

STATE OF MINNESOTA
IN SUPREME COURT
File No. 49543

SUPREME COURT
FILED
AUG 16 1982
JOHN McCARTHY
CLERK

IN RE THE REDISTRICTING OF
THE EIGHTH JUDICIAL DISTRICT

ORDER FOR HEARING

WHEREAS, the Supreme Court has promulgated orders for the re-districting of the Eighth Judicial District on December 21, 1978, October 24, 1979 and June 30, 1982;

WHEREAS, the orders dated December 21, 1978 and June 30, 1982 have operated to terminate positions of Judge of County Court upon the retirement or resignation of the incumbent judges in Kandiyohi County and Lac Qui Parle County respectively;

WHEREAS, additional vacancies in the position of Judge of County Court may be occasioned in the near future by the resignation or retirement of incumbent judges;

WHEREAS, the Supreme Court wishes to develop a policy regarding the possible termination of County Court judgeships occasioned by the aforesaid resignations or retirements;

WHEREAS, the Supreme Court is entitled by law to terminate judicial positions by redistricting existing county court judicial districts pursuant to the terms of Minnesota Statutes 487.01, subdivision 6;

WHEREAS, the Supreme Court wishes to hold a hearing to determine, in advance of such possible terminations, the positions of interested people to existing redistricting efforts and the future desirability of terminating judgeships in the Eighth Judicial District;

NOW, THEREFORE, IT IS HEREBY ORDERED that a hearing on future redistricting of the Eighth Judicial District shall be held in the Supreme Court Chambers in the State Capitol, Saint Paul, at 9:30 a.m. on November 5, 1982.

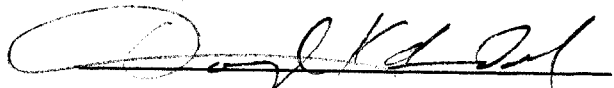
IT IS FURTHER ORDERED that advance notice of the hearing be given by the publication of this order once in the Supreme Court edition of Finance and Commerce and the St. Paul Legal Ledger and by publication in the legal newspapers in each county in the Eighth Judicial District.

IT IS FURTHER ORDERED that interested persons desiring to be heard shall file ^{10 copies of} briefs and petitions setting forth their positions regarding any future redistricting of the Eighth Judicial District and any potential termination of additional judicial positions which may become vacant therein.

IT IS FURTHER ORDERED that such interested persons shall also notify the Clerk of the Supreme Court, in writing, on or before October 22, 1982, of their desire to be heard on the matter.

DATED: August 11, 1982.

BY THE COURT


Chief Justice

RONALD H. SCHNEIDER, P.A.

BOYD BECCUE
DONALD E. BRUCE
SCOTT W. LOFTHUS

SCHNEIDER, NEESER, BECCUE & BRUCE

OF COUNSEL

DENNIS J. NEESER

ATTORNEYS AT LAW

1101 SOUTH FIRST STREET, WILLMAR, MINNESOTA, TELEPHONE (612) 235-1902
MAILING ADDRESS: P.O. BOX 1175, WILLMAR, MN 56201

October 11, 1982

SUPREME COURT

FILED

OCT 13 1982

The Clerk of Supreme Court
Minnesota Supreme Court
State Capitol
St. Paul, MN 55101

JOHN MCCARTHY
CLERK

Re: Court File #49543
Eighth Judicial District

49543

Dear Mr. McCarthy:

I have learned that the Supreme Court will be conducting a hearing on November 5 to consider the number of Judges in the Eighth Judicial District. It appears that there is a proposal before the Supreme Court to reduce the number of Judges in this Judicial District from 13 to 10. While I will not be able to attend the hearing on November 5, I believe I must speak out against this reduction.

This Judicial District is already understaffed. During the past two years, because of the loss of two County Court Judges, we have begun to face unacceptable delays and scheduling difficulty. Staffing of the judiciary in this District must look beyond a mere ratio of population to Judges, and examine the number of County Courts and the area covered. This district is large, and embodies many Courts located in different cities.

