

NINTH JUDICIAL DISTRICT COURT UNIFICATION PLAN

SECTION I:

1. The District Courts and the County Courts of the Ninth Judicial District shall be reorganized as hereafter provided, into one trial court of general jurisdiction to be known as the District Court, which shall also be the Probate Court.

2. Unification shall be effective one year following certification to the Secretary of State of this intention to reorganize, pursuant to Minn. Stat., Sec. 487.191.

This intention to reorganize shall be effective in all its terms upon each judge of the district and his/her successors.

3. The District Court shall consist of the following divisions:

- a. Division I, to be presided over by Division I judges, appointed or elected as provided in Section II.
- b. Division II, to be presided over by Division II judges, appointed or elected as provided in Section II.

4. Division I judges shall hear cases in which Division I has jurisdiction. Division I has original jurisdiction in all civil actions within the district, in all cases of crime committed or triable in the district, in all special proceedings not exclusively cognizable by some other court or tribunal, and in all other cases where jurisdiction is conferred upon it by law. It shall also have appellate jurisdiction in every case in which an appeal to the District Court is allowed by law from any other court, officer, or body.

5. Division II judges shall hear cases in which Division II has jurisdiction. Division II has original jurisdiction as provided in Chapter 487 and as follows:

- a. The jurisdiction of a juvenile court as provided in Chapter 260.
- b. In law and equity for the administration of estates of deceased persons and all guardianship and incompetency proceedings; and
- c. In proceedings for the management of the property of persons who have disappeared as provided by Chapter 576.
- d. To exercise all duties as provided by MSA 260.311.

6. All causes of action venued in the District Court prior to the effective date of this plan, shall be venued in Division I. All causes of action venued in the County Court prior to the effective date of this plan shall be venued in Division II.

7. The District shall maintain the same number of Division I judges and have the same chamber locations as authorized by law for the District Court of the judicial district as of December 31, 1983.

The District is divided into Division II Districts which shall be the same as the County Court Districts in existence as of December 31, 1983. The Division II Districts shall be entitled to the same number of Division II judges and the same chamber locations as authorized by law for the County Court Districts in the Ninth Judicial District, as of December 31, 1983.

#### SECTION II:

1. All District Court Judges in office on December 31, 1983, are Division I judges of the District and shall continue in office for the balance of the terms of which they were last elected and are eligible for reelection to office as incumbent Division I judges of the District Court.

2. All persons who are licensed to practice law in the District and who are judges of a County Court existing in the District as of December 31, 1983, are, after the effective date of this PLAN, Division II judges of the District Court. The judges shall serve as Division II District Judges for the balance of term for which they were elected. All judges, upon completion of their term of office, are eligible for reelection as incumbent Division II judges of the District Court. Each Division II judge shall be a resident of and elected from the Division II District of the judicial district in which he or she serves.

3. A person who is not licensed to practice law in the District and who is a judge of the County Court existing in the District as of December 31, 1983, is after the adoption of this PLAN, an Associate Judge of Division II of the District Court. As Associate Judge is subject to the provisions of Sec. 487.04. An Associate Judge shall serve the balance of the term for which he was elected and, upon completion of his term of office, shall be eligible for reelection as an incumbent Division II Associate Judge of the District Court. An Associate Judge of Division II shall be a resident of and elected from the Division II District of the judicial district in which he or she serves.

#### SECTION III:

1. Commencing July 1, 1985, a Division I judge shall be elected and serve as Chief Judge of the District for a period of two years, and a Division II judge shall be elected and serve as Assistant Chief

STATE OF MINNESOTA  
NINTH JUDICIAL DISTRICT  
INTENTION TO REORGANIZE

We, the undersigned District Judges and County Judges, respectively hereby express our intention to reorganize the Trial Courts of the Ninth Judicial District into one general Trial Court to be known as the District Court, Division I and Division II, pursuant to the attached Court Unification Plan and in accordance with Minn. Stat., Sec. 487.191.

