

# **HENNEPIN COUNTY**

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## **DISTRICT COURT**

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### **BENCH BYLAWS**

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Latest Update: January 3, 2011

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#### **COURT ORGANIZATION**

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##### **Chapter 1**

**Chief Judge (Selection and Authority)**

## **RULE 100. CHIEF JUDGE**

This Court shall be supervised by a Chief Judge who is elected by the judges of the District Court. The Chief Judge so elected shall be designated as Chief Judge for a two-year period commencing on the 1st day of July of the applicable year.

The Chief Judge shall administer the Court in conformity with the powers vested in the office by the Minnesota Supreme Court, the State Legislature, and in conformity with the powers suggested by the Conference of Chief Judges. (Rev. 10-30-89)

The Chief Judge may appoint special committees of judges as deemed advisable and necessary for the proper administration of the Court. The Chief Judge shall be the chair of the Executive Committee and may participate as an exofficio member of all special and standing committees. (Rev. 10-30-89)

### **Chapter 1 - Continued**

## **RULE 102. NOMINATION AND ELECTION PROCESS<sup>3/4</sup>CHIEF JUDGE**

The Chief Judge shall be selected in the following manner:

- A. A judge wishing to place his/her name in nomination for the office of Chief Judge of the District Court shall file nomination papers with the District Court Administrator between **April 1 and April 15** of the election year, beginning in 2000. There will be no nominations from the floor. (Rev. 4-1-91, 4-23-99.)
- B. The Court Administrator shall prepare a ballot consisting of those judges filing nomination papers. A sample ballot shall be distributed to all judges within five (5) days after the close of filing. The official ballot shall be distributed at the judges' meeting at which the Chief Judge shall be elected.
- C. The election of a Chief Judge shall take place at the regular **May** judges' meeting of the applicable year, beginning in 1992. (Rev. 4-1-91.)
- D. The election shall be by secret ballot. Judges may vote by written absentee ballot or written proxy. Balloting will continue until one candidate receives a majority vote of the judges of the District Court.

**RULE 104. ASSISTANT CHIEF JUDGE**

An Assistant Chief Judge shall be elected bi-annually by the judges of the District Court to serve for a period of two years following his or her election.

An Assistant Chief Judge of the District Court shall have the responsibility for such duties as are delegated to him/her by the Chief Judge. The Assistant Chief Judge shall also, during the absence or inability to act of the Chief Judge, be the Acting Chief Judge of the District Court and exercise the powers and carry out the duties of the Chief Judge as prescribed by law and court rules.

The Assistant Chief Judge shall be a voting member of the Executive Committee and may participate as an exofficio member of all standing and special committees appointed by the Chief Judge. In the event of a vacancy in the position of the Chief Judge or the inability of the Chief Judge to serve for 60 calendar days, the Assistant Chief Judge shall become Chief Judge for the remainder of the term. (Rev. 103089)

**Chapter 1 - Continued**

**RULE 106. NOMINATION AND ELECTION PROCESS  
ASSISTANT CHIEF JUDGE**

- A. A judge wishing to place his/her name in nomination for the office of Assistant Chief Judge of the District Court shall file nomination papers with the District Court Administrator between **April 1 and April 15** of the election year, beginning in 2000. There will be no nominations from the floor. (Rev. 4-1-91, 4-23-99.)
- B. The Court Administrator shall prepare a ballot consisting of the names of those judges filing nomination papers. A sample ballot shall be distributed to all judges within five (5) days after the close of filing. The official ballot shall be distributed at the judges' meeting at which the Assistant Chief Judge shall be elected.
- C. The election of an Assistant Chief Judge shall take place at the regular **May** judges' meeting of the applicable year, beginning in 1992. (Rev. 4-1-91.)
- D. The election shall be by secret ballot. Judges may vote by written absentee ballot or written proxy. Balloting will continue until one candidate receives a majority vote of the judges of the District Court.

## **Chapter 1 - Continued**

### **RULE 108. ACTING CHIEF JUDGE**

Unless the Chief Judge has designated a different judge to act as the Acting Chief Judge when both the Chief Judge and Assistant Chief Judge are absent or unable to act, the past Chief Judge who most recently served as such and is present and able to act shall be the Acting Chief Judge. If there is no past Chief Judge present and able to act, the Executive Committee shall designate a judge to serve as Acting Chief Judge.

