

FILED

April 26, 2018

**OFFICE OF
APPELLATE COURTS**

**STATE OF MINNESOTA
IN SUPREME COURT**

**ADM10-8019
ADM10-8017**

IN RE JUDICIAL VACANCY IN THE THIRD JUDICIAL DISTRICT

On February 2, 2018, the Third Judicial District requested that we certify the vacancy resulting from the retirement on April 13, 2018 of the Honorable Jeffrey D. Thompson, who was chambered in Winona County, and transfer the vacant judicial chambers from Winona County to Olmsted County. The Third Judicial District determined, based on its consideration of the efficient, effective, and proper administration of justice, that a transfer of the vacant judicial seat from Winona County to Olmsted County would best align the District's judicial resources with the judicial needs of the District.

We have the authority to certify a vacancy in a judicial office to the governor, *see* Minnesota Statutes § 2.722, subd. 4 (2016), and under Minnesota Statutes § 480.22 (2016), we may designate the location of chambers in a judicial district. After considering the weighted caseload information regarding the relative judicial needs of the Third Judicial District, *see In re Pub. Hearing on Vacancies*, 375 N.W.2d 463, 465–66 (Minn. 1985) (explaining the weight we accord to the weighted caseload analysis), and the input of Third Judicial District judges and administration regarding the efficient use and equalization of judicial resources, we opened a public-comment period to ensure that input was available regarding adequate access to the courts within the District. The public comments addressed

multiple issues, including the efficient and effective management of court dockets and judicial caseloads in Olmsted County and Winona County as well as courts across the district; the potential impact of a vacancy transfer on the continued successful operation of Winona County's treatment-court program; the swift and fair administration of justice; and the use of innovative efforts such as the Winona County Criminal Justice Coordinating Council.

The concerns raised by the public comments led us to request additional input from the Third Judicial District. In response, the chief judge of the Third Judicial District explained the historical practices of equalizing judicial resources across the Third Judicial District—comprised of 11 single-judge and multi-judge counties—and the District's continued commitment to equitably deploy those resources in a manner that allows for the swift, timely, and fair administration of justice throughout the District. The Third Judicial District also committed to the continued success of Winona County's treatment court and the Winona County Criminal Justice Coordinating Council through the dedicated efforts of the district judges and justice partners. Finally, the Third Judicial District notes that a future re-allocation of judicial resources is unlikely to successfully address current concerns, and, based on all the relevant factors, determined that now is the time for a transfer.

The materials provided by the Third Judicial District and the public comments reflect a robust exchange on the practical concerns and community interests necessarily implicated by a vacancy-transfer request. We have carefully considered all facets of that

exchange. No one factor is determinative, but we note that the weighted caseload analysis shows an imbalance in the judge need between Olmsted County and Winona County. In addition, the Third Judicial District has proposed this transfer while unequivocally committing to equalized judicial resources throughout the District. Of particular importance in our review is the District's stated commitment to assigning a *specific* district court judge to hear matters in Winona County, subject to the occasional necessary exception, and to assist the remaining two chambered judges in Winona County.

Taking into account all of the relevant information, comments, and input, including effective judicial administration and the adequacy of access to the courts, *see* Minn. Stat. § 2.722, subd. 4(a), we conclude that Minnesota's citizens and the Third Judicial District are best served by transferring the vacant judicial seat in Winona County to Olmsted County. We are cognizant of the continuing commitment of the Third Judicial District to monitor the delivery of judicial resources to Winona County and to make appropriate adjustments as necessary. Similarly, we are committed to ensuring the adequate delivery of judicial resources to Winona County and will take appropriate action if required in the future.

We are grateful for the assistance provided by the public participation in this process and acknowledge the dedicated work of the judges and staff in the Third Judicial District. We are confident that the decision made here is in the best interests of the citizens of Minnesota, the Third Judicial District, and the Judicial Branch's mission to provide equal access to the State's courts.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the vacancy created by the retirement of the Honorable Jeffrey D. Thompson be, and hereby is, certified to the Governor to be chambered at Rochester in Olmsted County and to be filled in the manner provided by law.

Dated: April 26, 2018

BY THE COURT:

A handwritten signature in black ink, appearing to read "Lorie S. Gildea". The signature is written in a cursive, flowing style.

Lorie S. Gildea
Chief Justice