The Judges of this District are already pressed to the limit by their caseloads and travel requirements. They have responded to the situation well, by seeking ways to improve scheduling and expedite cases. Thus far, they have been able to accommodate the increased demands made upon them without a reduction in the quality of service to the public.

However, I fear that if three additional Judges are lost in this District, the public will suffer a noticeable loss in the quality and speed of justice in the Eighth Judicial District.

If the number of Judges in this District is reduced, it will not be possible for the remaining Judges to apply the necessary considered study to the cases before them.

The Clerk of Supreme Court
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October 11, 1982

Further reduction in the judiciary of the Eighth Judicial District will undoubtedly reduce the quality of justice in the District. And while the decreased quality of justice will be measured in absolute terms, I feel that a different analysis is also justified. The people of West Central Minnesota do not care to be compared with the metropolitan area. When I have attempted to explain delays in Court scheduling to my clients by stating that they would be worse off in the Twin Cities, I am almost always met with the reply that, if they cared to suffer such delays, they would live in the Twin Cities. Any attempt to justify the reduction of the number of Judges in this District by comparing scheduling delays with the metropolitan area will be unconvincing to the public.

The differences between Eighth Judicial District and the metropolitan area are manifold. Any attempt to compare the two by the number of Judges per capita, or any other such measure, is not beneficial. We must not forget that, to a very large degree, the image of justice is effected by the public's perception of the speed and quality of justice. Reducing the number of Judges in this District will gravely damage the public perception of justice and therefore justice itself.

Yours truly,



Boyd Beccue

BB/dkj

cc/Ronald C. Anderson, Twelfth District Bar Assoc. President
cc/James Zeug, Judge of County Court

RONALD H. SCHNEIDER, P.A.
BOYD BECCUE
DONALD E. BRUCE
SCOTT W. LOFTHUS

SCHNEIDER, NEESER, BECCUE & BRUCE

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1101 SOUTH FIRST STREET, WILLMAR, MINNESOTA, TELEPHONE (612) 235-1902
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October 13, 1982 **SUPREME COURT**

FILED

OCT 21 1982

Mr. John McCarthy
Clerk of the Supreme Court
Minnesota Supreme Court
State Capitol
St. Paul, Minnesota 55101

JOHN MCCARTHY
CLERK

Re: Court File No: 49543, Eighth Judicial District Planning

Dear Mr. McCarthy:

49543

I would request that this letter be added to the Supreme Court Court File No. 49543 for review by the Justices, as I am unable to make an appearance before the Supreme Court on November 5, 1982, when this matter is scheduled for hearing.

I object strongly to the plan to reduce the number of judges in the Eighth Judicial District to 10, 6 County and 4 District judges. We have already lost two judicial positions in this District in the last five years, and would lose an additional three if this plan is implemented.

The needs of the judicial systems in the rural areas of the State of Minnesota are very different from those in the metropolitan Twin Cities area. The number of judges in the rural area should not be set using the Twin Cities metropolitan area as a basis. It is my feeling that the people in the rural areas do not wish to be compared to the metropolitan area, and also do not wish to be controlled by it. The rural area has different needs and should therefore be treated differently.

We are now experiencing difficulty in our District with delays in scheduling that we have never had before. The case load is growing here. The office of which I am a member is also the Kandiyohi County Attorney's Office, and we have seen a tremendous growth in the number of criminal cases in just the last year. To further cut the number of judges available to hear these cases will result in significant delays and it is my opinion that the public perception of the operation of the judicial system

Mr. John McCarthy
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will be made even poorer by these delays. The only way that these delays can be avoided is to give us the number of judges required to handle the case load here.

In conclusion, I would request that you look at our area as an area with different judicial needs than the metropolitan area. With that in mind, I think you will come to the same conclusion I have, that 10 judges are not enough to handle the case load in our District without running into a severe backlog. Thank you.

Respectfully yours,

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

Donald E. Bruce

DEB: kml

MARSHALL AND ASSOCIATES, P.A.