## **Chapter 1 - Continued**

### **RULE 110. SPECIAL ELECTIONS - ASSISTANT CHIEF JUDGE**

If the office of Assistant Chief Judge becomes unoccupied during any term, a Special Election shall be called by the Chief Judge within 60 calendar days to fill the vacancy.

In the event the Assistant Chief Judge succeeds the Chief Judge, an election for Assistant Chief Judge shall be held within 30 calendar days.

If the office of Assistant Chief Judge becomes unoccupied due to inability of the judge to perform for 60 calendar days, the Chief Judge shall call a Special Election within 30 calendar days.

The notice of Special Election shall provide for a nomination period of at least two (2) weeks' duration during the month prior to the election which Special Election shall be conducted in accordance with Rule **106**. (Rev. 10-30-89)

# **COURT ORGANIZATION**

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## **Chapter 2**

### **Executive Committee (Selection and Authority)**

### **RULE 120. AUTHORITY OF THE EXECUTIVE COMMITTEE**

There shall be an Executive Committee of judges who are elected by the judges of the District Court. The Executive Committee shall have the authority to act for the Court except in the election of the Chief Judge, the election of the Assistant Chief Judge, the election of the Executive Committee members, and the promulgation of amendments to these rules.

## **Chapter 2 - Continued**

### **RULE 122. SELECTION OF EXECUTIVE COMMITTEE**

- A. The Executive Committee of the District Court shall be elected at the regular judges' meeting in **May** of each year and shall serve for a two-year period commencing on the 1st day of July of the applicable year. However, in alternate years, the judges would elect a membership from seniority groups 1, 3, 5, and 7 (beginning in 1991) **and** 2, 4, 6, and 8 (beginning in 1992). An election would also be held if a group would have two or more or no representatives due to a realignment of an unexpired term. (At the first election following adoption of these rules, Executive Committee members from seniority groups 1, 3, 5, and 7 [in ascending order] shall be elected to a one-year term.) (Rev. 4-1-91.)
- B. A judge wishing to place his/her name in nomination as a member of the Executive Committee shall file nomination papers with the District Court Administrator between **April 1 and April 15** of the election year, beginning in 1999. (Rev. 4-1-91, 4-23-99.)
- C. The Court Administrator shall prepare a ballot consisting of those judges filing nomination papers. A sample ballot shall be distributed for consideration to all judges within five (5) days after the close of filing. The official ballot shall be distributed at the meeting at which the Executive Committee is to be selected. Nominations for the Executive Committee will be accepted from the floor during the meeting.
- D. On or before **April 1** of the election year, the Court Administrator shall distribute a preliminary length-of-service list (as of June 19, 1986) of the Judges of District Court. This list shall be subject to final confirmation as of the date of election. (Rev. 4-1-91)
- E. At the meeting in which the Executive Committee is elected, the Chief Judge shall confirm the preliminary length-of-service list. The judges shall then be divided into eight (8) voting groups based on length of service and each group shall select one (1) member.
- F. The election **by each seniority group** shall be by secret ballot. Judges may vote by written absentee ballot or written proxy. Balloting will continue until one candidate receives a majority vote of the judges of the respective seniority group. (Rev. 10-30-89)

## **Chapter 2 - Continued**

- G. Insofar as possible, each voting group shall have an uneven number of members. If there are 54 district court judges, for example, the group distribution shall be as follows: 7-7-7-7-7-7-5 in ascending order of length of service. If the group distribution results in an even numbered voting group, said group shall consist of the most senior district court judges.
  
- H. The Chief Judge shall appoint one of the judges of the District Court to the Executive Committee, whose term of office shall be concurrent with that of the Chief Judge who appointed him or her.
  
- I. Length of service as of June 19, 1986, shall be determined by the order of administration of the oath of office.
  
- J. Executive Committee members shall serve no more than two (2) consecutive terms.
  
- K. Upon a vacancy of the Executive Committee, the Chief Judge shall call a special election to fill the vacancy of the seniority group affected.
  
- L. The presiding judges of Criminal, Civil, Family Court, Juvenile Court, and Mental Health/Probate Court shall serve on the Executive Committees concurrently with their term of office. (Mental Health/Probate Court added at the bench meeting on 9-9-96.)(Criminal and Civil added on 1-7-00 by e-mail vote.)

