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Recommended Constitutional Amendment Relating to Judiciary

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**RECOMMENDED CONSTITUTIONAL AMENDMENT
RELATING TO JUDICIARY**

**Article VI
JUDICIARY**

The general court. Sec. 1. There is hereby created The General Court of Minnesota, which shall have all of the jurisdiction at any time vested in the courts of this state. It shall have divisions to be known as the supreme court, district court, and county court.

Supreme Court. Sec. 2. The supreme court shall consist of a chief justice, six associate justices, and such additional associate justices, not exceeding two, as may be provided by law. It shall have appellate jurisdiction in all cases and such original jurisdiction as is provided by law. It may sit in divisions of not less than three members. It may prescribe, for all divisions of the general court, rules of practice and procedure and of evidence, and may delegate to the other divisions or to the administrative council such rule-making power as it deems expedient. The supreme court shall have a clerk, a reporter, and a marshal. These officers and the state librarian, and the clerical forces of their offices, shall be appointed by it and hold office at its pleasure. The chief justice and associate justices in office at the taking effect of this amendment shall be respectively the chief justice and associate justices hereunder until the expiration of their respective terms. During a vacancy in the office of chief justice or the inability of the chief justice to serve, the duties of that office shall be discharged by the associate justice senior in service.

District Court. Sec. 3. The district court districts shall correspond with the judicial districts existing at the taking effect of this amendment, subject to the powers of the administrative council. All judges of the district court, and all judges of the probate court in counties embracing a city of the first class, in office at the taking effect of this amendment, shall be judges of the district court hereunder in their respective districts and shall hold office until the expiration of their respective terms. Otherwise the district court shall have the number of judges provided by law.

Subject to the powers of the administrative council, the district court shall have jurisdiction in all civil cases where the amount in controversy exceeds five hundred dollars and in all criminal cases, and in all counties embracing a city of the first class shall have jurisdiction of the estates of deceased persons and of the persons and estates of insane persons and persons under guardianship. It shall have such appellate jurisdiction as may be conferred upon it by the administrative council, with approval of the supreme court.

County court. Sec. 4. There shall be in each county a county court. Subject to the powers of the administrative council, it shall have jurisdiction of civil cases where the amount in controversy does not exceed one thousand dollars; of cases of unlawful detainer; of the estates of deceased persons and of the persons and estates of insane persons and persons under guardianship except in counties embracing a city of the first class, and, concurrently with

the district court, of all criminal cases where the punishment for the offense involved does not exceed ninety days in jail or a fine of one hundred dollars. The county court shall have as many judges as are provided by law, but all judges of municipal courts who are lawyers and, except in counties embracing a city of the first class, all judges of the probate court in office at the taking effect of this amendment, shall be judges of the county court in their respective counties until the expiration of their respective terms. Any judge of the county court in office by virtue of previous occupancy of the office of judge of probate court or by subsequent retention, but who is not a lawyer, shall have authority to act only in the matter of estates of deceased persons and of the persons and estates of insane persons and persons under guardianship.

Magistrates in villages and cities except cities of the first class. Sec. 5. In any village or city, except cities of the first class, the administrative council, upon petition of the municipal council and upon a showing of reasonable necessity therefor, shall by order establish one or more offices of magistrate of the county court for such municipality. Without such action any judge of municipal court in office at the taking effect of this amendment, except in cities of the first class, who is not a lawyer, shall become a magistrate of the county court for the municipality in which he held office, and until otherwise provided by ordinance of the municipality shall receive the salary previously received as judge of the municipal court. Magistrates shall have such minor civil and criminal jurisdiction as may be determined by the administrative council. Except as in this section otherwise provided, magistrates shall be appointed by the district court of the district in which the municipality to be served is situated, and all magistrates shall hold office without term at the discretion of the respective district courts. Any office of magistrate may be discontinued by order of the administrative council upon petition of the municipality affected.

Eligibility for service—assignment thereto. Sec. 6. Every member of each division of the general court shall be eligible for service in any other division and in any district or county of any division. Assignment to such service may be made in accordance with rules of the administrative council.

No judicial action void for lack of jurisdiction. Sec. 7. The jurisdiction herein expressly conferred upon the several divisions of the general court shall not be exclusive, and no judicial action taken by any division which is beyond the jurisdiction expressly conferred herein or hereafter expressly conferred shall be void for want of jurisdiction, but any case brought in any division which is beyond the jurisdiction so expressly conferred shall be transferred to the proper division.

UNIFICATION OF COURTS

Clerks and reporters of district and county courts. Sec. 8. There shall be in and for each county a clerk of the district court, and each such clerk in office at the taking effect of this amendment shall continue in office until the expiration of his term and thereafter until removed by the court for cause. The successor of a clerk shall hold office by appointment by and at the pleasure of the court. There shall be a clerk for each county court,

who shall be appointed by and hold office at the pleasure of such court. The offices of clerk of district and county courts may be held by the same person. There shall be a reporter for, and appointed by, each judge of the district court, and such reporters for county courts as may be provided for by the administrative council.

Administrative council—administrative director. Sec. 9. There is hereby created an administrative council consisting of three representatives of each division of the general court. The chairman of the council shall be the chief justice or some member of the supreme court designated by him. The representatives of each division shall be elected by and from the members of that division for terms of two years. The manner of election shall be prescribed by the supreme court. The council shall have supervision of the administrative organization and operation of the general court and its various divisions, and may prescribe the duties of the administrative and clerical personnel thereof. It shall appoint a lawyer as the administrative head of the general court, who shall be known as administrative director. He shall have direction of all administrative matters pertaining to the general court, including its various divisions. He shall be subject to the authority of the administrative council, which shall more particularly define his duties.

