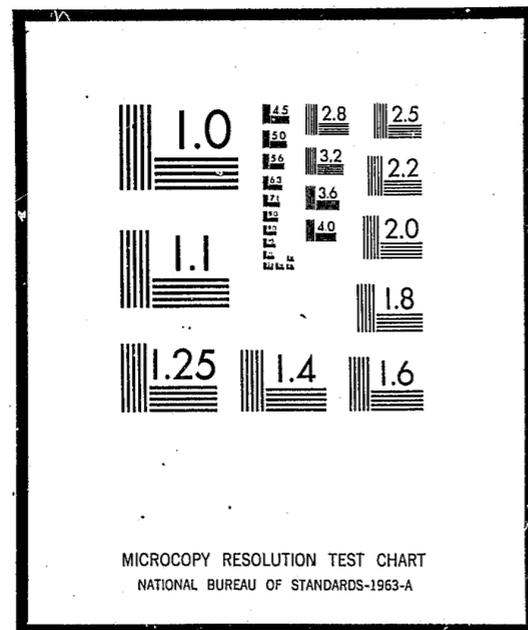


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MINNESOTA
DISTRICT COURT



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MINNESOTA DISTRICT COURT SURVEY

iii

A Publication of

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II. PREFACE

This document presents facts and opinions obtained from courts personnel concerning the district court in Minnesota. It also contains observations and recommendations by the survey team. It is up to the discretion of the reader to determine the use of the latter elements. Whatever the fate of our recommendations, we urge that the descriptive portion of the survey not be considered alone; rather, we urge that the data be viewed as concerning one portion of the whole court system. Any improvements or changes that are considered should not be based on this data exclusively but should be evaluated in terms of the needs of and potential effect upon the entire court system. To this end, we feel it is important that the Minnesota County Court Survey be read in conjunction with this report.

III. ACKNOWLEDGEMENTS

The District Court Survey could not have been accomplished without the continued cooperation, support and assistance of Chief Justice Robert Sheran; State Court Administrator, Richard Klein; the Honorable Donald C. Odden, President of the District Court Judges' Association; the judges of the district court throughout the state who took time to respond to our questionnaires as well as to meet with us to discuss their interests and opinions, and the clerks and court administrators in each district within the state who helped explain their operations, procedures, needs and concerns. Our interviews with courts personnel throughout the state revealed their willingness and ability to cooperate in providing ever-improved judicial service to the people of this state.

We would also like to acknowledge William Nierengarten, Chairman of the Judicial Administration Committee of the Minnesota State Bar Association; William S. Cooper, Chairman of the Minnesota Citizens for Court Reform; Watonwan County Clerk of Court, Ruth Eppeland; Sibley County Clerk of Court, Robert Busse; Wayne Blacklock, Tom Stanton, and Diane Dahlen of the National Center for State Courts for their contributions to this survey.

IV. BACKGROUND/OBJECTIVE OF STUDY

Chief Justice Robert J. Sheran of the Supreme Court of Minnesota in his letter of March 17, 1974, to the district court judges of the state had the following to say in regard to the Minnesota District Court Survey:

I feel this survey is an opportunity for you, as a district court judge, to offer information and opinions on the operations of the District Court in Minnesota. The Center's compilation of your responses should be a useful tool for judicial leadership and all those interested in the improvement of the Minnesota State Courts.

This is what the study team has attempted to provide - a compilation of description, facts, opinions, statistics, observations and recommendations in order to meet our primary objective which is "to assist the Minnesota Judicial Council and the entire Court System in establishing the most effective system feasible."¹

1. Governor's Commission on Crime Prevention and Control, Grant Number 33-03-00-84-73, p. 5.

V. SCOPE AND METHODOLOGY

To accomplish the objectives of the study, the following procedures were followed. Prior to commencement of the formal study, the study team met with district court judges from various areas within the state as well as others concerned with state court administration. Of those interviewed, some were asked to critique a preliminary draft of a questionnaire while others provided general information which could help us guide the study effort. Revisions to the questionnaire were made, and the final version was distributed in March, 1974, to each of the 72 district court judges in the state. Fifty-one, or 70.8%, of the judges responded to the questionnaire. Interview formats were prepared and follow-up visits were then conducted in each of the state's ten judicial districts. Extensive interviews were held with clerks, court administrators and as many judges and staff members as time and availability permitted. Emphasis was placed upon the structural, organizational and administrative aspects of the court's operations.

The report which follows, then, has drawn upon the questionnaire data, on-site empirical data, and a wide range of subjective data supplied by state courts personnel to provide a basis for discussion.

For statewide summary of questionnaire responses, see Appendix A.

VI. GENERAL DESCRIPTION OF COURT SYSTEM

At the apex of the Minnesota court system is the supreme court, composed of the chief justice and eight associate justices elected for six year terms. The supreme court has "original jurisdiction...as prescribed by law and appellate jurisdiction in all cases." ²

Beneath the supreme court in the courts pyramid is the district court.³ The district court is divided into 10 judicial districts. Seventy-two district court judges serve all of the state's 87 counties. The court has "original jurisdiction in all civil cases, and appellate jurisdiction as prescribed by law."⁴ This includes jurisdiction over boundary waters (M.S. § 487.02). Except in Hennepin and Ramsey Counties, the district court has concurrent jurisdiction with the county court in the following areas:

- a. proceedings for administration of trust estates or actions relating thereto;
- b. proceedings for divorce, annulment, and separate maintenance and actions relating thereto;
- c. actions under the Reciprocal Enforcement of Support Act;
- d. adoption and change of name proceedings;
- e. proceedings to quiet title to real estate and real estate mortgage foreclosure action. (M.S. § 487.14-.19)

2. Minnesota Constitution, Article VI, Sec. 2.

3. For the basic law covering district court, see Appendix B.

4. Minnesota Constitution, Article VI, Sec. 5, Juvenile court, jurisdiction in the second and fourth districts.

For a map depicting judicial districts, see Appendix C.

Eighty-five of the state's 87 counties are also served by 67 county court districts. Established by July 1, 1972 in 84 counties and extended in 1974 to St. Louis County, the county court system essentially incorporated the former probate, juvenile and municipal courts and added some concurrent jurisdiction with district court. County court was also given the authority to establish a conciliation - or small claims - court and a traffic and ordinance violations bureau.

Completing the state court system are probate courts in Hennepin and Ramsey Counties and municipal courts in Hennepin County, St. Paul, and suburban villages in Ramsey County. Probate courts have "unlimited jurisdiction in law and equity for the administration of the estates of deceased persons and all guardianships and incompetency proceedings and such further jurisdiction as the legislature may establish."⁵ Municipal courts have civil jurisdiction to \$6,000 in Hennepin County and St. Paul municipal courts, to \$1,000 in all other municipal courts; forcible entry and detainer; petty misdemeanor, misdemeanor and ordinance violations and preliminary hearings in criminal matters (M.S. 488 and 488A). Justices of the peace, reduced in power and number by the 1971 County Court Act, now have jurisdiction over pleas of guilty in misdemeanors, petty misdemeanors and ordinance violations and in default cases where the amount in question is less than \$100 (M.S. § 487.35).

5. Ibid., Article VI, Sec. 6.

VII. ORGANIZATION AND ADMINISTRATION WITHIN DISTRICT COURT DISTRICTS: DESCRIPTIVE INFORMATION

A. District Court Judges

Minnesota is divided into 10 judicial districts each of which is provided by statute with at least two judges. Numbers range from three judges serving thirteen counties (eighth district) to nineteen judges serving a single county (fourth district). Seventy-two district court judges are presently serving throughout the state. Judges are elected for a term of six years and must be learned in the law;⁶ the majority of those now in office, however, were initially appointed to the bench. Judges are prohibited from holding any federal or any other state office,⁷ and from practicing as attorneys (M.S. § 484.065).

Background

When asked their positions prior to serving as district court judges, those responding to the questionnaire replied as follows:

37 or 74%	had at one time been practicing attorneys
21 or 42%	had been judges of municipal court
17 or 34%	had been county attorneys
1 or 2%	each had served as judge of county, probate, or juvenile court

Another 7 or 14% had a variety of roles such as legislator, assistant county attorney, city or village counsel, conciliation, court and tax court work.

6. Minnesota Constitution, Article VI, s 6,7.

7. Ibid., Article VI, s 7.

Objectives

In response to the question "In your opinion, what are the major objectives of the district court system," the judges priorities were:

- 1) to provide impartial judicial decisions of the highest quality possible (45 or 90% selected this as one of three major objectives);
- 2) to insure justice which is timely and uniformly applied (41 or 82% of respondents selected this as one of three major objectives);
- 3) to encourage respect for law and the administration of justice (20 or 40% chose this as one of three major objectives); and,
- 4) to provide reasonable availability of judicial services (15 or 30% selected this as one of three major objectives).

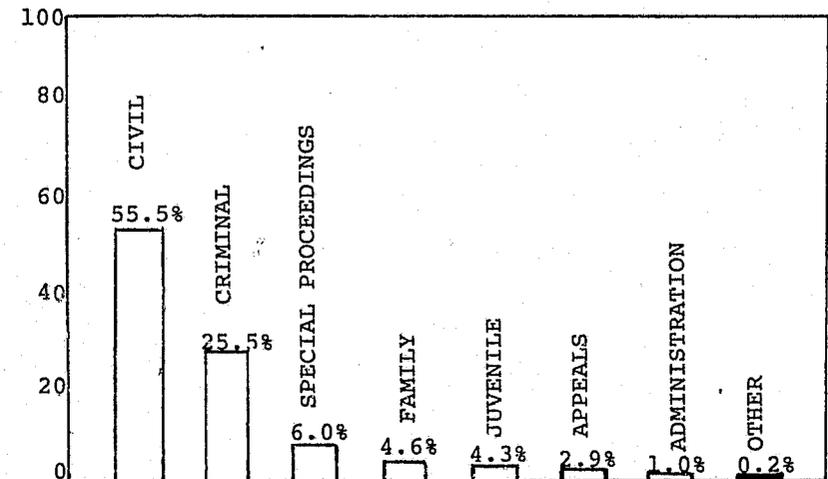
Having identified the judges' conception of the district court system's ideals or objectives, we shall proceed to look at their practical role within that system.

Practical View

General terms of the district court are held each year as prescribed by statute. In non-metropolitan counties, there are generally two terms, e.g., one term beginning the first Monday in February and another scheduled for the first Tuesday in September. The judges of each court may also appoint special terms for hearing of all matters except issues of fact (M.S. § 484.30). Terms are assigned to judges in a variety of ways. Frequently, if there is no resident judge for a county, one particular judge will usually take the same general term (be it spring or fall) and the other general term will be rotated among the remaining judges of the district. Special terms are also

rotated in many districts. In some districts, all judges travel while in others, the resident judge of a particular county will serve almost exclusively in that county. Questionnaire responses showed 34% of the judges serving in a single county district or in one county only, 30% in five or more counties within their district, 10% serving in four counties, 8% in three counties and 2% in two counties. All respondents claimed a permanent chambers in one of the counties. In metropolitan areas, the general term is continuous with an official beginning each fall.

Eighty percent of respondent judges hear all matters coming before the district court. Specialization generally is limited to those courts serving larger metropolitan areas. One indication of how judicial time is spent is the average distribution of time according to type of matter obtained from percentages provided by respondent judges.



As many judges had served outside their own district as had not (48% in each instance). Those asked had done so for reasons of disqualification/conflict of interest (36%), illness of the other judge (14%), or excessive caseload in the other district (12%).

Organization and Administration

Judicial participation in the overall administration of the individual judicial districts appeared limited in most districts. As shown in the time distribution chart, the judges recorded an average of only 1.0% of their time for administrative matters. During interviews with clerks in each of the 10 districts, 40% recognized the judge or chief judge as the administrative head of the court. The remaining clerks either identified themselves as the administrative head or were at a loss to identify any one.

According to Standard IIB of the Standards of Judicial Responsibility adopted by the supreme court on March 29, 1972, "a judge should diligently discharge his administrative responsibilities, should maintain professional competence in judicial administration, and should facilitate the performance of the administrative responsibilities of other judges and court officials." When asked to identify the administrative duties of the judges, the clerks cited the chief judge's role in term and case assignments, calling of special meetings, appointment of three judge panels for the hearing of appeals, and the issuance of local rules. Other judges were said to have no administrative duties (particularly in courts with no resident judge), to have duties related to his particular courtroom, to participate in developing the budget, to present the budget to the county board, or to participate with other judges in over-all

policy and management decision making.

The chief judge of one metropolitan district did say he spent 50% of his time in administrative duties. These included serving as representative of the court with other state and local agencies, meeting with groups interested in the courts, calling and chairing meetings of the district judges to discuss policy or problems which have been brought to his attention.

The judges of each district are required by statute to meet annually and elect one of their number as chief judge to preside at all their meetings, "attend all meetings of the presiding judges of the state which may be called by the chief justice...and generally...be responsible for the coordinating of the business of the court" (M.S. § 484.34). When asked how frequently the judges of their districts met to discuss administrative problems, 16% of the questionnaire respondents said meetings were held approximately once per month, 14% had meetings from one to three times per year, 2% met as the need arose and 2% had a meeting of the full bench every two weeks with sub-groups meeting as needed.

Several reasons appear to contribute to the limited administrative role of the judges. For many, their first responsibility is to hearing and deciding of cases which leaves no time for administration. Others seem to feel they do not have the authority or responsibility to perform administrative functions. Still others have trod lightly upon such matters because they do not want to infringe upon the authority of another elected official - their clerks - and so have no staff to support their

administrative efforts. The office of clerk of court is now appointive, however, and this may cause a reassessment and/or realignment of responsibilities and relationships in some instances.

Another possible reason for the limited judicial administration is the county orientation and financing of each particular court. Each county has evolved its own set of procedures and customs which a circuit-riding judge may not have the time nor the inclination to oversee. All the above reasons, to the extent they apply, combine with the traditionally high degree of autonomy of each judge to create a very loose administration within each district.

In the absence of an active administrative role, the judges nonetheless maintain definite opinions regarding organization and administration of their courts. When asked to select, from a list provided to them, the major organizational and administrative problems facing the trial court system, 36% chose "inadequate control by the courts of the services or functions required to support court operations." Twenty-two percent named "insufficient uniformity in court procedures and practices among judicial districts"; 18% indicated they felt no significant nor serious administrative or organizational problems existed; 12% named the "lack of formalized and on-going program for evaluating and improving court management and judicial support systems"; 12% cited "inadequate authority for the chief judge to effectively administer court operations"; and 10% "fragmented authority and responsibility of governmental units at both county, district, and state level over judicial administration."

Responses to a question asking "what are the major problems related to staffing and personnel management practices facing the trial court system today," showed the largest number of judges indicating no significant management and personnel problems (28%) with those who did identify problems ranking them as follows: insufficient use of subordinate officers to handle routine and less demanding judicial matters (20%); insufficient judicial manpower to meet the current court workload (14%); insufficient non-judicial personnel to meet the current court workload (14%); the lack of sufficient pre-service training for new judicial personnel (12%); restrictive personnel management policies due to county board requirements (12%); limitations in existing in-service training opportunities for new judicial personnel (6%); the absence of sufficient numbers of qualified court administrators (6%); limitations on existing pre-service or in-service training opportunities for non-judicial personnel (6%); and lack of law clerks, social workers with inadequate knowledge of their responsibilities, statutory terms of courts rather than continuous terms in smaller counties and lack of sufficient courtroom or jury facilities (2% each).

Personnel needs were revealed in the list of steps which the respondent judges felt could be taken to provide better handling and control over the court workload including: availability of law clerks to assist judges (58%); providing for more court services/probation officers for PSI, counseling and supervision (44%); stricter rules over granting continuance

(30%); use of judicial officers, referees/arbitrators/hearing officers (26%); availability of more civil trial attorneys (20%); availability of more prosecution and public defender staff (18%); use of district and/or regional court administrators (16%); and, availability of more judges (12%).

Determination of the appropriate number of judges in a district should take into consideration caseload, according to 70% of respondents; population, according to 64%; and geographical area, according to 26%. Other needs cited included greater use of electronic data processing (14%) and adoption of more uniform administrative procedures within and among courts (8%).

Most judges opposed any jurisdiction, boundary or statewide organizational changes, although 12% favored a decrease in number of court locations, and 8% each favored creating additional court judicial districts and combining existing court districts. Ten percent favored a merger of all county and district courts into a single trial court system with specialized divisions such as criminal, family, or conciliation.

Opinions regarding decision making authority and responsibility were asked. Most judges (88%) thought the authority for decisions regarding local practices and procedures in the district court should belong to the district court itself although 28% favored supreme court authority in the same instance. The authority and responsibility to establish policies, rules and regulations on a statewide basis should rest with the supreme court according to 74% of the respondents and the individual district courts' consensus according to 24%.

Fifty-eight percent of respondent judges thought it necessary to have periodical meetings for all district judges while 26% thought it unnecessary.

Many administrative responsibilities could be delegated to a court administrator according to most judges. Those favored were: managing the court calendar (76%); recommending manpower and budget needs of the court (68%); assignment of cases among judges (54%); supervision of support personnel (52%); assignment of support personnel (46%); evaluating the performance of support personnel (44%); and establishing operating practices and procedures (34%). Many of these responsibilities are currently being performed by clerks/court administrators as is pointed out in the section on the clerk's office.

Judges' Assessment of Needs

Preservice and in-service education needs were expressed by many judges. Suggested means by which they could be met included: released time and reimbursed expenses for judges attending required continuing education conferences (70% supported this); attendance at a judges' institute prior to a new judge assuming the bench (48%); required annual attendance at continuing education training opportunities after becoming a judge (44%); and more voluntary training opportunities (24%). As to location of courses, 54% approved of regionally offered courses, and 48% approved of centrally located courses.

Compensation was assessed as inadequate by 82% of the respondent judges. Only 12% thought current compensation adequate.

When asked what would be sufficient, the range of responses went from \$35,000 to \$50,000 with many stressing the need for matching or approaching (90% of) federal district court judges' salaries. Others mentioned improvements such as the present salary plus cost of living increases, improved retirement and pension plans or "enough to attract competent attorneys."

Improved procedures in dealing with lawyers were cited by some judges and clerks. Scheduling problems with attorneys and the lack of a consistent statewide policy to overcome them create delays in some courts. Another cited as the biggest problem of the district court by one judge - "is getting attorneys to talk settlement seriously prior to the time a trial begins."

Many judges as well as clerks stressed that the existing statistical reporting system is an inaccurate reflection of court work levels, inadequate for comparison purposes because of varying interpretations of categories by those supplying data, and a waste of their time.

All judges were asked "If there is one thing that may be achieved through this survey, what should it be?" Responses were varied. Some comments stressed the undesirability of a unified or integrated court at this time and the need to let the new county court system mature and later be evaluated. One judge stressed uniformity throughout the state. Another hoped to be able to be made aware of the differences in procedures throughout the state. One felt that the survey should enhance the

realization that his particular district was working "efficiently and well and is solving judicial problems with full cooperation of the county board and court personnel." Another hoped for "realization that the present division of court responsibilities is a good one and that much duplication of administration has been and will be eliminated now that the clerks of district court are by law also clerks of county court." Improvement of the system through informing the legislature of the system's needs was emphasized by one respondent. The provision of more time for judges on the bench was seen as the most needed accomplishment by another. Two judges were concerned that judicial freedom and independence be preserved and one that the adversary system be preserved. One judge hoped that judicial efficiency and the administration of justice would improve as a result of the survey. Judicial and staff training as well as data processing were emphasized by one respondent. Another hoped a decrease in the time between complaint and trial could be accomplished in all courts. Then there was the judge who wished to put an end to several surveys each year with the money diverted to payment for law clerks and probation officers.

One last response to the question is one which the study team hopes will be a minimum yet very important accomplishment of the study - that is "perhaps motivating us trial judges to some objective analysis and self analysis as well."

B. District Court Commissioners

A district court commissioner is an elected official in each county whose term is four years (M.S. § 489.01). A commissioner's powers are those of a judge in chambers, eg. they are empowered "to issue writs of habeas corpus, to take acknowledgements of deeds and other written instruments, to take depositions and certify to same, to perform the marriage ceremony, to take disclosures in garnishment proceedings pending in district court, and orders for the examination of judgment debtors in proceedings supplementary to execution may be made returnable before the court commissioner" (M.S. § 489.01-.02).

The office has been abolished in St. Louis and Hennepin Counties. Of the remaining possible 85, only three were known to clerks interviewed in each of the judicial districts. Of those three, one made a single appearance last year for which he was paid \$25.00; one was "of little or no use"; and the clerk in the county of the third commissioner was "not familiar with how often his services were used...but does feel that his services are used from time to time."

C. The Clerk's Office

In every county except Hennepin,⁸ there is a clerk of court⁹ who performs "all duties assigned him by law and by the rules of the court" (M.S. § 487.01). Statutory duties include:

8. The office was abolished in Hennepin County.

9. See Appendix D for basic law.

- 1) maintaining records such as a register of actions, a judgment record, a docket and various indices (M.S. § 485.07);
- 2) providing calendars of the cases to be tried at each general term of court (M.S. § 485.11);
- 3) appointing deputies and other employees for whose acts the clerk is responsible and whom the clerk may remove at pleasure (M.S. § 485.03);
- 4) handling such financial matters of the court as the taxing of costs and disbursements in a criminal case (M.S. § 485.09);
- 5) providing information concerning actions to the Supreme Court as prescribed by the rules of civil procedure (M.S. § 485.16).

The clerk may also preserve vital statistics records.

An elective office until recently, the clerk of court is now appointed by the district court judge. As of 1974, the clerk of district court is also the clerk of county court.

Staff Composition

According to figures submitted by the district court judges, including some estimates, there are 463 clerks and deputy clerks throughout the state. Additional employees, estimated at 190, include full and part-time secretarial help, full and part-time court reporters, court services personnel, referees, attorneys, and bailiffs.

Some clerks employ a single staff for both district and county courts while others maintain a separate staff for each court. The latter arrangement is more prevalent. A number of offices with two separate staffs, however, do have employees who are cross-deputized to perform duties for the other court. Of the 463 district court clerks and deputies, an estimated 139

also performed some tasks for county court.

The educational backgrounds of the clerks and deputies vary greatly. The collation of questionnaire responses to the highest educational background achieved revealed that 140 of the clerks and deputies had graduated from high school, 37 had attended business school, 47 had attended some college, 22 had received B.A. degrees, 9 had attended graduate school, 18 had attended some law school, 3 had actually received their law degrees and 5 had attended the Institute for Court Management.

Thirty-eight percent of the respondent judges indicated that at least one group within the court staff was unionized. These groups were all or part of the clerk's staff or were probation department employees. Thirty-four percent of the respondents said there were no unionized employees within the court staff.

Functions

The responsibilities of the clerk's office are many and varied far beyond the skeletal outline suggested by the statutes. These functions are often a combination of both administrative and ministerial tasks. Not all clerks perform the same degree of administrative as opposed to ministerial tasks. Often, due to a small staff or a shortage of staff, the clerk is involved primarily in the actual processing of papers, files, etc. In other situations, the clerk has a larger staff and is mainly involved in administrative concerns such as personnel, budget, planning, development and supervision. According to figures

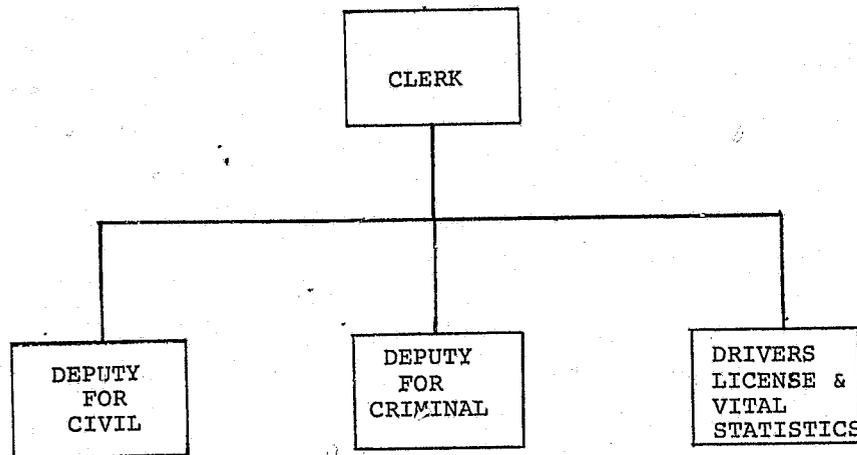
obtained through use of the judges' questionnaire, clerks performed the following tasks to the following degree: supervise deputy clerks for district court (52%); prepare required statistical reports (48%); administer oaths (48%); attend all district court sessions (46%); take minutes of district court sessions (44%); handle jury administration (38%); supervise deputy clerks for county court (30%); develop budget for district court (20%); develop budget for county court (20%); determine or assist judge in determining personnel, equipment or supply needs for district court (16%); perform same for county court (12%); determine or assist judge in preparation of space utilization programs (12%); supervise bailiff and court reporters for district court (10%); establish manpower training and development programs (10%); supervise bailiffs and court reporters for county court (8%); strengthen ties to budget and finance agencies outside the court (8%); transcribe recordings of court proceedings (6%); decide the degree of computer processing of information (4%); and supervise court services personnel (2%). When asked who was performing the above duties if the clerk was not, 22% of the respondent judges indicated that a judge was and 16% attributed the duties to reporters, bailiffs, court services officers, etc.

Organization and Administration

The majority of clerk's offices divided and assigned duties according to type of matter rather than type of function. For example, two people would handle all tasks in connection with civil cases - opening of files, recording in the register of

actions, indices and docket books, sitting in court and taking minutes, etc. Another person would do all those same functions but in connection with criminal cases. Another person would handle all driver's license and vital statistics functions. This office would appear similar to the following on an organization chart:

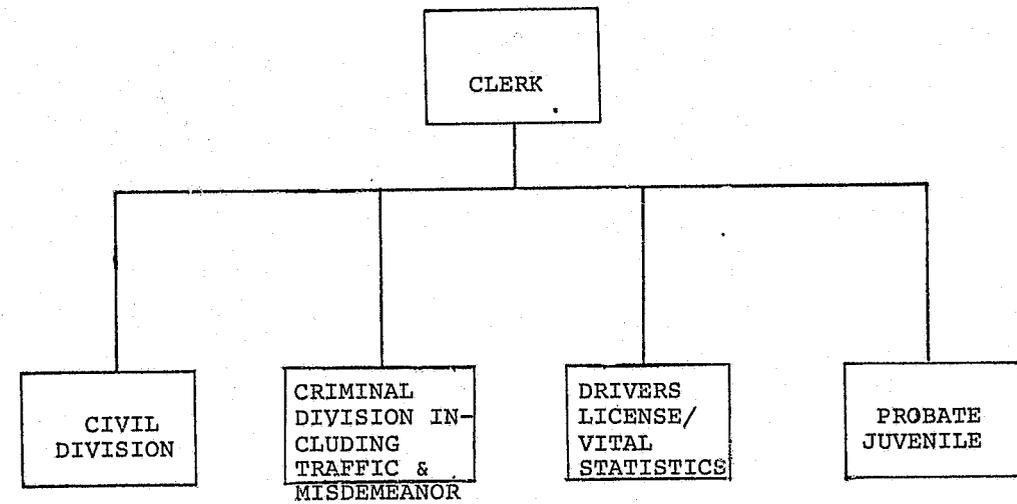
STRUCTURE A



In some instances, each deputy would be involved in receipting and accounting for his or her own division and in other instances, one person would perform this for the whole court.

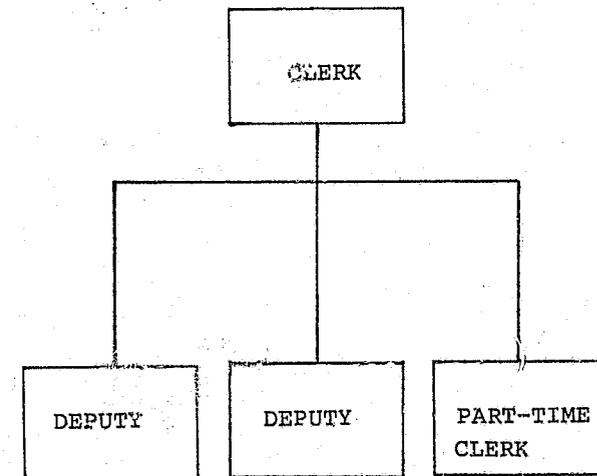
If district and county court clerical staffs were partially or totally combined, both courts' civil matters would usually be performed by the same deputy or division, and traffic and misdemeanor matters would be joined with criminal. Juvenile and probate would be separate.

