

STATE OF MINNESOTA

IN SUPREME COURT

C9-85-1506

In re Fifth District
Judicial Vacancies

Continuing Judicial Position in the Fifth
Judicial District
Designating Judicial Chambers
Terminating Judicial Position in the
Fifth Judicial District

WHEREAS, pursuant to the provisions of Minnesota Statutes 2.722, subd. 4 (1985), the Supreme Court is authorized to continue, abolish, or transfer judicial positions which are vacated upon the death, resignation, retirement, or removal from office of incumbent judges after consultation with judges and attorneys in the affected judicial district; and

WHEREAS, the Governor notified this court on January 15, 1987 that vacancies in the Fifth Judicial District will occur as a consequence of the retirements of the Honorable Donald G. Lasley and the Honorable John D. Holt; and

WHEREAS, the Supreme Court is empowered to designate chambers pursuant to Minnesota Statutes 480.22 after consultation with the judges in the affected district; and

WHEREAS, the Supreme Court has received a request from the Honorable Harvey A. Holtan that his chambers be moved from Windom in Cottonwood County to Jackson to provide a resident judge in Jackson County so that the Murray County vacancy may be continued in place, and

WHEREAS, the Supreme Court has received a resolution of all four district bar associations and of the judges located within the Fifth Judicial District supporting Judge Holtan's chambers relocation request to permit the continuation of the Murray County judgeship; and

WHEREAS, after notice given, a public hearing was held in the District Courtroom in the Jackson County Courthouse, Jackson, Minnesota at 10:30 a.m., on March 13, 1987, the purpose of which was to consult with judges and attorneys of the affected judicial district to determine whether the continuation of the judicial positions being vacated by the retirements of Judge Lasley and Judge Holt are necessary for effective judicial administration, and

WHEREAS, the Court has considered the application of the weighted caseload study to the judicial needs of the Fifth Judicial District and the arguments made regarding the aforementioned judgeships and chambers designation within the district and has attached a memorandum which addresses these issues;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the vacancy in the judicial position occasioned by the retirement of the Honorable John D. Holt be, and hereby is, continued in the Fifth Judicial District and chambered at Slayton in Murray County.
2. That the permanent chambers of the Honorable Harvey A. Holtan be, and hereby are, transferred from Windom to Jackson in Jackson County.
3. That the vacancy in the judicial position occasioned by the retirement of the Honorable Donald G. Lasley be, and hereby is, terminated in the Fifth Judicial District.
4. That the judicial position terminated in the Fifth Judicial District by the operation of this order be, and hereby is, transferred to the Fourth Judicial District.
5. That the vacancy transferred to the Fourth Judicial District be, and hereby is, certified to the Governor as a district court judgeship to be filled in the manner provided by law.

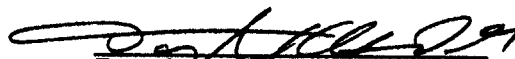
Dated: April 14, 1987.

BY THE COURT

OFFICE OF
APPELLATE COURTS
FILED

APR 14 1987

WAYNE TSCHIMPERLE
CLERK


Douglas K. Amdahl
Chief Justice

MEMORANDUM

The Supreme Court is charged with the responsibility under Minnesota Statutes § 2.722, subdivision 4, of determining the proper allocation of judicial resources to allow for the effective administration of justice throughout the State of Minnesota. Our concern must be for the determination and allocation of adequate judicial resources so that every citizen may have equal access to the courts.

THE DETERMINATION OF ADEQUATE JUDICIAL RESOURCES THROUGH WEIGHTED CASELOAD ANALYSIS

We have previously discussed, at great length, the method by which judicial resources are measured in this state. (In re Eighth District County Court Vacancies Order of June 20, 1986; In re Eighth Judicial District Vacancy Order of November 20, 1985; In re Fifth District Judicial Vacancies Order of October 2, 1985.) This method is the weighted caseload analysis. The analysis is comprised of three factors: case filings, case weights, and judicial equivalents. The State Judicial Information System (SJIS) has collected detailed data on case filings since 1978. The other two factors, case weights and judicial equivalents are derived from the weighted caseload survey.

