



Minnesota Judicial Branch Policy

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Senior Judge Policy

I. POLICY STATEMENT

It is the policy of the Minnesota Judicial Branch to employ senior judges to supplement active judges in the Court of Appeals and Trial Courts to assist in the expeditious resolution of cases. This policy applies to all senior judges in the Minnesota Judicial Branch.

II. DEFINITIONS

- A. District Funds.** Judicial Districts may use funds allocated to their district to hire senior judges as allowed by this Policy.
- B. Full-Day Rate.** Pay rate that applies when the time worked is greater than 4 hours in a day.
- C. Half-Day Rate.** Pay rate that applies when the time worked is 4 hours or less in a day.
- D. Leave of Absence Savings.** Savings generated when a judicial position is open due to a leave in which the judge filling the position is not getting paid (e.g., overseas assignment, medical leave of absence, and personal leave of absence).
- E. Other Senior Judge Funding.** The Judicial Branch may receive federal or grant funds that may be used for senior judge usage. The procedures for use of those funds will be set by the federal or grant guidelines and the program manager (e.g., Children’s Justice Initiative).
- F. Senior Judge.** A judge who has retired from the bench and has been certified by the Chief Justice to act as a judge in the Trial Court and/or Court of Appeals.
- G. Trial Court Administrative Pool.** A pool of funds that a district may use at the discretion of the Chief Judge of each district to best meet the needs of the district when judges are not able to perform judicial duties. Funding for this pool is generated from the cost difference between a chambered judge and a senior judge resulting from statewide trial court judicial vacancies and leaves of absence.
- H. Trial Court Equalization Pool.** A pool of funds appropriated by the Judicial Council to under-judged districts. Equalization Pool funds are provided to ensure all judicial districts

receive senior judge funding up to the statewide three-year rolling average judge need weighted caseload data from the 4th quarter prior to the start of each biennium.

I. Trial Court General Pool. A pool of funds, contained in the trial court budget, that the Legislature appropriated to the Trial Courts for senior judge usage. These funds are distributed to under-judged districts using the three-year rolling average judge need weighted caseload data for the 4th quarter prior to the start of each biennium.

J. Vacancy Savings. Savings generated when a judicial position is vacant due to retirement, termination, death, or a newly created judgeship has not been filled.

III. PROCEDURES

A. Roles and Responsibilities

1. Chief Judge of the Court of Appeals. The Chief Judge is responsible for determining the senior judge requirement and funding level for the Court of Appeals.
2. Chief Judge of a Trial Court Judicial District. The Chief Judge is responsible for monitoring the budget and spending the district's senior judge funds in a manner best suited for the district in accordance with the provisions of this Policy.
3. District Administrator of a Trial Court Judicial District. District Administrators are responsible for monitoring their senior judge funding pools throughout the biennium to ensure that their senior judge funds are exhausted within their district by the conclusion of the biennium or that their unused senior judge funds are released as timely as possible to facilitate senior judge usage in other districts or to fund statewide unfunded needs.
4. Judicial Council. Judicial Council is responsible for approving the Trial Court's allocation of the General, Administrative and Equalization pools. The Council is also responsible for establishing the biennial vacancy and leave of absence per diem percentage each biennium and for addressing senior judge special needs or emergencies.
5. SCAO Court Services Division. The SCAO Court Services Division will compute the allocation of the General and Equalization pools based on the three-year rolling average judge need weighted caseload data from the 4th quarter prior to the start of each biennium. Calculations will be amended and recalculate mid-biennium if the creation and funding of new judicial or quasi-judicial positions occurs within the first year of the biennium.
6. SCAO Finance Division. The SCAO Finance Division will process the senior judge payroll and provide projection reports for Judicial Council and district administrator usage. SCAO Finance Division will discuss senior judge usage and projections with members of JAD at least twice each fiscal year.

B. Use of Senior Judges in the Court of Appeals

1. Funds – amount to be determined by the Court of Appeals Chief Judge.
2. Details of Operation – to be determined by the Court of Appeals Chief Judge.

C. Use of Senior Judges in the Trial Courts

1. Funds not spent in the first year are carried forward in that district's senior judge budget to the second year of the biennium.

2. **Administrative Pool**

Each District will receive an amount designated by the Judicial Council. Districts may use Administrative Pool funds as deemed appropriate, e.g., to cover emergencies, judges in organizational leadership positions, judges that train, judges that mentor, etc.

SCAO Finance will monitor savings from trial court vacancies and leaves of absences. SCAO Finance will notify the Judicial Council when savings are not available to fund the Administrative Pool or when there are significantly more funds available than originally allocated.

3. **General Pool**

The General Pool will be pro-rated each biennium based on the funds available and the relative need of the districts that are under-judged. Calculations will be amended and re-calculated mid-biennium if the creation and funding of new judicial or quasi-judicial positions occurs within the first year of the biennium.

4. **Equalization Pool**

Trial Court Equalization funds are distributed after General Pool funds to under-judged districts using the three-year rolling average judge need weighted caseload data from the 4th quarter prior to the start of the biennium. Calculations will be amended and re-calculated mid-biennium if the creation and funding of new judicial or quasi-judicial positions occurs within the first year of the biennium.

5. **Judge Vacancy and Leave of Absence Savings**

Subject to the availability of funds, each district will receive an amount designated by the Judicial Council for each day the position is open. The funds can be:

- a) Used for funding a senior judge,
- b) Transferred to another judicial district for senior judge payroll costs,
- c) Can be transferred to the district's DIS budget to be used for salary or operation expenses; and/or
- d) Contributed to fund statewide unfunded needs.

6. **Senior Judge Court Reporter Costs**

Judicial Districts may use senior judge funds to pay for court reporter costs associated with senior judge coverage.

7. **Out of District Judge Assignments**

If a trial judge is not available for an out of district assignment, the Chief Justice can use senior judge funds from the district that is receiving the senior judge assistance to pay for a senior judge.

8. District Funds for Senior Judges

District funds can be used to fund senior judges for vacant referee and judicial officer positions, to offset budget reductions taken to administrative pool and/or senior judge per diem funds allocated to the districts, and to fund one-half of the cost of hiring a senior judge when a judge is on disability leave as outlined in Judicial Council Policy 309 *Judicial Leave Policy*.

District funds may be used to fund senior judges for training purposes, coverage for long term judicial medical leave, or emergency circumstances. Districts are encouraged to move senior judge funds between districts prior to using district funds for senior judges.

District funds cannot be used for senior judge funding for any other reason.

D. Reports

SCAO Finance Division will prepare and distribute monthly projection reports containing each district's allocation, expenditures, and projected balances. These reports will be provided to judicial district administrators by the 15th of the month, and to members of the Judicial Council with other quarterly budget materials.

IV. SENIOR JUDGE PAY RATE

The full day rate paid to senior judges will be 90% of the current daily Court of Appeals or Trial Court judge wage. The half-day rate to be paid to senior judges will be 50% of the full day Senior Judge Rate.

V. IMPLEMENTATION AUTHORITY

Implementation of this policy shall be the responsibility of the Chief Judge of the respective Judicial Districts and the Court of Appeals.

VI. EXECUTIVE LIMITATIONS

Not Applicable.

VII. REFERENCES

Minn. Stat. § 2.724 subd. 3(b)

VIII. APPENDICES

Not Applicable.