

THE SUPREME COURT OF MINNESOTA  
ST. PAUL

July 1, 1982

Honorable Joan A. Growe  
Secretary of State  
180 State Office Building  
435 Park Street  
Saint Paul, Minnesota 55155

Mr. Carl W. Cummins, III  
Office of the Governor  
130 State Capitol Building  
Saint Paul, Minnesota 55155

Dear Ms. Growe and Mr. Cummins:

You will please find attached an Order of the Supreme Court which abolishes the office of Judge of County Court for Lac Qui Parle County, Minnesota. The effective date of the Order is midnight, June 30, 1982. As a consequence of this action, there is no "vacancy" in the office of County Court Judge in Lac Qui Parle County for which either an appointment could be made or an aspirant could file for election.

If you have any questions regarding this matter, please do not hesitate to call me, at 297-2157.

Very truly yours,

*Laurence C. Harmon*

Laurence C. Harmon  
Supreme Court Administrator

LCH:mbs  
Enclosure  
cc: Chief Justice Douglas K. Amdahl

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
JUL 1 1982

Secretary of State

#34070

STATE OF MINNESOTA  
IN SUPREME COURT  
File No. 49543

**STATE OF MINNESOTA**  
DEPARTMENT OF STATE  
**FILED**  
JUL 1 1982  
Secretary of State

IN RE THE REDISTRICTING  
OF THE EIGHTH JUDICIAL  
DISTRICT

SECOND AMENDED ORDER

WHEREAS, the Supreme Court has previously approved a plan for the partial redistricting of the Eighth Judicial District;

WHEREAS, said partial redistricting plan of the Eighth Judicial District is contained in orders of this Court dated December 21, 1978 and October 24, 1979, copies of which are attached;

WHEREAS, the Honorable John J. Weyrens, Judge of County Court of Lac Qui Parle County, Minnesota, has been appointed to serve and discharge the duties of Judge of the District Court for the Eighth Judicial District of Minnesota;

WHEREAS, the appointment of Judge Weyrens would create a vacancy in the position of Judge of County Court of Lac Qui Parle County, Minnesota;

WHEREAS, the Minnesota Supreme Court has studied the caseload situation, geographical deployment of existing judges and other factors and has determined that an appointment to fill such vacancy would be unnecessarily wasteful of economic and human resources;

WHEREAS, Minnesota Statutes 1980, Section 487.01, subdivision 6, authorizes the Supreme Court to combine two or more county court districts for the more effective administration of justice;

WHEREAS, Minnesota Statutes 487.01, subdivision 6, also provides that if two or more county court districts are combined, the office of a judge may be terminated at the expiration of his term;

WHEREAS, the appointment of Judge Weyrens to the District Court of the Eighth Judicial District is effective July 1, 1982;

WHEREAS, such appointment effectuates the termination of Judge Weyrens' term of office as Judge of County Court as of 12:00 midnight on June 30, 1982;

NOW, THEREFORE, IT IS HEREBY ORDERED that the existing County Court District 8A, comprising the counties of Lac Qui Parle, Chippewa, Yellow Medicine and Renville counties, and the existing County Court District 8B, comprising the counties of Swift, Kandiyohi and Meeker counties, are combined into a single County Court District, to be denominated as County Court District "8A";

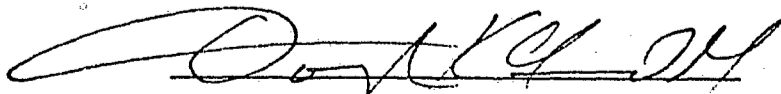
IT IS FURTHER ORDERED that the existing County Court District 8C, comprising the counties of Wilkin, Grant, Traverse, Big Stone, Stevens and Pope, shall be denominated as County Court District "8B";

IT IS FURTHER ORDERED that the position of County Court Judge for Lac Qui Parle County be, and the same hereby is, terminated as of 12:00 midnight on June 30, 1982;

IT IS FURTHER ORDERED that the provisions of the Supreme Court Orders of December 21, 1978 and October 24, 1979, shall continue in full force and effect to the extent that they are consistent with this Order.

Dated: June 30, 1982.

