ADMINISTRATIVE ORDER #2 - 2nd SERIES

State of Minnesota **District Court**

Fifth Judicial District **Administrative Order No. 2, 2nd Series**
Date of Implementation:
March 22, 2018

In Re: Fifth District Caseflow Management

I. Assignment of Judicial Resources

The fifteen counties in the Fifth Judicial District shall be divided into five assignment districts. The five assignment districts, effective as of December 16, 2009, are:

BEW Assignment District	Blue Earth & Watonwan Counties
FMJ Assignment District	Faribault, Martin, & Jackson Counties
CMNPR Assignment District	Cottonwood, Murray, Nobles, Pipestone & Rock Counties
LLR Assignment District	Lincoln, Lyon & Redwood Counties
BN Assignment District	Brown & Nicollet Counties

Judges shall be assigned to a workload within an assignment district primarily based on the weighted caseload need of each county. Adjustments may be made, taking into consideration unique characteristics or needs of each assignment district, such as the litigious nature of the bar, administrative time spent by judges serving as Chief Judge, Assignment Chief Judge, or Judicial Council member, the size of the pending case inventory, the number of interpreter cases, and the assistance provided under the Retired Judge Funding Policy and Procedures.

II. Case Reassignments

In the event a case needs to be reassigned, due to a recusal or the filing of a Notice to Remove or Affidavit of Prejudice, the case shall be reassigned to another judge within the same assignment district and according to the policy agreed upon within each assignment district. In order to avoid “judge shopping”, each assignment district’s reassignment policy should be designed so that cases are not automatically assigned to just one other judge and, if that is not practical, then the judges and Court Administrators need to watch for “judge shopping” and then change the policy if that occurs.

That the authority of the Chief Judge to assign another judge in the District to hear a matter when the presiding judge has been disqualified from hearing the matter by a timely filed Notice to Remove, Affidavit of Prejudice, or Recusal, is delegated to the Court Administrator of each county in the Fifth Judicial District.

Note: If the originally assigned Judge denies a Notice to Remove on the basis that it was not timely filed, the case will not be reassigned. The only remedy available to the parties (except if the removal is being sought on the basis of prejudice) when reassignment is denied based upon the fact that the Notice was not timely filed, is a Writ of Prohibition to the Court of Appeals. When a judge denies a removal on the basis of actual prejudice or bias, any Motions for Reconsideration of the Removal can be reviewed or heard by the Chief Judge of the Fifth Judicial District.

If none of the judges within an assignment district can accept a case for reassignment, then the Court Administrator shall complete the Request for Judicial Assistance electronic form located on the 5th District Courtnet page under the category labeled District Forms and in the section titled Judge Forms. If there are no volunteers within one week, the Court Administrator (or designee) should contact the District Office. The case will then be assigned by the District Office, at random, to another judge in an adjacent assignment district.

The District Administrator's office will maintain a list of reassignments due to recusals, Notice to Remove/Affidavits of Prejudice and also assignment of cases outside of the assignment districts.

Adjacent assignment districts, for the purpose of reassignment of cases are:

BEW Assignment District	FMJ Assignment District
FMJ Assignment District	CMNPR Assignment District
CMNPR Assignment District	LLR Assignment District
LLR Assignment District	BN Assignment District
BN Assignment District	BEW Assignment District

V. Requests for Voluntary Assistance

If a judge needs assistance to cover master calendars or emergency matters during a vacation or leave, they should first attempt to provide needed coverage by trading days with judges in their assignment district. If additional coverage is still needed, then Court Administration will e-mail a Request for Volunteers.

If a judge has unanticipated open time on their calendar, they shall e-mail all Court Administrators to see if anyone else needs judicial assistance.

VI. Consolidation of Related Cases

The Chief Judge, upon the request of judges individually assigned, may consolidate and assign all similar related cases filed in different counties to one judge. The judge assigned consolidated cases may receive assistance from the judges relieved from their cases if the judge handling the consolidated case requests assistance.

VII. Reopened Cases

Any proceeding to modify or enforce a previous order issued by a judge shall be considered an individual calendar item for the judge previously assigned. If the previously assigned judge has retired, moved to another district or, for whatever reason, is no longer chambered within that assigned district, the case shall be assigned to a judge in the same manner as a new case.

VIII. Post-Conviction Relief Cases

Applications for Post-Conviction Relief (PCR) shall be directed to the Chief Judge by the court administrator's office that received the PCR within 48 hours of the filing. The responsible court administrator's office shall place a copy of the PCR petition in the appropriate folder in the Chief Judge's H Drive and shall notify the Chief Judge via email of the filing. The responsible court administrator's office shall pend the matter for review for 14 days and will check on the status of case assignment with the Chief Judge if no assignment order has been issued during that time. When an assignment order is issued, the responsible court administrator's office shall notify the assigned judge of the order.

The Chief Judge will review the PCR and issue an order assigning the PCR proceeding to an active Fifth District Judge. The Chief Judge may delegate his/her responsibility under this section to the Assistant Chief Judge. If such delegation occurs, the Chief Judge shall promptly inform the responsible court administrator's office. The Assistant Chief Judge shall review and assign a PCR proceeding in which the Chief Judge is the assigned judge on the file.

IX. Search Warrant Cases

Cases that have a search warrant are to be assigned to judges in the same manner as non-search warrant cases.

X. Implied Consent Cases

As a convenience to the Attorney General, all implied consent matters needing to be heard for counties within each assignment district shall be heard on a monthly basis, at one location within the assignment district. The district office will annually provide to the Attorney General's office a listing of dates implied consent hearings will be held in each assignment district after receiving input from each county.

XI. Supreme Court Appointment of the Fifth District Judges

When the Supreme Court requests assistance for cases in other Judicial Districts, the District Office will e-mail a request for judicial assistance to all judges in the district seeking a volunteer. If no judge volunteers, then the case will be assigned at random by the District Office to a judge in the closest assignment district to the judicial district requesting assistance.

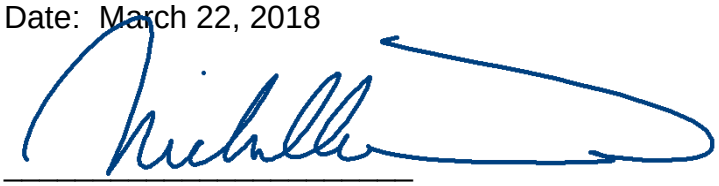
XII. Lawyers Professional Responsibility Appointments.

The State Court Administrator's office rotates the assignment of the judges who have agreed to serve as referees. Prior to being assigned as a referee, the judge is asked whether they will accept an individual case.

XIII. Specialty Courts

The Fifth Judicial District encourages development of specialty courts in cooperation with other agencies within individual counties, such as drug courts, teen courts, truancy courts, etc. It is anticipated assignment districts would determine whether joint programs and/or specialty courts would be feasible and their impact on calendaring.

Date: March 22, 2018



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Judge Michelle Dietrich, Chief Judge
Fifth Judicial District

Source:	This order is adopted from Amended Administrative Order #2, originally issued on June 22, 2005.
12-16-09	Amended Section I & II to reflect updated assignment districts. Deleted Section X regarding Jarvis Price Sheppard hearings and renumbered remaining sections.
9-9-12	Amended Sections I & II to reflect Watonwan joining Blue Earth as an Assignment District.
3-23-17	Amended Section VII to make language consistent with Court Administrative Practice.
9-28-17	Amended Section II to include instruction on where to find Request for Judicial Assistance electronic form.
3-22-18	Amended Section VIII to establish new process for assigning Post Conviction Relief proceedings.