**Note: Seniority Group Numbers Updated 3-28-01:**

The Executive Committee approved the realignment of the judicial seniority groups on March 28, 2001. The new realignment is:

- Group 8 8 members (Judges 1-8)
- Group 7: 7 members (Judges 9-15)
- Group 6: 7 members (Judges 16-22)
- Group 5: 7 members (Judges 23-29)
- Group 4: 7 members (Judges 30-36)
- Group 3: 7 members (Judges 37-43)
- Group 2: 9 members (Judges 44-52)

# COURT ORGANIZATION

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## Chapter 3

### Meeting of Court and Executive Committee

#### **RULE 130. MEETINGS OF JUDGES OF THE ENTIRE COURT**

- A. Regular meetings of the entire District Court shall be conducted monthly at times noticed by the Chief Judge. Regular meetings for any month may be dispensed with by the Executive Committee.
- B. Special meetings of the entire court may be called on notice by the Chief Judge or on written request of 20 percent of the judges actively serving.
- C. A quorum of the judges at a meeting of the entire District Court shall be a majority of its members. ~~There may be proxy voting on questions at meetings of the entire District Court.~~ Absentee and/or proxy voting shall be allowed for the selection of a Chief Judge, Assistant Chief Judge, and members of the Executive Committee. Such absentee ballots must be in writing, placed in a sealed envelope, and delivered to the Chief Judge or Court Administrator prior to the meeting at which the ballots are to be counted. An absentee ballot may give numerical preference to each candidate to permit its being counted in a run-off election. (Rev.10-30-89)
- D. At least five (5) days before each meeting of the judges of the entire District Court, the Chief Judge shall cause a copy of the agenda of the meeting to be delivered or mailed to all judges.
- E. Within five (5) days after each meeting of the judges of the entire District Court, the Chief Judge shall cause a copy of the minutes of the meeting to be delivered or mailed to all judges.

#### **Chapter 3 - Continued**

#### **RULE 132. MEETINGS OF THE EXECUTIVE COMMITTEE**

- A. Regular meetings of the Executive Committee shall be conducted

monthly, unless dispensed with for good cause, and such meetings shall be open to attendance by all judges.

- B. The Chief Judge shall serve as Chairperson of the Executive Committee. In the absence of the Chief Judge, the Assistant Chief Judge shall serve as Chairperson.
- C. Any action taken by the Executive Committee shall be stayed upon filing with the Chief Judge the written request of one-fourth (1/4) of all judges made within ten (10) days of notice of such action. The Chief Judge shall then place that matter on the agenda for consideration at the next regular meeting of the entire District Court.
- D. Matters stayed pursuant to Rule 132C shall not be subject to a motion either to table or amend. Said matters shall have priority on the agenda. Confirmation of the stay shall require a majority vote of all judges of the District Court. Judges may not vote by absentee or proxy ballot on these matters.
- E. A quorum of the Executive Committee shall consist of a majority of its members, including the Chief Judge and Assistant Chief Judge, who may vote in all cases. (10-30-89 and 4-14-00)
- F. There shall be no absentee or proxy voting at Executive Committee meetings.
- G. Within five (5) days before each meeting of the Executive Committee, the Chief Judge shall cause a copy of the agenda of the meeting to be delivered or mailed to all judges.
- H. Within five (5) days after each meeting of the Executive Committee, the Chief Judge shall cause a copy of the minutes of the meeting to be delivered or mailed to all judges.

## **COURT ORGANIZATION**

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### **Chapter 4**

#### **Meeting of Standing Committees**



- . There are five (5) Standing Committees in the Court System. They are: Budget and Finance Committee, Criminal Committee, Civil Committee, Bylaws Committee, and Equal Justice Committee. (Adopted on 1-8-01; Revised 5-6-05).
  
- B. There shall be such Subcommittees of the Standing Committees as shall be determined by the Chief Judge.
  
- C. Judges seeking appointment to the Standing Committees and Subcommittees shall submit their names and committee preferences to the Chief Judge within ten (10) days after the Chief Judge's election to office.
  
- D. The Chief Judge shall then make appointments to the Standing Committees and Subcommittees on or before July 1 of the year of his or her election.
  