BY THE COURT



Chief Justice

SUPREME COURT  
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JUN 30 1982

JOHN McCARTHY,  
CLERK

STATE OF MINNESOTA

IN SUPREME COURT

ORDER

WHEREAS, the Judges of the Eighth Judicial District have submitted to the Supreme Court a plan to redistrict the County Courts of the Eighth District, and

WHEREAS, the Supreme Court has ordered that a hearing on the redistricting plan of the Eighth Judicial District be held in the Supreme Court Chambers in the State Capitol in Saint Paul, Minnesota at 10 o'clock a.m. on Tuesday, December 19, 1978, and

WHEREAS, the Supreme Court has ordered that advance notice of the hearing be given by the publication of its Order of November 20, 1978 in the Supreme Court edition of Finance & Commerce, the St. Paul Legal Ledger and the legal Newspapers in each county in the Eighth Judicial District, and

WHEREAS, the above orders have been complied with, and a hearing on the redistricting plan of the Eighth Judicial District has been held on December 19, 1978, Mr. George E. Hulstrand, State Senator Wayne Olhoft and Judges John J. Wayrens, John C. Lindstrom and DePaul D. Willette making presentations regarding the redistricting plan, and

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WHEREAS, the Supreme Court recognizes and accepts the responsibility conferred upon the Court by Minnesota Statutes 1978, Section 487.01 subdivision 6, and by promulgating this Order intends to discharge its obligations,

NOW, THEREFORE, IT IS HEREBY ORDERED that the redistricting plan of the Eighth Judicial District, adopted by District and County Court Judges of the Eighth Judicial District on April 21, 1978, a copy of which is attached hereto and incorporated herein by reference is approved, adopted and ratified by the Supreme Court in all respects except as hereinafter provided.

IT IS FURTHER ORDERED that the two County Court Judges serving Grant County be, and they hereby are, assigned indefinitely to the Seventh Judicial District, to be elected from a County Court District in the Seventh Judicial District upon the expiration of their present terms.

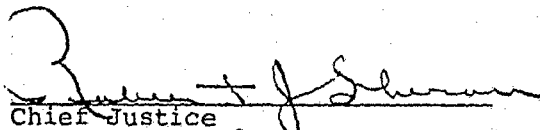
IT IS FURTHER ORDERED that the position of Judge of County Court in Kandiyohi County which is currently held by the Honorable M. A. Wahlstrand be, and the same hereby is, terminated upon the resignation or retirement of Judge Wahlstrand, on the grounds and for the reason that the term of a judge expires at the time of his resignation or retirement.

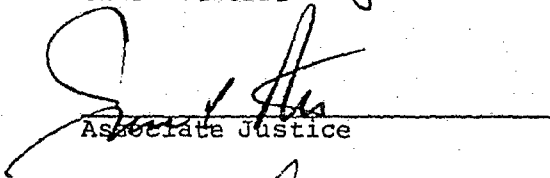
**STATE OF MINNESOTA**  
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**JUL 1 1982**

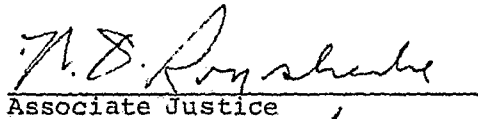
Secretary of State

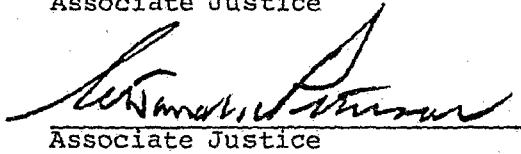
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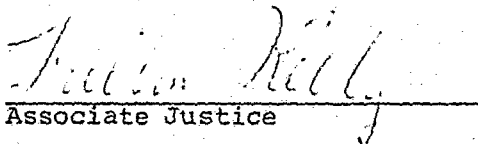
MINNESOTA SUPREME COURT

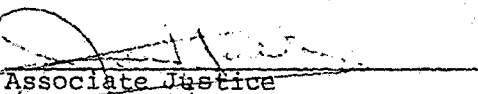
  
Chief Justice

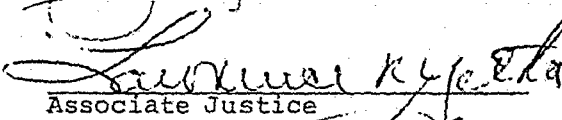
  
Associate Justice

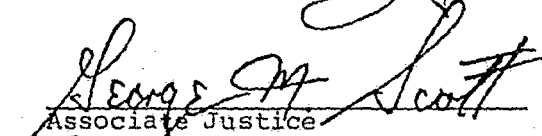
  
Associate Justice

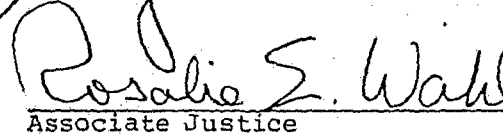
  
Associate Justice

  
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SUPREME COURT  
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JOHN McCARTHY  
CLERK

STATE OF MINNESOTA  
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JUL 1 1982