STRUCTURE B



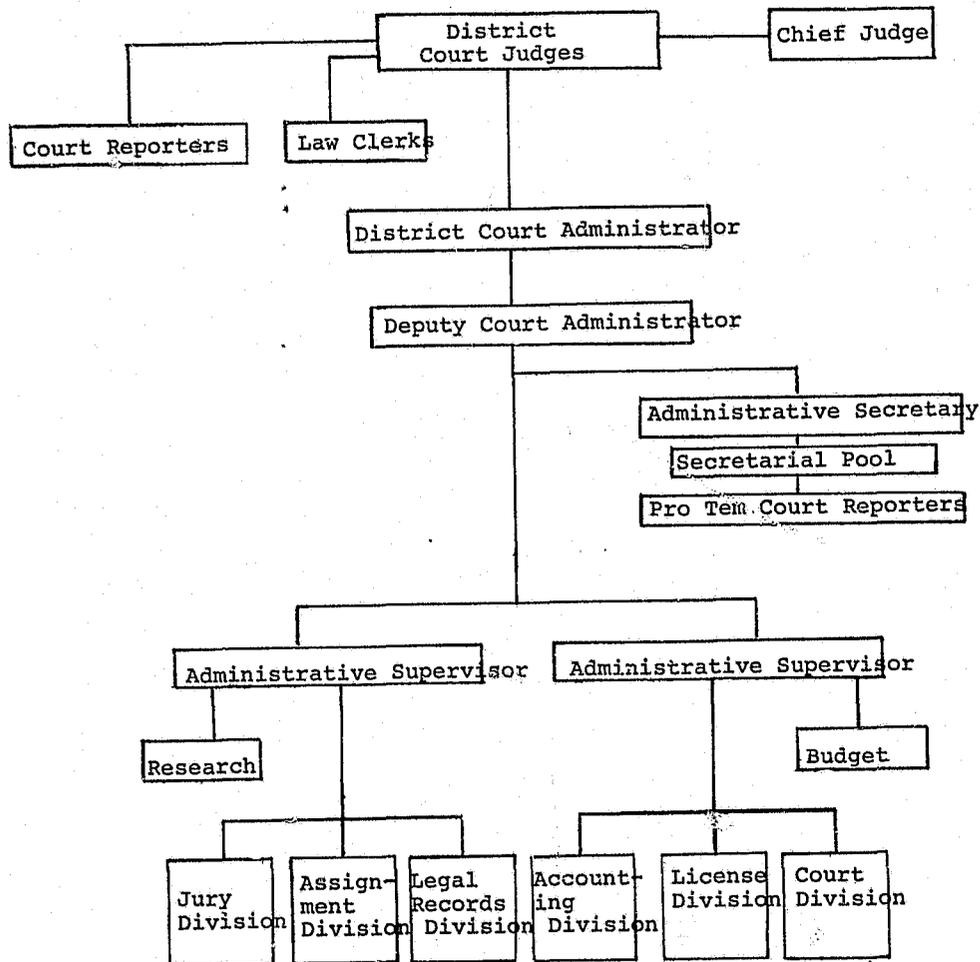
An alternative structure for a smaller office would be one in which all people shared in doing all work regardless of type. A possible organization chart for this structure would look like the following:

STRUCTURE C



Of the three large metropolitan courts, two were similar to Structure A though much enlarged with a court administrator in addition to the clerk and expanded accounting duties and/or staff. A third had no clerk but had a court administrator and a deputy court administrator with staffing as follows:

DISTRICT COURT ORGANIZATIONAL CHART¹⁰



10. As provided by Hennepin County District Court.

Five of the ten offices visited had written job descriptions or qualifications and hiring procedures. Four of these were developed in connection with a county-wide personnel system. Periodic formal evaluations of the staff were the norm only in those counties with county personnel systems. In those counties, evaluation was performed by the clerk, his chief assistant, the court administrator or reviewed by the office head with a county personnel board elected by the county employees.

The majority of the clerk's offices did not hold regular staff meetings. Specific problems were dealt with as they arose, and solutions were not circulated in any formal way to the whole staff. A few offices did have an excellent device for the use by deputies when an unusual situation occurred or procedure was required. This was in the form of a procedural handbook or card file which include the name of the action or procedure, a written description of the procedure required, references to appropriate forms, references to pertinent statutes or rules and, often, a sample. At least one office also extended this manual, not just for unusual cases, but as something of a basic procedural manual for most duties required.

Those counties with personnel systems also had personnel manuals dealing with such topics as pay scales, promotion, leave, vacations, grievance procedure, termination, hiring, employment standards/performance evaluations, overtime and fringe benefits.

Compensation

Salaries ranged widely for clerks and their staff. Within

the 62 counties with populations under 25,000, clerks of court received salaries from a low of \$7,500 (2) for district court duties to a high of \$15,443. Compensation for their assumption of county court responsibilities ranged from \$0.00 (24 who received no specific compensation for those duties) to a high of \$4,800 (1). Two clerks also received additional compensation - one \$800.00/year, one \$960.00/year - for providing motor vehicle registration services.¹¹ In the larger counties, compensations included \$24,500 to \$31,500 including mileage payment. Subordinate personnel received differing compensations also. In those counties visited, with smaller staffs and simple or non-existent salary structures, starting salaries for deputy clerk positions went from \$325/month to \$588/month with the majority at \$350/month. Other classifications and starting salaries were as follows: court X had a "clerk I" position beginning at \$454/month and a deputy court clerk at \$775/month; court Y had a clerk position starting at \$403/month, an "assistant court deputy" at \$553/month, a "court deputy" at \$641/month and a "senior court deputy" at \$779/month; court Z had a "clerk II" at \$413/month, a "court aide I" with three years' experience at \$740/month; a "court aide VI" with one year's experience at \$824/month; and a "chief deputy" at \$1,347/month.

Clerks' Assessment of Needs

Clerks were almost unanimous in their opinions that the present state statistical reporting system is currently an inaccurate reflection of court work, is inadequate for comparison

purposes due to varying interpretations of categories used and valueless to the local clerks. They feel it should be revised if it is truly needed, and its usefulness and purpose should be evaluated and then explained to the local courts. Some clerks expressed the need for some system which would discourage attorneys from the last-minute striking of cases which are then filed again the next term.

Another problem in need of solution is the resolution of calendaring problems between urban and rural courts drawing from the same pool of attorneys.

The separation of staff members because of inadequate facilities is of great concern to many. Having personnel scattered through all levels and areas of the courthouse greatly impedes efficient use of staff, processing of cases and court security.

At least two clerks cited the problem of instituting organizational and administrative changes because of opposition by county boards.

The need for more communication among clerks statewide was identified. Many felt a lack of sufficient time either in district or statewide conferences to compare various procedures, both legal and operational. During the study team's visits many innovative and effective methods were observed in filing systems, calendaring systems, indexing, the use of microfilming, minute books, and record systems. Yet there is little or no opportunity for clerks to discover, learn and adapt these innovations

11. Figures for 1974 obtained from information provided by clerks to Ardith Johnson, Clerk of Court in Pennington County.

to their own offices.

Another situation in need of amelioration was the lack of regular, formal meetings between the clerks and all the judges. A clerk might not meet with the judges as a group more than once a year; another might never meet with the group as a whole. Yet the clerk is the head of the court's primary support system; and when the system has to support several different judges within the course of each year, procedural differences and questions are bound to arise which call for a consensual solution or at least a thorough communication of the prevailing solution. Regularly established staff meetings could aid such decision-making, enhance smooth operations throughout the court year and promote uniformity.

Continuing education needs were cited by most clerks. There was a great deal of enthusiasm for the curriculum of the clerks' certification program beginning at Quadra this year. More seminars were requested by several clerks. Mandatory conferences were also supported in the interest of greater state-wide uniformity. An almost universal problem is the inability of deputy clerks to get away for the conferences because of the daily press of business. One clerk always tapes the educational sessions she attends and later plays it for her deputies. This is helpful but not enough. Support was voiced for the implementation of several half-day seminars for deputies located in such a way that they would not have to travel long distances to attend.

Those courses of particular interest to the clerks inter-

viewed were: comparative recordkeeping methods, how to issue writs, procedures for bonds, and discussion of questions which arise regarding judgments and, always, basic procedures.

D. Court Reporters and Recording

According to questionnaire responses, there are 77 court reporters serving the district court judges of the state.¹² Each judge has his own reporter who travels to each court location with the same judge. Referees in Hennepin County also have court reporters. The reporter is responsible to the judge and usually acts as personal secretary to the judge in addition to fulfilling court recording responsibilities. Reporters do their own transcription or else have secretaries outside the court staff transcribe for them. Current compensation has been set by the legislature at a maximum of \$14,500 per year (M.S. § 486.05). Within that limitation, the reporter's salary is established by order of the district court judge.

Court proceedings are also recorded by means of judges' notes according to 32% of respondent judges, by clerks' notes according to 6% of respondents and by electronic recorder according to 16% of the respondents.

12. For basic law re court reporters see Appendix E.

E. Case Processing

Figures submitted by local courts to the state court administrator and compiled into an annual report for 1973 indicated that a total of 26,584 cases were terminated in the district court of Minnesota during 1973.¹³ Of these, 20,453 were civil cases and 6,131 were criminal cases. Eleven thousand seventy-nine cases were heard by the court, and 9,374 were tried before a jury. In criminal matters, 192 cases were terminated by court trial, 397 by jury trial, 4,780 cases turned in pleas of guilty and 762 cases were dismissed. The annual report for 1973 stated that "statistics clearly show that the District Courts of Minnesota are in a very current position. The two largest courts (Ramsey and Hennepin Counties) have a delay in jury cases of less than 9 months. Ramsey County has the longest delay in court cases which is 6.2 months."

The delay periods, however, were calculated on the basis of statistics submitted by the local courts. Some have identified the entrance of a case into the system on the basis of when the note of issue was filed, others on when a complaint was received, others when an answer was received, others still on when ever a file was opened. Statistics have also been artificially influenced by the frequent striking of cases from general term which is reflected as a termination - which are then re-filed for the subsequent term. Also, it is our understanding that the district court statistics and records have been concerned

13. For a more detailed breakdown of statistics see Appendix F.

only with the length of time a case is in the district court itself. Generally, there was no court employee who had or who regularly took the responsibility to review in a criminal matter or on appeal the total time a defendant or litigant had been in the court system.¹⁴ The state statistical reporting system is not capable of producing that information.

Responsibility for the scheduling of a case was shared among clerks and the judge according to the majority of respondents (62%). Calendaring was usually performed in the following manner. All civil cases to be tried during the general term must be filed 28 days prior to the general term's opening day. The clerk of court then takes the information from those cases with timely notes of issue along with any criminal cases bound over at the time to the printer. This comprises the general term calendar. On the first or second day of the general term, calendar call is held. Attorneys indicate their readiness or lack thereof and may sometimes request a date certain or to be put at the foot of the calendar. On the basis of calendar call the clerk, often in consultation with the judge, works up the order of trial list. This is then distributed to the attorneys and the clerk keeps them alerted as to when they should be ready to appear. Criminal cases with defendants in custody are

14. According to the respondent judges, 46% regularly receive a "jail list" from the sheriff's office, but these lists do not necessarily show length of detention.

scheduled first, unless the party requests a delay. Jury trials are held before court trials. Criminal trials precede civil trials. The time between the calendar call and first appearance of jurors is often used for pre-trial hearings and motions.

The form for certification of readiness for trial and criminal calendar recommendations from Hennepin County are to be found in Appendices G and H.

Once a case was submitted to one particular judge, he presided until its termination according to 84% of the questionnaire respondents. The majority of respondents (60%) did not have scheduling conferences.

Pre-trial conferences were scheduled and held at least on a request basis by 70% of respondent judges. According to one "Notice of Pre-Trial Conference" used in a Minnesota district court, attorneys were to come prepared to:

1. Offer all documentary evidence and exhibits to be marked and offered into evidence (unless objection is made to a given exhibit it will be considered as admitted without objection);
2. Specify all damage claims as of the date of the conference;
3. State and simplify the issues and amend pleadings accordingly;
4. Stipulate to facts and documents about which no substantial controversy exists;
5. Discuss points of law and other matters which may facilitate disposition of the case; and
6. Set case for trial before the above named judge.

BY ORDER OF THE COURT

Most of the judges using pre-trial conferences indicated that they were scheduled from 6 to 21 days in advance of the

trial date. According to respondents' estimates, generally less than 25% of scheduled trials were settled in pre-trial conferences. Thirty-percent of the respondents showed, however, that 50% or more of the scheduled trials were settled after the pre-trial conference but prior to trial.

In addition to the clerk's staff and court reporter, 46% of the respondents had court services officers assigned to their court. Numbers of officers ranged from one shared by all judges in the district to 85 in Hennepin County. Court services officers most often provided pre-sentence investigation (PSI) and probation services. The court could receive a completed PSI in approximately 15 days in some courts while others waited as long as 120 days. Court services officers providing probation services had caseloads estimated at 40 to 70 per officer. This caseload in itself provides a heavy workload which may contribute to the delay in processing of cases. Yet at least some officers also were said to perform counseling and pre-trial release, domestic relations and juvenile investigatory services.

Those courts without court services officers assigned to them were provided some services by county probation agents or agents of the State Department of Corrections. Sixty-two percent of questionnaire respondents expressed a need for additional court services or probation resource personnel.

When asked who determines what detailed information is included in a pre-sentence investigation report, the answers seemed to indicate that the individual probation officer had control over its content in most instances, the judge in combination with the probation officer and Commissioner of Cor-

rections in fewer instances, the Commissioner of Corrections alone in still fewer instances and practice and custom the determining factor in a few situations. This reveals, perhaps, a need for more thorough study of the contents and use of the PSI on a state-wide basis, with the judiciary taking a more active part in determining its content and quality.

Each judicial district within the state has its own formalized set of "special rules of practice" which serve as guide to attorneys and the general public on procedures required by a particular district in the course of processing a case. These rules can be found in Minnesota Rules of Court 1973.

Jury administration was found to adhere to statutory guidelines set forth in M.S. 593 (see Appendix I). The option provided which allows the court to summon jurors' appearances on a day other than the second day of the general term was taken frequently, and jurors were summoned to appear during the second week of the general term. The first week of the term was then used for calendar call and pre-trial hearings.

Jury costs were a large portion of each court budget, and most clerks and administrators had evolved some procedures to reduce the number of jurors reporting on a particular day to as close to optimum as possible. Hennepin County, for example, hopes to save as much as \$60,000 in 1974 by instituting changes in juror usage, many of which were prompted by a Law Enforcement Assistance Administration report released in April of 1974. Problems identified by the LEAA report included

the fact that "over half a prospective juror's time is spent waiting to be called for selection and trial duty"; that the "dismissal policy does not involve prior day notification... [and that] dismissal for part of a day is far less effective because the juror has already appeared and must be paid"; and, that "the two-week jury term is too long and presents a hardship for some citizens."¹⁵ In response, the number of jurors called each week was reduced, the dismissal policy was tightened and the two week term was scheduled to be reduced to one week in September, 1974. Juror supply has also been adapted to the court's needs as they vary through the week, with the largest demand on Monday diminishing to the smallest demand on Friday. Practices such as these should help reduce the costs and frustrations of excessive juror waiting while maintaining proper availability of a jury panel.

Another noteworthy practice in Hennepin County is the distribution of A Handbook for Trial Jurors which introduces the potential juror to the court process as well as the juror's duties within that process (see Appendix J).

The office of the clerk or court administrator has a major effect on case processing. The effectiveness and efficiency of its procedures, staff and facilities are vital to the quality of court caseflow. From the filing of the first paper to the termination of the case, the clerk and deputies are intimately involved in the progress of a case through the

15. "County Told Better Jury Duty Might Save Money," Paul Light, Minneapolis Tribune, June 10, 1974.

district court. Their recordkeeping and information system practices are discussed below.

F. Recordkeeping

The present district court recordkeeping procedures are manual in nature with the exception of certain local court applications. In general, the internal records and information systems in most courts are good but presently rely on methods of information handling and transfer which belong more properly to the nineteenth century than to the present day.

At a time when the police make daily use of sophisticated communication methods and refined laboratory techniques, when the courts readily accept the probative value of evidence based on modern technology, when correctional and "after care" officials attempt to apply the latest findings in the social and behavioral sciences to persons in their charge, it is anomalous that court clerks post entries to an individual arrest record card by hand and delete improperly made entries with an eraser. Clerks rely upon salesmen for form design and continue to use oversized and costly (\$125-\$250/book) volumes used for registers of actions, docket, indices, and judgment books.

What follows is a narrative description of the major aspects of a recordkeeping system in one district court. We are not recommending it, but are using it for a description of current court processes. Cost analysis of the alternative recordkeeping systems should be explored before changes are made.

Description of Recordkeeping Tools and Procedures

The Register of Actions is a large ledger book whose pages are about 12" x 18" called the "Register." Each ledger

contains a case index by alpha designation, eg. each plaintiff and defendant in an action is recorded. Each page carries a file number which is the sequential case identifier. The title of each action originally commenced or appealed in district court is recorded. The plaintiff's name and defendant's name appear along with plaintiff's and defendant's attorneys names. The date the case is opened is stamped at the top in bold print. The "register" contains the description and date filed for all documents relating to the case received by the clerk. Each and every event in the processing of a case is recorded and described. Summaries of court actions are recorded by the clerk. A Judgment Docket is a large ledger book used by the clerk to record the following information:

- a) judgment debtor,
- b) judgment creditor,
- c) register of action page number,
- d) court,
- e) date of judgment,
- f) date of docketing,
- g) amount of judgment,
- h) attorney for judgment creditor,
- i) date execution issued,
- j) date execution returned,
- k) amount applied on judgment,
- l) date judgment satisfied, and an
- m) alpha index of each judgment debtor.

The Index Reference is also a large ledger book. The names of all plaintiffs and defendants (name of parties) are alphabetized in this ledger. The date action is commenced and the register of action page number are recorded. There is a separate file index for civil and criminal cases.

File Card

Every case filed in district court also receives a file card. The file cards are alphabetized by name and filed in the main filing area. The clerk records the:

- a) file identification number,
- b) date and time file document received by clerk,
- c) fees owed or paid,
- d) receipt number, and
- e) reference page in the counter judgment book.

Counter Judgment Book

All judgments recorded in district court are also recorded in a counter judgment book. As each judgment is satisfied the name is stricken from this spiral notebook. In this notebook, the clerk records the:

- a) name of judgment debtor,
- b) page number of judgment book entry, and
- c) amount of judgment.

File Folder

When a case is filed in district court it is given a "docket number" which coincides with the Register of Action page number identifier. The case files are located in the

main filing area and are accessible to all court staff, other governmental agencies and local attorneys. The basic control mechanism in the fields is an "out" card which is filled out by the individual borrowing the file, and placed in the drawer in place of the file until it is returned. This file folder contains all documents received by the clerk and summary information as to what has happened during court proceedings. In addition, the clerk records the following information on the front of the file folder:

- a) plaintiff name,
- b) defendant's name,
- c) plaintiff attorney,
- d) defendant attorney,
- e) reference to register of action page number,
- f) amount of judgment (civil cases),
- g) judgment docket page reference,
- h) date of docketing time and date of default, if any, and
- i) receipt number, amount of fees paid by parties in case.

Ledger of Accounts

The clerk uses single sheet accounting paper to record amounts owed/paid by local attorneys.

Calendar

The calendar is a printed booklet which serves as the central scheduling document and therefore the principal tool for coordinating the court schedules.

Minute book

In this volume, the clerk records explanatory notes of what has transpired in the courtroom. This minute book is yet another large ledger book used by the court.

Divorce et al judgment book

The clerk records in this large ledger book all court actions resulting from either court trial or jury trials.

G. Accounting

General Description

The applications of accounting principles being used by the courts can best be described as diverse. While there is general agreement as to the end to be achieved, there is a considerable lack of similarity in the detailed processes by which the principles of accounting are approached. With this in mind, the following is a description of one such system.

The administration of monies paid into and out of district court is handled by the clerk of court. As in a majority of courts observed, it was the county auditor who prepared the budget, approved budget expenditures and paid out monies for approved expenditures. The types of collections and disbursements that are handled by the clerk of court are:

- 1) family support,
- 2) reciprocal support,
- 3) fees,
- 4) fines,
- 5) trusts,

6) restitution, and

7) bail.

The accounting functions vary from district to district and, in almost all instances, within a multi-county district. This function was manual in nature in all courts observed.

Money is received from persons in the form of cash, checks, or money orders, and a handwritten receipt is issued. Money is deposited at the bank the following morning. On Fridays and days before holidays, money collected is deposited at the bank in the late afternoon of the day the monies are collected.

Worksheets

A daily worksheet is prepared listing all individuals paying money to the clerk of court. In addition, the case identification number is recorded, amount collected, the source of the money and the receipt number of the transaction.

Receipts

Consecutively numbered receipt forms are provided to all individuals making payments to the court clerk's office. A duplicate is kept by the office.

Daily Recapitulation Form

This worksheet gives a detailed recap of the amount of cash on hand at the close of each business day.

Checkbook

A checking account is used to record disbursements of moneys by the court.

Budget

An operating budget is rarely prepared and used by the

court as a fiscal management tool.

Fixed Asset Accounting

We did not discover any established procedures for itemizing fixed assets. It is certain that they do exist in some instances, but this was not apparent in the clerk's offices observed.

Internal Control

Internal control could be said to be one of the most relaxed areas in the accounting function observed in the courts. The small size of offices and integrity of court employees may seem to make any elaborate procedures unnecessary; however, to facilitate both outside audit and internal daily accounting as well as enhancing the integrity of the court, such procedures should be established.

Independent Surveillance

In many cases the courts are not audited annually and in most cases the auditor's reports are not provided to the court. Notwithstanding the fact that in all cases a report is filed with the county auditor, it is imperative that the court receive a final written audit report.

H. Financing

Support of the district court is currently shared between the state and the counties. The state pays the district court judges' salaries as well as travel, lodging, postage, stationery, and telephone expenses incurred in the discharge of their official duties (M.S. § 484.54).

Counties must pay the salary of the clerk, a minimum for which is set by statute. The county board must provide the budget for salaries of the clerk's staff, other expenses necessary in the performance of the clerk's duties (M.S. § 485.018), and their population-based portion of the salary of their district's court reporters (M.S. § 486.05). Counties are also required to "provide at the county-seat, and keep in good repair a suitable court-house" (M.S. § 373.05).

According to the Tenth Annual Report, the cost of district court for 1973 were as follows:

		No. Of Judges	(1970 Census) Population
First District	\$473,794.54	5	300,205
Second District	799,402.00	12	476,255
Third District	679,321.11	6	366,405
Fourth District	2,552,790.47	19	960,080
Fifth District	665,874.60	5	258,679
Sixth District	573,188.21	6	265,539
Seventh District	482,700.44	4	333,406
Eighth District	384,922.45	3	177,380
Ninth District	454,463.24	6	265,385
Tenth District	645,835.22	6	355,232

Total costs, with five counties not reporting, were \$7,712,292.28.

For a breakdown of costs according to county, see Appendix K.

Seventy-four percent of the questionnaire respondents indicated that their county boards currently were responsive to the needs of the district court while 18% indicated that the boards were not responsive to court needs; however, when asked to choose which among several plans listed would be best for financing of all state court operations, the greatest percentage (32%) selected total state financing of the courts.

VIII. STATEWIDE ADMINISTRATION OF THE COURTS

"To promote and secure more efficient administration of justice, the chief justice of the supreme court of the state shall supervise and coordinate the work of the district courts of the state" (M.S. § 2.724). The chief justice has the authority to call statewide meetings of the presiding judges of district court (M.S. § 2.724, 484.34) and to assign a district judge to serve as judge in another district "when public convenience and necessity require it" (M.S. § 2.724 subd. 1).

The chief justice also has the responsibility to supervise and direct the state court administrator in the performance of the following duties and responsibilities:

Subd. 2. The court administrator shall examine the administrative methods and systems employed in the offices of the judges, clerks, reporters, and employees of the courts and make recommendations, through the chief justice for the improvement of the same.

Subd. 3. The court administrator shall examine the state dockets of the courts and determine the need for assistance by any court.

Subd. 4. The court administrator shall make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance.

Subd. 5. The court administrator shall collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice and to the respective houses of the legislature to the end that proper action may be taken in respect thereto.

Subd. 6. The court administrator shall prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto.

Subd. 7. The court administrator shall collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the

maintenance and operation of the judicial system and the offices connected therewith.

Subd. 8. The court administrator shall obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to the supreme court of this state and to the respective houses of the legislature.

Subd. 9. The court administrator shall formulate and submit to the judicial council of this state and to the respective houses of the legislature recommendations of policies for the improvement of the judicial system.

Subd. 10. The court administrator shall submit annually as of February 1, to the chief justice and the judicial council, a report of the activities of the court administrator's office for the preceding calendar year.

Subd. 11. The court administrator shall attend to such other matters consistent with the powers delegated herein as may be assigned by the supreme court of this state. (M.S. § 480.15).

The state court administrator has on his staff a statistician/secretary, a deputy court administrator and her secretary and accountant, and a director of continuing education for state courts personnel with a small staff of his own.

The judicial council, to which the state court administrator is to submit recommendations of policies for "the improvement of the judicial system," was created in 1937 "for the continuous study of the organization, rules and methods of procedure and practice of the judicial system of the state, and of all matters relating to the administration of said system and its several departments" (M.S. § 483.01). The council is composed of the chief justice or another justice or former justice appointed by him; two district court judges or former judges, and one former or current probate judge each selected by his or her colleagues; and seven others appointed by the governor one

of whom must be a judge of municipal court and at least four of whom must be attorneys "of wide practical experience" (M.S. § 483.02).

Another body which may gather "for the consideration of matters relating to judicial business, the improvement of the judicial system and the administration of justice" is an "annual conference of the judges of the courts of record of this state and of members of the respective judiciary committees of the legislature, and of invited members of the bar." This meeting may be provided by rule or special order of the supreme court (M.S. § 480.17).

Visits throughout the state revealed little communication between the district court and the state court levels. Judges had some contact with the supreme court chief justice or the state court administrator concerning temporary assignment to another district or to the supreme court. Clerks had contact with the state court administrator or his deputy at yearly meetings or in connection with the statistical reports submitted to him. Communication of the Chief Justice and State Court Administrator has primarily been with Chief District Judges and the officers and committee chairmen of the District Judges' Association. Communication with clerks has been with the officers and committee chairmen of their association. The State Court Administrator's Office has recently generated a great deal of activity and communication through the recently created program for Continuing Education for State Courts Personnel which has provided several educational programs based on extensive work by curriculum advisory committees with district court representation. Un-

fortunately, some local courts personnel do not understand the role of the State Court Administrator and what the position's relationship is to the various state courts themselves. It is as apparent in conversations with courts personnel throughout the state that communication between all segments of the entire state court system, both judicial and non-judicial personnel, must be improved, increased and formalized.

IX. BROAD RECOMMENDATIONS

The three major objectives of the district court system set by the district court judges as noted earlier were the following:

- 1) to provide impartial judicial decisions of the highest quality possible;
- 2) to insure justice which is timely and uniformly applied; and,
- 3) to encourage respect for law and the administration of justice.

The majority of the judges feel they are moderately successful in achieving their goals. Our recommendations for improving the system are directed toward those portions of the second and third objectives which have not met with as great a success as the first. We hope to provide guidelines for a district court system which will facilitate the equally successful attainment of these other goals.

Judges and clerks have indicated that timeliness of justice in Minnesota is not a major problem. Our concern is for the uniform application of justice and for the encouragement of respect for law and the administration of justice. In order to meet these objectives, a major question must be asked and answered by each member of the judiciary of this state.