ATTORNEYS AT LAW

9205 LEXINGTON AVENUE NORTH
CIRCLE PINES, MINNESOTA 55014

(612) 784-0890

October 20, 1982

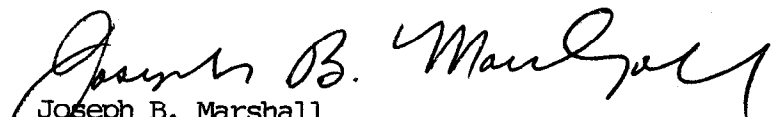
Mr. John C. McCarthy
Clerk of Supreme Court
230 State Capitol Building
St. Paul, MN 55155

RE: Petition to be heard in re the Redistricting of the Eighth Judicial District
Supreme Court File Number 49543

Dear Mr. McCarthy:

Pursuant to the order of the court dated August 11, 1982, the Minnesota State Sheriffs' Association and the Third District Sheriffs' Association to include all member sheriffs thereof, hereby request leave to be heard in opposition to the proposed termination of the County Court Judge for Lac Qui Parle County on November 5, 1982, before the Supreme Court.

Very truly yours,



Joseph B. Marshall
Attorney for Minnesota State Sheriffs' Association
and the Third District Sheriffs' Association

c: Holland Laak, Executive Director, MSSA

JBM/bjn

SUPREME COURT

FILED

OCT 22 1982

JOHN McCARTHY

CLERK

10-22 -- copy to each Justice.

OFFICE OF COUNTY AUDITOR

Wilkin County, Minnesota

WILLIAM E. McCULLOUGH, AUDITOR
DELORES M. WESSELS, DEPUTY
CAROLYN ELLINGSON, DEPUTY

TELEPHONE (218) 643-4981
P.O. BOX 409
BRECKENRIDGE, MINNESOTA 56520

SUPREME COURT

FILED

OCT 21 1982

October 15, 1982

JOHN McCARTHY

CLERK

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

49543

Dear Sir:

Herewith enclosed please find Resolution No.28-82. It is requested that our Resolution be made a part of your record during the November hearing concerning the action of Judgeships in the 8th Judicial District.

Sincerely,

William E. McCullough
County Auditor
WEM/dw

Encl.

RESOLUTION NO. 28-82

A RESOLUTION OPPOSING A REDUCTION BY THE SUPREME COURT OF THE COUNTY COURT JUDGES IN THE EIGHTH JUDICIAL DISTRICT.

WHEREAS, Wilkin County is a part of the Eighth Judicial District in and for the State of Minnesota.

AND, WHEREAS, the judicial system is an intricate part of the county in dealing with all criminal, juvenile, domestic, probate and conciliation matters.

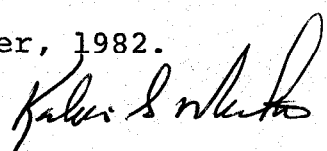
AND, WHEREAS, the responsibilities of the County Court have increased since its inception, increasing its caseload and with increased jurisdiction, its caseload will continue to grow and expand.

AND, WHEREAS, the availability of a county judge is essential to administer the laws of the State in particular to comply with time limitations.

NOW, THEREFORE, Be It Resolved by the County Commissioners of the County of Wilkin, Minnesota:

1. That the County of Wilkin is vehemently opposed to any further reduction in the availability of a county judge in that the community as a whole would suffer from a reduction in the judicial services now provided.
2. That any reduction would also hinder the over-all judicial process in providing adequate judicial services to those persons who have a constitutional right to those services.
3. That any reduction by the Supreme Court of the county court judges within the Eighth Judicial District should be carefully considered including the long range effects it will have upon the future of our community.
4. That the caseload of our judges without support personnel such as court reporters, law clerks and personal secretaries cannot be meaningfully compared with that of metropolitan area judges who have such support personnel.

Adopted this 14th day of October, 1982.


Kelvin G. Michels

Chairman of the Wilkin County Board
of County Commissioners

ATTEST:


William E. McCullough

William E. McCullough, Wilkin County Auditor

(Seal)