Secretary of State

EIGHTH JUDICIAL DISTRICT

STATE OF MINNESOTA

REDISTRICTING PROPOSAL  
(Adopted by District  
and County Court  
Judges on April 21,  
1978, at a joint  
meeting)

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EIGHTH JUDICIAL DISTRICT

Secretary of State

Pursuant to the provisions of the 1977 Court Reorganization Act set forth in Chapter 432 of the Laws of Minnesota, 1977, sub. 2, enabling the Supreme Court to reorganize County Court districts and redraw judicial district boundaries. The Supreme Court has set up a Committee, composed largely of persons from the metropolitan area, (since expanded), to draw up a plan to redistrict the county courts of the State. In order to get our view considered, the Eighth Judicial District Judges established a committee consisting of Judge Weyrens, Chairman; Judge Zeug; Judge Davison; Judge Buchanan; and Judge Lindstrom. The purpose of the committee was to formulate a judicial redistricting plan for the present Eighth Judicial District. The Committee has met on several occasions and representatives from the committee have also met with representatives of the Supreme Court. The committee has made a proposal to the Judges of the Eighth Judicial District which they adopted on April 21, 1978.

After evaluation of a number of different proposals the Judges of the Eighth Judicial District submit the following plan for your consideration.

This plan represents the opinion of the Judges involved. Input and approval has not been received from County Commissioners, Law Enforcement officials, local Bar Association and other interested persons. We believe their input and opinions should not be overlooked.



The Judges suggest that the Eighth Judicial District (presently consisting of thirteen counties in western and central Minnesota) be divided into the following County Court Districts:

- DISTRICT 8A consisting of Lac Qui Parle, Yellow  
Medicine, Chippewa and Renville  
Counties, total population 61,935;
- DISTRICT 8B consisting of Swift, Kandiyohi and Meeker  
Counties, total population 62,500;
- DISTRICT 8C consisting of Wilkin, Traverse, Big Stone,  
Grant, Stevens, and Pope, total population,  
53,371.

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See attached exhibits 1 through 5.

We understand that the two County Court Judges presently serving Grant County but who reside in the Seventh Judicial District will be assigned, by the Supreme Court, to the Seventh Judicial District to be elected in the future from a County Court District in the Seventh Judicial District. We understand that the population of the Seventh Judicial District is such that they can absorb all of the County Court Judges residing within that District and our plan is based on that understanding.

The principal and over-riding rule the Judges considered in formulating this plan was providing effective and efficient judicial services to the residents of the Eighth Judicial District in a manner that would not result in a decrease in present judicial services. Consequently in evaluating the guidelines as set forth by the State Supreme Court Committee we felt that a population base of 20,000 - 25,000 is not feasible for a rural judicial district where the population base is spread over a wide geographic area and distance between county seats is a major factor to consider.

In the County Court District as proposed herein, a County Court Judge will always be available within one hours driving time.

We believe that no strict guidelines can be established state-wide but that we must consider the availability of the judge to the citizens that will be served, including reasonable access of those who are involved in the criminal justice system. In addition, we believe that the administration and functioning of a rural court is substantially different from that of a metropolitan court. In addition to the factors of distance and greater geographic area we believe that a rural court does not have the supportive staff services, that many of the metropolitan courts have available to them. For example, in juvenile matters, all of the initial intake proceedings are conducted by a juvenile judge in a rural area, whereas in the metropolitan area this function is done by supportive staff. It is also important to note that in the Eighth Judicial District there are no judicial officers or referees available to hear matters assigned to them by the judges. For these reasons, we believe that a population base of approximately 15,000 is feasible for the Eighth Judicial District.

This plan is being proposed subject to the following conditions:

1. a. The public interest requires that judges be available at all hours for consideration of requests for search warrants, appearances of persons who are arrested, and for other functions, and therefore, the place of residence of judges in the rural areas is important. It is appropriate to make judicial services available in all portions of the judicial district.

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b. In order to make judicial services available to the widest geographical area, no more than one county court judge may reside in any one county in any county court district, unless there is a resident judge in each county in that county court district. Any candidate for election as county judge must have been a resident for six months prior to the election in a county in which he would be eligible to reside, under the above stated rule.

