

County Court District E  
State of Minnesota  
NINTH JUDICIAL DISTRICT



JUDGE ROBERT S. GRAFF  
Aitkin County Courthouse  
AITKIN, MINNESOTA 56431  
218-927-2102, Ext. 43  
JUDGE ROBERT J. RYAN  
County Service Building  
P.O. Box 671  
BRAINERD, MINNESOTA 56401  
218-829-3587  
JUDGE DARRELL M. SEARS  
County Service Building  
P.O. Box 671  
BRAINERD, MINNESOTA 56401  
218-829-3587

January 7, 1986

Honorable Donald E. Shanahan  
Chief Judge, Ninth Judicial District  
Roseau County Courthouse  
Roseau, Minnesota 56751

Re: Court Unification  
9th District

Dear Judge Shanahan:

This is to confirm our telephone conversation of January 6th, 1986 and to confirm receipt of Judge Spellacy's letter of January 3rd, 1986. I am pleased that Judges Spellacy and Wyant have finally agreed to the concept of total court unification and are desirous of continuing to hear both petty misdemeanor and misdemeanor matters in Division I of the District Court. In the same spirit of cooperation, I wish to emphasize that I, too, will continue to hear all matters assigned to me from Division I in the Division II of the District Court. As you know, Division II of the District Court of Aitkin County is in continuous session and I am chambered here. Therefore, in the continuing effort to serve the public effectively and expeditiously and to save Judges Spellacy and Wyant the added time and travel expense of more trips to Aitkin, this Court, as in the past, will continue to retain and try all gross misdemeanors originating in Division II, as well as hear all petty misdemeanors and all other matters over which it has jurisdiction.

I wish each and every one of you a fulfilling and exciting 1986.

Sincerely,

Robert S. Graff  
District Court Judge

RSG/jas

cc: Douglas Amdahl, Chief Justice  
Skip Humphrey, III, Attorney General  
Joan Grove, Secretary of State  
Colonel Roger Ledding, Minnesota Highway Patrol  
Joe Alexander, Department of Natural Resources  
Fred Hamer, Department of Natural Resources

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Honorable Donald A. Shanahan  
January 7, 1986  
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Re: Court Unification 9th District

cc: Hon. Warren A. Saetre  
Hon. Clinton Wyant  
Hon. John A. Spellacy  
Mr. D.J. Hanson  
Ms. Florence Tarr  
Mr. John Leitner, Aitkin County Attorney  
Captain Olsen, Minnesota State Highway Patrol  
Mr. Robert Burch, Department of Natural Resources  
Anne Mohaupt, Assistant County Attorney

AMENDED

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. An 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

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 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  
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, District Judge

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Warren A. Saetre, District Judge

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John A. Spellacy, District Judge

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Clinton W. Wyant, District Judge

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William E. Kalar, District Judge

\_\_\_\_\_  
Russell A. Anderson, District Judge

\_\_\_\_\_  
Keith L. Kraft, County Judge

\_\_\_\_\_  
J. A. Harren, County Judge

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Robert S. Graff, County Judge

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Milton A. Kludt, County Judge

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Donald E. Shanahan, County Judge

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Larry G. Jorgenson, County Judge

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William J. Spooner, County Judge

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Peter N. Hemstad, County Judge

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Michael J. Haas, County Judge

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Robert J. Ryan, County Judge

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John M. Roue, County Judge

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Terrance C. Holter, County Judge

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Frederick R. Weddel, County Judge

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Robert E. Kautz, County Judge

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

OCT 23 1985

Jean Anderson Howe  
Secretary of State

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