They must answer the question individually and collectively, "Who shall assume responsibility for the administration of the state court system in Minnesota?". If they answer that their

responsibility is restricted to the duties of the bench, to the rendering of judicial decisions, then they must accept the consequences of their decision. The refusal to assume an active, leadership role in the administration of the co-equal branch of government will affect the efficiency of judicial activity.

In our attempts to influence the decision that the judiciary must make, the study team repeats the words of the American economist, Dr. William Freund, who warned against complacency when he said, "We must choose to be the managers of change or the victims of change."¹⁶

To meet the following recommendations, a well coordinated administrative structure adequately staffed must be established throughout the state court system.

Administration

It is recommended that the state courts under the leadership of the chief justice recognize, define, and undertake their responsibility for administering the state court system. In pursuing this goal, it is recommended that they adhere to standard 1.30 set by the American Bar Association Commission on Standards of Judicial Administration's Standards Relating to Court Organization:

The court system should control its own administrative policies and should have procedures through which all its judges can participate in developing such policies. Authority to implement the court's administrative policies should be established in a clear and simple set of management relationships under the supervisory authority of the chief justice.

This "set of management relationships" should be defined to include the chief justice of the supreme court, the chief

¹⁶. Judicature, March 1973, vol. 56, no. 8, p. 323.

judge at the district level and the judge of every local court. Responsibilities and relationships of each position to every other position should be clearly drawn. Each judge should aspire to the Standard of Judicial Responsibility adopted by the supreme court in 1972 which states that "a judge should diligently discharge his administrative responsibilities, should maintain professional competence in judicial administration, and should facilitate the performance of the administrative responsibilities of other judges and court officials."

It is also recommended that the judicial council more actively pursue its responsibility to study the organization and methods of practice and procedure as they relate to statewide administration (M.S. § 483.01) and serve as an advisor thereon to the chief justice. It is also recommended that all court projects for which federal funds are being sought be submitted to the Chief Justice and the State Court Administrator for approval.

Communications and Administration

It is recommended that, according to the ABA's court organization standard 1.30, "all judges in the court system... convene regularly as a body to deliberate upon and discuss the work of the court system and their problems and responsibilities in its administration." These meetings should include the judicial officers as well as judges of all courts in the state and should provide a mechanism for participation in "administrative policy-making through the processes of recommendation, review, comment and criticism."¹⁷

It is recommended that improved communications statewide

17. Standards Relating to Court Organization, American Bar Association Commission on Standards of Judicial Administration, 1974, p. 59.

be enhanced at the local level through regular meetings of all levels of staff - both judicial and non-judicial - to establish a forum for discussions and a means of feedback on major problems, policies and procedures affecting the courts.

It is recommended that a statewide program of public information concerning the state courts be launched to properly educate the public and its elected representatives regarding the needs and concerns of the courts. This public information program should be coordinated through the State Court Administrator. At the local level, a single individual should be responsible for public information functions as part of his or her job description. This person should be readily identifiable to the courthouse visitor. It is further recommended that pamphlets be prepared and distributed regarding court processes and the citizen's involvement in them. These pamphlets could include such topics as court procedures, defendants' rights, jurors' and witnesses' rights and responsibilities, etc.¹⁸

Recordkeeping, Statistics, Information and Administration

It is recommended that the court system and its administrators have a management information system which meets two main requirements:

- 1) it should provide appropriate management information to the appropriate person at the time it is needed for decision-making, management and planning purposes; and,
- 2) it should meet statutory requirements.

All the state courts' management information needs should be coordinated into a single, integrated system. Standard 1.60 of the ABA's Standards Relating to Court Organization is an

18. Courts, National Advisory Council on Criminal Justice Standards and Goals, Standard 10.3, p. 202.

excellent guideline with which to formulate a system of records, statistics, and information which is useful, which serves the needs of the system. Under the above criteria it is anticipated that the present statistical reporting system will be revised radically in keeping with local courts' needs and comments. It is further recommended that suggestions set forth in the Minnesota County Court Survey¹⁹ pertaining to recordkeeping and management information systems be followed. These include the creation at the state level of a deputy court administrator with specific supervisory responsibility for the management information system.

Other recordkeeping recommendations include exploring the use of alternative books of record in lieu of costly, oversized registers now in use; the establishment of uniform criteria for the destruction of records including files, depositions and exhibits; uniform standards for the use and acceptability of microfilm; and the uniform use of a single, standard sized page for record forms.

Uniformity and Administration

It is recommended that the courts take advantage of an improved administrative structure in establishing more uniform practices and procedures throughout the state. In addition to those previously suggested, we recommend uniform practice and procedures in the scheduling of attorneys, in the use of pre-

19. Minnesota County Court Survey, Susan C. Beerhalter and James A. Gainey, National Center for State Courts, March, 1974.

trial hearings, in jury administration and the use of pre-selection questionnaires, in determination of bail and release on personal recognizance standards, in the contents and use of the pre-sentence investigation report, in the development of a procedural handbook for the clerk's office and in the development of a system for evaluating court effectiveness in meeting its objectives.

If timely administration of justice is an objective of the system, then it is recommended that specific statewide standards be set for the timely disposition of criminal and civil cases and various stages during the court process. Periodic evaluations of timeliness should be made through the use of an improved information system. Failures to meet the time standards should be analyzed by court administrative personnel at the local, or state level as appropriate with the aim of eliminating processing delays.

Personnel Needs

It is recommended that, to overcome the great variations in employment qualifications and procedures, personnel policies and compensation, a statewide system for non-judicial personnel be established under the auspices of the state court administrator's office to include uniform standards for job descriptions, qualifications, application and selection procedures, training, evaluation and compensation. It is recommended that the pertinent ABA Standards Relating to Court Organization be observed.

Standards include in part, that:

Non-judicial personnel of the court system including part-time staff and consultants, should be selected, supervised, retained and promoted in accordance with regulations...[which] should provide for:

(i) A uniform system of position classification and levels of compensation.

(ii) A system of open and competitive application, examination, and appointment of new employees that reflects the special requirements of each type of position in regard to education, professional certification, experience, proficiency, and performance of confidential functions. Employment should be made without discrimination on the basis of race or ethnic identity, age, sex, or religious or political affiliation, and should be administered to encourage members of minority or disadvantaged groups to seek employment in the court system.

(iii) Uniform procedures for making periodic evaluation of employee performance and decisions concerning retention and promotion.

(iv) Requirements that discipline or discharge be based on good cause and be subject to appropriate review.

(v) Comparability, so far as possible, with the employment system in the executive department. Transfer of individuals from one system to the other, without impairment of compensation, seniority, or fringe benefits should be facilitated.

b) Auxiliary staff classifications. Regulations governing non-judicial employees of the court system should reflect the differences in duties and responsibilities of various types of non-judicial personnel.

It is also recommended that clerical staffs for district and county courts be combined, where they have not been already, for more effective utilization and supervision under the now combined office of clerk of district and county court. It is recommended that the combined staff be organized into teams operating according to function rather than according to type

of matter. A more detailed description of this organization may be found in the Minnesota County Court Survey, pages 55 through 58.

It is also recommended in accordance with ABA Standards, that "the judicial salary structure as a whole [be] adequate to assure that highly qualified people can be attracted to the bench and can continue to serve without undergoing economic hardship [and that compensation] correspond to the compensation paid to professionals and executives performing responsibilities of comparable significance and complexity."²⁰

Another definite personnel need is for a statewide study of the use of commissioners and other quasi-judicial personnel to determine what nature of subordinate personnel can best meet the needs of the district court. Specifically, it should be determined whether or not the position of district court commissioner is a viable position and, if not, whether referees, law clerks or some other court officer might better meet current needs. Research results could then be used as a basis for requests for any changes in personnel which are deemed necessary.

20. Standards Relating to Court Organization, p. 44.

Another widely recognized personnel recommendation which is supported by the staff, is the continuation of a vigorous education program for courts personnel. Great satisfaction was expressed by clerks for the programs previously prepared by the newly created office of continuing education for state courts personnel. The main problem which needs to be overcome is the current inability of deputy level staff to get away to attend educational courses. It is recommended by both clerks and by the survey team that a series of half-day seminars, at enough locations to reduce required travel time, be offered for those members of the clerical staff who cannot attend the longer term programs at distant locations. It is also suggested that the continuing education staff explore the possibility of a series of manuals and video-tape courses for local use including an orientation to the court system, to legal process, to basic procedures within the clerk's office and other topics identified by courts personnel. The survey team also recommends attendance by new judges at an orientation institute (as was recommended by 48% of the respondent judges), and required annual attendance at continuing education training opportunities after becoming a judge (as was recommended by 44% of respondent judges).

Accounting

It is a staff recommendation, supported by suggestions from both judges and clerks, that the courts be assisted by adequate numbers and categories of support personnel. At the local level,

this would include additional court services officers. Another possibility is at least one law clerk in each district at a centralized location with an adequate law library to provide research support to the judges of the district.

The financial function of the court is an integral part of court administration and is accomplished through accounting and auditing procedures.²¹ This prospectus would suggest that the accounting and auditing procedural problems of the court are manifestations of their organizational and administrative problems.

It is the recommendation of the survey team that this function provide for the collection of court revenues, maintenance of trust accounts, maintenance of operational budgeting, and the distribution of payments in accordance with procedures promulgated by the state court administrator's office which would insure that the following basic financial management needs are met:

1) Accounting of fees and fines

All receipts must be promptly and properly recorded if the system is to provide current, and accurate financial information.²² Procedures must provide for the preparation of daily and periodic

21. Ibid., p. 78.

22. Accounting Procedures: Statewide Accounting Manual, Minnesota Department of Finance, p. G-1-1.

accounting reports and audit trails that will account for and indicate allocations of moneys received by the court.

2) Receivables

Procedures must provide for the establishment and maintenance of accounts for persons ordered to make installment or deferred payments to the court.²³

3) Bond, Bail, and Trust Accounts

Procedures must be established to insure the proper handling and maintenance of bail, bond and trust accounts.

4) Payables

Procedures must provide for each step in the payment cycle.

5) Budgeting

The present budgeting procedures as experienced in many of the courts surveyed severely limit the accuracy and effectiveness of planning by the court. A precise statement of the expenditures of the Minnesota judicial system is very difficult to obtain because we have found costs that were hidden (not intentionally) and, therefore, overlooked. Procedures must provide for the establishment and maintenance of cost accounts by specific cost area to allow for the development of budget analysis which would include the analysis of estimated and actual performance.

6) Planning

The accounting system must provide information to improve

23. Final Report for an Integrated Court Automation Information System, Arthur Young & Co., October, 1972, p. 67.

planning for future periods so that the budget will not be arbitrarily predetermined merely on the basis of the past budget.

7) Fixed Asset Accounting

Procedures must be established to insure the safeguarding of courts' investments in fixed assets.

8) Proper Internal Control

Proper internal control procedures must be established and maintained to insure the integrity of the courts' financial system.

9) Independent Surveillance and Measurement by the state auditor is essential to ensure that the financial transactions have been properly documented consistent with legal requirements, operating budgets, and those standards and procedural principles that have been promulgated by the court, the state auditor or the department of finance.

The survey team has not concerned itself with the auditing standards as provided by the state auditor's work in the courts but have some general observations obtained from our review of the accounting procedures of the court.

The survey team recommends a yearly audit of each and every court by the state auditor. It is said that because of the limited number of trained auditors the state auditor is unable to provide for annual audits of the courts. It is recommended that necessary steps be taken by the state auditor and the legislature to insure that the courts are audited each year. The survey team does not see any long term benefit of maintaining a limited state auditor staff and at the same time hiring

outside consultants to perform audit work for the courts.

The survey team recommends that a final audit report be provided to the chief judge in each district reviewed, and to the state court administrator's office within 30 days after completion of the audit. It is also recommended that the report state whether such principles of accounting used by the court have been consistently followed in the period just audited and how they compare to previously used procedures. Each report should express an opinion regarding the financial statements of the court. This should include a clear statement by the auditor referring specifically to and explaining clearly the nature of recommended corrective action to be taken by the court.

Accurate and fair presentation of financial affairs is the essence of accounting theory and practice.²⁴ If court clerks and court administrators are to meet this challenge fully, they must have a logical and consistent body of accounting theory to guide them. The basic assumptions which underlie current accounting practice in many of the courts have evolved over the years in response to the various needs or lack of need of the court.

The state auditor and the clerks of court have been influential to a limited extent in shaping the development of existing principles; it is anticipated that the department of finance would become more influential in developing accounting

24. Intermediate Accounting, Meigs, Johnson, Keller and Mosich. McGraw Hill, 1968, p. 6.

principles when and if the financing of the courts is assumed by the state government.

Since the financial accounting function is an integral part of court administration, it is imperative that a centralized authority have the competence to develop court accounting principles. Efforts to improve existing practices of accounting will have a better chance of success if they are made from within by those who would have the ability to recognize the needs and problems of the courts.

With this in mind, it is our recommendation that the state court administrator add to his staff a professional, having a degree in accounting and having adequate accounting training and proficiency as an auditor, with the responsibility for the financial accounting function in the courts. In addition, this professional would provide:

- 1) standardized and budgeting principles;
- 2) for the establishment of a unitary operations budget for all the courts in the state; and,
- 3) for proposed legislation to cover the state financing of the courts through a time phased transfer of revenue and expenses.

To achieve effective financial administration in the Minnesota courts, it is necessary that some organizational pattern be established, or at least be tacitly recognized.²⁵ At present, it is impossible for the state court administrator to play any significant role in the financial function since there is neither an established organization nor competent professionals available

25. Justice in the States: Addresses and Papers of the National Conference on the Judiciary, "Role of the State Court Administrator." E.B. McConnell, West Publishing Co., p. 90.

within the courts for this administrative purpose. If the Minnesota court system is to be managed in an orderly and effective fashion, it is essential that administrative responsibility be fixed in such areas as financial management and that lines of authority be established along which management could function.

It is recommended that the chief justice of the supreme court delegate to the state court administrator's office the authority and responsibility required to manage the financial aspects of the courts, in conjunction with the existing authority that has been delegated to the chief judges in the district courts of Minnesota.

To be fully effective, this grant of responsibility and authority must be coupled with a pledge of full support from the chief justice and a directive that this delegated authority and responsibility be vigorously exercised.

It is also recommended that the chief justice grant the state court administrator the authority to hire one or more professional financial officers and that such positions be funded by the state.

It may be helpful for the court to establish an advisory committee on court finance composed of citizens experienced in financial matters. Such an advisory committee would work with the state court financial officers and provide suggestions and advice concerning the financial needs and management of the courts.²⁶

26. Standards Relating to Court Organization, p. 77.

Financing

Finally, it is a survey team recommendation that state government assume financial responsibility for the state court system (total state financing was favored by more respondent judges than any other plan). With the ABA's Standards Relating to Court Organization, the survey team agrees that:

the court system should receive financial support sufficient to permit effective performance of its responsibilities as a coordinate branch of government. The level of support should include adequate salaries for judicial and non-judicial personnel, necessary operating supplies and purchased services, and provision as needed for capital expenditures for facilities and new equipment. The financial operations of the court system should be administered through a unified budget in which all revenues and expenditures for all activities of all courts in the system are presented and supervised.²⁷

Also with the standards, the survey team suggests that if "this is not practical at once, a program should be adopted for gradual assumption of this responsibility."²⁸ We support this recommendation in spite of the obvious success of some courts in obtaining needed support because we feel that

financing by local government leads to fragmented and disparate levels of financial support, particularly for auxiliary court services; to direct involvement of the judiciary in local politics; to rigidity and very often parsimony in provision of needed resources; and to divided and ineffective efforts to make use of the increasing level of financial grants to state government that are being provided by the federal government. Dispersion of financial re-

27. Standards Relating to Court Organization, Standard 1.50 p. 72.

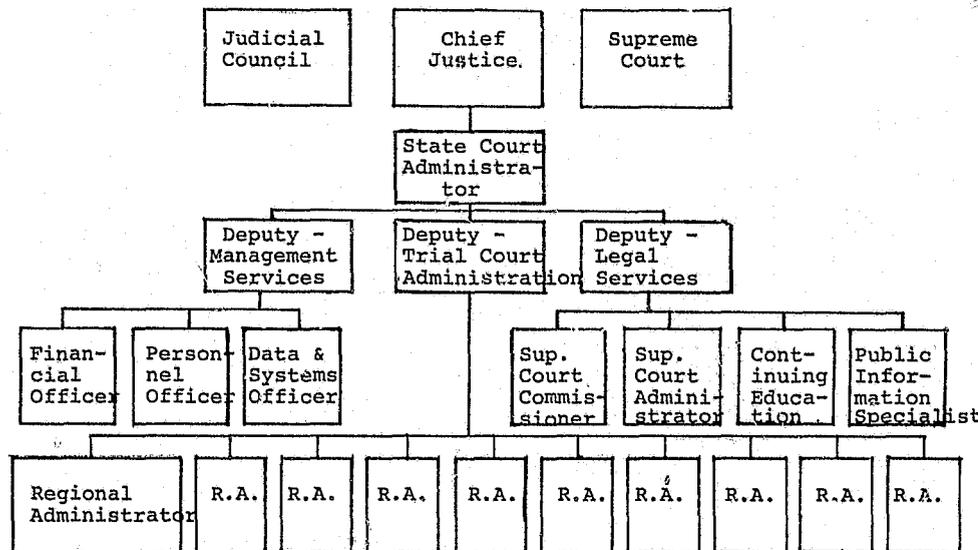
28. Ibid.

sponsibility and financial management tends also to disperse responsibility for administration and policy, so that the court system cannot be operated according to uniform procedures and standards even when this is attempted through administrative policy and supervision.²⁹

These positive influences, we feel, outweigh any negative aspects of state financing and a unified budget.

Statewide Organization

To successfully accomplish the recommendations of this report, and The Minnesota County Court Survey and to achieve the goal of an ably and professionally administered judicial branch of government, the survey team recommends a state level administrative staff of the following structure:



29. Ibid.

This structure has as an essential part of the position of regional administrator. This is necessary, we feel, to insure that there is optimum representation of and input from the local level.

As the function of the whole organizational structure will be to enhance and augment what is positive throughout the judicial system and to diminish or correct what is negative in the system, it is essential that regional administrators maximize their roles as transmitters of information, opinions and advice from the grassroots upward as well as from the executive level downward. With responsibilities clearly defined and communication lines open, this structure provides a framework for the active and positive administration of the courts as a responsible integral branch of government.

APPENDIX A
DISTRICT COURT SURVEY QUESTIONNAIRE
Response Summary

Percentages noted below were calculated on the basis of the number of responses received at time of calculation - 50 judges responding - rather than the 51 which was the final number received.

COURT AND RESPONDENT INFORMATION

Please respond to questions for all counties in the district specified above. (Please include all locations within counties.)

Prior to serving as district court judge were you:

1 or 2%	Judge of county court
1 or 2%	Judge of probate court
1 or 2%	Judge of juvenile court
17 or 34%	County Attorney
21 or 42%	Judge of municipal court
37 or 74%	Practicing attorney
7 or 14%	Other

PRESERVICE TRAINING AND CONTINUING EDUCATION

Preservice and in-service education for judges should be offered through the following means:

24 or 48%	Attendance at a judges institute prior to a new judge assuming the bench
22 or 44%	Required annual attendance at continuing education training opportunities after becoming a judge
35 or 70%	Released time and reimbursed expenses for judges attending required continuing education conferences
12 or 24%	More voluntary training opportunities
2 or 4%	Other

Such programs should be located:

24 or 48%	Centrally
27 or 54%	Regionally

OBJECTIVES

In your opinion, what are the major objectives of the district court (limit to 3):

45 or 90%	To provide impartial judicial decisions of the highest quality possible
41 or 82%	To insure justice which is timely and uniformly applied
20 or 40%	To encourage respect for law and the administration of justice
15 or 30%	To provide reasonable availability of judicial services

- 6 or 12% To provide flexibility and responsiveness of court services to meet changing needs
- 8 or 16% To punish offenders while providing opportunities for their reintegration into society
- 1 or 2% To provide opportunities to reintegrate into society
- 1 or 2% To provide effective and economical use of resources needed in judicial administration
- 1 or 2% To provide the public with a better understanding of the judicial process
- 8 or 16% To provide a vehicle for the institutional redress of grievances

In your opinion, how successful is the present court system in achieving its objectives?

- 4 or 8% Falls short of achieving its objectives
- 21 or 42% Is very successful in achieving its objectives
- 25 or 50% Is moderately successful in achieving its objectives

JURISDICTION

Do you hear all matters coming before the district court?

- 40 or 80% Yes
- 10 or 20% No

If no, what matters do you hear?

	<u>Yes</u>	<u>No</u>
Civil generally	9 or 90%	1 or 10%
Criminal generally	9 or 90%	1 or 10%
Appeals	9 or 90%	1 or 10%
Special proceedings	9 or 90%	1 or 10%
Family	3 or 30%	6 or 60%
Juvenile	1 or 10%	1 or 10%

How do you record your court proceedings?

- 8 or 16% Electronic recorder
- 44 or 88% Court reporter
- 0 or 0% Secretary
- 3 or 6% Clerk
- 16 or 32% Judges notes

What percentage of your time is devoted to:

- 55.5% Civil matters
- 25.5% Criminal matters
- 4.6% Family
- 6.0% Special proceedings
- 2.9% Appeals
- 4.3% Juvenile
- 1.0% Administration
- .20% Calendaring/pre-trials

Have you served outside your court district?

- 24 or 48% Yes
- 24 or 48% No

If yes, who requested you to serve outside of your district?

- 7 or 14% Chief judge from other district
- 7 or 14% Judge needing substitute
- 6 or 12% Chief judge for your district
- 15 or 30% Other (Chief Justice, Supreme Court or State Court Administrator)

If yes, for what reason?

- 7 or 14% Illness of other judge
- 6 or 12% Caseload in other district
- 18 or 36% Other (Disqualification/conflict of interest, change of venue)

Do you hear matters

- 17 or 34% In one county only
- 1 or 2% In two counties
- 4 or 8% In three counties
- 5 or 10% In four counties
- 15 or 30% Other

Do you have a permanent chambers?

- 50 or 100% Yes

ORGANIZATION AND ADMINISTRATION

Within or as they affect your court, what are the major organizational and administrative problems facing the trial court system, including county and municipal courts?

- 3 or 6% Unnecessary expense in maintaining duplicate administrative and judicial support services between the district and lower courts
- 2 or 4% Under utilization of existing judicial manpower in meeting the trial court workload
- 6 or 12% Lack of formalized and on-going program for evaluating and improving court management and judicial support systems
- 6 or 12% Inadequate authority for the position of Chief Judge to effectively administer court operations
- 11 or 22% Insufficient uniformity in court procedures and practices among judicial districts
- 5 or 10% Fragmented authority and responsibility of governmental units at both the county, district and state level over judicial administration

- 4 or 8% Uncoordinated use of court facilities among the various trial courts
- 18 or 36% Inadequate control by the courts of the services or functions required to support court operations
- 2 or 4% Too high a degree of autonomy of each court or each individual judge in administrative matters not involving judicial determinations
- 3 or 6% Under utilization of non-judicial manpower in meeting the trial court workload
- 9 or 18% Other
- 1 or 2% Uncoordinated use of lawyers among the various trial courts

Within or as they affect your district, what are the major problems related to staffing and personnel management practices facing the trial court system today?

- 10 or 20% Insufficient use of subordinate judicial officers (such as court commissioners and referees) to handle routine and less demanding judicial matters
- 7 or 14% Insufficient judicial manpower to meet the current court workload
- 6 or 12% The lack of sufficient pre-service training opportunities for new judicial personnel
- 3 or 6% Limitations in existing in-service training opportunities for judicial personnel
- 3 or 6% The absence of sufficient numbers of qualified court administrators to assume responsibility for non-judicial matters in support of judges
- 7 or 14% Insufficient non-judicial manpower to meet the current court workload
- 3 or 6% Limitations on existing pre-service or in-service training opportunities for non-judicial personnel
- 6 or 12% Restrictive personnel management practices due to county board requirements
- 12 or 24% Other
- 1 or 2% None for district court
- 1 or 2% Possibly law clerks

Would you favor any of the following changes in the district court system?

Jurisdiction

- 3 or 6% Increase civil jurisdiction of county court to equal that of district court
- 2 or 4% Increase criminal jurisdiction of county court to equal that of district court
- 15 or 30% Other

Locations, boundaries, district-wide

- 6 or 12% Decrease number of court locations
- 4 or 8% Create additional court judicial districts
- 4 or 8% Combine existing court districts

Would you favor any changes in the statewide organization of the judiciary?

- 5 or 10% Merge all county courts with district courts to create a single, unified trial court system with specialized divisions such as criminal, family, conciliation, traffic, etc.
- 1 or 2% Consolidate all existing judicial districts into a combination system of county wide and regional (administrative) districts depending on service needs
- 4 or 8% Other
- 35 or 70% No changes necessary

Are the county boards responsive to the needs of the district court?

- 37 or 74% Yes
- 9 or 18% No

What steps can be taken to provide better handling and control over the court workload in your district?

- 29 or 58% Availability of law clerks to assist judges
- 13 or 26% Use of judicial officers, referees/arbitrators/hearing officers
- 6 or 12% Availability of more judges
- 4 or 8% Reassignment of cases or judges to equalize workload
- 5 or 10% Better use of judge according to their interests and abilities
- 1 or 2% Use of county court judges as temporary district judges
- 15 or 30% Stricter rules over granting continuance
- 2 or 4% Powers to enforce judicial compliance with court rules and hours of work
- 9 or 18% Availability of more prosecution and public defender staff
- 4 or 8% Adoption of more uniform administrative procedures within and among courts such as forms, bail schedules, number of registers kept, etc.
- 8 or 16% Use of district and/or regional court administrators
- 7 or 14% Greater use of electronic data processing
- 4 or 8% No changes needed
- 7 or 14% Availability of more criminal attorneys
- 10 or 20% Availability of more civil attorneys
- 22 or 44% Providing for more court services/probation officers for PSI, Counseling, Supervision

Who should have the authority to make decisions regarding local court practices and procedures in the district courts?

- 1 or 2% Judicial Council
- 14 or 28% Supreme Court
- 44 or 88% District Court
- 4 or 8% Unit consisting of several court districts

Who should have the authority and responsibility to establish policies, rules, and regulations on a statewide basis?

- 3 or 6% Judicial Council
- 37 or 74% Supreme Court
- 1 or 2% State Court Administrator
- 12 or 24% Individual district courts consensus
- 1 or 2% Board of Chief Judges of unified trial court

Which of the following administrative responsibilities, if any, could be delegated to a court administrator?

- 34 or 68% Recommending manpower and budget needs of the court
- 38 or 76% Managing the court calendar
- 26 or 52% Supervision of support personnel
- 23 or 46% Assignment of support personnel
- 22 or 44% Evaluating the performance of support personnel
- 17 or 34% Establishing operating practices and procedures
- 27 or 54% Assignment of cases among judges
- 3 or 6% Other

Is there a need for more prosecutors to handle criminal cases in your court?

- 16 or 32% Yes
- 31 or 62% No
- 2 or 4% "?"

BUDGET AND FINANCE

Is your salary compensation adequate?

- 6 or 12% Yes
- 41 or 82% No

If no, what is an adequate salary for district judges in Minnesota?

- 4 or 8% Equal to Federal District Judges
- 3 or 6% 90% of Federal District Judges
- 1 or 2% \$50,000
- 2 or 4% \$45,000
- 11 or 22% \$40,000
- 1 or 2% \$39,500
- 2 or 4% \$38-40,000
- 2 or 4% \$38,000
- 4 or 8% \$37,500
- 3 or 6% \$36,000
- 6 or 12% \$35,000
- 2 or 4% Present + cost of living increases
- 1 or 2% Enough to attract competent attorneys
- 1 or 2% Improved retirement and pension
- 1 or 2% Study commission should determine

Which of the following plans would be best for financing of all state court operations?

- 16 or 32% Total state financing of court system
- 13 or 26% State financing of operating costs, i.e. salaries
- 2 or 4% State financing of capital costs, i.e. construction and maintenance of facilities
- 3 or 6% Finance court operations out of court revenues and then distribute remainder among state, county and cities
- 11 or 22% Present distribution formula among counties for other costs is adequate
- 8 or 16% State financing of a percentage of operating costs (rest by county)
- 8 or 16% State financing of a percentage of capital costs (rest by county)

SUPPORT PERSONNEL

What is the number of district court clerks and deputies at all court facilities throughout the district?

