

IN THE MATTER OF THE APPLICATION OF
THE HONORABLE TOM BERGIN, JUDGE
OF THE DISTRICT COURT OF MINNESOTA,
4TH JUDICIAL DISTRICT, FOR RETIREMENT
UNDER AND PURSUANT TO THE PROVISIONS
OF MINNESOTA STATUTES, 1971, SECTION
490.101, SUBDIVISION 1 (a).

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

SEP 26 1973

Arden J. Edvall
Secretary of State

ORDER FOR RETIREMENT

WHEREAS, The Honorable Tom Bergin, Judge of the District Court of Minnesota, 4th Judicial District, has heretofore filed with the undersigned Governor of the State of Minnesota his written application for retirement, said application being made under and pursuant to the provisions of Minnesota Statutes, Section 490.101, Subdivision 1 (a), and

WHEREAS, the said Judge Tom Bergin has submitted evidence that he has attained the age of 70 years, and has served as such judge, or as such judge and as such judge of a court of record, for more than 15 years, and

WHEREAS, the necessary legal requirements have been met for such retirement application,

NOW, THEREFORE, I, Wendell R. Anderson, Governor of the State of Minnesota, acting pursuant to the provisions of Section 490.101, do hereby comply with the request of the Honorable Tom Bergin, Judge of the District Court of Minnesota, 4th Judicial District, and therefore order and direct the retirement of the Honorable Tom Bergin effective at the close of business on September 26, 1973, and further direct that this Order be filed in the office of the Secretary of State of the State of Minnesota, after which time said retirement of the Honorable Tom Bergin shall become effective and he shall become entitled thereafter to retirement compensation as provided under the law.

Dated at the State Capitol in the City of St. Paul, Minnesota, this 26th day of September, 1973.

Wendell R. Anderson
WENDELL R. ANDERSON
Governor of the State of Minnesota

26086

DISTRICT COURT OF MINNESOTA
FOURTH JUDICIAL DISTRICT
MINNEAPOLIS 15, MINN.

CHAMBERS
TOM BERGIN
JUDGE

September 25, 1973

The Honorable Wendell R. Anderson
Governor of Minnesota
State Capitol
Saint Paul, Minnesota

Dear Governor Anderson:

Pursuant to the provisions of Minnesota Statutes, Section 490.101, Subd. 1 (a), I hereby make application for retirement as a Judge of the District Court of the Fourth Judicial District of the State of Minnesota. The statute provides that you shall direct my retirement by a written order, that your order shall be filed in the office of the Secretary of State, and that upon such filing my office as such judge shall become vacant. I request that your order be filed on September 26th to be effective as of the close of that day. A duplicate of this letter is enclosed to be filed with your order.

I have served continuously as a Judge of the District Court and as judge of a court of record, the then Minneapolis Municipal Court, for more than 23 years. I was appointed Judge of the Municipal Court on December 10, 1949 by the Honorable Luther W. Youngdahl, subsequently elected in June of 1951 and re-elected in June of 1957. I was elected Judge of the District Court in the November election of 1962 and took office in January of 1963. My birthdate is September 27, 1902, so I became 70 years of age on September 27, 1972.

Minnesota Statutes, Section 490.102, Subd. 3, specifically provides that a judge of the district court, after reaching his 70th birthday, shall apply for retirement within one year after such birthday or forfeit all retirement benefits provided by law. For this reason I have no alternative, in the best interest of my wife and myself, than to make this application for retirement.

My present term of office to which I was last elected will expire on the first Monday in January, 1975. Pursuant to the provisions of Minnesota Statutes, Section 490.102, Subd. 1, I hereby waive the compensation allotted the office of district judge from the date of my retirement to the date of the expiration of the term for which I was elected so that I may receive the retirement compensation provided by statute.

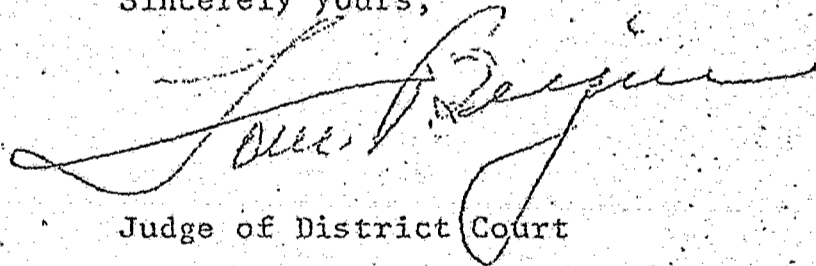
DISTRICT COURT OF MINNESOTA
FOURTH JUDICIAL DISTRICT
MINNEAPOLIS 15, MINN.

CHAMBERS
TOM BERGIN
JUDGE

It is with considerable regret that because of the provisions of law relating to retirement compensation I must retire before the expiration of the term to which I was elected. It is most distressing to me personally that I must retire at this particular time. I have served as a member of the Bench these many years in an honest, faithful and conscientious manner. Notwithstanding my record as a judge, both on the District Court and the Minneapolis Municipal Court, one of the local newspapers by inference and innuendo has suggested that there may have been improprieties on my part in the handling of certain criminal cases. May I assure you that there is absolutely no factual basis for any such suggestion. I know that I shall be absolved of any alleged or suggested impropriety when the Commission on Judicial Standards has concluded its consideration of the matter. I only wish this could have been done prior to this date.

I am taking the liberty of releasing a copy of this letter to such newspaper, as well as the other news media.

Sincerely yours,



Judge of District Court