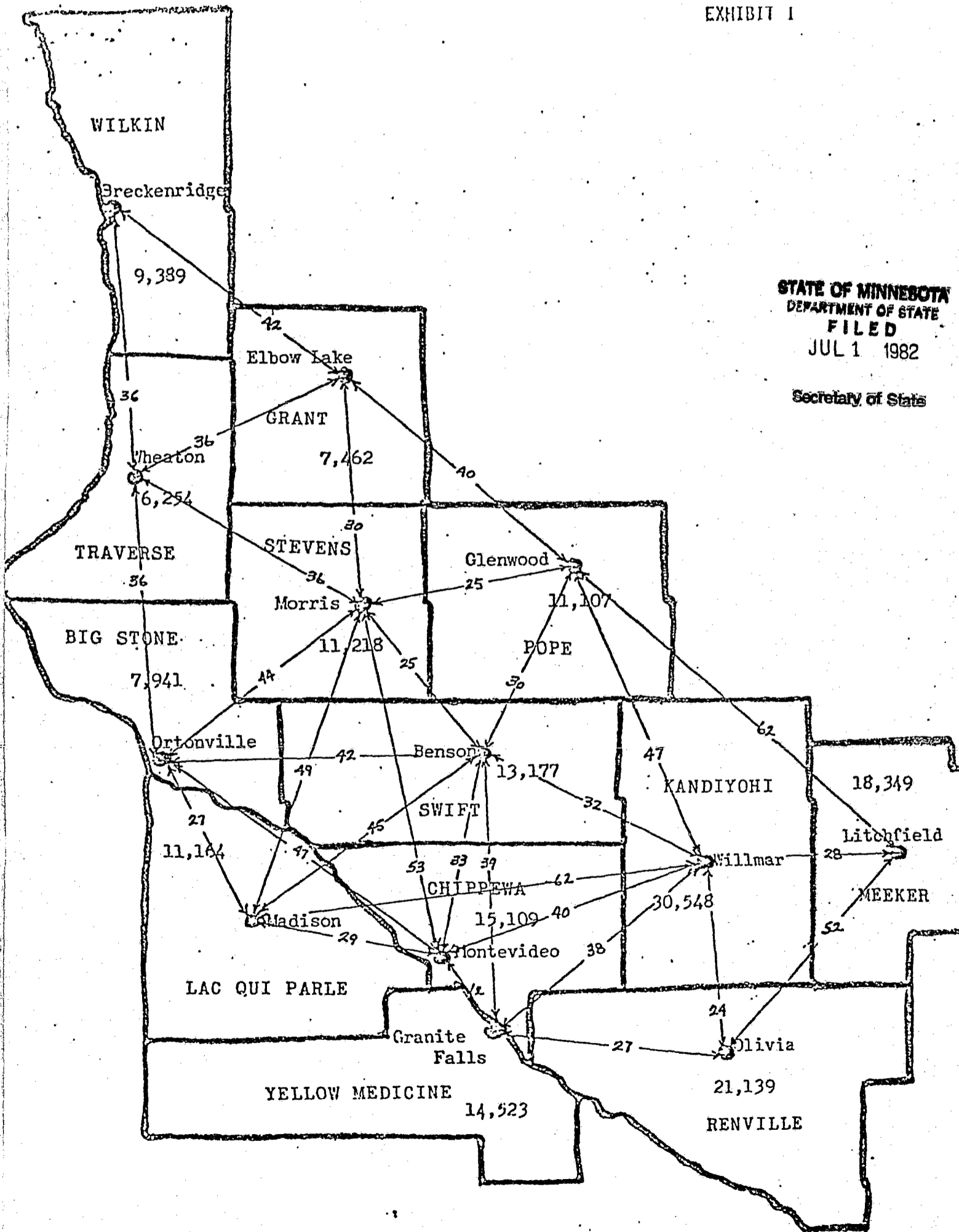
c. In County Court District 8B there shall be one resident Judge in Swift County; one resident Judge in Meeker County and two resident Judges in Kandiyohi County.

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2. We propose that the plan be in effect for the county court judges election in November, 1980.
3. The plan proposed herein is a tentative plan subject to hearings to be held in each of the proposed county court districts and it is anticipated that legislators, county commissioners, law enforcement officials, members of the Bar and interested citizen organizations would be invited to these hearings and their comments and proposals taken into consideration before the adoption of a final plan.
4. We recognize that the features of the judicial reorganization act providing for central administration of the judicial district would be maintained and that the assignment powers of the chief judge would remain, so that a judge could be assigned anywhere within the judicial district in an effort to maximize the efficiency of our judicial personnel.