Specify Total Number 463 (including estimates and one district's reporting only for clerks)

How many of the above also perform duties for county court?

- 13 or 30% (including estimates)

Educational background of all clerks and deputies for district court in your district: (Percentage based on 463 total)

- 140 or 30.2% High school graduate
- 37 or 7.9% Business School
- 47 or 10.2% Some college
- 22 or 4.8% B.A. degree
- 9 or 1.9% Graduate school
- 18 or 3.9% Some law school
- 3 or .6% Law degree
- 5 or 1.0% ICM or equivalent

Indicate the total number of staff employed by the district court in addition to clerks and judges;

- 12 Full-time secretarial
- 2 Part-time secretarial
- 77 Full-time court reporter(s)
- 8 Part-time court reporter(s)
- 5 Court services personnel (probation, investigatory, etc.)
- 13 Referee(s)
- 2 Attorney
- 71 Bailiff

If the clerk of the district court is also the clerk of the county court, is the recordkeeping, bookkeeping and calendaring done by:

- 5 or 10% One staff for both courts
- 9 or 18% Two separate staffs, one for district court and one for county court

On the following list, check those duties your clerks perform now and check those duties you think your clerks should perform:

TASK	Does Perform	Should Perform
Develop budget for county court	10 or 20%	6 or 12%
Develop budget for district court	10 or 20%	6 or 12%
Determine or assist judge in determining personnel, equipment, supply needs for county court	6 or 12%	6 or 12%
Determine or assist judge in determining personnel, equipment, supply needs for district court	8 or 16%	6 or 12%
Supervise bailiff, court reporters for county court	4 or 8%	2 or 4%
Supervise bailiff, court reporters for district court	5 or 10%	3 or 6%
Supervise deputy clerks for county court	15 or 30%	6 or 12%
Supervise deputy clerks for district court	26 or 52%	9 or 18%
Attend all district court sessions	23 or 46%	7 or 14%
Administer oaths	24 or 48%	7 or 14%
Take minutes of district court sessions	22 or 44%	8 or 16%
Transcribe recordings of court proceedings	3 or 6%	3 or 6%
Prepare required statistical reports	24 or 48%	9 or 9%
Supervises court services personnel	1 or 2%	2 or 4%
Determine or assist judge in preparation of space utilization programs	6 or 12%	5 or 10%
Has the responsibility to strengthen ties to budget and financial agencies outside the court	4 or 8%	2 or 4%
Establishes manpower training and development programs	5 or 10%	4 or 8%
Decide the degree of computer processing of information	2 or 4%	1 or 2%
Jury administration	19 or 38%	4 or 8%

If the clerk is not performing these duties, who is?

11 or 22% Judge
8 or 16% Other (reporter, bailiff, court services, etc.)

If deputy clerks specialize in certain matters (i.e. criminal, civil,) is someone else capable of performing his/her job in case of illness?

30 or 60% Yes
1 or 2% No

Who should appoint the deputy clerks of county court?

6 or 12% Chief county court judge
3 or 6% County court judges in conference
3 or 6% District judge
1 or 2% State Court Administrator
34 or 68% Clerk of court

In your district, who should appoint the clerk of court?

39 or 78% District court judges in conference
3 or 6% County court judges in conference with district judge(s)
4 or 8% Chief district judge
1 or 2% State Court Administrator

Who determines the number of support personnel in district courts?

25 or 50% County board
18 or 36% District court judges in conference (some added "and with clerk")
2 or 4% Chief judge of district court
16 or 32% Clerk of court (some "subject to county board")
2 or 4% All court judges in district jointly

Do you have a court services officer assigned to your court?

23 or 46% Yes - If you have more than one, how many do you have? Please specify "1 shared with other district court judges"
24 or 48% No

Which of the following services does he/she perform?

24 or 48% Pre-sentence investigation. How long does it take the court to receive a completed PSI? Range 15 to 120 days
16 or 32% Pre-trial release investigation
18 or 36% Domestic relations investigation
16 or 32% Juvenile investigations
22 or 44% Probation. What is the approximate caseload of each officer? 1-70; 1-40 to 50
12 or 24% Counseling

If you have no court services officer, who provides you with PSI's?

25 or 50% Probation officer
2 or 4% Other (Commissioner of Corrections)

How many PSI's did you order in 1973? Range 25-2000

Does the PSI include detailed information concerning:

49 or 98% Criminal/juvenile history
49 or 98% Employment
49 or 98% Education
48 or 96% Attitude
31 or 62% Psychological evaluation (1 responded "on request")
12 or 24% Other (family, recommendations, community relationship, agency activity, etc.)

Do you need additional court services/probation resource personnel?

31 or 62% Yes
17 or 34% No

PROCEDURES

What procedure, if any, is used to insure that all necessary papers are filed and notices sent prior to the hearing date?

20 or 40% Clerk's review of file several days in advance of hearing date
9 or 18% Other (judges, court administrator, referees, attorneys)
13 or 26% None

Do you have a procedure for the destruction of records?

19 or 38% Yes
20 or 40% No

Are records for both district and county court combined?

3 or 6% Yes
32 or 64% No
3 or 6% Yes & No "some are"

Do your accounting procedures conform to those recommended by the State Auditor?

29 or 58% Yes
6 or 12% Don't know
2 or 4% Auditor never made any recommendations

When was your district court last audited by the State Auditor?

Please specify 8 or 16%-don't know; 2 or 4% check with clerk/administrator; 3 or 6%-current year; 8 or 16%-1973; 4 or 8%-1972.

With whom and how often must your court file reports?

AGENCY	WEEKLY	MONTHLY	QUARTERLY	YEARLY
MINCIS	2 continuous	1	1	1
State Court Administrator		22	10	2
Public Safety Dept	1-continuous	1-weekly		
County Treasurer		5		
County Board		3	1	3
Other (Chief Judge of District)		1		

Which of the above mentioned reports are of value to your court?

1 or 2% All
4 or 8% None (1-probably none)
11 or 22% State Court Administrator

Do the district court records presently provide all of the information requested on the reports you must make?

25 or 50% Yes
6 or 12% No

Is calendar control the responsibility of:

5 or 10% One clerk
3 or 6% More than one clerk can refer to and schedules matters
31 or 62% Clerk(s) and judge schedule
1 or 2% County attorney
7 or 14% Court administrator or administrative assistant

Once a case is submitted to one particular judge, does he hear it through termination?

42 or 84% Yes (several "usually's")
6 or 12% No (1-if only a motion)
1 or 2% "We try"

Do you have a scheduling conference?

15 or 30% Yes
30 or 60% No

Are pre-trial conferences scheduled and held?

35 or 70% Yes (22 indicated "sometimes" or "on request")
9 or 18% No

If yes, how far in advance of trial date?

8 or 16% 1-5 days
18 or 36% 6-21 days
7 or 14% 21-60 days
0 or 0% Over 60 days
3 or 6% "As needed or variable"
1 same day

What percentage of scheduled trials are settled in pre-trial conferences?

1 0
22 or 44% 0-10%
8 or 16% 11-25%
3 or 6% 26-50%
0 or 0% 50% or more

What percentage of scheduled trials are settled after pre-trial conferences or prior to trial?

6 or 12% 0-10%
10 or 20% 11-25%
5 or 10% 26-50%
15 or 30% 50% or more

Is any group within the court staff unionized?

19 or 38% Yes
27 or 54% No

If yes, please specify 8 or 16%-all or part of clerk's staff;
2 or 4%-probation

How frequently do the judges in your district meet to discuss administrative procedures and policies?

8 or 16% Monthly
1 or 2% Feel every 2 weeks, subgroups as needed
1 or 2% As need arises
7 or 14% 1 to 3 times per year

Is there a need to have periodical meetings for all district chief judges?

29 or 58% Yes
13 or 26% No

Do you keep track of the length of time for people awaiting court disposition?

32 or 64% Yes
13 or 26% No

Do you regularly receive from the sheriff's office a list of people being detained?

23 or 46% Yes
26 or 52% No
2 or 4% County attorney does
1 or 2% County court judge does

How do you employ the services of the court commissioners?

1 or 2% Have referees
11 or 22% "don't"
3 or 6% Rarely or indirectly
1 or 2% Condemnation appraisers
4 or 8% various uses in absence of judge
1 or 2% "attorneys do this"

Could the position of Court Commissioner be abolished?

28 or 56% Yes (with qualifications re adequate number of judges, etc.)
6 or 12% No
4 or 8% Don't know or no opinion
1 Not if you mean referees

CHAPTER 484

DISTRICT COURTS

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484.015	Transfer of civil actions in fourth judicial district to municipal court	484.32	Failure to hold term not to affect writs
484.02	Concurrent jurisdiction; boundary waters	484.33	Rules of practice
484.03	Writs	484.34	Presiding judge's duties; court business regulated and divided
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484.05	Judge may act in another district	484.36	Terris for naturalization
484.06	Judge not to practice law	484.44	Deputy sheriff and clerk; St. Louis County
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484.30	Adjourned and special terms		

484.01 JURISDICTION. The district courts shall have original jurisdiction in all civil actions within their respective districts, in all cases of crime committed or triable therein, in all special proceedings not exclusively cognizable by some other court or tribunal, and in all other cases wherein such jurisdiction is especially conferred upon them by law. They shall also have appellate jurisdiction in every case in which an appeal thereto is allowed by law from any other court, officer, or body.

[S. L. s. 99] (154)

484.015 TRANSFER OF CIVIL ACTIONS IN FOURTH JUDICIAL DISTRICT TO MUNICIPAL COURT. Subdivision 1. This section applies to certain actions in the fourth judicial district, Hennepin county.

Subd. 2. (a) For the purposes of this section the terms defined in this subdivision have the meanings ascribed to them.

(b) "Transferable action" means any civil action heretofore or hereafter commenced in the district court which is within the subject matter jurisdiction of the municipal court on the date of the order for transfer. It includes such a civil action even though the defendant never has resided in the county of Hennepin and the summons was served outside of the county.

(c) "Municipal court" means the municipal court of Hennepin county.

(d) "District court" means the fourth judicial district.

(e) "Conciliation court" means the conciliation court of Hennepin county.

Subd. 3. At any time after the filing of a trial note of issue and prior to trial of a transferable action, any judge of the district court of his own motion or on ex parte motion of any party, may issue an order to show cause why the action should not be transferred to the municipal court. At least 15 days prior to the return date, the clerk of district court shall mail copies of that order to counsel for all parties to the action and this mailing is sufficient service of the order.

Subd. 4. Prior to the return date, any party who objects to the transfer shall serve on all other parties and file his written objection with supporting affidavit stating his reasons for objecting. At the hearing on the return date the judge of the district court shall determine whether or not the objecting party will be substantially prejudiced by such transfer, and if not, shall order the action transferred to the municipal court for all further proceedings. If no objection is timely filed, all parties are deemed to have consented to the transfer and any judge of the district court may order the action transferred to the municipal court for all further proceedings.

Subd. 5. On written consent of counsel for all parties, a transfer order may be entered without issuance of an order to show cause.

Subd. 6. Upon filing of a transfer order, the clerk of district court shall deliver to the clerk of the municipal court all papers filed in the action including the transfer order and a copy of all docket entries, and shall pay to said clerk the filing fee or appearance fee for any party who theretofore has paid that fee in district court, the fee to be in the amount normally payable in the municipal court, exclusive of any law library fees. Any excess over the law library fees and the fees so paid to the municipal court shall be retained by the clerk of district court as payment for his services.

Subd. 7. The district court trial note of issue shall be effective to place the action on the general term calendar of the municipal court for trial. A party must demand a jury trial and pay to the clerk of the municipal court the requisite jury fee within the time and in the manner specified in any trial notice issued by the municipal court; otherwise he waives jury trial. If a proper demand is not so made or if the proper jury fee is not so paid, this waiver is effective even though the party or another party previously has demanded jury trial in the district court in a trial note of issue or otherwise.

Subd. 8. A transferable action which is within the subject matter jurisdiction of the conciliation court may be transferred at any time after the filing of a trial note of issue and prior to trial by the clerk of district court to the conciliation court upon notice to the parties to the action. The applicable provisions of subdivision 6 shall apply as to the transfer of all papers in the action and the payment of filing fees. Upon motion of a party such action may be transferred from the conciliation court to the municipal court for trial and in that event the provisions of subdivision 7 shall apply.

Subd. 9. Any action transferred under this section shall carry over with the main action to the municipal court or the conciliation court, as the case may be, all garnishment proceedings had and any disclosure made therein.

[1957 c 181 s 15; 1963 c 816 s 1]

484.02 CONCURRENT JURISDICTION; BOUNDARY WATERS. For the purposes of exercising the concurrent jurisdiction of the courts of this state in civil and criminal cases arising upon rivers or other waters which constitute a common boundary to this and any adjoining state, the counties bordering upon such waters shall be deemed to include so much of the area thereof as would be included if the boundary lines of such counties were produced in the direction of their approach and extended to the opposite shore.

[R. L. s. 91] (155)

484.03 WRITS. Such courts shall have power to issue writs of injunction, ne exeat, certiorari, habeas corpus, mandamus, quo warranto, and all other writs, processes, and orders necessary to the complete exercise of the jurisdiction vested in them by law, including writs for the abatement of a nuisance. Any judge thereof may order the issuance of such writs, and direct as to their service and return.

[R. L. s. 93] (156)

NOTE: As to quo warranto, See Rules of Civil Procedure, Rule 81.01.

484.04 TESTING WRITS. Every writ or process issuing from a court of record shall be tested in the name of the presiding judge, be signed by the clerk and sealed with the seal of the court, be dated on the day of its issue, and before delivery to the officer for service shall be endorsed by the clerk with the name of the attorney or other person procuring the same; and, when no other time is fixed by law or authorized by the rules of practice, it shall be made returnable on the first day of the next succeeding term.

[R. L. s. 93] (157)

484.05 JUDGE MAY ACT IN ANOTHER DISTRICT. When, in the judgment of any judge of any judicial district, the convenience or interest of the public or the interest of any litigant shall require that the judge of another judicial district shall discharge any of the duties of such judge, such judge may request a judge of the district court of any other judicial district to discharge any such duties; to hold, or to assist in holding, a general or special term of such court, in any county of such judicial district other than his own, or to try and determine any motion, action, or proceeding pending therein. Thereupon such judge of the district court, or any other judicial district so requested, may discharge any such duties, hold, or assist in holding, a general or special term of such court, or try and determine any motion, action, or proceeding pending therein. By consent of the parties any judge of the court may act in all matters brought before him from another judicial district. The acts, orders, and judgments of the judge so acting

shall have the same force and effect as though given by a judge of such judicial district. When no other provision has been made therefor, the clerk shall seasonably notify the governor of the inability of the judge to hold any of his terms.

[R. L. s. 94; 1907 c. 157 s. 1] (158)

NOTE: See Section 2.724.

484.06 JUDGE NOT TO PRACTICE LAW. No judge of the district court shall practice as an attorney or counselor at law except in cases in which he is a party in interest, nor shall he receive any fees for legal or judicial services other than as prescribed by law; nor shall he be a partner of any practicing attorney in the business of his profession.

[R. L. s. 95] (159)

484.065 CONFLICTS OF INTEREST; CERTIFICATE OF COMPLIANCE. Subdivision 1. A judge of the district court shall devote full time to the performance of his duties and shall not practice as an attorney or counselor at law, nor be a partner of any practicing attorney in the business of his profession, and he shall not engage in any business activities that will tend to interfere with or appear to conflict with his judicial duties.

Subd. 2. No part of the salary of a judge of the district court shall be paid unless the voucher therefore be accompanied by a certificate of the judge that he has complied with this section.

[Ex 1971 c 92 s 23]

484.07 COURT NOT OPEN SUNDAY; EXCEPTION. No court shall be opened on Sunday for any purpose other than to receive a verdict, give additional instructions to or discharge a jury; but this provision shall not prevent a judge of such court from exercising jurisdiction in any case where it is necessary for the preservation of the peace, the sanctity of the day, or the arrest and commitment of an offender.

[R. L. s. 96; 1915 c. 38 s. 1] (160)

484.08 DISTRICT COURTS TO BE OPEN AT ALL TIMES. The district courts of the state shall be deemed open at all times, except on legal holidays and Sundays, for the transaction of such business as may be presented, including the issuance of writs and processes, the hearing of matters of law in pending actions and proceedings, and the entry of judgments and decrees therein; and, in addition to the general terms appointed by law to be held, which may be adjourned from time to time, the judge of the district court, or one thereof in districts of more than one judge, may by order filed with the clerk, convene the court in actual session during the vacation period on a date named in the order, for the trial of both civil actions involving public interest and criminal actions, whenever in his judgment public interests will thereby be promoted. When so convened, the court may, by order entered in the minutes by the clerk, direct the issuance of special venues for grand and petit juries, returnable on a named date, for the performance of such duties as may be submitted by the court in the usual course of procedure. Civil actions involving public interests may be noticed for trial at an adjourned sitting of such term occurring more than eight days after the date of calling same, and informations by the county attorney charging the commission of crimes within the county may, as authorized by law, be presented at such terms, and any such information then presented and filed and all indictments then returned by the special grand jury shall be proceeded with by the court in all respects in harmony with the law applicable to other cases and other terms of the court. The judge of the district court may also, by order filed with the clerk, appoint special terms in any county of the district for the hearing of matters of law.

[1923 c. 412 s. 1] (161)

484.09 FIRST JUDICIAL DISTRICT. Subdivision 1. General terms of district court in the counties named in this section shall be held each year at the times herein specified.

Subd. 2. Carver county: On the last Monday in February and the second Monday in October.

Subd. 3. Dakota county: The first Monday in October.

Subd. 4. Goodhue county: The second Monday in February, the second Monday in May, and the first Monday in October.

Subd. 5. Le Sueur county: On the first Monday in April and the first Tuesday in September.

Subd. 6. McLeod county: On the first Monday in November and the second Monday in May.

Subd. 7. Scott county: On the third Monday in September.

Subd. 8. Sibley county: On the third Monday in September and the first Monday in March.

[1911 c 6 s 1; 1915 c 327 s 1; 1921 c 73 s 1; 1921 c 199 s 1; 1923 c 249; 1937 c 127 s 1; 1949 c 9 s 1; 1951 c 53 s 1; 1951 c 603 s 1; 1959 c 249 s 1, 8, 20; 1959 c 300 s 1; 1961 c 354 s 1, 2; 1965 c 733 s 1; 1971 c 397 s 1] (162)

484.10 SECOND JUDICIAL DISTRICT. General terms of district court in the county named in this section shall be held each year at the time herein specified.

Ramsey county: The first Monday in October.

[1917 c 5 s 1; 1959 c 249 s 2, 20] (162)

484.11 THIRD JUDICIAL DISTRICT. Subdivision 1. General terms of district court in the counties named in this section shall be held each year at the times herein specified.

Subd. 2. Dodge county: The first Monday in April and the third Monday in September.

Where any general term in any of said counties has been or shall hereafter be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said adjourned term.

Subd. 3. Fillmore county: On the second Monday in April and the second Monday in October.

When any general term in any of said counties shall be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any adjourned term, then, and in that case, such action may be brought on for trial at the beginning of said adjourned term; such notice of trial shall be filed with the clerk at least six days before the beginning of such adjourned term and shall serve as a note of issue.

Subd. 4. Freeborn county: On the fourth Monday in March, the second Monday in September and the first Monday in December.

When any general term in any of said counties shall be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any adjourned term, then, and in that case, such action may be brought on for trial at the beginning of said adjourned term; such notice of trial shall be filed with the clerk at least six days before the beginning of such adjourned term and shall serve as a note of issue.

Subd. 5. Houston county: On the third Monday in May and the fourth Monday in October.

When any general term in any of said counties except Olmsted county shall be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said adjourned term; such notice of trial shall be filed with the clerk at least eight days before the beginning of such adjourned term and shall serve as a note of issue.

Subd. 6. Mower county: On the second Monday in February, the first Monday in June, and the second Monday in November.

When any general term in any of said counties shall be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any adjourned term, then, and in that case, such action may be brought on for trial at the beginning of said adjourned term; such notice of trial shall be filed with the clerk at least six days before the beginning of such adjourned term and shall serve as a note of issue.

Subd. 7. Olmsted county: The first Tuesday after the first Monday in September.

When any general term in any of said counties except Olmsted county shall be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said ad-

journd term; such notice of trial shall be filed with the clerk at least eight days before the beginning of such adjourned term and shall serve as a note of issue.

Subd. 8. Rice county: The first Monday in May and the first Wednesday after the first Monday in November.

Where any general term in any of said counties has been or shall hereafter be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said adjourned term.

Subd. 9. Steele county: The first Monday in April and the third Monday in September.

Where any general term in any of said counties has been or shall hereafter be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said adjourned term.

Subd. 10. Wabasha county: On the third Monday in May and the second Monday in November.

When any general term in any of said counties except Olmsted county shall be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said adjourned term; such notice of trial shall be filed with the clerk at least eight days before the beginning of such adjourned term and shall serve as a note of issue.

Subd. 11. Waseca county: The first Monday in March and the second Monday in October.

Where any general term in any of said counties has been or shall hereafter be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said adjourned term.

Subd. 12. Winona county: On the second Monday in January and the third Monday in April and September.

When any general term in any of said counties except Olmsted county shall be adjourned for a period of more than 30 days, and issues of fact in any action are joined more than eight days before the first day of any such adjourned term, then, and in that case, such action may be brought on for trial at such adjourned term upon notice of trial served eight days or more before the beginning of said adjourned term; such notice of trial shall be filed with the clerk at least eight days before the beginning of such adjourned term and shall serve as a note of issue.

[R L s 97; 1909 c 244; 1913 c 326 s 1; 1917 c 2 s 1; 1917 c 367 s 1; 1919 c 39 s 1; 1921 c 103 s 1; 1923 c 14 s 1, 2; 1925 c 84 s 1, 2; 1925 c 99 s 1; 1928 c 15 s 1; 1935 c 62 s 1; 1935 c 183 s 1; 1945 c 265 s 1; 1951 c 12 s 1; 1951 c 290 s 1; 1957 c 786 s 1; 1959 c 127 s 1; 1959 c 229 s 1; 1959 c 249 s 3, 5, 10, 20; 1961 c 142 s 1] (162)

NOTE: For employment of a law clerk in Rice, Steele, and Waseca Counties, see Laws 1957, Chapter 355.

484.12 FOURTH JUDICIAL DISTRICT. General terms of district court in the county named in this section shall be held each year at the time herein specified.

Hennepin county: Second Monday of September.

[1909 c 244; 1959 c 249 s 4, 20] (162)

NOTE: For the employment of an assignment clerk, see Laws 1963, Chapter 765.

For the employment of a law clerk, see Laws 1965, Chapter 654.

484.13 M.S. 1957 [Renumbered 484.11]

484.13 FIFTH JUDICIAL DISTRICT. Subdivision 1. General terms of district court in the counties named in this section shall be held each year at the time herein specified.

Subd. 2. Blue Earth county: On the first Tuesday in October.

Subd. 3. Brown county: On the first Tuesday in May and the second Tuesday in November.

Subd. 4. Cottonwood county: On the first Tuesday in May and the second Tuesday in November.

Subd. 5. Faribault county: On the first Tuesday in May and the second Tuesday in November.

Subd. 6. Jackson county: On the first Tuesday in April and the second Tuesday in September.

Subd. 7. Lincoln county: On the first Tuesday in February and the second Tuesday in September.

Subd. 8. Lyon county: On the first Tuesday in May and the second Tuesday in December.

Subd. 9. Martin county: On the first Tuesday in March and the second Tuesday in October.

Subd. 10. Murray county: On the first Tuesday in April and the second Tuesday in December.

Subd. 11. Nicollet county: On the first Tuesday in March and the second Tuesday in September.

Subd. 12. Nobles county: On the first Tuesday in February and the second Tuesday in October.

Subd. 13. Pipestone county: On the first Tuesday in April and the second Tuesday in November.

Subd. 14. Redwood county: On the first Tuesday in March and the second Tuesday in October.

Subd. 15. Rock county: On the first Tuesday in March and the second Tuesday in September.

Subd. 16. Watonwan county: On the first Tuesday in April and the second Tuesday in October.

[R L s 97; 1909 c 244 s 1; 1913 c 53 s 1; 1915 c 67; 1921 c 57 s 1; 1921 c 174 s 1; 1925 c 102 s 1; 1929 c 3; 1929 c 16 s 1; 1931 c 50 s 1; 1933 c 22; 1937 c 5 s 1, 2; 1937 c 184 s 1-3; 1939 c 36; 1943 c 33 s 1; 1949 c 139 s 1; 1951 c 139 s 1; 1957 c 120 s 1; 1959 c 193 s 1; 1959 c 249 s 6, 9, 13, 17, 20; 1963 c 716 s 1; 1967 c 766 s 1] (162)

484.14 M.S. 1957 [Renumbered 484.13]

484.14 SIXTH JUDICIAL DISTRICT. Subdivision 1. General terms of district court in the counties named in this section shall be held each year at the times herein specified.

Subd. 2. Carlton county: On the second Tuesday in February, on the third Tuesday in May, and on the second Tuesday in October.

Subd. 3. Cook county: On the second Monday in March and on the third Monday in October.

Subd. 4. Lake county: On the third Monday in May and the second Monday in January.

Subd. 5. St. Louis county, at the county seat: On the first Monday after the first day in January, on the first Monday in April, on the first Tuesday after the first Monday in September and on the first Monday in November.

Subd. 6. In addition to the general terms of the district court in St. Louis county to be held at the county seat, general terms of the court are hereby established to be held in the city of Virginia, in that county, on the first Tuesday in April, the first Wednesday after the first Monday in September, and the fourth Tuesday in November; in the village of Hibbing, in that county, the second Monday in February, the second Monday in May, and the second Monday in October, in each year; in the city of Ely, in that county, the third Monday in March and the third Monday in October, in each year, for the trial, hearing and determination of all actions, civil and criminal, and with the same force and effect as though held at the county seat of said county; and all proceedings of whatsoever kind that can be heard and determined in the district court of this state, may be tried, heard and determined at the said city of Virginia, the said village of Hibbing, or the said city of Ely with the same force and effect as though heard and determined at the county seat of said county, except that all proceedings for the registration of title to real estate shall be tried at the county seat of said county as now provided by law, and all other actions to determine title to real estate shall be tried at the county seat, except that by written consent of all parties thereto any such action may be tried at said city of Virginia, at the village of Hibbing, or the city of Ely in accordance with such written consent; but no officer having in his custody any of the public records of St. Louis county shall be required to produce such record at the trial of any action not on trial at the county seat, save upon the order of the court providing for the production of such record and its immediate return to the officer producing it, upon its introduction

as evidence in such cause. If the day specified for the commencement of any term herein falls on a legal holiday, said term shall commence on the first day following said holiday.

Subd. 7. Special terms shall be held at such times and places within the district as are specified by rules of the district court for such district.

Subd. 8. The petit jury for each term of the district court shall be summoned for the date and time specified in the special district court rules of said district.

[1909 c 126; 1911 c 368 s 1, 2; 1915 c 95 s 1, 2; 1921 c 302 s 1; 1925 c 218 s 1; 1945 c 5 s 1; 1949 c 169 s 1; 1949 c 730 s 1; 1953 c 19 s 1; 1955 c 485 s 1, 2; 1957 c 708 s 1, 2; 1959 c 249 s 11, 20; 1961 c 680 s 1, 2; 1963 c 723 s 1, 2] (162, 164, 165)

484.15 SEVENTH JUDICIAL DISTRICT. Subdivision 1. General terms of district court in the counties named in this section shall be held each year at the times herein specified.

Subd. 2. Becker county: On the first Monday in February and the first Tuesday in September.

Subd. 3. Benton county: On the first Monday in February and the first Tuesday in September.

Subd. 4. Clay county: On the second Monday in April and the second Monday in November.

Subd. 5. Douglas county: On the first Monday in March and the first Monday in October.

Subd. 6. Mille Lacs county: On the first Monday in February and the first Tuesday in September.

