

MAY 17 2011

FILED

STATE OF MINNESOTA

IN SUPREME COURT

ADM08-8004

**ORDER EXEMPTING ADJUNCT
JUDICIAL OFFICERS IN THE FOURTH
JUDICIAL DISTRICT PROBATE COURT
PILOT PROJECT FROM THE PRACTICE
RESTRICTION IN PART III (B) OF THE
APPLICATION SECTION OF THE
MINNESOTA CODE OF JUDICIAL
CONDUCT**

The Fourth Judicial District (District) has proposed a pilot project involving use of volunteer lawyers as part-time Adjunct Judicial Officers (AJOs) to preside in uncontested matters in Hennepin County Probate Court. Part III (B) of the Application Section of the Minnesota Code of Judicial Conduct would preclude those volunteer lawyers from practicing law in the Hennepin County Probate Court during their service as an AJO in that court. Part III (B) authorizes this court to exempt specific appointments from that practice limitation, and in order to facilitate recruitment of volunteer lawyers with experience in probate practice, the District seeks such an exemption for volunteer lawyers in the Probate Court Pilot Project. The Probate and Trust Law Section Council of the Minnesota State Bar Association (Probate Council) supports the pilot project.

IT IS HEREBY ORDERED THAT:

1. Volunteer lawyers who are appointed to serve as part-time Adjunct Judicial Officers to preside in uncontested matters in Hennepin County Probate Court as part of the Fourth Judicial District Probate Court Pilot Project are exempted from the limitation on practice in the division of the court in which they serve as an AJO as provided in Part III (B) of the Application Section of the Minnesota Code of Judicial Conduct. As provided in Part III (B), in no event shall an AJO act as a lawyer in a proceeding in which the AJO has served as an AJO or in any other proceeding related thereto.

2. The exemption provided in this order shall expire after one year and is contingent on the pilot project satisfying the following conditions:

A. Although the District may solicit a list of qualified candidates for appointment from an outside organization or organizations, such as the Probate Council and the Hennepin County Bar Association Bench & Bar Committee, selection and appointment of volunteer lawyers as AJOs must be made by the Chief Judge of the District.

B. Preference in appointment should be given to lawyers who typically practice outside of Hennepin County if they are otherwise qualified.

C. The District, in consultation with State Court Administration, shall evaluate the effectiveness of the program and its acceptance in the probate community and shall report to this court within 90 days of completion of the first year of the pilot project. The report shall include

feedback obtained from counsel and parties whose matters were handled by
an AJO and from related stakeholder groups including the Probate Council.

Dated: May 17, 2011

BY THE COURT:

A handwritten signature in cursive script, reading "Lorie S. Gildea", is written over a horizontal line.

Lorie S. Gildea
Chief Justice