in family matters involving the lives and welfare of entire families which in many instances are ongoing or continuing. This requires continuity in the judges handling these matters, which include delinquent, dependent and neglected children; dissolutions; child custody disputes; proceedings involving commitments of the mentally ill or inebriate; decedent's estates and sometimes criminal matters.

- 3.. The jurisdiction of the County Court requires that judges be available at times other than the regular business hours of the court to issue arrest warrants, search warrants, orders detaining juveniles, orders confining patients on commitment petitions, conducting probable cause hearings, initial appearances of adults charged with criminal offenses, detention hearings for juveniles held in detention and other matters that require either immediate action or action within time limits prescribed by law.

Continuing existing residence and chambers requirements will assure that the foregoing matters will continue to be efficiently and economically served.

We therefore submit the following redistricting plan:

1. That the County Court Districts in the Sixth Judicial District presently comprised of the County Court Districts of Lake and Cook Counties, Carlton County, the Northeast District of St. Louis County, the Northwest District of St. Louis County, the South District of St. Louis County and the "At Large District" of St. Louis County shall constitute one County Court District coterminous with the boundaries of the Sixth Judicial District.

2. That the following chambers and residency requirements be established:

- a. The present county court judge serving in the Lake-Cook County District and his successors shall reside in Lake or Cook County and maintain chambers in Lake and Cook Counties.
- b. The present county court judge in Carlton County and his successors shall continue to reside and maintain chambers in Carlton County.
- c. The present county court judge serving in the Northwest District of St. Louis County, as that District is described in Minnesota Statutes Chapter 487.01, Subd. 5 (1)., and her successors shall

continue to reside in the Northwest District and maintain chambers in Hibbing.

- d. The present county court judge serving in the Northeast District of St. Louis County, as that District is described in Minnesota Statutes Chapter 487.01, Subd. 5 (1), and his successors shall continue to reside in the Northeast District and maintain chambers in Virginia.
- e. All other County Court Judges now serving in St. Louis County, and their successors, shall maintain chambers at the Courthouse in Duluth but may reside anywhere within the County Court District herein established, except that when no County Court Judge resides in the South District of St. Louis County, as described in MSA 487.01, Subd. 5 (1), then the Chief Judge of the Judicial District, by rule to be adopted by a majority of the judges of the Judicial District, may designate which County Court Judge shall reside within the South District.

The foregoing provisions shall not be construed in any way to limit the assignment powers of the Chief Judge under M.S.A. Chapter 484.69.

JOHNSON, FREDIN, KILLEN, THIBODEAU & SEILER

A PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

811 FIRST NATIONAL BANK BUILDING

DULUTH, MINNESOTA 55802

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P. O. Box 767

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JOHN N. NYS

ROBERT J. ZALLAR
ROBERT C. PEARSON
JAMES A. WADE
DONALD C. ERICKSON
JOSEPH J. ROBY, JR.
NICHOLAS OSTAPENKO

September 1, 1981

JOHN MCCARTHY, Clerk
Minnesota Supreme Court
State Capitol Building
St. Paul, MN 55101

RE: Supreme Court File No. 81-510:
In the Matter of the Redistricting of
the County Courts of the Sixth Judicial District

Dear Mr. McCarthy:

I am in receipt of a copy of the Order of the Minnesota Supreme Court scheduling a hearing on the redistricting plan with respect to the county courts of the Sixth Judicial District for 9:00 a.m. Friday, September 4, 1981.

I am writing to you, and the Court, as President of the Eleventh District Bar Association and also as a member of the County Court Redistricting Committee for the Sixth Judicial District.

As you know, the Eleventh District Bar Association covers the southern-half of St. Louis County (excluding that area covered by the Range Bar Association) as well as Carlton, Lake and Cook counties.

I have also had an opportunity to review the recommendation of the Redistricting Sub-committee of the Judicial Planning Committee to the effect that the County Courts be maintained as they now exist.

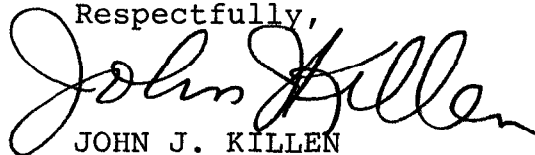
As President of the Eleventh District Bar Association, it is my evaluation that the affected lawyers in our Association favor the recommendation of the Judicial Planning Committee to maintain the status quo. The point made by the Judicial Planning Committee, and endorsed by the District and County Court judges, is well taken: Additional costs would fall most heavily on the two counties perhaps least able to absorb those costs: Cook and Lake Counties.

JOHNSON, FREDIN, KILLEN, THIBODEAU & SEILER

JOHN MCCARTHY, Clerk
September 1, 1981
Page Two

It is my further view that the Sixth Judicial District, because of its geography and the distances encompassed, presents a unique exception to the effort for redistricting. I would urge the Minnesota Supreme Court to approve the recommendation of the Judicial Planning Committee and maintain the status quo for the County courts of the Sixth Judicial District.

Respectfully,

A handwritten signature in cursive script that reads "John J. Killen". The signature is written in dark ink and is positioned above the printed name.

JOHN J. KILLEN

JJK:br

cc: GREG LANG
STEWART BECK

81-510

CARLTON COUNTY BAR ASSOCIATION
CARLTON COUNTY, MINNESOTA

September 2, 1981

Mr. John McCarthy
Clerk of the Supreme Court
230 State Capitol
St. Paul, MN 55155

Re: In the Matter of the Redistricting of the County Courts of the Sixth
Judicial District / Supreme Court No. 81-510

Dear Mr. McCarthy:

On behalf of the Carlton County Bar Association, I am contacting you endorsing the Judicial Planning Committee's recommendation that the County Court Districts comprising the Sixth Judicial District remain as presently constituted. It is the unanimous feeling of our Bar Association that the County Court Districts as presently arranged provide both the Bar and the public with the most efficient and representative judiciary of those plans proposed.

The Judicial Planning Committee's recommendation as set forth in the Minnesota Supreme Court Order dated June 10, 1981, has our full support and we encourage the Supreme Court to adopt this recommendation as proposed.

Sincerely,



Del D. Prevost, Secretary
Carlton County Bar Association

DDP/pjb