Subd. 7. Morrison county: On the second Monday in April and the second Monday in November.

Subd. 8. Otter Tail county: On the second Monday in April and the second Monday in November.

Subd. 9. Stearns county: On the first Monday in March and the first Monday in October.

Subd. 10. Todd county: On the first Monday in March and the first Monday in October.

Subd. 11. Wadena county: On the first Monday in February and the first Tuesday in September.

[R L s 97; 1909 c 244 s 1; 1913 c 9 s 1; 1915 c 90 s 1; 1917 c 37 s 1; 1925 c 9 s 1; 1931 c 117 s 1; 1933 c 38 s 1; 1933 c 108 s 1; 1935 c 46 s 1; 1943 c 137 s 1; 1947 c 347 s 1; 1949 c 345 s 1; 1951 c 410 s 1; 1953 c 272 s 1; 1955 c 258 s 1; 1959 c 46 s 1; 1959 c 249 s 7, 20; 1961 c 257 s 1, 2] (162)

484.16 M.S. 1957 [Renumbered 484.09]

484.16 EIGHTH JUDICIAL DISTRICT. Subdivision 1. General terms of district court in the counties named in this section shall be held each year at the time herein specified.

Subd. 2. Big Stone county: On the third Monday in May and the first Monday in December.

Subd. 3. Chippewa county: On the first Monday in June and the first Monday in December.

Subd. 4. Grant county: On the second Monday in March and the third Monday in October.

Subd. 5. Kandiyohi county: On the second Monday in March and the second Monday in September.

Subd. 6. Lac qui Parle county: On the second Monday in April and the second Monday in October.

Subd. 7. Meeker county: On the second Monday in April and the second Monday in October.

Subd. 8. Pope county: On the first Monday in June and the third Monday in November.

Subd. 9. Renville county: On the second Monday in May and the second Monday in November.

Subd. 10. Stevens county: On the second Monday in February and the second Monday in September.

Subd. 11. Swift county: On the second Monday in May and the second Monday in November.

Subd. 12. Traverse county: On the fourth Monday in February and the first Monday in October.

Subd. 13. Wilkin county: On the fourth Monday in March and the first Monday in November.

Subd. 14. Yellow Medicine county: On the second Monday in March and the second Monday in September.

[R L s 97; 1909 c 244 s 1; 1913 c 263 s 1; 1915 c 64 s 1; 1923 c 290 s 1; 1927 c 22 s 1; 1927 c 55 s 1; 1933 c 11 s 1; 1935 c 356 s 1; 1939 c 11; 1949 c 3 s 1; 1951 c 1 s 1; 1955 c 363 s 1; 1959 c 249 s 12, 16, 20] (162)

484.17 M.S. 1957 [Renumbered 484.13]

484.17 NINTH JUDICIAL DISTRICT. Subdivision 1. General terms of district court in the counties named in this section shall be held each year at the times herein specified.

EASTERN AREA

Subd. 2. Aitkin county: On the second Tuesday in May and the first Tuesday in December.

Subd. 3. Beltrami county: On the first Tuesday in February and the second Tuesday in September.

Subd. 4. Cass county: On the first Tuesday in May and the first Tuesday in December.

Subd. 5. Clearwater county: On the third Tuesday in April and the first Tuesday in November.

Subd. 6. Crow Wing county: On the first Tuesday in February and the first Tuesday in September.

Subd. 7. Hubbard county: On the second Tuesday in March and the second Tuesday in October.

Subd. 8. Itasca county: On the third Tuesday in February and the second Tuesday in September.

Subd. 9. Koochiching county: On the third Tuesday in March and the first Tuesday in October.

Subd. 10. Lake of the Woods county: On the third Tuesday in February and the first Tuesday in September.

WESTERN AREA

Subd. 11. Kittson county: On the first Wednesday following February 15 and the second Wednesday in September.

Subd. 12. Mahanomen county: On the first Tuesday following February 17 and the second Tuesday in September.

Subd. 13. Marshall county: On the first Monday following February 16 and the second Monday in September.

Subd. 14. Norman county: On the first Monday following February 16 and the second Monday in September.

Subd. 15. Pennington county: On the first Tuesday following February 17 and the second Tuesday in September.

Subd. 16. Polk county: On the first Thursday following February 19 and the second Thursday in September.

Subd. 17. Red Lake county: On the first Wednesday following February 18 and the second Wednesday in September.

Subd. 18. Roseau county: On the first Thursday following February 19 and the second Thursday in September.

Subd. 19. Whenever the day specified for the beginning of any general term falls upon a legal holiday or general election day, the term shall begin on the day following.

Subd. 20. The counties named in subdivisions 2 to 10 constitute the eastern area of the district and four of the judges of the district shall reside within that area. The counties named in subdivisions 11 to 18 constitute the western area of the district and two of the judges of the district shall reside within that area. Unless the judges of the district shall by rule or order otherwise provide or the press of court work otherwise requires, the judges residing within an area shall usually be designated and assigned to preside at terms of court and be primarily responsible for the disposition of the court's business within that area.

[R L s 97; 1909 c 244 s 1; 1915 c 43 s 1; 1917 c 67 s 1; 1921 c 135 s 1; 1921 c 145

s 1; 1923 c 222 s 2; 1925 c 34 s 1; 1925 c 344 s 1; 1927 c 67 s 1; 1927 c 197 s 1; 1929 c 2; 1931 c 285 s 1; 1933 c 51 s 1; Ex1933 c 15 s 1; 1937 c 261 s 14; 1937 c 443 s 1; 1947 c 353 s 1; 1949 c 318 s 1; 1951 c 44 s 1; 1953 c 4 s 1; 1959 c 10 s 1; 1959 c 249 s 14, 15, 20; 1961 c 156 s 1-3; 1963 c 351 s 1; 1965 c 1 s 1, 2; 1969 c 269 s 1-8] (162)

484.18 M.S. 1957 [Renumbered 484.11]

484.18 TENTH JUDICIAL DISTRICT. Subdivision 1. General terms of district court in the counties named in this section shall be held each year at the time herein specified.

Subd. 2. Anoka county: On the first Tuesday in September.

Subd. 3. In Chisago county: On the first Tuesday in May and the first Tuesday in December.

Subd. 4. Isanti county: On the first Tuesday in February and the first Tuesday in October.

Subd. 5. In Kanabec county on the first Tuesday in May and the first Tuesday in December.

Subd. 6. In Pine county on the first Tuesday in January and the first Tuesday in September.

Subd. 7. Sherburne county: On the first Tuesday in January and the first Tuesday in September.

Subd. 8. In Washington county on the first Tuesday in September.

Subd. 9. Wright county: On the first Tuesday in March and the first Tuesday in November.

[R L s 97; 1909 c 21 s 1; 1909 c 244 s 1; 1917 c 9 s 2; 1919 c 70 s 1; 1919 c 88 s 1; 1923 c 56 s 1; 1925 c 345 s 2; 1937 c 49 s 1; 1937 c 50 s 1; 1937 c 267 s 1; Ex1937 c 18 s 1; 1941 c 233 s 1, 2; 1951 c 6 s 1, 2; 1955 c 322 s 1; 1957 c 259 s 1; 1959 c 121 s 1, 2; 1959 c 249 s 13-20; Ex1961 c 81 s 1-3; 1969 c 367 s 1] (163, 163)

484.19 [Renumbered 484.14]

484.20 M.S. 1957 [Renumbered 484.16, subds. 3, 5, 6, 7, 9, 11, 14]

484.21 M.S. 1957 [Renumbered 484.13, subds. 4, 10, 12, 13, 15]

484.22 M.S. 1957 [Renumbered 484.17, subds. 9, 12, 13, 14, 15, 16, 17, 18]

484.23 M.S. 1957 [Renumbered 484.17, subds. 2-8, 10, 11]

484.24 M.S. 1957 [Renumbered 484.16, subds. 2, 4, 8, 10, 12, 13]

484.25 M.S. 1957 [Renumbered 484.13, subds. 5, 6, 9]

484.26 M.S. 1957 [Renumbered 484.18, subds. 2, 4, 7, 9]

484.27 M.S. 1957 [Renumbered 484.18, subds. 3, 5, 6, 8]

484.28 TERMS IN NEW COUNTIES; SCHEDULE OF TERMS PUBLISHED.

When a new county is added to any district, until the time for holding court therefor is fixed by law, the judge or judges of such district, by an order filed with the secretary of state and with the several clerks of court in such district, shall fix the time of holding terms in such county; but such order shall not take effect until 30 days after the filing thereof with the secretary of state nor be altered except as thereafter provided by law. The revisor of statutes shall publish in the volume of laws enacted at each legislative session a schedule of the times of holding court in the several counties as fixed by law.

[1909 c 244 s 2; 1945 c 65 s 3; 1971 c 25 s 83] (176)

484.29 ABSENCE OF JUDGE; WHO MAY ACT. When the judge who should hear any action, motion, or proceeding is unable to be present, any other judge of the same judicial district may act in his place, except in the trial of causes already begun before the judge so absent; provided that motions for a new trial shall be heard by the judge before whom the cause was tried, if he be still in office and not disabled.

[R. L. s. 98] (177)

484.30 ADJOURNED AND SPECIAL TERMS. The judges of each district may adjourn court from time to time during any term thereof, and may appoint special terms for the trial of issues of law and fact, and, when necessary, direct grand or petit juries to be drawn therefor. Three weeks' published notice of every such special term shall be given in the county wherein it is to be held. They may also appoint special terms for the hearing of all matters except issues of fact, the order for which shall be filed with the clerk, and a copy posted in his office for three weeks prior to such term.

[R. L. s. 99] (178)

484.31 NON-ATTENDANCE OF JUDGE; ADJOURNMENT. If the judge fails

to attend on the day appointed for holding court, the sheriff or clerk may open court and adjourn the same from day to day; but, if he does not appear by four o'clock p. m. of the third day, one of said officers shall adjourn the term without day, and dismiss the jurors; provided, that such clerk or sheriff, upon the direction of the judge, and without his presence, may adjourn any general or special term to a day certain, in which case the jurors, if any, shall attend on such day without further notice.

[R. L. s. 100] (179)

484.32 FAILURE TO HOLD TERM NOT TO AFFECT WRITS. When any term of court is not held, all persons bound by recognizance or otherwise to appear thereat shall appear at the next general term thereof held in the county, or, if a special term be sooner held for the trial of civil and criminal causes, then at such special term. If the time for holding any such term be changed by adjournment or otherwise, all persons so bound shall appear at the term as changed. No process, proceeding, or writ shall abate or be discontinued by reason of any alteration in the time or place of holding court, or of any vacancy or change in the office of judge.

[R. L. s. 101] (180)

484.33 RULES OF PRACTICE. The judges of the district court shall assemble annually, at such time and place as may be designated in a call for such meeting given by the district judge of the state longest in continuous service, to revise the general rules of practice in such courts, for which purpose any 18 of them shall constitute a quorum. When so assembled, such judges may revise and amend such rules as they deem expedient, conformably to law, and the same shall take effect from and after the publication thereof. Such rules, as the same shall be so revised and amended from time to time, shall govern all the district courts of the state; but, in furtherance of justice, they may be relaxed or modified in any case, or a party relieved from the effect thereof, on such terms as may be just. Any other proper business pertaining to the judiciary may also be transacted.

[R. L. s. 104; 1919 c. 35] (182)

484.34 PRESIDING JUDGE'S DUTIES; COURT BUSINESS REGULATED AND DIVIDED. Subdivision 1. In all districts the judges shall meet annually and elect one of their number to be presiding judge, who shall be designated as the chief judge thereof and who shall preside at all meetings of the judges of such district. In the event of a tie vote the judge who is senior in service shall be the chief judge. He shall attend all meetings of the presiding judges of the state which may be called by the chief justice pursuant to section 2.724, subdivision 2, and generally shall be responsible for the coordinating of the business of the court in such district. The business of the court may be divided between the judges, and otherwise regulated as they by rule or order shall direct. Each may try court or jury causes separately during the same term and at the same time, or two or more of them may sit together in the trial of any cause or matter before the court. If there be a division of opinion, that of the majority shall prevail. If the division be equal, that of the presiding judge, or, if he be not sitting, that of the judge senior in age, shall prevail. In districts composed of more than one county, the presiding judge, at least 30 days before the time appointed by law for holding of a general term of the court in each county, by order filed in the office of the clerk of the court in that county, shall designate and assign one or more of the judges of such district to preside at the term so appointed, and the clerk forthwith shall mail a copy of such order to each judge of the district. If any judge assigned to hold a term of court, as herein provided, is incapacitated by illness or otherwise to preside at such term, another judge shall be designated and assigned in like manner to take his place. The same judge shall not be designated or assigned to hold two consecutive general terms in the same county unless the presiding judge or the judges of the district by order or rule otherwise direct.

Subd. 2. For purposes of applying this section only, the judicial districts as established in section 2.722, shall be used from and after July 1, 1957.

[R. L. s. 105; 1931 c. 51; Ex. 1957 c. 14 s. 6; 1963 c. 533 s. 1] (183)

484.35 TEMPORARY COURTHOUSES. When the court-house or place provided for holding court in any county is destroyed or becomes unsafe or unfit for the purpose, or if no court-house be provided, the judges may designate a convenient place at the county-seat for temporary use as such.

[R. L. s. 102] (181)

CONTINUED

1 OF 2

484.36 TERMS FOR NATURALIZATION. The judges may hold general or special terms of the court for the purpose of hearing applications for naturalization, in any place designated by them in the several counties of their respective districts.

[R. L. s. 102] (181)

484.37-484.43 [Repealed, 1961 c 561 s 17]

484.44 DEPUTY SHERIFF AND CLERK; ST. LOUIS COUNTY. There shall be at all times a chief deputy sheriff of St. Louis county and a chief deputy clerk of the district court of St. Louis county and such other deputies as may be necessary, resident at the city of Virginia, or the city of Ely, or the village of Hibbing, and their appointment shall be made in the same manner as other deputy sheriffs and deputy clerks of the district court in said county. The salaries of such deputies shall be fixed and paid in the same manner as other such deputies. The office of said deputy sheriff at Virginia, Hibbing, and Ely shall not in any sense be considered or deemed the office of the sheriff for any purpose except the performance of his duties relating solely to proceedings tried or to be tried at said places; but the office of the deputy clerk at said places shall be equally deemed the office of the clerk of court for all purposes except the filing of papers in actions or proceedings to be tried at Duluth. Marriage licenses and naturalization papers may be issued by said deputy clerk.

[1909 c. 126; 1911 c. 363 s. 1; 1915 c. 93; 1915 c. 371; 1917 c. 255 s. 2; 1921 c. 284 s. 1; 1931 c. 160 s. 1] (166)

484.45 COURT-HOUSE; JAIL; EXPENSES; ST. LOUIS COUNTY. It is hereby made the duty of the board of county commissioners of the county of St. Louis to furnish and maintain adequate accommodations for the holding of terms of the district court at the village of Hibbing, and the city of Virginia, proper offices for these deputies and a proper place for the confinement and maintenance of the prisoners at the village of Hibbing and the city of Virginia.

The county shall reimburse the clerk of the court and his deputies as herein provided for and the county attorney and his assistants and the district judges of the district and the official court reporter for their traveling expenses actually and necessarily incurred in the performance of their respective official duties.

[1909 c. 126; 1911 c. 363; 1915 c. 371 s. 1; 1917 c. 255 s. 1] (167)

484.46 JURORS; ST. LOUIS COUNTY. Grand and petit jurors for each of these general terms shall be selected, drawn, and summoned in the same manner in all respects as for the general terms of the court held at the county-seat of the county, except when in the discretion of the court there will be no necessity of drawing a grand jury or a petit jury, the court may enter its order directing that no grand jury or petit jury be summoned for the particular term therein mentioned.

[1909 c. 126; 1911 c. 363; 1915 c. 93] (168)

484.47 APPEALS FROM MUNICIPAL AND JUSTICE COURTS; ST. LOUIS COUNTY. All appeals from municipal courts and from justices of the peace shall be heard and tried at the place of holding regular or adjourned regular terms of the district court which is nearest to the court appealed from, by the usual routes of travel.

By consent of the parties any such appeal may be tried at any other place in the county where regular terms of the district court are held.

[1909 c. 126; 1911 c. 363] (169)

484.471 [Renumbered 484.63]

484.48 TRIAL OF CRIMINAL CASES; ST. LOUIS COUNTY. All persons bound over to the grand jury, charged with a criminal offense, by any justice of the peace or municipal court, shall be tried at the place of holding regular terms of the district court which is nearest to the court binding said party over, except as hereinafter provided; and all criminal offenses committed in any city, village, town, or unorganized territory shall be tried at the place of holding the regular term of the district court which is nearest to the city, village, town or place where the offense is committed.

When the offense is committed nearer to Virginia or Hibbing or Ely than to the county-seat, the party committing the offense shall be tried at the first term of court to be held at Virginia or Hibbing or Ely at which a grand jury is in session. When the offense is committed nearer the city of Ely than any of the other places

referred to, said cause, in the discretion of the court, or on demand of the person charged with the offense, may be tried at the city of Ely.

[1909 c. 126; 1911 c. 368; 1915 c. 98 s. 5] (170)

484.49 TRIAL OF ACTIONS; ST. LOUIS COUNTY. All civil actions brought in the district court of the county against any person or persons, firm, or corporation residing in the county, shall be tried, heard, and determined at the place of holding regular or adjourned terms of the district court which is nearest, by the usual route of travel, to the residence of the defendant or defendants, or the majority thereof, unless the place of trial shall be waived by the defendant or defendants; and, for the purpose of determining the place of residence of domestic corporations, such a corporation shall be considered as residing at any place where it has an office, resident agent, or business place; provided that if none of the parties shall reside or be found in the state, or the defendant be a foreign corporation, the action shall be begun and tried in the place designated in the summons.

[1909 c. 126; 1911 c. 368; 1921 c. 302 s. 2] (171)

484.50 SUMMONS; PLACE OF TRIAL; ST. LOUIS COUNTY. Any party wishing to have any appeal from an order of the department of public service, any election contest, a lien foreclosure, or any civil cause or proceeding of any kind commenced or appealed by him in said court, tried in the city of Virginia shall, in the summons, notice of appeal in such matters, or other jurisdictional instrument issued therein, in addition to the usual provisions, print, stamp, or write thereon the words, "to be tried at the city of Virginia," and any party wishing any such matter commenced or appealed by him in said court tried at the village of Hibbing shall, in the summons, notice of appeal in such matters, or other jurisdictional instrument issued therein, in addition to the usual provisions, print, stamp, or write thereon the words, "to be tried at the village of Hibbing," and any party wishing any such matter commenced or appealed by him in said court tried at the city of Ely shall, in the summons, notice of appeal in such matters, or other jurisdictional instrument issued therein, in addition to the usual provisions, print, stamp, or write thereon the words, "to be tried at the city of Ely"; and in all cases where any summons, notice of appeal in such matters, or other jurisdictional instrument contains any such specifications, the case shall be tried at said city of Virginia, or the village of Hibbing, or the city of Ely, as the case may be, unless the defendant shall have the place of trial fixed in the manner hereinafter set out.

If the place of trial designated is not the proper place of trial, as specified in sections 484.44 to 484.52, the cause shall nevertheless be tried in such place, unless the defendant, in his answer in addition to the other allegations of defense, shall plead the location of his residence, and demand that such action be tried at the place of holding said court nearest his residence, as herein provided; and in any case where the answer of the defendant pleads such place of residence and makes such demand of place of trial, the plaintiff, in his reply, may admit or deny such allegations of residence, and if such allegations of residence be not expressly denied, such case shall be tried at the place so demanded by the defendant, and if the allegations of residence be so denied, then the place of trial shall be determined by the court on motion.

If there are several defendants, residing at different places in said county, the trial shall be at the place which the majority of such defendants unite in demanding, or if the numbers are equal, at the place nearest the residence of the majority.

The venue of any such action may be changed from any one of these places to any other, by order of the court, in the following cases:

- (1) Upon written consent of the parties;
- (2) When it is made to appear, on motion, that any party has been made a defendant for the purpose of preventing a change of venue as provided in this section;
- (3) When an impartial trial cannot be had in the place where the action is pending; or
- (4) When the convenience of witnesses and the ends of justice would be promoted by the change.

Application for such change under clause (2), (3), or (4), shall be made by

motion which shall be returnable and heard at the place of commencement of the action.

[1909 c. 126; 1911 c. 368; 1915 c. 98; 1921 c. 302 s. 6; 1931 c. 195 s. 1; 1971 c. 25 s. 67] (172)

484.51 PAPERS WHERE FILED; ST. LOUIS COUNTY. After the place of trial of any cause is determined, as provided in sections 484.44 to 484.52, all papers, orders and documents pertaining to all causes to be tried at Virginia and filed in court shall be filed and be kept on file at the clerk's office in the city of Virginia, and all causes to be tried in Hibbing and all papers, orders and documents pertaining thereto shall be filed and be kept on file at the clerk's office in the village of Hibbing.

In all actions tried at the city of Virginia or the village of Hibbing, the clerk of said court, as soon as final judgment is entered, shall forthwith cause such judgment to be docketed in his office at the county-seat; and when so docketed the same shall become a lien on real estate and have the same effect as judgments entered in causes tried at the county-seat.

In all actions tried at the city of Virginia or the village of Hibbing, involving the title of real estate, upon final judgment being entered, all the papers in said cause shall be filed in the clerk's office at the county-seat and the final judgment or decree recorded therein, and a certified copy of all papers in the case shall be made by the clerk and retained at the clerk's office in the city of Virginia or in the clerk's office in the village of Hibbing where the action was originally tried, without additional charge to the parties to said action.

[1909 c. 126; 1911 c. 368; 1915 c. 98; 1917 c. 255 s. 3] (173)

484.52 RULES. The judges of the district court shall have full power and authority to make all such rules, orders, and regulations as are necessary to carry out the provisions of sections 484.44 to 484.52.

[1909 c. 126; 1911 c. 368] (174)

484.53 [Repealed, 1969 c. 549 s. 4]

484.54 EXPENSES OF JUDGES. The judges of the district court shall be paid, in addition to the amounts now provided by law, all sums they shall hereafter pay out as necessary traveling and hotel expenses while absent from their places of residence in the discharge of their official duties, and all sums they shall necessarily hereafter pay out for telephone tolls, postage, expressage, and stationery, including printed letterheads and envelopes for official business except that a judge shall not be paid such traveling expenses for travel from his place of residence to and from his permanent chambers. Each judge may file monthly and shall file within 90 days after the expenses are incurred, unless the time is extended by the state auditor, with the state auditor an itemized statement, verified by him, of all such expenses actually paid by him which shall be audited by the state auditor and paid upon his warrant.

There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated such sums as may, from time to time, be necessary to pay these warrants.

[1913 c. 466 s. 1; 1921 c. 249; 1959 c. 158 s. 31; 1971 c. 5 s. 1; Ex. 1971 c. 32 s. 20] (209)

484.55 DEPUTY CLERKS, CERTAIN COUNTIES. Before the commencement of any general term, the district court in any county having not less than 50,000 nor more than 100,000 inhabitants according to the last federal census may by order require the clerk of court to furnish a deputy clerk during such term. The order shall be filed with the clerk of court. Such deputy clerk shall receive such compensation as the judge shall determine, while attending such term of court.

[1953 c. 214 s. 1; 1971 c. 18 s. 1]

484.61 RETIRED DISTRICT COURT JUDGES, ASSIGNMENTS. Upon the retirement of any judge of the district court under the provisions of sections 490.101 and 490.102, he may be appointed and assigned to hear any cause properly assignable to a judge of the district court and act thereon with full powers of such a judge by the then senior or presiding judge of the district he has theretofore served in, for service in such district, or by the Chief Justice of the Supreme Court of the State of Minnesota for service in any other district, with his consent.

[1957 c. 673 s. 1]

484.62 COMPENSATION AND REPORTER. When such retired judge under-

takes such service, he shall be provided at the expense of the county in which he is performing such service with a reporter, selected by such retired judge, clerk, bailiff, if the judge deems a bailiff necessary, and a courtroom or hearing room for the purpose of holding court or hearings, to be paid for by the county in which such service is rendered and shall be paid in addition to his retirement compensation and not affecting the amount thereof, the sum of \$50 per diem for such additional service, together with travel pay in the sum of nine cents per mile and his actual expenses incurred in such service, said payment to be made in the same manner as the payment of salaries for district judges, on certification by the presiding or senior judge of the district or by the Chief Judge of the Supreme Court of the state of Minnesota. A deputy clerk may act as bailiff when called to do so for the purposes of this section.

[1957 c 678 s 2; 1969 c 1339 s 86; 1971 c 943 s 1]

484.63 APPEAL, JURY TRIAL ON APPEAL. Any person convicted of a petty misdemeanor or a violation of a municipal ordinance in any court except the municipal court of Hennepin county, St. Paul or Duluth, may appeal from the conviction to the district court in the same manner and with the same effect as provided by chapter 633, except that the appellant shall not have the right to a jury trial unless he was convicted of the violation of a municipal ordinance, charter provision, rule or regulation for which a sentence to imprisonment is authorized and he was not tried by jury in the municipal court.

[1959 c 338 s 1; 1961 c 633 s 7; 1965 c 358 s 12; Ex1971 c 27 s 28]

484.64 FAMILY COURT DIVISION; SECOND JUDICIAL DISTRICT. Subdivision 1. In the second judicial district a family court division of the district court is hereby created to be presided over by a district court judge to be appointed by the chief judge of the district court to serve for a term of one year. The judges appointed to said office shall be designated as the judge of the family court division.

Subd. 2. The district court judge, family court division, shall hear and determine all matters involving divorce, annulment or separate maintenance, including proceedings for civil contempt for violations of orders issued in such proceedings. In addition, he shall hear and determine paternity actions, reciprocal enforcement of support actions and criminal non-support cases.

Subd. 3. The board of county commissioners of Ramsey county shall provide suitable chambers and court room space, clerks, reporters, bailiffs, and one or more referees and other personnel to assist said judge, together with necessary library, supplies, stationery and other expenses necessary thereto.

Subd. 4. In cases of absence, sickness or other disability which prevents said judge from performing his duties, the chief judge of the district court of the second judicial district may designate or assign one or more of the other judges of the district court to perform the duties of the district court judge, family court division. The chief judge of the district court may assign one or more family court matters to another judge of said judicial district for hearing and determination.

Subd. 5. The judge of the family court division may be designated in writing by the chief judge of the district court of the second judicial district to the regular or ordinary duties of a judge of the district court without thereby affecting the term of office to which such judge was appointed.

[Ex1967 c 22 s 2-6; 1969 c 9 s 88; Ex1971 c 7 s 1]

484.65 FAMILY COURT DIVISION; FOURTH JUDICIAL DISTRICT. Subdivision 1. In the fourth judicial district, a family court division of the district court is hereby created to be presided over by a district court judge. The judge appointed or elected to said office shall be designated as the district court judge, family court division. Said district court judge shall be elected or appointed in the manner as provided for the election or appointment of other district court judges, except that he shall be designated district court judge, family court division, and at the primary or general election the office shall be so designated on the ballot.

Subd. 2. Said district court judge shall hear and determine all family matters assigned to him by the chief judge of the fourth judicial district with the approval of the majority of the judges of said district.

Subd. 3. The board of county commissioners of Hennepin county shall provide suitable chambers and court room space, clerks, secretaries or reporters, bailiffs, and one or more referees and other personnel to assist said judge, together with necessary library, supplies, stationery and other expenses necessary thereto.

Subd. 4. In cases of vacancy in the office, until the office is filled in accordance with subdivision 6, or if work load, absence, sickness or other disability prevents said judge from fully performing his duties, the chief judge of the district court of the fourth judicial district may orally or in writing designate or assign one or more of the other judges of the district court to perform or assist in the performance of the duties of the district court judge, family court division.

Subd. 5. The district court judge, family court division, may be designated in writing by the chief judge of the district court of the fourth judicial district to the regular or ordinary duties of a judge of the district court without thereby affecting the term of office to which such judge was appointed or elected.

Subd. 6. Vacancies in the office of district court judge, family court division, shall be filled in the manner prescribed by law for the filling of vacancies in the office of other judges of the district court.