EXHIBIT 1



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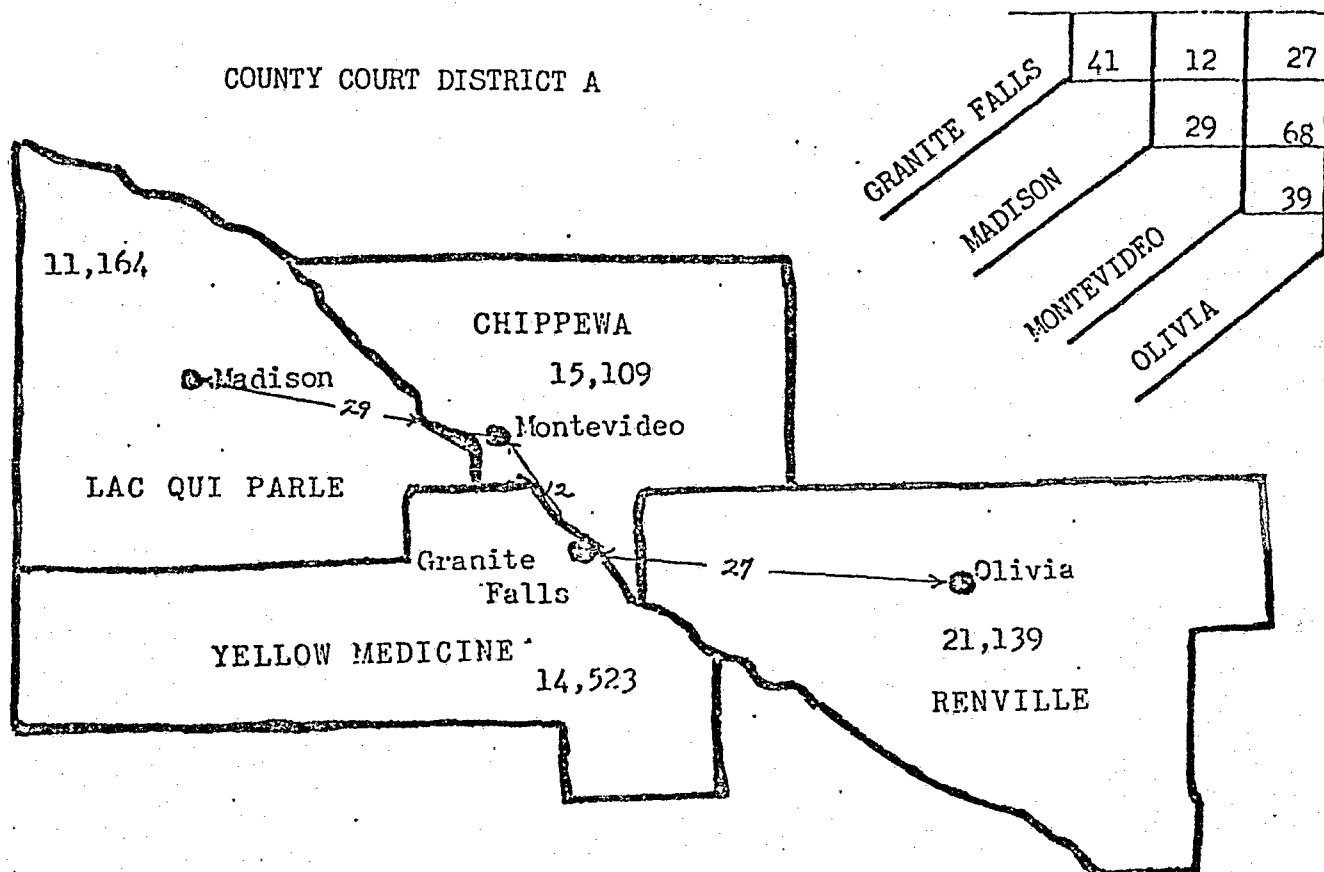
EXHIBIT 2

	97	55	30	39	60	45	33	25	56	42	61	32
BENSON	42	82	135	144	98	119	72	151	72	36	129	
BRECKENRIDGE	40	95	102	79	83	30	111	72	36	87		
ELBOW LAKE		69	62	76	63	25	71	69	60	47		
GLENWOOD		66	41	12	65	26	63	107	38			
GRANITE FALLS		97	68	85	32	102	127	28				
LITCHFIELD		29	49	68	27	63	62					
MADISON		53	39	47	83	40						
MONTEVIDEO		92	44	36	57							
MORRIS		86	122	24								
OLIVIA		36	74									
ORTONVILLE		93										
WHEATON												
WILLMAR												

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EXHIBIT 3

COUNTY COURT DISTRICT A



LAND AREA	COUNTY	POPULATION
492,699	Lac Qui Parle	11,164
370,270	Chippewa	15,109
481,687	Yellow Medicine	14,523
<u>621,129</u>	Renville	<u>21,139</u>
1,965,785		61,935