The council shall have power, by rules approved by the supreme court, to alter the jurisdiction herein conferred upon the district and county courts; to make provision for review, by the district courts of districts having three or more judges, of defined classes of orders, decisions, and judgments of the county and district courts, and to condition the right of appeal in such cases to the supreme court upon leave of that court; to create subdivisions or departments of the district and county courts, distribute the judicial business of such courts between such subdivisions or departments, and make provision for the assignment thereto of the judges to preside therein; to designate the places for the sessions of district and county courts and of the offices of the clerks thereof; to change the number and boundaries of district court districts, without, however, vacating the office of any judge during his term, and, with the concurrence of the governing bodies thereof, to merge two or more counties into one county court district.

Rules—filing—effect. Sec. 10. All rules of the supreme court and of the administrative council adopted pursuant to the authority conferred by this article, and all rules adopted by other divisions of the general court pursuant to authority delegated by the supreme court, shall be filed in the office of the secretary of state, and thereupon shall have the force and effect of law and shall supersede all statutes and laws inconsistent therewith.

Eligibility—compensation. Sec. 11. Except as herein otherwise provided, only lawyers shall be eligible to judicial office. No member of any court taking office after the effective date of this amendment shall hold such office after reaching the age of seventy years. All members shall receive the compensation provided by law, which shall not as to any member be diminished during his term of office. No member shall be compensated, in whole or in part, by fees.

Members of supreme and district courts to hold no other office. Sec. 13.

No member of the supreme court or of the district court shall during his incumbency hold any office under the United States or any other office under this State, nor shall he hold any non-judicial elective office under this State within one year after the expiration of his term or his resignation from office. Any member of such courts who shall during his incumbency become a candidate for any office contrary to the prohibition of this section shall thereby vacate his judicial office.

Retirement for disability. Sec. 14. Every judicial officer who shall become permanently incapacitated to discharge the duties of his office shall resign or be retired. All questions of incapacity shall be investigated and determined by the administrative council, and if it shall find permanent incapacity to exist it shall serve a copy of its findings upon the member in question. If he shall not within thirty days thereafter resign he shall be retired by order of the council, and such retirement shall create a vacancy to be filled according to the provisions of section 16 hereof.

Retirement compensation. Sec. 15. Upon retirement at the age of seventy years, or upon resignation or retirement under section 14 hereof, each member of the general court, other than magistrate, who shall have served not less than ten years in judicial office in this state shall receive for life as retirement compensation one-half the salary of his office at the time of his retirement and such additional amount as may be provided by law.

Selection and tenure. Sec. 16. There shall be a district judiciary nominating commission of five members in each judicial district, three of whom shall be lawyers residing in the district, elected by the members of the bar of the district, and two of whom shall be laymen resident in the district and appointed by the governor. The commission shall designate one of its members as chairman. The chairmen of all district judiciary nominating commissions shall constitute a supreme court nominating commission. The term of members of the nominating commissions shall be fixed by the administrative council.

When a vacancy occurs in the office of a judge of the district court, the district judiciary nominating commission of the district shall choose and submit to the chief justice three nominees, from whom the chief justice shall fill the vacancy. When a vacancy occurs in the supreme court, the supreme court nominating commission shall choose and submit to the governor three nominees, from whom the governor shall fill the vacancy. When a vacancy occurs in the office of a judge of a county court, the members of the bar of such county shall choose and submit to the chief justice three nominees, from whom the chief justice shall fill the vacancy.

Rules of procedure for the nominating commissions and for nominations of judges of the county courts shall be prescribed by the administrative council.

Each member of the general court appointed pursuant to this section shall hold office until the first Monday in January following the general election which occurs next after the expiration of two years of tenure in office. Not less than sixty days prior to the last general election preceding the expiration of his term, any member, whether in office by appointment under this section or by virtue of incumbency at the taking effect of this

amendment, may file, as provided by law, a declaration of candidacy to succeed himself. If no such declaration is filed, the resulting vacancy shall be filled by nomination and appointment as hereinbefore provided. If such declaration is filed, the name of the member shall be submitted to the voters of the state, district, or county to which his office pertains at such general election by a separate judicial ballot, without party designation, styled in substance as follows:

Shall Chief Justice, Justice, or Judge _____ of the supreme court (or district or county court) be retained in office?

Yes_____

No_____

If a majority of those voting on the question shall vote against the retention of the candidate, then upon the expiration of his term a vacancy shall exist which shall be filled by nomination and appointment as hereinbefore provided. If a majority of those voting on the question vote in favor of the retention of the candidate, then he shall remain in office for a term beginning on the succeeding first Monday in January as follows: In the case of the chief justice or an associate justice of the supreme court, ten years; in the case of a judge of the district court, eight years; in the case of a judge of the county court, six years.

Statutes and rules to continue in effect. Sec. 16. Until otherwise provided by law or by rules of the supreme court or of the administrative council, all statutes in force at the taking effect of this amendment applicable to the supreme court, district court, or probate court, so far as consistent herewith, shall be applicable respectively to the supreme court, district court, and county court hereunder, and until otherwise provided by rules of the supreme court, the rules of practice and procedure in force at the taking effect of this amendment, so far as consistent herewith, shall continue in effect.

Effective date of amendment. Sec. 17. This amendment shall become effective on July 1 of the year following its adoption. Thereupon Article VI of the Constitution as previously in effect shall stand repealed.