- E. The Chief Judge shall appoint at least one member of the Executive Committee to each Standing Committee and Subcommittee.
  
- F. Meetings of the Standing Committees shall not require the presence of a quorum. (Rev. 1-8-90; 5-6-05).
  
- G. There shall be no absentee or proxy voting at Standing Committee or Subcommittee meetings.
  
- H. The Chief Judge may remove any members of a Standing Committee or Subcommittee who do not actively participate therein (i.e., missing three consecutive meetings).

#### **Chapter 4 - Continued**

- I. The Chairpersons of the Criminal Committee and the Civil Committee shall be the Presiding Judges of the Criminal Court and the Civil Court respectively. The Chairpersons of the Budget and Finance, Bylaws and Equal Justice Committees shall be appointed from time to time by the Chief Judge. (Rev. 4-14-00 and by resolution 1-8-01).
  
- J. The Chairpersons of the Standing Committees may designate Assistant Chairpersons to chair meetings of the committees in the absence of the chairpersons. (Rev. 3-4-91 and 4-14-00.)
  
- . The Standing Committees and Subcommittees shall report to the Executive Committee on a regular basis. The Standing Committees and

Subcommittees shall submit all proposed changes in District Court policies or procedures to the Executive Committee for ultimate approval. (Rev. 5-6-05).

At least five (5) days before each meeting of the standing committees, the chairperson of the standing committee shall cause a copy of the agenda of the meeting to be delivered or mailed to all judges. (Adopted 5-6-05).

**Structure of Standing Committees (rev 5-6-05):**

**BUDGET AND FINANCE COMMITTEE**

Chair appointed by Chief Judge

**CRIMINAL COMMITTEE:**

- a) Chaired by the Criminal Court Presiding Judge
- b) Incorporates the functions of Domestic Abuse, Probation, Probation Female Offender, and Suburban Courts Committees. Criminal firefighter committees include:
  - 1) Community Court Firefighters (fka Community Court Task Force)
  - 2) Drug Court Firefighters (fka Drug Court Steering Committee)
  - 3) Property Court Firefighters (fka Property Court Committee)
  - 4) Domestic Violence Court Firefighters (fka Domestic Violence Court Implementation Steering Committee)

**CIVIL COMMITTEE:**

- a) Chaired by the Civil Court Presiding Judge
- b) Incorporates the functions of Landlord/Tenant Committee

**BYLAWS COMMITTEE**

Chair appointed by Chief Judge

**EQUAL JUSTICE COMMITTEE**

- b) Chair appointed by Chief Judge
- c) Expanded to include Gender Fairness and ADA issues.

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## **COURT ORGANIZATION**

### **Chapter 5**

#### **Assignment of Duties**

**RULE 140. ASSIGNMENTS OF DUTIES**

- A.** The Chief Judge shall assign judges and referees to courtroom facilities on the basis of seniority. The Chief Judge shall make assignments of judges to serve on the courts within the judicial district, and assignments may be made without the consent of the judges affected. The Chief

Judge may assign any judge of any court within the judicial district to hear any matter in any court of the judicial district. When a judge of the court is assigned to another court, the judge is vested with the powers of a judge of the court of assignment. Assignment of a judge outside his or her judicial district is governed by Minn. Stat. Sec. 484.69, subd. 3.

**B. Assignment to Specialty Courts**

1. Assignments to fill vacancies in the specialty courts shall be made in the following order.
  - b. Judges who volunteer.
  - c. Judges who have never served in a qualifying assignment shall be assigned to specialty court next, provided they have been on the bench for 1 year.
  - d. Then judges with the greatest time lapse since their last qualifying assignment shall be assigned.
2. For purposes of section 1, “qualifying assignment” means prior service in the juvenile court, family court, probate/mental health court, or drug court. Until January 1, 2005, either full-time service of at least one year or half-time service of at least 18 months in those assignments will qualify under section 1. After January 1, 2005, only full-time service or its equivalent in those assignments will qualify.
3. The minimum assignment to a specialty court shall be for three (3) years.
4. A judge does not have to serve in a specialty court assignment if less than three (3) years remain until that judge's mandatory retirement.

Comments regarding application of Section B:

- The chief judge will decide to which specialty court a judge is assigned.
- The chief judge will select the presiding judges.
- Judges may volunteer to stay in a specialty court beyond the minimum term but the chief judge will decide the maximum length of a judge's specialty court assignment.