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Average population density: 21 people per square mile (1970)

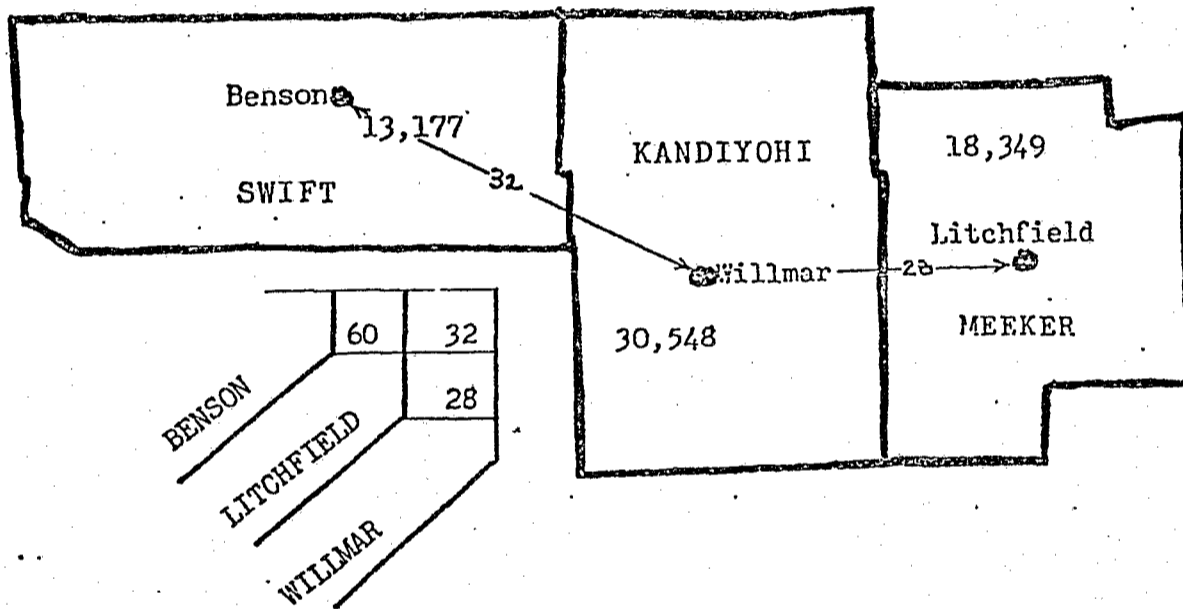
The four counties are served by the following Judges:

- The Hon. John J. Weyrens
- The Hon. Marquis L. Ward
- The Hon. F. M. Ostensoe
- The Hon. J. Zeug

Based on the 1970 population each Judge will serve 15,484 people.

EXHIBIT 4

COUNTY COURT DISTRICT B



LAND AREA	COUNTY	POPULATION
382,892	Meeker	18,800
497,293	Kandiyohi	30,500
<u>475,593</u>	Swift	<u>13,200</u>
1,355,778		62,500

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Average population density: 30 people per square mile (1970)