James E. Preece  
James E. Preece, District Judge

Warren A. Saetre  
Warren A. Saetre, District Judge

John A. Spellacy  
John A. Spellacy, District Judge

Clinton W. Wyant  
Clinton W. Wyant, District Judge

William E. Kalar  
William E. Kalar, District Judge

Russell A. Anderson  
Russell A. Anderson, District Judge

Keith L. Kraft  
Keith L. Kraft, County Judge

J. A. Harren  
J. A. Harren, County Judge

Robert S. Graff  
Robert S. Graff, County Judge

Milton A. Kludt  
Milton A. Kludt, County Judge

Donald E. Shanahan  
Donald E. Shanahan, County Judge

Larry G. Jorgenson  
Larry G. Jorgenson, County Judge

William J. Spooner  
William J. Spooner, County Judge

Peter N. Hemstad  
Peter N. Hemstad, County Judge

Michael J. Haas  
Michael J. Haas, County Judge

Robert J. Ryan  
Robert J. Ryan, County Judge

John M. Roue  
John M. Roue, County Judge

Terrance C. Holter  
Terrance C. Holter, County Judge

Frederick R. Weddel  
Frederick R. Weddel, County Judge

Robert E. Kautz  
Robert E. Kautz, County Judge

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STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
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Secretary of State

Judge for a term of two years; that the Division II judge elected as Assistant Chief Judge, shall be elected and succeed to the office of Chief Judge, commencing July 1, 1987; and a Division I judge shall be elected and serve as Assistant Chief Judge for a term of two years; that thereafter at each biannual election, the office of Chief Judge and Assistant Chief Judge shall be alternatively held in exchange between the two divisions, it being the intent of the judges at each election to promote the Assistant Chief Judge to the position of Chief Judge and electing a new Assistant Chief Judge every two years.

That the Chief Judge and Assistant Chief Judge shall each appoint two judges to a nominating committee not less than 30 days before the biannual election spring meeting; which nominating committee shall report to the judges their nominations for the positions of Chief Judge and Assistant Chief Judge.

That this provision for the election of the Chief Judge and Assistant Chief Judge may not be rescinded without a majority vote of the judges of the Division I and a majority vote of the Division II judges of the District Court.

2. The Chief Judge, and in his absence, the Assistant Chief Judge, subject to the authority of the Chief Justice, shall exercise general administrative authority over the Court within the District. In the interest of efficiency and where the need arises, the Chief Judge may assign any judge in the district to hear any matter in either Division. A judge may not refuse an assignment upon the basis of the date of the judges appointment or election to the court. No judge may be assigned to another division except for individual cases, without his approval. A judge aggrieved by an assignment may appeal to the judges of his division, and their decision shall be final.

3. The Chief Judge shall convene a conference at least semiannually of all judges of the District to consider administrative matters and Rules of Court and to provide advice and counsel to the Chief Judge.

#### SECTION IV:

1. Candidates who seek nomination for the office of District Judge shall state the following additional information on the Affidavit required pursuant to Minn. Stat. 1983, Sec. 204B.06, and Subd. 4.

- a. That he/she is a candidate for District Court Division I or Division II and shall state in the Affidavit of Candidacy the office of the particular judge for which the individual is a candidate. The individual shall be a candidate only for the office identified in the Affidavit. Each Division I or Division II judge is deemed to hold a nonpartisan office.

SECTION V:

1. The appointment of Court Reporters and Law Clerks shall be in accordance with existing statutes and court rules.

SECTION VI:

1. In all situations or decisions, where rights or privileges shall depend upon judicial seniority within the District, seniority shall be established as follows:

- a. Division I: Those judges who were District Judges as of the date hereof, in order of their seniority as of that date.
- b. Division II: Those judges who were County Judges as of the date hereof, in order of their seniority as of that date.

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# District Court of Minnesota

NINTH JUDICIAL DISTRICT

CHAMBERS OF JUDGE JAMES E. PREECE / COURTHOUSE / BEMIDJI, MINNESOTA 56601




June 22, 1984.

The Hon. Joan A. Growe,  
Secretary of State,  
180 State Office Building,  
St. Paul, Minnesota 55155.

Dear Ms. Growe:

Pursuant to MSA 487.191, I am pleased to enclose for filing and certification, the Court Unification Plan adopted by a majority of the District Court Judges and the County Court Judges of the Ninth Judicial District.

Respectfully submitted,

  
James E. Preece,  
Judge of the District Court.

JEP:ad  
✓ Enclosure.

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