(Revised 11-5-04 by bench vote - adding section B)

**C. Priority in Making Civil Court Assignments**

1. Assignments to fill vacancies in Civil Court shall be made by alternating between the two categories of judges described below. The presiding Civil Court Judge shall inform Bench when a Civil Court assignment is to be made available. Available judges must respond within twenty-one (21) days. The following categories will be used:
  - (a) The most senior judge who volunteers, and who has never served in Civil Court; and
  - (b) The most senior judge who volunteers.

2. If no judge in category (a) applies for the Civil Court opening when category (a) is to be used, category (b) shall be used, and selection for the next available Civil Court assignment shall revert to category (a). Similarly, if no judge applies for an opening when category (b) is the first category to be used, and category (a) is used, selection for the next available Civil Court assignment shall revert to category (b).

“Service in Civil Court” shall be defined as a minimum of two (2) years.

(Section C revised 1/3/11)

## **Chapter 5 - Continued**

### **RULE 141. ASSIGNMENT OF JUDGES TO CIVIL AND CRIMINAL COURTS**

#### **. Civil Court**

The Civil Court shall consist of a Presiding Judge and such other judges as may be designated by the Chief Judge. The Chief Judge shall from time to time designate a Presiding Judge of the Civil Court who will be responsible for the administrative operations of the Civil Court. (Rule added 4-14-00.)

#### **. Criminal Court**

The Criminal Court shall consist of a Presiding Judge and such other judges as may be designated by the Chief Judge. The Chief Judge shall from time to time designate a Presiding Judge of the Criminal Court who will be responsible for the administrative operations of the Criminal Court. (Rule added 4-14-00.)

## **Chapter 5 - Continued**

### **RULE 142. ASSIGNMENT OF JUDGES TO SPECIALTY COURTS**

#### **A. Family Court**

- (1) The Family Court shall consist of a Presiding Judge and such other judges as may be designated by the Chief Judge. The Chief Judge shall from time to time designate a Presiding Judge of the Family Court who will be responsible for the administrative operations of the Family Court.
- (2) The Family Court calendar shall be managed and controlled by the Presiding Judge of the Family Court, who shall assign cases and other Family Court matters to the judges and referees assigned to the Family Court.

**B. Juvenile Court**

- (1) The Juvenile Court shall consist of a Presiding Judge and such other judges as may be designated by the Chief Judge. The Chief Judge shall from time to time designate a Presiding Judge of the Juvenile Court who will be responsible for the administrative operations of the Juvenile Court.
- (2) The Juvenile Court shall be held in the Juvenile Justice Center. The Juvenile Court calendar shall be managed and controlled by the Presiding Judge of the Juvenile Court, who shall assign cases and other Juvenile Court matters to the judges and referees assigned to the Juvenile Court.

**C. Mental Health Court and Probate Court**

The Chief Judge shall designate a Court to be known as the Mental Health and Probate Court and shall from time to time designate a Presiding Judge of the Mental Health and Probate Court, who will be responsible for the administrative operations of the Mental Health and Probate Court. (Rev. 2-4-08)

**D. Drug Court**

- (1) The Drug Court shall consist of a Presiding Judge and such other judges as may be designated by the Chief Judge. The Chief Judge shall from time to time designate a Presiding Judge of the Drug Court who will be responsible for the administrative operations of the Drug Court. (Rev. 2-4-08)
- (2) The Drug Court calendar shall be managed and controlled by the Presiding Judge of the Drug Court, who shall assign cases and other Drug Court matters to the judges and referees assigned to the Drug Court. (Rev. 2-4-08)

# **COURT ORGANIZATION**

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## **Chapter 6**

### **Amendment to Rules**

These rules may be amended by majority vote in accordance with the provisions of Rule 130C. A copy of a proposed amendment shall be included with the agenda as provided for in Rule 130D. (Rev. 10-30-89)

# **COURT ORGANIZATION**

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## **Chapter 7**

### **Rules of Procedure**

All questions of procedure with respect to the implementation of these rules in the District Court shall be resolved in accordance with *Robert's Rules of Order*.

Where there is a conflict in procedural process between *Roberts* and these rules, the procedural process set out in these rules shall govern. (Rev. 10-30-89)