The original weighted caseload survey was conducted in 1980 to determine the case weights and judicial equivalent components of the judicial need analysis. In recent years, the continuing accuracy of the 1980 survey was questioned due to changes in law, rules and practice which had occurred in the interim. (See, In re Vacancies in the Second Judicial Order of June 9, 1986).

In 1985, this court authorized and the legislature appropriated money for the conduct of a new survey. This survey was conducted during the period of September 8, 1986 through November 7, 1986. During this time, all judges, judicial officers, referees, hearing officers, court commissioners, arbitrators and mediators reported their time. Case related time was used to calculate case weights. Non-case related time, which includes time spent on administrative matters, travel, general legal research, and other non-case related duties, was used to calculate the judicial equivalent values.*

The high level of participation of judges in this survey and quality of the time sample have provided an excellent basis for the analysis:

***All judges in the state completed at least some forms. All but three judges out of 240 completed all the forms for all days in the survey period. ***

The remarkable sample of time data that was collected during the survey period must be emphasized. Some states have relied upon as little as a 20 percent sample of judges over a period of just a few weeks. Deriving the average time it takes for a judge to dispose of a certain type of case from such a small sample can be unrepresentative of the actual time necessary to dispose of cases. Minnesota has one of the most comprehensive, accurate, and detailed (weighted caseload) studies in

*The survey showed that non-case related time varies by the type of court. Accordingly, three judicial equivalent values are used in the 1986 weighted caseload calculation. The longest is for Hennepin and Ramsey, where travel time is least. The second is for courts served by 3 to 15 judges and the third is for courts served by 0 to 2 judges.

existence. Almost 11,000 judge days including almost 110,000 cases, were incorporated into the study. All non-bench time, whether case related or non-case related, was recorded by the judges. All bench time was recorded by court administration staff as part of the process of completing SJIS transaction reports. Time reports submitted by judges and court administrators were reviewed and edited. Any apparent anomalies in reporting were investigated and verified for correctness. All time submitted was sorted by judge, date, and time to check for overlapping or duplicate times. This kind of rigor affords a high degree of confidence in the case weights and judicial equivalent values derived from the data."

(1986 Weighted Caseload Study, Executive Summary, p. 9.)

The results of the survey have reaffirmed our reliance upon the weighted caseload study as an appropriate empirical measure of the number of judges required to dispose of the caseload in Minnesota's court and as an objective indication of judicial need among the several districts.

APPLICATION OF WEIGHTED CASELOAD STUDY TO THE FIFTH DISTRICT

In determining the proper allocation of judicial resources in any single district within the state we have followed this criteria:

"If, after applying the weighted caseload analysis to a judicial district or to an assignment district therein, a determination is made that there is an overabundance of judicial resources, the burden shifts to the locality to demonstrate compelling reasons for the continuation of the judgeship in question."

(In re Fifth Judicial Vacancies Order of October 4, 1985)

The 1986 Weighted Caseload Study makes a further analysis for districts

which the study shows as having a surplus of judges. This analysis, known as the "access adjustment", takes into account the location of and the need for judges within smaller assignment districts within the judicial district. It represents an attempt to provide judicial availability to the citizens of the area as well as to provide an optimum distribution of judicial resources so that the required number of judges is matched as closely as possible to the workload of the judicial district.

The weighted caseload study, using data derived from the 1986 survey and applying the access adjustment, indicates a continuing surplus of judges in the Fifth Judicial District. The western area of the district, into which both vacancies being considered fall, has a surplus of two judicial positions as shown below.