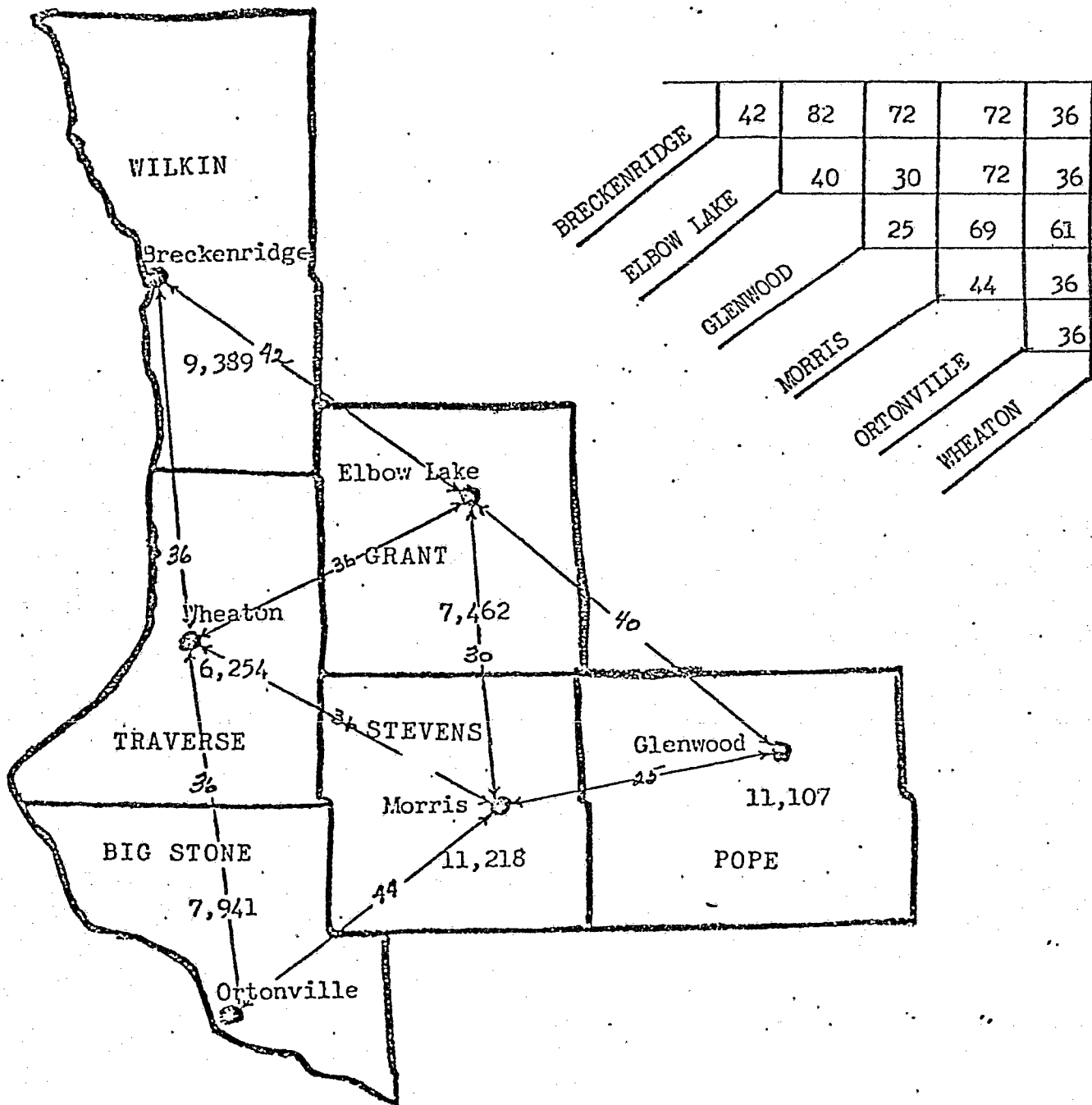
The three counties are served by the following Judges:

- The Hon. M. A. Wahlstrand
- The Hon. Allan D. Buchanan
- The Hon. Cedric Williams
- The Hon. Richard Bodger

Based on the 1970 population each Judge will serve 15,625 people.

EXHIBIT 5

COUNTY COURT DISTRICT C



BRECKENRIDGE	42	82	72	72	36
ELBOW LAKE		40	30	72	36
GLENWOOD			25	69	61
MORRIS				44	36
ORTONVILLE					36
WHEATON					

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LAND AREA	COUNTY	POPULATION
476,389	Wilkin	9,389
363,462	Traverse	6,254
316,501	Big Stone	7,941
348,226	Grant	7,462
335,336	Stevens	11,218
<u>426,102</u>	Pope	<u>11,107</u>
2,266,016		53,371

Average population density: 15 people per square mile (1970)

The six counties are served by the following Judges:

The Hon. Bruce Reuther  
The Hon. Keith Davison  
The Hon. Donald Giberson  
The Hon. John Claeson

Based on the 1970 population each Judge will serve 13,342 people.

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STATE OF MINNESOTA

IN SUPREME COURT

FILE NO. 49543

SUPREME COURT  
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OCT 29 1979

JOHN McCARTHY  
CLERK

In re Hearing on the  
Redistricting of the  
Eighth Judicial District

A M E N D E D O R D E R

WHEREAS, the judges of the Eighth Judicial District have submitted to the Supreme Court a plan to redistrict the county courts of the Eighth Judicial District;

WHEREAS, the Supreme Court has ordered that a hearing on said plan be held in the Supreme Court chambers in the State Capitol in Saint Paul, Minnesota at 10 o'clock a.m. on December 19, 1978, and

WHEREAS, the Supreme Court has ordered that advance notice of the hearing be given by the publication of its Order of November 20, 1978 in the Supreme Court edition of Finance & Commerce, the Saint Paul Legal Ledger and the legal newspapers in each county in the Eighth Judicial District, and