Subd. 7. The district court judge, family court division, may, with the consent and approval of the judges of the district court of the fourth judicial district, appoint one or more suitable persons to act as referees. Such referees shall be learned in the law and shall hold office at the pleasure of the judges of the district court. The compensation of a referee shall be fixed by the personnel board of Hennepin county and appropriated by the county board and shall be paid in the same manner as other county employees are paid.

Subd. 8. The duties and powers of referees in the family court division shall be as follows:

(a) Hear and report all matters within the jurisdiction of the district court judge, family court division, as may be directed to him by said judge.

(b) Recommend findings of fact, conclusions of law, temporary and interim orders, and final orders for judgment.

Subd. 9. All recommended orders and findings of a referee shall be subject to confirmation by said district court judge. Review of any recommended order or finding of a referee by the district court judge may be had by notice served and filed within ten days of effective notice of such recommended order or finding. The notice of review shall specify the grounds for such review and the specific provisions of the recommended findings or orders disputed, and said district court judge, upon receipt of such notice of review, shall set a time and place for such review hearing.

Subd. 10. Upon the conclusion of the hearing in each case, the referee shall transmit to said district court judge the court file together with his recommended findings and orders in writing. The recommended findings and orders of a referee become the findings and orders of the court when confirmed by said judge. The order of the court shall be proof of such confirmation.

[Ex1971 c 7 s 2]

CHAPTER 485

CLERKS OF DISTRICT COURT

Sec.		Sec.	
485.01	Election; bond; duties	485.09	Report in criminal cases to county attorney
485.018	Salary, counties under 75,000 inhabitants	485.10	Entry of unregistered cases
485.02	Money paid into court; fees	485.11	Printed calendars
485.021	Investment of funds deposited with clerk	485.12	Vacancy
485.03	Deputies	485.13	Destruction of files and documents
485.05	Deputy clerk in St. Louis county	485.14	Vital statistics, records received for preservation
485.06	Search of records; certificate; public inspection	485.15	Land title registration documents, disposal
485.07	Records to be kept	485.16	Record all actions filed
485.08	Index of records	485.23	Destruction of certain records

485.01 ELECTION; BOND; DUTIES. There shall be elected in each county a clerk of the district court, who, before entering upon the duties of his office, shall give bond to the county, to be approved by the county board, in a penal sum of not less than \$1,000 nor more than \$10,000 conditioned for the faithful discharge of his official duties. In counties having a population of more than 200,000 and less than 350,000 the amount of such bond shall be \$10,000 and in counties having a population of more than 350,000 the amount of such bond shall be \$25,000, which bond, with his oath of office, shall be filed for record with the register of deeds. Such clerk shall perform all duties assigned him by law and by the rules of the court. He shall not practice as an attorney in the court of which he is the clerk.

[R. L. s. 106; 1925 c. 337 s. 1] (191)

485.011 [Repealed, 1969 c 1151 s 9]

485.012 [Repealed, 1969 c 1151 s 9]

485.013 [Repealed, 1969 c 1151 s 9]

485.014 [Repealed, 1969 c 1151 s 9]

485.015 [Local, Ramsey county, see Laws 1963, Chapter 773]

485.016 [Repealed, 1969 c 1151 s 9]

485.017 [Repealed, 1969 c 1151 s 9]

485.018 SALARY, COUNTIES UNDER 75,000 INHABITANTS. Subdivision 1. Minimum salary. The clerk of district court in all counties of the state with less than 75,000 inhabitants according to the 1960 federal census shall receive as full compensation for services rendered by them as clerk of district court for their respective counties annual salaries not less than the following amounts based on the population according to the then last preceding federal census:

(a) In counties with less than 10,000 inhabitants, \$6,000;

(b) In counties with 10,000 but less than 20,000 inhabitants, \$6,500;

(c) In counties with 20,000 but less than 30,000 inhabitants, \$7,000;

(d) In counties with 30,000 but less than 40,000 inhabitants, \$7,500;

(e) In counties with 40,000 but less than 75,000 inhabitants, \$8,000.

Subd. 2. Set by board. The county board of each of the counties specified in subdivision 1 annually shall set by resolution the salary of the clerk of district court which shall be paid to the clerk of district court at such intervals as the board shall determine but not less often than once each month. At the January meeting prior to the first date on which applicants may file for the office of clerk of district court the board shall set by resolution the minimum salary to be paid the clerk of district court for the term next following. In the event a vacancy occurs in the office of the clerk of district court the board may set the annual salary for the remainder of the calendar year at an amount less than was set for that year. The board in any case specified in this subdivision may not set the annual salary at an amount less than the minimums provided in subdivision 1 but it may set the salary in excess of such minimums. The salary of the clerk of district court shall not be reduced during the term for which he is elected or appointed.

In the event that duties are assigned to the clerk of district court which are in addition to his duties as clerk, additional compensation may be provided for the additional duties. The county board by resolution shall determine the additional compensation which shall be paid and specify the duties for which the additional compensation is to be paid.

Subd. 3. **Cost of living adjustments.** The salary of the clerk of district court when set pursuant to the provisions of subdivisions 1 and 2 shall constitute a base salary and the clerk of district court shall be subject to any cost of living adjustment hereafter made pursuant to the provisions of Minnesota Statutes 375.43 and acts amendatory thereof or supplemental thereto.

Subd. 4. **Effect upon certain sections.** Subdivisions 1 through 3 shall not be construed as repealing any existing law which provides for a higher minimum salary in any county than the amount provided in subdivision 1, but shall be deemed to supersede the provisions of any act setting a maximum salary for the clerk of district court in any of the counties specified in subdivision 1.

Subd. 5. **Collection of fees.** The clerk of district court shall charge and collect all fees as prescribed by law and all such fees collected by him as clerk of district court shall be paid to the county in the manner and at the times prescribed by the county board, but not less often than once each month. The clerk of district court shall not retain any additional compensation, per diem or other emolument for his services as clerk of district court, but may receive and retain mileage and expense allowances as prescribed by law.

Subd. 6. **Budget for office.** The county board by resolution shall provide the budget for (1) the salaries of deputies, clerks and other employees in the office of the clerk of district court; (2) other expenses necessary in the performance of the duties of said office and (3) the payment of premiums of any bonds required of the clerk of district court or any deputy, clerk or employee in said office and the board is authorized to appropriate funds therefor and for the salary of the clerk of district court.

Subd. 7. **Appeal from resolution of the board.** The clerk of district court if dissatisfied with the action of the county board in setting the amount of his salary or the amount of the budget for the office of clerk of district court, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or without sufficiently taking into account the extent of the responsibilities and duties of said office. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in a hearing de novo and may hear new or additional evidence, or the court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner or without sufficiently taking into account the responsibilities and duties of the office of the clerk, it shall make such order to take the place of the order appealed from as is justified by the record and shall remand the matter to the county board for further action consistent with the court's findings. After determination of the appeal the county board shall proceed in conformity therewith.

Subd. 8. **Provisions to take effect.** The provisions of subdivisions 1 to 7 shall take effect in the respective counties specified in subdivisions 1 to 7 (1) upon the expiration of the term of the incumbent holding the office on July 1, 1965 or (2) upon the occurrence prior thereto of a vacancy in the office of clerk of district court or (3) subsequent to July 1, 1965 and upon not less than 30 days written notice by the clerk of district court, the county board shall make the provisions of subdivisions 1 to 7 effective on the first day of the month following the expiration of the notice period.

[1965 c 822 s 6, 7; 1967 c 388 s 6, 7; 1969 c 1151 s 6, 7]

NOTE: Laws 1965, Chapter 822, Sections 6 and 7 read as follows:

"Sec. 6. All laws relating to the compensation, fees, budget of the office of clerk of district court inconsistent herewith are superseded.

Sec. 7. This act shall not apply to the district court of any county having a special act governing fees applicable thereto and enacted during the 1965 session of the legislature."

485.02 MONEY PAID INTO COURT; FEES. Where money is paid into court to abide the result of any legal proceedings, the judge, by order, may cause the same to be deposited in some duly incorporated bank, to be designated by him, or such judge, on application of any person paying such money into court, may require the clerk to give an additional bond, with like condition as the bond provided for in section 485.01, in such sum as the judge shall order. For receiving and paying over any money deposited with him, the clerk shall be entitled to a commission

of one per cent on the amount deposited, one-half of such commission for receiving, the other for paying, the same to be paid by the party depositing such money; provided, that where the money is paid or deposited in any court by or for a city of the first class or the state of Minnesota, no fee or commission shall be paid to or for the clerk for any service performed by him in receiving or paying over any such money deposited with him.

[R L s 107; 1921 c 178 s 1; 1937 c 188 s 1] (193)

NOTE: First sentence superseded, Rules of Civil Procedure, Rules 67.04, 88.01 and 86.02.

485.021 INVESTMENT OF FUNDS DEPOSITED WITH CLERK. When money is paid into court pursuant to court order, as provided by section 485.02, the clerk of district court, unless the court order specifies otherwise, may place such moneys with the county treasurer for investment, as provided by law. When such moneys are subsequently released, or otherwise treated, by court order, the same shall be immediately paid over by the county treasurer to the clerk of district court who shall then fulfill the direction of the court order relative to such moneys.

[1969 c 886 s 1]

485.03 DEPUTIES. The county board shall determine the number of permanent full time deputies, clerks and other employees in the office of the clerk of district court and shall fix the compensation for each position. The county board shall also budget for temporary deputies and other employees and shall fix their rates of compensation. The clerk shall appoint in writing the deputies and other employees, for whose acts he shall be responsible, and whom he may remove at pleasure. Before entering upon his official duties, the appointment and oath of each shall be filed with the register of deeds.

[R L s 108; 1969 c 1151 s 6] (193)

485.04 [Repealed, 1957 c 110 s 1]

485.05 DEPUTY CLERK IN ST. LOUIS COUNTY. In all counties in the state now or hereafter having a population of more than 150,000 and wherein regular terms of the district court are held in three or more places, the clerk of the district court therein, by an instrument in writing, under his hand and seal, and with the approval of the district judge of the judicial district in which said county is situated, or, if there be more than one such district judge, with the approval of a majority thereof, may appoint deputies for whose acts he shall be responsible, such deputies to hold office as such until they shall be removed therefrom, which removal shall not be made except with the approval of the district judge or judges. The appointment and oath of every such deputy shall be filed with the register of deeds.

[1935 c. 179] (193-4)

485.08 SEARCH OF RECORDS; CERTIFICATE; PUBLIC INSPECTION. The clerk, upon request of any person, shall make search of the books and records of his office, and ascertain the existence, docketing, or satisfaction of any judgment or other lien, and certify the result of such search under his hand and the seal of said court, giving the name of the party against whom any judgment or lien appears of record, the amount thereof, and the time of its entry; and, if satisfied of its satisfaction, and any other entries requested relative to such judgment. Nothing in this section shall prevent attorneys or others from having access to such books and records at all reasonable times, when no certificate is necessary or required.

[R. L. s. 109; 1907 c. 203 s. 1] (194)

485.07 RECORDS TO BE KEPT. Every clerk shall procure, at the expense of his county, and keep, the following records:

(1) A register of actions, in which he shall enter the title of each action, whether originally commenced in his said court, or brought there by appeal or transcript of judgment from justice court or from any court of record of the state or the United States, and a minute of each paper filed in the cause, and all proceedings therein;

(2) A judgment record, in which every judgment shall be entered;

(3) A docket, in which he shall enter alphabetically the name of each judgment debtor, the amount of the judgment, and the precise time of its entry;

(4) Indexes, as described in section 485.08, and such other records as the court, in its discretion, may direct.

[R L s 110; 1969 c 472 s 1] (195)

485.08 INDEX OF RECORDS. Every clerk shall keep a plaintiff's and defendant's index to court records, in which all cases shall be entered in alphabetical order under the name of each plaintiff and defendant. The index shall set forth the names of the parties, date commenced, file number of the case, and such other data as the court may direct.

[R L s 111; 1969 c 472 s 2] (196)

485.09 REPORT IN CRIMINAL CASES TO COUNTY ATTORNEY. The clerk of every court of record having criminal jurisdiction, within ten days after the adjournment of any such court, shall tax the costs or disbursements paid or incurred by the state in the trial of each criminal case tried during such term, enter the amount thereof in the record in each, and forthwith report to the county attorney the amount of such costs and disbursements taxed in each case, the amount of fines imposed, and the amount thereof paid.

[R L s 112] (197)

485.10 ENTRY OF UNREGISTERED CASES. Every clerk shall enter upon the proper registers all cases, civil and criminal, which, through a mistake, inadvertence, or neglect of his predecessor in office, have not been registered. The true date of the filings in such cases shall be entered in the registers, and the entries, when so made, shall have the same force and effect as if made by the clerk at the proper time; provided, that, in docketing any judgment, the date thereof shall be the time when actually docketed, and the lien thereof shall attach only from such date.

[R L s 113] (198)

485.11 PRINTED CALENDARS. The clerk of the district court in each of the several counties of this state shall provide calendars either printed or otherwise duplicated of the cases to be tried at the general terms thereof at the expense of the counties where such court is held. This section shall not apply to a county where only one term of court is held each year.

[1909 c 369 s 1; 1961 c 648 s 1; 1969 c 867 s 1] (199)

485.12 VACANCY. Vacancies in the office of the clerk shall be filled by appointment by the senior judge, of the county where there is more than one judge therein; in judicial districts containing more than one county and having more than one judge therein, such appointment be made by the resident judge in said county, or, if there be no resident judge, by the next nearest judge of said district; and by the judge of the district court in judicial districts having only one judge.

The appointee shall give the bond and take the oath required by law, and shall hold his office for the balance of such entire term for which he shall be appointed, and until his successor qualifies. In case any such clerk is adjudged insane, the judge shall appoint a competent person to act as clerk in his place until he shall be duly declared restored to sanity. The person so appointed shall take the oath and give the bond required by law of clerks of the district court, and shall be entitled to the fees and emoluments of the office during the time he shall so act, and his acts shall have the same force and effect as if performed by such clerk.

[R. L. s. 114; 1945 c. 180 s. 1] (200)

485.13 DESTRUCTION OF FILES AND DOCUMENTS. The clerk of district court in all counties of this state is hereby authorized to destroy or otherwise dispose of the files, and all documents contained therein, in all cases which are more than ten years old, and which relate only to the following kinds of actions:

- (a) Uncontested garnishments;
- (b) Personal property tax judgments;
- (c) Transcripts of judgments from municipal courts;
- (d) Transcripts of judgment from other counties which pertain solely to money judgments.

Nothing herein contained shall relieve such clerk of district court from maintaining the books and index records required under sections 485.07, 485.08, and 485.10, including the filing data, of any files, of which such disposal is made.

[1945 c 264 s 1, 2; 1969 c 50 s 1]

485.14 VITAL STATISTICS, RECORDS RECEIVED FOR PRESERVATION. The clerks of the district court may, at their option as county registrars of vital statistics, receive for preservation records or certificates of live birth, death or still-birth from town clerks, village clerks, city health officers of cities which are not primary registration districts under Minnesota Statutes, Section 144.154, or other

local officers, who may have lawful custody and possession thereof in their respective counties. The clerks of court taking possession of such records and certificates shall with regard to them be subject to all applicable provisions of Minnesota Statutes, Sections 144.151 to 144.203.

[1955 c 249 s 1]

485.15 LAND TITLE REGISTRATION DOCUMENTS, DISPOSAL. Subdivision 1. The clerk of district court in any county of this state is hereby authorized to destroy or otherwise dispose of the files, and all documents contained therein, in all cases which are more than ten years old, and which relate only to proceedings subsequent to original registration of land titles wherein there are no defendants.

Subd. 2. Nothing herein contained shall relieve such clerk of district court from maintaining the books and index records required under sections 485.07, 485.08, and 485.10, including the filing data, of any files, of which such disposal is made.

[1955 c 285 s 1, 2; 1969 c 50 s 2]

485.16 RECORD ALL ACTIONS FILED. The clerks of the district courts of the several counties shall keep a record of all actions and proceedings, civil and criminal, filed in the court, and shall furnish to the state Supreme Court any information concerning said actions as shall be prescribed by rule of civil procedure.

[1955 c 767 s 1]

485.23 DESTRUCTION OF CERTAIN RECORDS. Subdivision 1. The clerk of the district court in all counties is authorized to destroy, or otherwise dispose of, the following documents on file in their respective offices under the conditions herein specified:

1. Not less than ten years after filing:
 - (a) County board petit jury lists, order to draw petit jury, venire for petit jury, order appointing bailiffs, copies of certificates for per diem and mileage for jurors, witnesses, and bailiffs, and copies of court calendars.
 - (b) Delinquent personal property tax lists.
 - (c) All warrants and citations of personal property tax delinquents in which judgment for such delinquent taxes has not been entered.
 - (d) Notice of election or appointment, and notice of qualification of city, village, and township officers on file in the clerk of district court office.
2. Not less than two years from the date thereof:
 - (a) Copies of law library receipts.
 - (b) Copies of certificates for payment of local registrars of vital statistics.
 - (c) Affidavits or statements on application for certified copies of records for veterans purposes or for use by branches of military service.
 - (d) Affidavits and prescriptions filed with clerk of district court as provided in Laws 1919, Chapter 455.
 - (e) All copies of rules and regulations of state departments filed with the clerk of district court.
3. Not less than one year after the final determination of any civil action, and with the order of approval of any judge of the respective district:
 - (a) All exhibits, except written instruments, X-Ray negatives, maps, surveys, plats, and profiles in drainage proceedings or other actions or proceedings affecting real estate or the title thereto.
 - (b) Settled cases, including stipulations for and order settling such case.

Subd. 2. This section shall not affect any existing statute for destruction of files and documents in the clerk of district court office in certain counties, or any special rule for destruction of records of the clerk of district court office which may now be in effect or hereafter be adopted by the judge or judges of the respective judicial districts.

[1957 c 138 s 1, 2]

485.24 [Repealed, 1969 c 1151 s 9]

485.25 [Repealed, 1969 c 1151 s 9]

485.26 [Repealed, 1969 c 1151 s 9]

CHAPTER 486

COURT REPORTERS

Sec. 486.01	Appointment, duties, bond; substitutes	Sec. 486.05	District court reporters; salaries
486.02	Stenographic record	486.06	Charge for transcript
486.03	Furnish transcript; file record	486.07	Change of district; salaries adjusted
486.04	Act when another judge presides		

486.01 APPOINTMENT, DUTIES, BOND; SUBSTITUTES. Each judge, by duplicate orders filed with the clerk and county auditor of the several counties of his district, may appoint a competent stenographer as reporter of the court, to hold office during his pleasure, and to act as his secretary in all matters pertaining to his official duties. Such reporter shall give bond to the state in the sum of \$2,000, to be approved by the judge appointing him, conditioned for the faithful and impartial discharge of all his duties, which bond, with his oath of office, shall be filed with the clerk in the county in which the judge resides.

Whenever the official reporter so appointed, because of sickness or physical disability, is temporarily unable to perform his duties, the judge of the court affected may, if another official court reporter is not available, secure for the temporary period of disability of the official court reporter, another competent reporter to perform such duties for not to exceed 60 days in any calendar year. The substitute court reporter so appointed shall receive as salary an amount equal to the salary of the official court reporter for the period of time involved and shall also receive in addition thereto his expenses and fees provided by sections 486.05 and 486.06. The salary of such substitute reporter shall be paid in the manner now provided by law for the payment of the salary of the official court reporter. The substitute court reporter shall not be required to furnish bond, unless ordered by the judge to do so. The employment of and the compensation paid to such substitute reporter shall in no way affect or prejudice the employment of and the compensation paid to the official court reporter of said court.

[R. L. s. 115; 1955 c. 770 s. 1] (201)

486.02 STENOGRAPHIC RECORD. Such reporter shall make a complete stenographic record of all testimony given and all proceedings had before the judge upon the trial of issues of fact, with or without a jury, or before any referee appointed by such judge. In so doing he shall take down all questions in the exact language thereof, and all answers thereto precisely as given by the witness or by the sworn interpreter. He shall also record, verbatim, all objections made, and the grounds thereof as stated by counsel, all rulings thereon, all exceptions taken, all motions, orders, and admissions made and the charge to the jury. When directed so to do by the judge, he shall make a like record of any other matter or proceeding, and shall read to such judge or referee any record made by him, or transcribe the same, without charge, for any purpose in furtherance of justice.

[R. L. s. 116] (202)

486.03 FURNISH TRANSCRIPT; FILE RECORD. As soon as the trial is ended the reporter shall file his stenographic report thereof with the clerk, or elsewhere, if the judge shall so direct; and, upon request of any person interested and payment or tender of his fees therefor, he shall furnish a transcript of such record in the words and figures represented by the characters used in making the same and for that purpose he may take and retain such record so long as may be necessary, when it shall be returned to the files.

[R. L. s. 117] (203)

486.04 ACT WHEN ANOTHER JUDGE PRESIDES. Unless otherwise directed by the judge appointing him, the reporter shall serve as such in all matters heard by another judge when acting in place of the former and shall perform in relation to such matters all the duties required of him by law.

[R. L. s. 118] (204)

486.05 DISTRICT COURT REPORTERS; SALARIES. The judge by an order filed with the county auditors on or before the second Monday in June, 1971, shall fix and establish the salary of the court reporter at an amount not exceeding \$14,500 per

year, and, in such order, each judge, except those judges in the second and fourth judicial districts, shall apportion the salaries of the reporters in their respective districts among the several counties, and each county shall be required by such order to pay a specified amount thereof in monthly installments, which shall be such proportion of the whole salary as the population in each county bears to the total population in the district as set forth in the most recent federal census. It is provided, however, that in the event a judge is temporarily transferred to hold court in some county other than in his judicial district then, and in that event, the said county shall pay that part of the monthly salary of the judge's reporter as that part of the month worked by said reporter in said county. Each reporter shall have and maintain his residence in the district in which he is appointed. The reporter, in addition to his salary, shall be paid such sums as he shall accrue as necessary mileage, traveling, and hotel expenses while absent from the city or village in which he resides in the discharge of his official duties, such expenses to be paid by the county for which the same were incurred upon presentation of a verified itemized statement thereof approved by the judge; and the auditor of such county, upon presentation of such approved statement, shall issue his warrant in payment thereof.

All laws now in force relating to the salary of district court reporters inconsistent herewith relating to any and all counties are hereby repealed and superseded, except the manner of setting salary as hereinbefore set forth shall not apply to the second nor the fourth judicial districts.

Subd. 2 and 3. [Repealed, 1957 c 701 s 3]

[R L s 119; 1909 c 108 s 1; 1921 c 170; 1939 c 289; 1941 c 443; 1943 c 89 s 1; 1945 c 423 s 1-4; 1947 c 177 s 1; 1949 c 190 s 1; 1951 c 642 s 1; 1955 c 750 s 1; 1957 c 701 s 1, 2; 1959 c 264 s 1; 1961 c 310 s 1; 1963 c 679 s 1; 1967 c 727 s 1; 1969 c 919 s 1; 1971 c 567 s 1] (205)

NOTE: For the salary increment of the court reporter of Ramsey county juvenile court see Laws 1963, Chapter 709.

For the salary of court reporters in Hennepin county, fourth judicial district, see Laws 1971, Chapter 608.

For the salary of court reporters in Ramsey county, second judicial district, see Laws 1967, Chapter 497.

486.08 CHARGE FOR TRANSCRIPT. In addition to such salary, the reporter may charge for a transcript of his record ordered by any person other than the judge 20 cents per folio thereof and five cents per folio for each manifold or other copy thereof when so ordered that it can be made with such transcript. This section shall not apply to any county containing a city of the first class.

[R L s 120; 1927 c 262 s 1, 3; 1953 c 453 s 1] (206, 206-1)

486.07 CHANGE OF DISTRICT; SALARIES ADJUSTED. When a new judicial district is created or the boundary lines of a judicial district are changed the judge or judges of such district or districts shall, within 30 days after the establishing of such new district or the changing of such boundary lines, file an order readjusting the salaries of court reporters and the proportions to be paid by the several counties with the several county auditors in each district to conform to such changes and the filing of such order shall vacate and set aside any and all orders then on file with such auditors.

[1907 c 243 s 1] (207)

486.08 [Repealed, 1957 c 701 s 3]

486.09 [Repealed, 1961 c 561 s 17]

DISTRICT COURT COMPARATIVE TABLES -

TABLE III

District	New Criminal Cases Filed			Changes From Prior Year
	1971	1972	1973	
First	351	433	394	-39
Second	788	845	773	-72
Third	395	382	403	+21
Fourth	1725	1771	2268	+497
Fifth	354	344	308	-36
Sixth	435	344	293	-51
Seventh	268	294	387	+93
Eighth	146	161	151	-10
Ninth	537	609	666	+57
Tenth	393	430	400	-30
TOTAL	5392	5613	6043	+430

TABLE IV

District	Jury Cases Terminated			Changes From Prior Year
	1971	1972	1973	
First	736	743	544	-199
Second	1681	1928	1781	-147
Third	876	801	665	-136
Fourth	3110	3316	3190	-126
Fifth	832	704	605	-99
Sixth	434	557	498	-59
Seventh	818	652	620	-32
Eighth	430	341	280	-61
Ninth	521	616	590	-26
Tenth	637	587	601	+14
TOTAL	10075	10245	9374	-871

From the State Court Administrator's Tenth Annual Report 1973
Minnesota Courts

DISTRICT COURT COMPARATIVE TABLES -

TABLE V

Court Cases Terminated

<u>District</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>Changes From Prior Year</u>
First	728	471	363	-108
Second	1329	1284	1282	- 2
Third	843	864	665	-199
Fourth	2545	2424	4892	+2468
Fifth	543	504	493	-11
Sixth	780	1839	2144	+305
Seventh	541	469	347	-122
Eighth	185	184	148	-36
Ninth	386	454	313	-141
Tenth	954	754	432	-322
TOTAL	8834	9247	11079	+1832

TABLE VI

Criminal Dispositions

<u>District</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>Change From Prior Year</u>
First	316	391	467	+76
Second	795	849	788	-61
Third	421	431	425	- 6
Fourth	1717	1789	2211	+422
Fifth	402	285	334	+49
Sixth	365	402	291	-111
Seventh	258	286	354	+68
Eighth	160	167	141	-26
Ninth	490	602	681	+79
Tenth	404	438	439	+ 1
TOTAL	5328	5640	6131	+491

DISTRICT COURT COMPARATIVE TABLES -

TABLE VII

Court Trials

<u>District</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>Change From Prior Year</u>
First	305	148	116	-32
Second	455	336	413	+77
Third	359	429	311	-118
Fourth	273	388	2793	+2405
Fifth	280	216	281	+65
Sixth	472	1207	1569	+362
Seventh	218	194	117	-77
Eighth	42	43	49	+ 6
Ninth	145	137	86	-51
Tenth	254	159	115	-44
TOTAL	2803	3257	5850	+2593

TABLE VIII

Jury Trials

<u>District</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>Change From Prior Year</u>
First	125	94	63	-31
Second	133	174	145	-29
Third	111	108	83	-25
Fourth	290	359	337	-22
Fifth	116	106	87	-19
Sixth	65	65	62	- 3
Seventh	111	94	84	-10
Eighth	74	75	48	-27
Ninth	61	67	63	- 4
Tenth	71	66	56	-10
TOTAL	1157	1208	1028	-180

DISTRICT COURT COMPARATIVE TABLES -

TABLE IX

Settlements of Jury Cases

District	1972		1973		Change From Prior Year	
	During Trial	Before Trial	During Trial	Before Trial	During Trial	Before Trial
First	25	624	37	444	+12	-180
Second	165	1589	223	1413	+58	-176
Third	50	643	37	545	-13	-98
Fourth	520	2437	775	2078	+255	-359
Fifth	31	567	37	481	+6	-86
Sixth	49	443	54	382	+5	-61
Seventh	78	480	68	468	-10	-12
Eighth	24	242	21	211	-3	-31
Ninth	30	519	24	503	-6	-16
Tenth	39	482	25	520	-14	+38
TOTAL	1011	8026	1301	7045	+290	-981

TABLE X

Percent of Jury Cases Settled

District	Total Terminated		Jury Trials		1972 Percent Settled	1973 Percent Settled
	1972	1973	1972	1973		
First	743	544	94	63	87.3%	88.4%
Second	1928	1781	174	145	90.9%	91.8%
Third	801	665	108	83	86.5%	87.5%
Fourth	3316	3190	359	337	89.2%	89.4%
Fifth	704	605	106	87	84.9%	85.6%
Sixth	557	498	65	62	88.3%	87.6%
Seventh	652	620	94	84	85.6%	86.5%
Eighth	341	280	75	48	78.0%	82.9%
Ninth	616	590	67	63	89.1%	89.3%
Tenth	587	601	66	56	88.8%	90.6%
TOTAL	10245	9374	1208	1028	88.2%	89.0%

AVERAGE CASES PENDING PER JUDGE - DECEMBER 31, 1973

TABLE XI

District & Number of Counties in Each	No. of Judges	Court Cases	Ave. per Judge	Jury Cases	Ave. per Judge	Criml. Cases	Ave. per Judge	Total Cases	Ave. per Judge	
First (7)	5	156	31	305	61	67	13	528	106	
Second (1)	*11	661	60	915	83	84	76	1660	151	
Third (11)	6	253	42	447	75	79	13	779	130	
Fourth (1)	*18	1275	71	2273	126	221	12	3769	209	
Fifth (15)	5	251	50	357	71	111	22	719	144	
Sixth (4)	6	238	40	303	50	93	16	634	106	
Seventh (10)	4	93	23	131	33	107	27	331	83	
Eighth (13)	3	62	21	79	26	31	10	172	57	
Ninth (17)	6	133	22	145	24	156	26	434	72	
Tenth (8)	6	184	31	391	65	95	16	670	112	
State Total	87	*70	3306	47	5346	76	1044	14	9696	139

*Does not include Juvenile Court Judge.