Fifth Judicial District WCL Results 1980-86
WCL Judicial Need

<u>County</u>	<u>Actual</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>Access Adj</u>	<u>1987 (Overage)/ Shortage</u>
Eastern Area										
Blue Earth	4	4.1	3.5	3.7	3.9	4.0	3.8	2.7	3	(1)
Brown	2	1.0	1.3	1.2	1.3	1.1	1.1	1.1	1	(1)
Faribault	1	1.0	0.9	0.9	0.7	0.7	0.8	0.8	1	0
Martin	1	1.3	1.4	1.5	1.3	1.2	1.6	1.3	1	0
Nicollet	1	1.3	1.6	1.6	1.5	1.6	1.5	1.3	2	1
Watonwan	1	0.5	0.7	0.6	0.6	0.6	0.6	0.7	1	0
Subtotal	10	9.2	9.4	9.5	9.3	9.2	9.4	7.9	9	(1)
Western Area										
Cottonwood	2	0.6	0.8	0.5	0.6	0.5	0.6	0.6	1	(1)
Jackson	1	0.8	0.8	0.6	0.7	0.6	0.6	0.6	1	0
Lincoln	0	0.3	0.5	0.3	0.3	0.3	0.4	0.3	0	0
Lyon	2	1.3	1.5	1.3	1.2	1.3	1.5	1.3	2	0
Murray	1	0.4	0.5	0.5	0.4	0.5	0.5	0.4	0	(1)
Nobles	1	1.0	1.2	1.1	1.1	1.1	1.2	1.1	1	0
Pipestone	1	0.6	0.6	0.5	0.5	0.5	0.6	0.5	1	0
Redwood	1	0.8	0.8	0.9	0.9	0.9	0.9	0.8	1	0
Rock	0	0.3	0.4	0.4	0.3	0.3	0.4	0.3	0	0
Subtotal	9	6.1	7.1	6.1	6.0	6.0	6.7	5.9	7	(2)
Total	19	15.1	16.5	15.5	15.2	15.3	16.2	13.7	16	(3)

Strict application of the weighted caseload results would allow this court to terminate both positions and make the subsequent availability of judges to Murray and Jackson counties an administrative problem to be solved through the establishment of new judicial assignment patterns within the district. But we have heard extensive arguments about accessibility of judges to the residents of the Fifth District and we share those concerns. Issuance of arrest and search warrants, temporary restraining orders, and domestic abuse orders can be matters in which time is of the essence. We are confident that the approach the Court adopts today will provide an adequate solution to such potential problems.

Murray County has a need for .4 of a judicial position and Jackson County shows a need for .6 of a judicial position, demonstrating an overall need for one judge among these two counties. Application of the access adjustment would indicate that Jackson County would retain and Murray County would lose, respectively, its judicial position.

However, in examining the sub-district we find that Cottonwood, which is presently served by 2 judges, has a need for only .6 of a judgeship. Using the authority granted this court under Minnesota Statutes 2.722, subdivision 4, it is possible to chamber a judge presently assigned to Cottonwood in Jackson County while terminating the present Jackson County position and continuing the Murray County judgeship. This would allow the district to maintain a judge in every county in which one is presently assigned. Given the relative judicial need among these three counties, placement of a judge in each county will allow both the efficient utilization of judicial resources and adequate accessibility to judges by the citizens of those counties.

The possibility of this assignment was raised at the public hearing on the vacancies held on March 13, 1987, in the Jackson County Courthouse. Subsequently, Judge Holtan formally requested rechambering from Cottonwood to Jackson. His request is supported by the four bar associations and the judges of the Fifth Judicial District. As we have indicated, we favor this distribution of judicial resources and, pursuant to Minnesota Statutes §480.22, designate Jackson as the permanent chambers location for Judge Holtan.

We share the concerns expressed in the public hearings relative to the need for access to judges and the importance of a resident judgeship to our communities. The action we take today preserves those values while at the same time enhancing the cost effectiveness of the Judicial Branch. Judicial resources, like any other public resource, are limited and must be used and managed with a proper concern for the taxpayers who must provide them. Creative and cost effective solutions must be found for local districts concerned with accessibility of judges, whether it be the use of a retired judge or the use of facsimile transmission, as may be appropriate, for emergency situations where no judge is immediately available.* Both of these alternatives will be explored on an experimental basis in the Fifth District and in other districts in which the geographic availability of judges is limited.

Our overriding concern must be that all citizens of the state have equal and adequate access to judicial resources. The weighted caseload study and our public hearings allow us to distribute those resources according to demonstrated need.

*Several retired judges now reside in the Fifth Judicial District and have indicated their availability and willingness to serve if assigned. Should sitting judges be unavailable to hear emergency matters, these individuals could be assigned to serve for that purpose.