WHEREAS, the above orders have been complied with, and a hearing on the redistricting plan of the Eighth Judicial District has been held on December 19, 1978, Mr. George E. Hulstrand, State Senator Wayne Olhoft and Judges John J. Weyrens, John C. Lindstrom and DePaul D. Willette making presentations regarding the redistricting plan, and

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WHEREAS, the Supreme Court has ordered that a second hearing on this matter be held in the Supreme Court chambers at 9:30 o'clock a.m. on Thursday, October 4, 1979, and

WHEREAS, the Supreme Court has ordered that advance notice of the hearing be given by the publication of its Order of August 16, 1979 in the Supreme Court edition of Finance & Commerce, the Saint Paul Legal Ledger and Bench and Bar, and

WHEREAS, the above orders have been complied with and a hearing on the said redistricting plan has been held on October 4, 1979, Judge John J. Weyrens and Mr. Laurence C. Harmon making presentations, and

WHEREAS, the Supreme Court recognizes and accepts the responsibility conferred upon the court by Minnesota Statutes 1978, Section 487.01, subdivision 6, and by promulgating this Order intends to discharge its obligations under the law, and

WHEREAS, it is the policy of the Minnesota Supreme Court that, wherever possible, judges of county court should be elected by and be responsible to persons in the counties in which they reside by maintaining chambers in the counties of their residence, and

WHEREAS, it is the policy of the Minnesota Supreme Court that, wherever possible, judicial resources should be allocated in such a way that each county in a judicial district shall have at least one county court judge resident therein before any other county in the judicial district shall have two or more resident county court judges,

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NOW, THEREFORE, IT IS HEREBY ORDERED that the county court districts of the Eighth Judicial District are constituted as follows:

District A: Lac qui Parle, Chippewa, Yellow Medicine and Renville Counties;

District B: Swift, Kandiyohi and Meeker Counties;

District C: Wilkin, Traverse, Big Stone, Grant, Stevens and Pope Counties.

IT IS FURTHER ORDERED that the county court districts as provided above shall be effective immediately for purposes of judicial assignment and administration, but shall become effective for election purposes commencing November, 1982 and continuing in effect thereafter.

IT IS FURTHER ORDERED that the two county court judges formerly serving Grant County prior to the December 22, 1978 Supreme Court order assigning said judges indefinitely to the Seventh Judicial District shall be elected from the county court district comprised of Douglas, Todd and Wadena Counties upon the expiration of their present terms.

IT IS FURTHER ORDERED that there shall be one position of county court judge serving Kandiyohi County, for the reasons as set forth in the Supreme Court Order in this matter dated December 22, 1978.

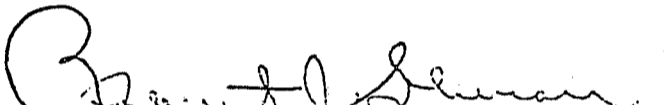
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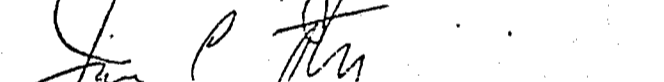
Secretary of State

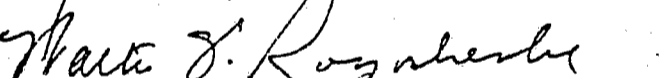
IT IS FURTHER ORDERED that this Amended Order shall supercede those provisions of the Eighth District redistricting plan as incorporated by reference into the Supreme Court Order dated December 22, 1978 inconsistent herewith.

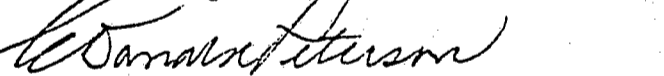
Dated: October 24, 1979

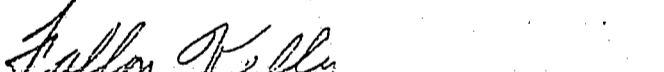
BY THE COURT


  
Robert J. Sheran, Chief Justice

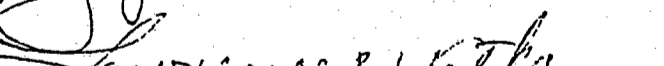
  
James C. Otis, Associate Justice


  
Walter F. Rogosheska, Associate Justice

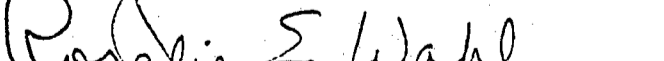
  
C. Donald Peterson, Associate Justice

  
Fallon Kelly, Associate Justice

  
John J. Todd, Associate Justice

  
Lawrence R. Yetka, Associate Justice

  
George M. Scott, Associate Justice

  
Rosalie E. Wahl, Associate Justice

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