New Cases Filed Per Judge

<u>District</u>	<u>No. of Judges</u>	<u>Court, Jury & Criminal Filings</u>	<u>Average Per Judge</u>
First	5	1364	273
Second	*11	3394	309
Third	6	1786	298
Fourth	*18	9925	551
Fifth	5	1274	255
Sixth	6	3027	505
Seventh	4	1327	331
Eighth	3	560	187
Ninth	6	1524	254
Tenth	6	1363	227
TOTAL	70	25544	365

*Juvenile Judge not included.

NUMBER AND AGE OF COURT CASES PENDING DECEMBER 31, 1973

<u>DISTRICT</u>	<u>CASES PENDING</u>	<u>ONE YEAR OR LESS</u>	<u>ONE TO TWO YEARS</u>	<u>TWO TO THREE YEARS</u>	<u>THREE TO FOUR YEARS</u>	<u>OVER FOUR YEARS</u>
1	160	129	27	3	1	
2	657	657				
3	234	186	40	6	2	
4	1301	1270	30	1		
5	227	147	52	16	7	5
6	112	101	7	2	1	1
7	107	97	4	5	1	
8	33	31	2			
9	124	74	14	11	13	12
10	185	158	19	5	2	1
TOTAL	3140	2850	195	49	27	19

NUMBER AND AGE OF JURY CASES PENDING DECEMBER 31, 1973

<u>DISTRICT</u>	<u>CASES PENDING</u>	<u>ONE YEAR OR LESS</u>	<u>ONE TO TWO YEARS</u>	<u>TWO TO THREE YEARS</u>	<u>THREE TO FOUR YEARS</u>	<u>OVER FOUR YEARS</u>
1	307	269	34	4		
2	915	899	16			
3	428	368	54	6		
4	2277	2019	253	5		
5	350	320	27	2	1	
6	259	229	30			
7	141	138		3		
8	69	66	2	1		
9	142	135	5	1	1	
10	400	340	53	5	2	
TOTAL	5288	4783	474	27	4	

NUMBER AND AGE OF CRIMINAL CASES PENDING DECEMBER 31, 1973

DISTRICT PENDING	CASES	ONE YEAR OR LESS	ONE TO TWO YEARS	TWO TO THREE YEARS	THREE TO FOUR YEARS	OVER FOUR YEARS
1	60	58	1	1		
2	84	84				
3	83	74	7	1	1	
4	221	221				
5	98	93	2	2	1	
6	81	70	9			2
7	118	112	3	2		1
8	19	19				
9	154	135	14	5		
10	95	81	8	5		
TOTAL	1013	947	44	16	2	4

State of Minnesota,

APPENDIX G

DISTRICT COURT,

COUNTY OF HENNEPIN

Fourth Judicial District

NOTE OF ISSUE
READINESS FOR TRIAL

File No.

Cal. No.

AGAINST

You will please take notice that the above entitled action will be placed upon the calendar of the above named Court within ten days after service of this Note of Issue upon you, for the trial of the issue of
LAW OR FACT

by
THE COURT OR JURY

to

Attorney for Attorney for

Address Address

Phone Phone

CERTIFICATION THAT CIVIL CASE IS READY FOR TRIAL

I CERTIFY to the Court:

That the above captioned case is now ready to be placed on the Civil active list; that all essential parties have been served with process or appeared herein; that the case is at issue as to all such parties; that serious settlement negotiations have been conducted; and, that a copy of this Notice that the above mentioned Civil case is at issue has been served on all counsel having an interest in the case.

.....
SIGNATURE OF TRIAL COUNSEL

AFFIDAVIT OF SERVICE
STATE OF MINNESOTA

County of

being first duly sworn, upon oath deposes and says, that in said County and State, on the day of, 19....., he served the within Note of Issue and Readiness for Trial upon by then and there

Subscribed and sworn to before me this day of, 19.....

Notary Public, County, Minn.

My commission expires, 19.....

At the time of filing the Note of Issue there shall be served and filed a written statement of the case, including to the extent applicable, the following:

- a. Name, address and occupation of the client.
- b. Name of insurance carriers involved.
- c. Names and addresses of all witnesses known to attorney or client who may be called at the trial by the party, including doctors and other expert witnesses.
- d. A concise statement of the party's version of the facts of the case including, in accident cases, the date and hour of accident, its location, a brief description of how it occurred and, where appropriate, a simple sketch showing manner of occurrence.
- e. A description of vehicles or other instrumentalities involved with information as to ownership or other relevant facts.
- f. In accident cases all items of claimed negligence, contributory negligence or assumption or risk, giving claimed statutory violations by statute number. In other cases, a brief statement of party's claims.
- g. A list of all exhibits that may be offered at the trial.
- h. In accident cases, a statement by each claimant, whether by complaint or counterclaim, of the following:
 - (1) Names and addresses of doctors not listed above who have examined the injured party.
 - (2) A detailed description of claimed injuries, including claims of permanent injury. If permanent injuries are claimed, the name of the doctor or doctors who will so testify.
 - (3) Whether party will exchange medical reports. (See R.C.P. 35.04)
 - (4) An itemized list of all specials including, but not limited to, (a) car damage and method of proof thereof, (b) x-ray charges, hospital bills and other doctor and medical bills to date, and (c) loss of earnings to date fully itemized.

Type of Case — Check those applicable.

1. Appeals and Writs	9. Injunction
2. Change of Venue	10. Mechanics Lien
3. Condemnation	11. Other
4. Contract	12. Personal Injury
5. Counterclaim	13. Property Damage
6. Declaratory Judgment	14. Replevin
7. Divorce — Children Involved	15. Tax
8. No Children Involved	16. Wrongful Death

Pretrial Conference Requested? Yes ___ No ___

Estimated trial time: _____

Damages Claimed: _____

COUNSEL WHO WILL ACTUALLY TRY CASE

For Plaintiff/Petitioner	Telephone	Address
For Plaintiff/Petitioner	Telephone	Address
For Plaintiff/Petitioner	Telephone	Address
For Defendant/Respondent	Telephone	Address
For Defendant/Respondent	Telephone	Address
For Defendant/Respondent	Telephone	Address

Unless an adverse party files a certificate indicating non-readiness for trial within ten days from the date of service of this Note of Issue, such adverse party is deemed to have joined in this Note of Issue that the case is ready for trial. Thereafter no further discovery procedures shall be allowed. The filing of this certificate when a party is not ready for trial or the failure to indicate non-readiness where the same exists, shall subject counsel to sanctions.

This case shall be placed on the Trial Setting calendar 15 days from the date of service hereof, unless a certificate of non-readiness is timely filed by an adverse party.

APPENDIX H

CRIMINAL CALENDAR RECOMMENDATIONS

1. The Judge on the Criminal Calendar has complete charge of the calendar.
2. The County Attorney's office and/or Defense Attorneys are to notify the Judge in charge of the Criminal calendar at least 24 hours in advance of any requested change as to the date a defendant is to be in court - either for trial, appearance, or sentencing.
3. The oldest cases (by date of arraignment and incarceration) are to be assigned to a Judge for trial first.
4. Not more than six and not less than four trials are to be scheduled per day.
5. Criminal cases have priority over Civil cases and are assigned out first.
6. Criminal cases are first assigned to the Judges assisting on Criminal - then on a first available basis to the Judges on the Civil Calendar. If more than one Judge is available at any given time they will be selected in rotating alphabetical order.
7. All continuance motions shall be heard by the Judge in charge of the criminal calendar at the time motion is made.
8. All cases set for trial that day shall be called at 9:15 that morning before the Criminal Calendar Judge.
9. All plea negotiation forms are to go into the District Court file as a matter of public record.
10. The Department of Court Services is to notify the Assignment Office when they want to put a matter on the calendar (for revocation, etc.)
11. The clerk in the courtroom will handle the call of the calendar rather than the County Attorney's representative.
12. Chief Judge will assign cases that need special handling.

I. Modified Master Calendar.

1. Cases are assigned for a week certain. Cards will be sent to all attorneys five weeks in advance of trial alert week.
2. A certain number of cases (6-8) will be assigned (put on trial alert) during a given week depending on the number of Judges available.
3. The Calendar number determines what cases are called for the week. The oldest calendar numbers are called first.
4. Referee John Prins will pre-screen the cases before the trial alert card notices are sent out to determine the following:
 - a) If special handling is needed.
 - b) Pre-trial recommendation.
 - c) Cases that should not be alerted.
5. Chief Judge will assign cases that need special handling.
6. The Chief Judge may designate periodic calendar calls to reduce backlog of older cases.
7. Cases will be assigned during a given week based on the following procedures:
 - a) Judges are selected in alphabetical order on a revolving basis. The day certain cases will be the control factor so that the alphabetical order will change every Monday. (Example: If there are five day certians set up for a Monday - the sixth judge in the alphabet will head the list on the following Monday.)
 - b) Cases assigned for a day certain will be given top priority (The oldest day certain calendar no. will be first.)
 - c) Cases will then be assigned by calendar number (oldest is first.)
 - d) Cases are then assigned on a first Judge available basis. If two or more Judges are available at the same time during the week, they will be selected in alphabetical order.
 - e) The number of cases set for a given day will be larger than the number of Judges available to insure adequate back up.
8. The exceptions to the above procedures shall be by order of the Chief Judge.

Juries
CHAPTER 593
JURIES, JURORS

<p>Sec. 593.01 Petit jury 593.02 No sex disqualification 593.03 Number to be drawn 593.04 Qualifications, disabilities, and exemptions 593.05 How drawn and summoned 593.06 How drawn and summoned in counties having more than 200,000 inhabitants 593.07 Ballots 593.08 Trial of indictments; proceedings 593.09 Drawing of name ballots 593.10 Ballots, how kept 593.11 Absent or excused 593.12 Talesmen</p>	<p>Sec. 593.13 Selection of jurors 593.131 Validity of jury selection 593.135 Jurors; summoning and selecting in certain cases 593.14 Jurors; selection in Hennepin, Ramsey, St. Louis counties 593.16 Jury of six; drawing; challenges 593.17 Challenges 593.18 Dentists and pharmacists exempt from jury duty 593.19 Misconduct of officer drawing jury 593.20 Juror placed on list by solicitation 593.21 Misconduct of officer in charge of jury</p>
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NOTE: See Chapter 628 for Grand Juries.

593.01 PETIT JURY. Subdivision 1. Notwithstanding any law or rule of court to the contrary, a petit jury is a body of six men or women, or both, impaneled and sworn in any court to try and determine, by a true and unanimous verdict, any question or issue of fact in a civil or criminal action or proceeding, according to law and the evidence as given them in court.

Subd. 2. The provisions of subdivision 1, as to the number of jurors does not apply to a criminal action where the offense charged is a gross misdemeanor or a felony. In that event the petit jury is a body of 12 persons, unless the defendant consents to a jury of six.

[R. L. s. 4326; 1921 c. 365 s. 1; 1971 c. 917 s. 1] (9456)

593.02 NO SEX DISQUALIFICATION. The provisions of statute relating to the qualifications of jurors in all cases, as well as those relating to exemption from jury duty, are hereby amended to include women as well as men, and any and all sex qualification is hereby removed.

[1921 c. 365 s. 3] (9457)

593.03 NUMBER TO BE DRAWN. Except as hereinafter provided, a number of petit jurors, not less than 24, shall be drawn for each general term of the district court; but in his discretion the judge, by order filed with the clerk at least 30 days before any term, may direct that a greater number be drawn, not exceeding 45 in all, or that no petit jury be drawn for such term.

[R. L. s. 4327; 1953 c. 68 s. 1] (9458)

593.04 QUALIFICATIONS, DISABILITIES, AND EXEMPTIONS. The qualifications, disabilities, and exemptions of petit jurors shall be the same as those prescribed by law in the case of grand jurors.

[R. L. s. 4328] (9459)

593.05 HOW DRAWN AND SUMMONED. Petit jurors shall be drawn and summoned at the same time and in the same manner as is provided by law in the case of grand jurors. They shall be summoned to appear on the second day of the term, unless the judge or judges, by an order filed with the clerk at least 15 days before the term, fix a different day in the term for their appearance, in which case they shall be summoned for the day so fixed. The court in any district may fix such day, for any or all counties therein, by orders which shall remain in force until altered or annulled.

[R. L. s. 4329] (9460)

593.06 HOW DRAWN AND SUMMONED IN COUNTIES HAVING MORE THAN 200,000 INHABITANTS. The judge or judges of any judicial district may, by order filed with the clerk of the court of any county having a population of more than 200,000, where a term of court is to be held at least 15 days before the sitting of such court, direct that the petit jurors for such or any subsequent term or terms be summoned for any day of the term fixed by such order other than the day now fixed by law. Such order may be at any time modified or vacated by the court by an order in like manner made and filed with the clerk at any time. When such order has been made, the clerk of the district court in such county shall, in the presence of the judge thereof, at least ten days before the general term of the

district court, under the direction of the judge or judges of the court, draw from the names in the list of persons selected to serve as petit jurors, made, certified, and prepared for drawing, the names of as many persons as the court or judge shall direct, to serve as petit jurors for a period of two weeks in such terms, commencing with the day of such term named in the order; and shall then continue in like manner to draw the names of other persons for each panel for as many successive panels of petit jurors as the court or judge may direct for successive periods of two weeks, covering the time that petit jurors are expected to be needed during such general term. The clerk shall forthwith issue to the proper officers venire for such panels of petit jurors, returnable on the proper days, as to each, at ten o'clock in the forenoon, and the officer shall forthwith thereafter, as soon as may be, serve all such venires and summon all such jurors and shall be entitled to the same mileage, and no more, that would be the case if the names of all the jurors in all the venires were contained in a single venire. If there be a deficiency of petit jurors, the clerk shall, in open court, under the direction of the judge, draw from the box containing the names on the petit jury list the names of additional persons to supply the deficiency; and writs of venire facias shall issue summoning such persons, and returnable at such time as the judge of the court may direct. In all districts consisting of one county only, in which but one term of court is held annually, petit jurors may be drawn from time to time during such term, as the court may direct for the successive panels. The clerk of the court in such counties shall in like manner issue venires for such petit jurors returnable at such hour as a judge or the judges of the court may direct.

[1907 c. 85 s. 1; 1909 c. 221 s. 3] (9461)

593.07 BALLOTS. At the opening of the court the clerk shall prepare separate ballots, containing the names of the persons summoned as petit jurors, which shall be folded as nearly alike as possible, and so that the name cannot be seen, and be deposited in a sufficient box.

[R. L. s. 4350] (9462)

593.08 TRIAL OF INDICTMENTS; PROCEEDINGS. When an indictment is called for trial, and before the jury is drawn, either party may require the names of all the jurors in the panel to be called, and that an attachment issue against those who are absent; but the court, in its discretion, may wait or not for the return of the attachment.

[R. L. s. 4331] (9463)

593.09 DRAWING OF NAME BALLOTS. Before the name of any person is drawn the box shall be closed and so shaken as to intermingle the ballots therein. The clerk shall then, without looking at the ballots, draw them from the box through a hole in the lid so large only as conveniently to admit the hand.

[R. L. s. 4332] (9464)

593.10 BALLOTS, HOW KEPT. When a jury is completed the ballots containing the names of the jurors sworn shall be kept apart from the ballots containing the names of the other jurors until the jury so sworn is discharged, when the ballots containing their names shall be again folded and returned to the box, and so on as often as a trial is had.

[R. L. s. 4333] (9465)

593.11 ABSENT OR EXCUSED. If a juror is absent when his name is drawn, or is set aside or excused from serving on the trial, the ballot containing his name shall be folded and returned to the box as soon as the jury is sworn.

[R. L. s. 4334] (9466)

593.12 TALESMEN. When, by reason of challenge or other cause, a sufficient number of jurors, drawn and summoned, cannot be obtained for the trial of any cause, the court shall cause jurors to be returned from the bystanders, or from the county at large, to complete the panel. Such persons shall be qualified to serve as jurors, and shall be returned by the sheriff or his deputy, or by the coroner, or by any disinterested person appointed by the court.

[R. L. s. 4335] (9467)

593.13 SELECTION OF JURORS. Subdivision 1. Except as otherwise provided by special law in all counties having a population of less than 200,000 the selection of qualified persons whose names are placed on the jury lists of each county shall be by a jury commission, said commission to be comprised of the clerk of district court of each county, the chairman of the county board of the county, and a resident of the county appointed by the chief judge of the judicial district, said resident being designated the court appointed commissioner. The court appointed

commissioner shall serve at the will of the chief judge of the district. The clerk of the district court shall be designated the chairman of the jury commission.

Subd. 2. The jury commission, at a meeting to be called by the clerk of the district court in January of each year, shall select 72 persons to serve as grand jurors and one name for each 100 persons residing in said county at the last federal census to serve as petit jurors. Provided however, that no less than 150 persons shall be selected to serve as petit jurors. Selection of grand and petit jurors shall be from the qualified voters of the county and taken from either the election register of those who voted in the last general election in said county, or from the voter registration file where permanent registration systems are maintained. At the request of the jury commission the county auditor and the city, village and town clerks shall provide to the commission for its use their voting registers and registration lists.

Subd. 3. In selecting said names, the commissioners shall each alternately select the name of a prospective juror until the required number of jurors that said commissioners deem necessary to fulfill the requirements of subdivision 2 are drawn, and the majority of the members of the jury commission in each county shall determine the manner in which said names shall be drawn, and may send questionnaires to prospective jurors to determine if they are physically disabled or if they have moved from the county prior to making up the jury lists. Separate lists of such names as are selected to serve as petit jurors and of the names selected to serve as grand jurors shall be certified and signed by the chairman of the jury commission and forthwith delivered to the clerk of district court. The jury commission may use data processing equipment in the selection of prospective jurors.

Subd. 4. In counties where the population exceeds 10,000, no person on such list drawn for service shall be placed on the next succeeding annual list. The clerk of district court shall certify to the jury commission, at its annual January session, the names on the last annual list drawn for service during the preceding year. No juror shall serve more than 30 days of actual attendance and until the completion of the case upon which he may be sitting during any one term of court. The court may, with the consent of any such juror and with the consent of any parties having matters for trial, after such 30-day period has expired, hold and use such jurors so consenting to try and determine any jury cases remaining to be tried at such term between parties so consenting.

Subd. 5. In all counties having two or more terms of court in one year, after the jurors have been drawn for any term of such court, the clerk shall strike from the original list the names of all persons who were drawn for such term, and notify the jury commission thereof, which at a session to be called by the clerk of district court shall likewise select and certify an equal number of new names, which shall be added by such clerk to the names in the original list. If the list is not made and delivered at the meeting in January, it may be so made and delivered at any regular or special meeting thereafter.

Subd. 6. Whenever before or after a term commences it appears to the court that there is or will be an entire absence or deficiency of jurors, whether from an omission to draw or to summon such jurors or because of a challenge to the panel or from any other cause, the court may order a special venire to issue to the sheriff of the county, commanding him to summon from the county at large a specified number of competent persons to serve as jurors for the term or for any specified number of days; provided, that before such special venire shall issue the jurors who have been selected by the jury commission and whose names are still in the box, provided for in section 62S.45, shall first be called, and upon an order of the court the number of names required for such special venire shall be drawn from the box in the manner required by law, and the jurors so drawn shall be summoned by the sheriff as other jurors; and as additional jurors are needed successive drawings shall be ordered by the court until the names contained in the box have been exhausted.

Subd. 7. The court appointed commissioner shall receive the sum of \$35 per day for each day actually and necessarily devoted to the discharge of his duties, together with mileage at the rate of ten cents per mile actually and necessarily traveled. The county auditor shall draw a warrant on the county treasurer in payment of invoices for such services and mileage as are approved by the chief judge of the district court.

[R. L. s. 4336; 1917 c. 485 s. 1; 1929 c. 13 s. 1; 1931 c. 218 s. 1; 1951 c. 449 s. 1; 1961 c. 560 s. 39; R. L. 1967 c. 19 s. 1; 1969 c. 514 s. 1] (9468)

NOTE: This section does not apply to Anoka or Washington Counties. See Laws 1959, Chapter 219 and Extra Session Laws 1967, Chapter 13, Section 2.

593.131 VALIDITY OF JURY SELECTION. In all counties having a population of less than 200,000, the validity or legality of jury selections or lists shall not be affected by the fact that any person so selected may be disqualified from serving as a grand or petit juror, or by the selection of a greater or lesser number of persons than as specified in this chapter.

[1969 c 514 s 4]

593.135 JURORS; SUMMONING AND SELECTING IN CERTAIN CASES. A county commissioner who has participated in the selection from the qualified voters of the county a list of petit jurors as provided in section 593.13, or a jury commissioner member who has participated in the selection of a list of petit jurors, shall not be tried on a charge of crime before a jury impaneled from a venire drawn from such list, but in such case, the jury panel from which the jury for the trial of such criminal charge is selected shall be provided by the judge or judges of the district court of the district wherein such person is to be tried. Such judge or judges may by order filed with the clerk of court of such county at least 15 days before the trial, direct that a certain number of petit jurors, not exceeding 30, be summoned for the day of the trial and the duration thereof. Such order may be at any time modified or vacated by the court by an order in like manner made and filed with the clerk at any time. When such order has been made, the sheriff in such county, shall, in the presence of the judge or judges thereof, at least ten days before the day of the trial, under the direction of such judge or judges, draw from the list of names of persons residing in such county previously prepared by such judge or judges the required number of petit jurors. If from any cause there shall be a deficiency of persons resident in such county and properly qualified in such list, such judge or judges may, at any time designated by them, select from the qualified electors of such county other persons to cover the deficiency, and certify and deliver to the clerk a supplementary list of persons so selected, which supplementary list may thereafter be used in the same manner to obtain the original venire authorized by the original order.

[1953 c 662 s 1; Ex1967 c 20 s 1; 1971 c 24 s 54]

NOTE: This section does not apply to Anoka or Washington Counties. See Laws 1959, Chapter 219 and Extra Session Laws 1967, Chapter 20, Section 2.

593.14 JURORS, SELECTION IN HENNERPIN, RAMSEY, ST. LOUIS COUNTIES. Subdivision 1. In all counties having a population of more than 200,000, judges of the district court, or a majority thereof, of the district embracing such county or counties shall, annually, in the month of December of each year, at the courthouse in such county, select from the qualified electors of the county 125 persons properly qualified to serve as grand jurors, and 2,000 or more persons properly qualified to serve as petit jurors, and shall make out and certify separate lists thereof, and forthwith deliver such lists to the clerk of the district court of the county. A majority of the district court judges may direct the clerk of district court to utilize available data processing equipment in the preparation of petit jury lists, and upon order of the court, the county auditor and the city, village and town clerks shall make available to the clerk of the district court their voting registers or registration lists, or copies thereof. From these lists of persons to serve as grand jurors and as petit jurors shall, respectively, be drawn all grand jurors and petit jurors at any time required for the transaction of business in the district court of such county. When and in the manner authorized by court rule adopted pursuant to law by the district court judges of that district, petit jurors so selected and drawn may serve also as petit jurors in any municipal court or courts located within the county and designated in said court rule. If, in any year, such selection and lists shall not be made in the month of December, the same may be done at any time thereafter that any judge of that court may designate; and, if from any cause there shall be a deficiency of persons resident in such county and properly qualified in either of such lists, such judges, or a majority thereof, may, at any time designated by them, select from such qualified electors of such county other persons to cover the deficiency, and in like manner may certify and deliver to the clerk lists of the persons so selected, which supplementary or additional lists shall thereafter stand as parts of the original list. The validity or legality of such selection or lists shall not be affected by the fact that any person so selected may be disqualified from serving as grand or petit jurors, or by the selection of a greater or less number of persons than as specified in this section. The first selection and lists hereunder may be made at any time after the passage of this section.

Subd. 2. (1) In any county described in subdivision 1, where general terms of the district court are held in more than one place, a person shall not be selected as a petit juror to serve at a place more distant than 50 miles from his residence as determined by the usual means of travel unless such a place cannot be found, in which case, he shall be selected to serve at the nearest place to his residence.

(2) Where a person has been selected to serve as a petit juror in violation of clause (1), any judge of the district court may transfer such person to the next term of court and may assign him to a place nearest his residence.

[1907 c 2 s 1; 1955 c 276 s 1; 1955 c 362 s 1; 1969 c 397 s 1; 1969 c 514 s 2] (9469)

593.15 [Repealed, 1971 c 917 s 4]

593.16 JURY OF SIX; DRAWING; CHALLENGES. When a jury of six is to be drawn the clerk shall, unless a majority of the judges of the judicial district in which the county is situated shall otherwise provide by rule, draw ten names from the jury box, in the first instance, who shall then be examined as to their qualifications to sit as jurors in the action, and if any one of the ten is excused for any reason, then another may be called in his place until there are ten jurors in the box qualified to sit in the action. The parties shall have the right to exercise their peremptory challenges as to those ten. When the peremptory challenges have been exhausted, of the remaining persons the six first called shall constitute a jury.

[1927 c 345 s 2; 1929 c 236 s 2] (9469-2)

593.17 CHALLENGES. The provisions of section 546.10 as to challenges shall not be affected by sections 593.15 to 593.17, except that when cases are tried by juries of six there shall be two peremptory challenges allowed instead of three.

[1927 c 345 s 3] (9469-3)

593.18 DENTISTS AND PHARMACISTS EXEMPT FROM JURY DUTY. All persons authorized to practice dentistry in this state and all persons licensed as pharmacists or assistant pharmacists, who are actively engaged in the practice of their profession, shall be exempt from service as jurors in all the courts of the state during the continuance of the practice of their profession.

[1935 c 95 s 9; 1937 c 354 s 15] (5762-9, 5803-15)

NOTE: See sections 3.031, 623.43 and 623.44.

593.19 MISCONDUCT OF OFFICER DRAWING JURY. Every officer or other person charged by law with the preparation of any jury list, or list of names from which any jury is to be drawn, and every person authorized by law to assist at the drawing or impaneling of a grand or petit jury to attend a court or term of court, or to try any cause or issue, who shall

(1) Place on any such list any name at the request or solicitation, direct or indirect, of any person;

(2) Designedly put upon a list of jurors, as having been drawn, any name which was not lawfully drawn for that purpose;

(3) Designedly omit to place on such list any name which was lawfully drawn;

(4) Designedly sign or certify a list of such jurors as having been drawn, which was not lawfully drawn;

(5) Designedly withdraw from the box or other receptacle for the ballots containing the names of such jurors any paper or ballot lawfully placed or belonging there, and containing the name of a juror, or omit to place therein any name lawfully drawn or designated, or place therein a paper or ballot containing the name of a person not lawfully drawn and designated as a juror; or

(6) Who, in drawing or impaneling such jury, shall do any act which is unfair, partial, or improper in any other respect shall be guilty of a misdemeanor.

