



JACK J. LITMAN
JUDGE OF THE DISTRICT COURT
COURT HOUSE
DULUTH, MINNESOTA 55802

July 23, 1985

Joan Anderson Growe
Secretary of State
Room 180 State Office Bldg.
435 Park Street
St. Paul, Minnesota 55155

Re: Sixth Judicial District Court Unification Plan

Dear Ms. Growe:

Pursuant to Minn. Stat. 487.191, I am herewith enclosing a re-organization plan of the Sixth Judicial District entitled Sixth Judicial District Court Unification Plan. Also attached thereto is a Certification.

If there is anything further you require, please contact me at your earliest convenience.

Very truly yours,

Jack J. Litman
Jack J. Litman
Chief Judge, 6th Judicial District

JJL/mam

Enclosures

cc: File

#36147
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

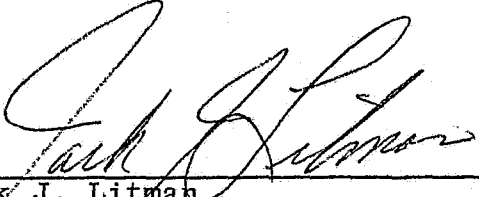
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Joan Anderson Growe
Secretary of State

CERTIFICATION

I, Jack J. Litman, Chief Judge of the Sixth Judicial District do hereby certify that the hereto attached Sixth Judicial District Court Unification Plan has been adopted pursuant to Minn. Stat. 487.191 by a unanimous vote of the Sixth District Court judges within the district, and a majority vote of five of the seven County Court judges within the district.

July 23, 1985



Jack J. Litman
Chief Judge, 6th Judicial District

SIXTH JUDICIAL DISTRICT COURT UNIFICATION PLAN

SECTION I:

1. The District Courts and the County Courts of the Sixth 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 March 15, 1985.

The District is divided into Division II Districts which shall be the same as the County Court Districts in existence as of March 15, 1985. 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 Sixth Judicial District, as of March 15, 1985. Division II in St. Louis County shall be subdivided into a Juvenile-Probate Subdivision, a Southern General Trial Subdivision, a Northeastern Juvenile-General Trial Subdivision and a Northwestern Juvenile-General Trial Subdivision encompassing the area now designated in M.S. 487.01, Subdivision 5.

SECTION II:

1. All District Court Judges in office on March 15, 1985 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 County Court Judges in office on March 15, 1985 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 the terms for which they were elected or appointed. All judges, upon completion of their terms of office, are eligible for election or 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 area in which he now serves as designated in M.S. 487.01, Subdivisions 3 and 5.

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 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, 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 Judicial Officers, 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.

STATE OF MINNESOTA
SIXTH 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 Sixth 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.

Donald C. Odden
Donald C. Odden, District Judge

Mitchell A. Dubow
Mitchell A. Dubow, District Judge

Jack J. Litman
Jack J. Litman, District Judge

David S. Bouschor
David S. Bouschor, District Judge

Charles T. Barnes
Charles T. Barnes, District Judge

Joseph R. Scherkenbach
Joseph R. Scherkenbach, District Judge

Robert V. Campbell
Robert V. Campbell, County Judge

Galen C. Wilson
Galen C. Wilson, County Judge

Gerald C. Martin
Gerald C. Martin, County Judge

David E. Ackerson
David E. Ackerson, County Judge

Dale A. Wolf
Dale A. Wolf, County Judge

Kenneth A. Sandvik
Kenneth A. Sandvik, County Judge

Donovan W. Frank
Donovan W. Frank, County Judge

John T. Oswald
John T. Oswald, County Judge

#36147
O.D.

#36147