**Fourth Judicial District Bench Policy**

**Policy Source:** Executive Committee

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**Category:** Case Related Polices: All Courts

**Title:** Temporary Cover and Reassignment

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**Supersedes:** F.02 Case Related Policies: Criminal Court Authority of Buddy Judges

**Temporary Coverage and Reassignment**

**DESIGNATION OF BUDDY JUDGES**

Every judicial officer will designate one or more buddy judges to handle his or her assigned cases in the event of his or her *temporary* unavailability (e.g., because of illness, vacation, or logistical problems associated with scheduling a hearing outside the Government Center). A judicial officer may also designate judges who are located on the same floor as additional buddy judges. This does not preclude judicial officers from informally arranging temporary coverage by a judge who has not been so designated.

Criminal Cases: Each Block team member is automatically designated a buddy judge for all other team members.

Civil Cases: Judges may continue to designate any current civil judge as a buddy judge for their civil cases.

Family: Designated buddy judges must be presently assigned to Family Court.

Ongoing Responsibility for Non-Family Matters. To the extent that a Family Court judge has ongoing responsibility for non-family matters, such as criminal matters that arose before the judge’s assignment to Family Court, that judge will be responsible for maintaining buddy judges in such other divisions of the Court in accordance with that division’s policies.

Juvenile: Each Juvenile Court judge is automatically designated a buddy judge for all other Juvenile Court judges. Designated buddy judges must be presently assigned to Juvenile Court.

**MAINTENANCE OF BUDDY JUDGE DESIGNATIONS**

Buddy judge designations shall be maintained by each judicial officer and by District Court Administration. Such designations shall be available on the District Court website for attorneys, litigants, probation officers, and judicial staff who need action on a case during an assigned judge’s temporary absence.

**ARRANGING BUDDY JUDGE COVERAGE**

If a judicial officer is temporarily unavailable to handle action on a case, that judicial officer - or his or her staff - may arrange for coverage by a buddy judge. Attorneys, litigants and probation officers may request assistance from a buddy judge. Attorneys, litigants and probation officers may contact the assigned judicial officers’ staff for assistance in contacting the buddy judge.

**AUTHORITY OF THE BUDDY JUDGE**

The buddy judge officer has full authority to take whatever action on the case the buddy judge deems appropriate. However, the buddy judge stands in the stead of the assigned judicial officer only for that hearing or hearings. The case is not *permanently* reassigned to the buddy judge.

**REASSIGNMENT**

If a judicial officer becomes permanently unavailable (e.g., due to death, retirement, or change of assignment) his or her cases shall be permanently reassigned by the Chief Judge or his or her designee. That reassignment will be noted in MNCIS.

Family and Civil: Per bench policy D.05, when a judge recuses himself or herself on a civil or family case during the first 60 days of assignment, the Court Administrator’s Office will replace the case with one of close similarity in size and scope. When a judge recuses after 60 days, the matter will be submitted to the respective Presiding Civil or Family Judge, with an explanation, for approval. If approved, the Presiding Judge will notify the Civil or Family Assignment Office to reassign the case and place the removed judge’s name on the equalization log. If not approved, the Presiding Judge will return the file to the assigned judge*.*

**EFFECT OF REMOVAL OR RECUSAL**

If a judicial officer is removed or recuses, the case must be reassigned and the buddy judge process will not be used. The removed judicial officer must not have any role in the reassignment or in otherwise providing coverage thereafter. The reassignment will be noted in MNCIS.

Criminal only: Unless otherwise directed in the team business rules, if a judge is removed or recuses himself or herself on an open Criminal Block case, the case shall be reassigned to another team member by the designated leader of that Block team. The team leaders, in reassigning, will give primary consideration to balancing caseloads among the team members. The reassignment would be noted in MNCIS.

Civil only: The case is reassigned administratively. The reassignment would be noted in MNCIS.

**ASSIGNMENT OF POST-CONVICTION PETITIONS AND CASES REVERSED ON APPEAL FOR CRIMINAL CASES**

Post-conviction petitions and cases reversed on appeal will be assigned to the judge who presided over the trial or plea (dispositional judge) if that judge remains on the bench. If the dispositional judge remains on the bench but is no longer handling the case type; and, if the new proceedings will likely require an evidentiary hearing or a new trial, the dispositional judge may ask the Chief Judge or his designee to reassign the case.

If the dispositional judge is no longer on the bench, or the Chief Judge or his designee agrees to the dispositional judge’s request to reassign the case, the case should be referred to the appropriate team leader, as described below, who will then make the assignment.

* If the case is a misdemeanor, the case should be referred to the team leader responsible for that misdemeanor case type.
* If the case is a property/drug court felony, the case should be referred to that team leader.
* If the case is a serious felony, the case should be referred to the team leader of the team handling the felony first appearance calendar on the day the referral is made.

**RESPONSIBILTY FOR ASSUMED BLOCK CASES**

Civil only: The judge who assumes the caseload will handle all open Civil cases and does not inherit the former judge’s closed cases. If there is a need for some activity on any closed case, the file will be randomly assigned to a current Civil block judge by Court Administration. See Civil policy E.05 for detailed information.

Criminal only: Unless otherwise noted in the team business rules, a judge who takes over a Block will be assigned open cases and cases under court jurisdiction.

The new judge will replace the departing judge in MNCIS.

Juvenile only: A judge who takes over a Block will handle the open and under court jurisdiction cases in the assumed block. The departing judge will have no further involvement with the transferred cases after his/her departure unless exceptions have been granted pursuant to Bench Policy D.18, Case Assignment on Transfer of a Judge.