[R L s 4806] (9991)

593.20 JUROR PLACED ON LIST BY SOLICITATION. Every person who shall, directly or indirectly, solicit or request any officer charged with the duty of preparing any jury list to put his name, or the name of any other person, on any such list, shall be guilty of a misdemeanor.

[R L s 4807] (9992)

593.21 MISCONDUCT OF OFFICER IN CHARGE OF JURY. Every officer to whose charge a jury shall be committed by a court or magistrate, who negligently or wilfully, and without leave of such court or magistrate, permits them, or any one of them, to receive any communication from any person, to make any communication to any person, to obtain or receive any book, paper, or refreshment, or to leave the jury room, shall be guilty of a misdemeanor.

[R L s 4803] (9993)



**A Handbook
for
Trial Jurors**

HANDBOOK FOR JURORS



You have been selected according to law to act as an officer of this court by serving as a juror. This booklet is to aid you in performing this important duty.

You are urged to read it with great care.

Prepared by the
HENNEPIN COUNTY DISTRICT COURT
Fourth Judicial District
State of Minnesota



Rolf Fosseen
Senior Judge

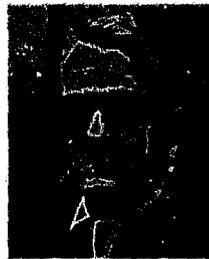


Dana Nicholson



Luther Sletten

**Judges of the District Court
Fourth Judicial District
Hennepin County, State of Minnesota**



Lindsay G. Arthur



Douglas K. Amdahl
Chief Judge



Donald T. Barbeau



Stanley D. Kane



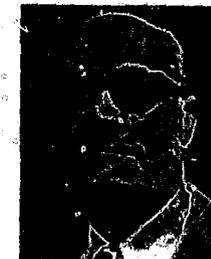
Eugene Minenko



Edward J. Parker



Elmer R. Anderson



Irving C. Iverson



Crane Winton



Bruce C. Stone



A. Paul Lommen



David R. Leslie



Harold Kalina



**Andrew W.
Danielson**



**Richard J.
Kantorowicz**



Chester Durda



Edwin P. Chapman
Senior Judge



C. William Sykora



James D. Rogers

Judges of Hennepin County Municipal Court



Donald S. Burris
Chief Judge



Neil A. Riley



O. Harold Odland



William B. Christensen



Herbert E. Wolner



James H. Johnston



Eugene J. Farrell



Susanne C. Sedgwick



Jonathan G. Lebedoff



Allen Oleisky



Patrick W. Fitzgerald



William S. Posten



Robert E. Bowen



Kenneth Jack Gill

JUROR'S OATH IN CIVIL TRIALS

"You each do swear that you will impartially try the issues in this case, and a true verdict give, according to law and the evidence given you in court; your own counsel and that of your fellows you will duly keep; you will say nothing to any person concerning the case, nor suffer anyone to speak to you about it, and will keep your verdict secret until you deliver it in court. So help you God."

JUROR'S OATH IN CRIMINAL TRIALS

"You each do swear that, without respect of persons or favor of any man, you will well and truly try, and true deliverance make, between the State of Minnesota and the defendant, according to law and the evidence given you in court. So help you God."

Minnesota Statutes, Section 358.07 (3)

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Jury Service

— A PRIVILEGE, A DUTY AND AN HONOR

You have been drawn as a juror. The constitutions of the United States and of Minnesota guarantee the right of jury trial to persons appearing in our courts. In Minnesota, in fact, parties are entitled to a jury trial in most types of cases without regard to the amount in controversy. That right is assured only because citizens such as yourselves serve for a short time as jurors. The judges believe that by your service you will learn more about how courts operate than you can in any other way. They hope, as well, that you will enjoy this experience and your associations with each other.

While serving here, you are part of the court system, a part of the government. We feel sure that you will act conscientiously. To serve is an honor. For your service, the judges are grateful.

BENEFITS OF JURY SERVICE

If you perform your duties as jurors conscientiously, you should derive lasting benefits from your service.

You will have learned something of how the judicial branch of your government works.

You will have taken a worthwhile part in seeing that justice was done.

You may have had an opportunity to play a leading role in a real life drama.

You may have had the responsible and difficult task of finding the needle of truth in a haystack of conflicting evidence.

You will be in the position, when you are through, to enjoy the gratifying feeling that your faithfulness in the discharge of your duties as a juror has strengthened the faith of the people in our form of government and in democracy.

OPENING STATEMENT

You have been summoned to render interesting and important service as a juror. When you are chosen as a juror, for a short time you are a part of the governmental machinery of this state for the judicial settlement of a lawsuit. Your services as a juror are as important as those of the judge. You are obligated to perform these services honestly and conscientiously, without fear or favor. You must base your verdict on the evidence as you will hear it in court, and on the law as the judge will instruct you in it.

Judges and lawyers are familiar with what goes on in a courtroom and the various terms used. To other people courtroom procedure is often mystifying and the language strange. The purpose of this booklet is to help you understand the things that happen, the terms that are used during a trial, and to let you know what is expected of you. It is hoped that the booklet will make you better able to do your part in administering justice.

In each case on which you act as a juror, the judge will give you instructions applicable to that case. *The information in this booklet is not intended to take the place of, or supersede such instructions.*

FUNCTIONS OF THE JUDGE AND JURY

The judge determines the rules of law that govern in the case. He rules on questions of law that are raised by the attorneys. At the close of a trial, he will instruct you as to the law that governs in the case. You apply the rules of law to the facts as you find them to be. The result is your verdict.

After the Court instructs you as to the law, the power and responsibility of decision moves to you. You will deliberate and make your decision in the jury room, where you confer in privacy.

If you are trying a civil case, you may decide which party should prevail and what damages, if any, should be recovered. If yours is a criminal case, you may decide whether the defendant has, or

has not, been proved guilty. The power of decision, springing from the people, is in your hands. We feel confident that your desire is to handle that power honestly, wisely and well.

KINDS OF CASES — CIVIL AND CRIMINAL

Generally speaking, a jury may be called upon to try two kinds of cases — civil or criminal.

CIVIL

A civil case ordinarily is one for money damages. The party suing is called the "plaintiff," and the party sued (or against whom the action is brought) is known as the "defendant." In a civil case, a person who brings the suit against another does so by setting out his claim in a written "complaint." The person being sued, if he disputes the claim, usually does so by filing an "answer."

CRIMINAL

In a criminal case, the action is brought in the name of the State of Minnesota as "plaintiff," against the person charged with a crime who is called the "defendant." The defendant is brought before the District Court either by an "indictment" or an "information," and in lesser courts by a written complaint. If the charge is brought by a grand jury, it is known as an indictment. If the charge is made by the County Attorney, it is known as an information. The person charged with an offense, if he admits the charge, does so by entering a plea of "guilty." If he denies the charge, he does so by pleading "not guilty." In criminal cases, you will be called upon to decide whether the defendants are guilty or not guilty of offenses with which they are charged.

The Trial

SELECTION OF JURY

The group of you who have been summoned to serve with the Court constitutes the jury panel. Ordinarily, 6 of you will constitute the jury to try a case, but the number will be 12 in various cases.

When a jury is needed, certain of your names will be drawn at random from a box, and you will proceed to a designated court room to constitute a panel there. From the latter panel, a number of names again is drawn at random, and those whose names are drawn will be seated in the jury box. More will be seated than can be selected.

You will be sworn to answer questions truthfully concerning your qualifications to be a juror in that case. You will be told something about the case and questioned by the Court and the attorneys. Sometimes it is found that there are reasons of possible prejudice why one should not serve in a particular case, in which event an attorney might challenge him for cause. That juror may then be excused and a new name drawn in his stead. Each side, in addition, is required to excuse a certain number of those seated without giving, or even possibly having, any reason. Such excuses are called **peremptory** excuses or dismissals.

When a judge or the lawyers question you, it is to help assure the parties to the litigation that they will have a fair trial. Answer fairly and honestly. If there is a reason why you feel you should not serve as a juror in the case, you should make that fact known promptly. Those of you who are seated but not excused will comprise the jury. You will be sworn to try the lawsuit upon the merits.

In a criminal case you are apt to find that the procedure for jury selection varies somewhat from that followed in a civil case.

HOW THE JURORS SHOULD ACT DURING THE TRIAL

After you are sworn in as a juror in a case on trial, there are some rules of conduct you should observe.

Don't be late for court sessions. Since each juror must hear all the evidence, tardiness causes delay, annoyance to the judge, the lawyers, the witnesses and the other jurors.

Always sit in the same seat. This enables the judge, the clerk, and the lawyers to identify you more easily.

Listen to every question and answer. Since you must base your verdict on the evidence, you should hear every question asked and the answer given. If you do not hear some of the evidence — for any reason — ask to have it repeated. If you do not understand some phrase or expression used, it is proper to ask the judge to have it explained. You are allowed to take notes.

Don't talk about the case. While you are a juror you should not talk to anyone about the case or permit anyone to talk to you about it. If any person persists in talking to you about it, or attempts to influence you as a juror, you should report that fact to the judge immediately.

Don't be an amateur detective. Since the only evidence you can consider is that presented in court, you are not allowed to make an independent investigation or visit any of the places involved in the lawsuit. If it is proper or necessary for you to inspect a place involved in the case, the judge will so order.

Control your emotions. You should not indicate by exclamation, facial contortion, or any other expression, how any evidence or any incident of the trial affects you.

When in doubt, ask the judge. If you are in doubt about your rights or duties as a juror, you should

not ask anyone but the judge for information. If an emergency affecting your service should arise, consult the judge about it.

Many words and phrases you are likely to hear during the trial are explained later in this booklet.

CONDUCT OF JURORS OUTSIDE OF COURT

In discharging your duties, conduct yourself in such a way that no one will question your integrity. Judicial decisions have no higher sanction than public confidence in judicial integrity. Any judicial officer who does any act tending to destroy that confidence, thereby becomes unfit for performing his duty. Integrity is evidenced not by words but by conduct. Be watchful of that conduct. Do not act in a way which will arouse the distrust of the most suspicious. Accept no gifts or favors, no matter how insignificant or trivial, from litigants, their attorneys or representatives, whether these favors be extended during or after trial. Avoid all familiarity and all appearance of familiarity with everyone interested in your decision. Lest you may be suspected of receiving an improper communication, receive no communication of any kind from anyone in any way connected with a case in which you are a juror.

You must not, in the courtroom, corridors or elsewhere, talk with lawyers, parties to suits, their witnesses, agents, detectives, or even with other jurors, or with any other person interested in any way in the trial of any case.

It is expected that while you are acting as a juror, while you are an officer of this Court, your personal conduct will be above reproach.

HOW JURORS SHOULD ACT IN THE JURY ROOM

The first thing you should do on retiring to the jury room is to select one of your number as foreman. He or she should preside at your deliberations and bring your verdict into court.

Your deliberations should be characterized both by a free and fearless expression of your own opinions and a patient and tolerant attention to the opinions of others. You should respect the opinions of your associates which appear reasonable and yield your own when better reasoning shows them to be unsound. Those views should prevail which, after full and frank discussion and calm and unbiased consideration, appear most sensible and sound.

You must base any decision as to the fact on the evidence in the case. But in considering the evidence you should keep in mind what the judge may have said about weighing the evidence, how to decide what evidence to believe, and the burden of proof. Also take into consideration the arguments of the lawyers insofar as they are fair and reasonable. And, of course, you must keep in mind the law as the court instructed you in it.

In many civil cases you may have to determine whether there is any liability to pay damages, and if so, how much. It is suggested that you determine the issue of liability first and independently of the issue of the amount of damages. One reason for this is that it will tend to avoid a compromise on the amount of damages. Such a compromise verdict would not be justice and would be a violation of your duty as a juror.

OPENING STATEMENTS

The plaintiff's lawyer will usually make an **opening statement** to the jury, telling you what his **client**, the plaintiff, claims. He probably will outline the evidence by which he expects to prove his claim. The lawyer for the defendant, before he opens his side of the case, may similarly make an opening statement.

These opening statements are not evidence. They properly should not contain arguments. The conflicting claims of the parties constitute the **issues**.

WITNESSES AND EVIDENCE

Evidence received in Court may be something in writing or an article such as a photograph, a gun, or other thing, in which case it is called an **exhibit**. You will have it with you in the jury deliberation room at the close of the trial. Evidence may also be the oral statement of a person under oath, and we refer to it as **testimony**. Testimony may be taken before trial and reduced to writing. Such written testimony is known as a **deposition** and is embodied in a **transcript** of the shorthand notes. A deposition is taken with the opportunity of both sides to be present and to question the witness. The transcript, if used at the trial, is the typed statement of what was testified to at the deposition.

EXAMINATION OF WITNESSES

The plaintiff will call witnesses to testify in the trial before the jury. They are obliged to swear or affirm that they will tell the truth, the **whole** truth and nothing but the truth.

When a lawyer has his own client testify, or calls some other person to testify in his client's behalf, these persons are his **witnesses**. In civil cases, he may require the opposing party or one close to that party to testify, and in that event the person called is referred to as an **adverse witness**.

The lawyer who is questioning his own witness is conducting his **direct examination**. When he questions an adverse witness, that is **cross-examination**. Or when his direct examination of any of his own witnesses is finished, the lawyer on the other side may cross-examine. When that cross-examination is over, the first lawyer may again ask questions. This is **redirect examination**, and its purpose is usually to clear up points developed on cross-examination.

If a witness makes a statement which is not an answer to a question or is otherwise not properly in the case, the judge may order it to be **stricken**. If so,

you must disregard any stricken testimony or statement entirely.

In the process of the trial, one or another of the lawyers may object to a question put to a witness or to any other evidence or statement being made or submitted. The Court, in ruling on objections, applies rules of evidence which are generally traditional and of long-standing. If objections to questions or evidence are sustained by the Court, that means that such evidence or conduct is not to be considered by you. Do not speculate on why the Court has sustained an objection to it.

HOW TO JUDGE A WITNESS

In order to reach a correct verdict, you must determine what part of the evidence you will believe and what part you will reject as not worthy of belief.

Unfortunately, there is no "foolproof" way of sifting the true from the false. As yet, no one has discovered an infallible truth detector. In forming your opinions you must take into consideration various factors affecting the credibility of the witnesses, as far as the evidence discloses them. Some of these may be age, education, occupation, or appearance and conduct on the witness stand. Other factors influencing testimony may be a relationship between the witness and the parties in the lawsuit; interest in the outcome of the case; a possible motive for testifying as they have; a bias or prejudice, if one appears; the degree of intelligence displayed; the strength or weakness of the witness' recollection; the opportunities they have had to see, hear and know the things to which they testified; their frankness and candor or lack of it; the extent to which their testimony sounds reasonable and is in line with probabilities.

It is not unusual for witnesses to differ in some details. Such discrepancies may be due to differences in the witnesses' powers to observe accurately, or in their ability to remember or to relate what they saw, heard or did. You should try to reconcile

discrepancies as far as you reasonably can, taking into account these differing capacities to observe, to remember, and to relate.

You should consider the possible causes of untrue statements such as confusion, nervousness, mistakes, poor memory, thoughtlessness, lack of intelligence and evil intent.

In reaching your conclusions, consider, examine and weigh all the evidence in the case, including the exhibits, if any, and act on the evidence that you find reasonable and probable.

Of course, you may disregard such parts of the evidence as you consider unworthy of belief.

OBJECTIONS TO EVIDENCE

It sometimes happens during trials that the lawyers on the one side will object to a question asked, or an exhibit offered, by the other side. Under the rules governing the admission of evidence, a lawyer is within his rights in objecting to the introduction of any evidence which he believes is not proper in the case. If the judge thinks the evidence objected to is not proper, he will exclude it. If he thinks the lawyer is mistaken in his objection, he will admit it. In either event, the matter to be decided is a legal question which the judge alone is competent to decide. Objections by the lawyers, or the ruling of the judge with regard to them, should not cause a juror to draw inferences for or against either side. A trial is not a contest of learning, skill, or tact between lawyers, but a proceeding to find out the truth according to the evidence received and the law as explained by the judge.

INSTRUCTIONS AND VERDICT

The judge will give you his instructions as to the law to be applied in the case. Listen very carefully to them. You will apply the rules of law which he gives to the facts as you find them to be. The result will be your **verdict**.

YOUR VERDICT

In a criminal case, the decision of the jurors must be unanimous. It must be the determination of every juror. However, in a civil case, the Minnesota law provides that if a unanimous verdict cannot be arrived at within six hours of deliberation, ten or eleven of a twelve-man jury, or 5/6 of any-size jury, may arrive at a decision which will be binding upon the entire group. This is known as a 5/6th verdict.

Your findings on disputed questions of fact are almost always final. Very seldom is a verdict set aside. It is vital that it reflect the most conscientious determination of which you are capable. Verdicts may indicate to other people who may have disputes before the Court in the future whether they can wisely and safely submit their problems for jury trial. An unfair verdict may suggest that it is better to suffer wrongs in silence or to pay claims which are unjust.

YOUR POSITION

The importance of your position as a juror cannot be overstated. Others might serve as well as you, but you are the one who has been drawn according to the law.

We believe that you will find jury service interesting and that you will do your full duty as a citizen and as a juror. It is our hope that you will leave this brief responsibility richer in experience and feeling that you have been of service to those of your community who may have had trouble and need your conscientious help.

RULES OF LAW GOVERNING TRIALS

Judges get the law by which they decide the legal questions arising in a lawsuit from several sources, such as federal and state constitutions; from federal and state statutes; from previous judicial decisions; and from legal writings. The latter state the public standards of rights and duties

in matters not covered by constitutions and statutes. If judges and juries were not bound by these statements of the law — if, in each lawsuit, the judge or the juror could set up a private and personal standard of rights and duties as a basis for deciding that case — no one would know in advance of the decision how he should have acted in a particular situation. Cases arising out of similar circumstances would not be decided on settled principles but on the notions of the trial judge or juror.

Because cases must be tried and determined on established and recognized public standards of right and wrong, we call ours a government of law and not a government of men.

Judges have access to these statements of the law and know which apply to the situation involved in any lawsuit. So that justice may be done according to law, it is imperative that the jurors in each case accept the law as the judge gives it to them. *Jurors must base their verdicts on the judge's instructions as to the law rather than on their own notions of what the law is or ought to be.*

For somewhat similar reasons, there are regulations, usually called rules, governing the way a case is to be tried in court. These regulations or rules prescribe what must be stated in the pleadings, in what order evidence may be presented, in what order lawyers are permitted to argue, what is permissible and what is not permissible argument. If it were not for these rules, no one could foresee what would happen during a trial. It would be impossible to prepare properly for the trial. Such a situation would result in confusion and injustice. Consequently, rules for the conduct of trials have been developed and adopted. These rules come to the attention of jurors mostly through rulings on the admission or exclusion of evidence — and on motions to dismiss the case or for a directed verdict.

The rulings of the judge involve questions of law — not of fact — and must neither be questioned by

the jury as to their correctness nor made the basis of inferences for or against either side.

The whole purpose of laws and rules is to establish a single standard of rights and duties, applicable to all persons similarly situated; to avoid or reduce uncertainty; and to produce similar results in similar cases.

Definitions of Words and Phrases

The following definitions of words and phrases commonly used in trials will be helpful:

Action, Case, Lawsuit:

These words mean the same thing. They all refer to a legal dispute brought into court for trial.

Answer:

The paper in which the defendant answers the claims of the plaintiff.

Argument:

After all the evidence on both sides of a lawsuit is in, one of the lawyers on each side is permitted to tell the jury what he thinks the evidence proves and why he thinks his side should win. This is usually called an "argument" or "summing up."

Calling the Adverse Party for Cross-Examination Under the Rules:

In civil cases it is not uncommon for a lawyer to call the opposing party for "cross-examination under the Rules." This means that the law gives him the right to cross-examine the opposing party even though that person has not been a witness in his own behalf.

Cause of Action:

The legal grounds on which a party to a lawsuit relies to get a verdict against his adversary is usually referred to as a "cause of action."

Challenge for Actual or Implied Bias:

If a lawyer, after examining a prospective juror, thinks his state of mind indicates bias in favor of one side or the other in a lawsuit, he may ask the judge to excuse that juror. This process is called challenging for bias. Bias is implied when the juror is closely related to the parties to the action, or stands in some business relationship to one of the attorneys.

"Charge" or instructions:

After all the evidence is in, and the lawyers have made their arguments, the judge may review the evidence and state the issues the jury must decide. He will state the law which must guide their deliberations and control their verdict. This is called either the judge's "charge" to the jury or his "instructions." A judge may, and sometimes does, give an instruction to the jury on some point of law at any stage of the trial.

Civil Case:

A lawsuit is called a civil case when it is between persons in their private capacity or relations. It results generally in a verdict for the plaintiff or for the defendant, and in many cases, involves the giving or denying of damages (money).

Complaint:

The paper in which the person who brings the suit (plaintiff) sets forth his claims against the defendant, is called a complaint.

Counterclaim:

A "counterclaim" results when the defendant, in his answer to the complaint, claims he is entitled to damages or other relief from the plaintiff.

Criminal Cases:

A lawsuit is called a criminal case when it is between the State of Minnesota on one side as plaintiff, and a person or corporation on the other as defendant. It involves a question of whether the defendant has violated one of the laws defining crimes, and the verdict is usually "guilty" or "not guilty."

Cross-examination:

The questions which a lawyer puts to the litigant or witnesses on the opposing side are designated as cross-examination.

Defendant:

The person against whom a lawsuit is started — in a criminal case the person charged with an offense — is called the defendant.

Deposition:

The testimony of a party to a lawsuit or a witness may be written out in question and answer form before trial, just as it would have been given in court. This testimony is called a deposition. It may be read at the trial.

Directed Verdict:

After the evidence presented by both sides has been heard and no issue of fact for the jury to pass on has been disclosed, the judge will instruct the jury regarding the kind of verdict to return. The jury must return such a verdict. This is called a "directed verdict."

Examination, Direct Examination, Examination-in-Chief:

The questions which the lawyer asks his own client or his own witnesses are often referred to as examination, direct examination, or examination-in-chief.

Exhibit:

Articles such as pictures, books, letters and documents are often received in evidence. These are called "exhibits" and are generally given to the jury to take to the jury room while deliberating.

Issue:

A disputed question of fact is referred to as an "issue." It is sometimes spoken of as one of the "questions" which the jury must answer in order to reach a verdict.

Jury Panel:

The whole number of prospective jurors, from which the trial jury of 6 or 12 is chosen.

"Objection Overruled" or "Overruled":

This term means that in the judge's opinion the lawyer's objection is not well taken under the law. His ruling is not subject to question by jurors.

"Objection Sustained" or "Sustained":

When a lawyer objects to the form of a question, or the answer a question calls for, the judge may say "Objection sustained" or merely "Sustained." This means that the judge agrees that, under the law, the lawyer's objection was well taken. His ruling is not subject to question by jurors.

Opening Statement:

Before introducing any evidence for his side of the case, a lawyer is permitted to tell the jury what the case is about and what evidence he expects to bring in to prove his side of the case. This is called an opening statement.

Parties:

The plaintiff and the defendant in the case are called the parties. They are also called the litigants. Sometimes there is more than one plaintiff or defendant. In some cases the defendants may make claims and counterclaims against each other.

Passed, Passed for Cause:

These are expressions used by lawyers while examining prospective jurors. They indicate that the lawyers do not intend to challenge the prospective juror on any claim for implied or actual bias.

Peremptory Challenge:

In all cases the law provides that the lawyer on either side may demand that a set number of prospective jurors be excused, without being required to give a reason for the demand. The judge must excuse the jurors designated. This is called a peremptory challenge.

Plaintiff:

The person who starts a lawsuit.

Pleadings:

The parties in a lawsuit must file in court papers stating their claims against each other. These are called "pleadings."

Record:

Often the judge or the lawyers may declare that something is, or is not, for "the record" or "in the record." This refers to the word-for-word record made by the official reporter in shorthand of all the proceedings at the trial.

Resit:

This is a legal phrase which means that the lawyer has concluded the evidence he wants to introduce at that stage of the trial.

Sealed Verdict:

The judge may tell the jury that they may seal their verdict in an envelope and bring it into court at some later court session. This is called a sealed verdict.

The basic document which first established the right to jury trial in England is the Magna Carta which King John signed. We brought the right to jury trial to this country from England and incorporated it into our constitutions. The Magna Carta provides in part:

"No freeman shall be taken or imprisoned, or disseised, or outlawed, or banished or any ways destroyed nor will we pass upon him, nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land.

"To none will we sell, to none will we deny, or delay, right or justice."

MAGNA CARTA

Granted at Runnymede, June 15, A.D. 1215.

APPENDIX K

COST OF DISTRICT COURTS - 1973FIRST DISTRICT

Dakota	\$185,486.07
Goodhue	66,162.86
McLeod	51,343.64
Scott	27,844.16
Carver	60,080.77
LeSueur	46,318.91
Sibley	36,558.13
TOTAL	<u>\$473,794.54</u>

SECOND DISTRICT

Ramsey	\$799,402.00
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THIRD DISTRICT

Olmsted	\$138,241.00
Mower	71,481.71
Winona	76,435.51
Rice	78,175.46
Freeborn	73,043.17
Steele	55,072.07
Fillmore	31,546.50
Wabasha	42,532.56
Houston	45,421.46
Waseca	42,475.67
Dodge	21,896.00
TOTAL	<u>\$679,321.11</u>

FOURTH DISTRICT

Hennepin	\$2,552,790.47
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FIFTH DISTRICT

Blue Earth	\$88,166.12
Brown	58,563.28
Martin	60,308.15
Faribault	45,304.60
Nobles	42,306.61
Nicollet	54,056.92
Lyon	57,504.33
Redwood	46,122.99
Cottonwood	45,178.21
Jackson	31,297.60
Murray	24,970.88
Watsonwan	34,653.24
Pipestone	23,614.65
Rock	28,725.14
Lincoln	25,101.88
TOTAL	<u>\$665,874.60</u>

COST OF DISTRICT COURTS - 1973 (Continued)

SIXTH DISTRICT

Saint Louis	\$494,968.00
Carlton	61,994.00
Lake	no report
Cook	16,226.21
TOTAL	<u>\$573,188.21</u>

SEVENTH DISTRICT

Stearns	\$116,831.10
Otter Tail	50,314.09
Clay	68,729.01
Morrison	42,498.46
Becker	38,615.13
Todd	40,566.29
Douglas	32,726.58
Benton	33,180.10
Mille Lacs	37,846.13
Wadena	21,393.55
TOTAL	<u>\$482,700.44</u>

EIGHTH DISTRICT

Kandiyohi	\$71,163.03
Renville	40,307.45
Meeker	32,259.41
Chippewa	41,989.25
Yellow Medicine	25,498.31
Swift	25,631.01
Lac qui Parle	21,323.40
Pope	19,918.83
Stevens	35,096.48
Wilkin	21,970.05
Big Stone	17,745.55
Grant	16,011.20
Traverse	16,008.48
TOTAL	<u>\$384,922.45</u>

COST OF DISTRICT COURTS - 1973 (Continued)

NINTH DISTRICT

Itasca	\$75,032.42
Polk	64,402.16
Crow Wing	no report
Beltrami	no report
Koochiching	46,406.87
Cass	43,825.55
Marshall	29,174.56
Pennington	30,942.83
Aitkin	26,549.69
Roseau	32,711.62
Norman	22,580.21
Hubbard	21,773.60
Clearwater	22,730.46
Rittson	26,987.40
Mahnomen	no report
Red Lake	no report
Lake of the Woods	11,345.87
TOTAL	<u>\$454,463.24</u>

TENTH DISTRICT

Anoka	\$284,370.67
Washington	141,793.67
Wright	60,079.77
Pine	33,682.60
Isanti	26,806.71
Chisago	33,120.69
Sherburne	45,866.48
Kanabec	20,111.63
TOTAL	<u>\$645,835.22</u>

TOTAL - ALL DISTRICT COURTS-----\$7,712,292.28

NATIONAL CENTER FOR STATE COURTS

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END