

# SOA Olmsted County - Minnesota SOA

Vol. 5 No. 7

July 1979

Commissioner Carol Kamper, Chairman of the County Board, has asked each department to prepare a short mid-year report on activities during the first half of 1979. These reports will be reviewed by the County Board during the month of July. Reports should be submitted no later than July 24, 1979.

## COURTS OF OLMSTED COUNTY

Ten years ago, court cases were being handled by the District Court, the Municipal Court of the City of Rochester, and the Justice of the Peace Courts in surrounding townships.

The Municipal Court and the Justice of the Peace Courts were phased out after the County Court Act was passed by the Minnesota Legislature in 1971. The County Court Act was designed to consolidate the court system in order to improve operational efficiency.

County Court received all of the jurisdiction of the Municipal Court and most of the jurisdiction of the Justice of the Peace Courts. County Court also acquired concurrent or shared jurisdiction with District Court for certain cases previously handled only by District Court.

Today, in Olmsted County, any case requiring court action is handled by either the County Court or the District Court. The type of case to be heard by each court depends upon that court's jurisdiction as defined by Minnesota Statute.

As a matter of practice, civil units up to \$5,000 and cases involving misdemeanors or petty misdemeanors are always heard in County Court even though concurrent jurisdiction exists. If no such specific practice has been established in an area of concurrent jurisdiction, an attorney has the option of filing a case in either County Court or District Court.

Bankruptcy hearings, a function of the federal court system, are sometimes held in the Olmsted County Courthouse, but these hearings are conducted by referees, not judges.

County Courts exist in 85 of Minnesota's 87 counties; although, in a few instances, two or more counties may be combined into a single County Court district. In Olmsted County, the County Court is divided into three separate areas--the family division, the probate division, and a combined civil and criminal division.

Cases brought before the Olmsted County Court are presided over by Judge Gerard W. Ring, Judge Harold G. Krieger, and Judge Lawrence E. Agarter. Each judge is assigned to one of the divisions on a three-month rotation basis. Judges for both the County Court and the District Court are elected for six-year terms.

Minnesota is divided into ten judicial districts, each of which has a District Court. Olmsted County is part of the Third Judicial District which also includes the counties of Freeborn, Mower, Fillmore, Houston, Waseca, Steele, Dodge, Winona, Rice and Wabasha.

District court sessions are held on a regular basis at county seats within the district. Cases are tried in the county in which the case of action arose. Six judges handle proceedings within the eleven-county area comprising the Third Judicial District.

Judge O. Russell Olson and Judge Daniel F. Foley preside over the cases brought to District Court in Olmsted County. Judges Olson and Foley also handle the District Court cases in Dodge and Fillmore counties.

Law clerks have the responsibility of providing any assistance that District Court judges might request. One law clerk is usually appointed for every two or three District judges. Jeffrey Brauchle is currently serving as Law Clerk for Judges Olson and Foley.

The chief judge of a judicial district exercises general administrative authority over all courts within that district. Last month, County and District judges from the Third Judicial District selected Judge Olson as their Chief Judge for the next two years.

Each judicial district also has a district administrator. The district administrator assists the chief judge in the performance of his administrative duties and manages the administrative affairs of the courts within the district.

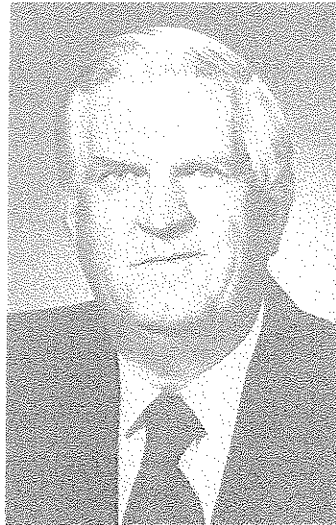
A representative from the Public Employees Retirement Association (PERA) will be in the Board Room of the Olmsted County Courthouse on July 26. Employees can get some general information about PERA by attending either the 10 a.m. or the 1 p.m. presentation. Employees with specific questions of a personal nature can schedule appointments with the representative by calling Personnel at 285-8115.

# District Court

photos courtesy of  
Rochester Post Bulletin



JUDGE O. RUSSELL OLSON



JUDGE DANIEL F. FOLEY

original jurisdiction in all criminal cases (exercises concurrent jurisdiction with County Court in misdemeanor and petty misdemeanor cases)  
original jurisdiction in all civil cases (exercises concurrent jurisdiction with County Court in civil suits not exceeding \$5,000)  
appellate jurisdiction in all actions from County Court  
concurrent jurisdiction with County Court in proceedings that involve trusts, Reciprocal Enforcement of Support Act, change of name, quiet title, foreclosures, replevin, and dissolution, annulment, and separate maintenance

# County Court

## Family Division

### Family Matters

judicial commitment of inebriate, mentally ill, or mentally deficient persons  
waiver of five-day waiting period for marriage licenses  
dissolution, annulment, and separate maintenance (concurrent jurisdiction with District Court)  
change of name (concurrent jurisdiction with District Court)  
reciprocal support proceedings (concurrent jurisdiction with District Court)

### Juvenile Matters

delinquency  
dependency  
neglect  
juvenile traffic offenders  
consent for marriage of a minor  
termination of parental rights  
adoption

## Probate Division

decedents' estates  
guardianships for minors and incompetents  
conservatorships for minors and adults unable to care for property  
trusts (concurrent jurisdiction with District Court)  
Probate Registrar's Office

## Civil & Criminal Division

### Civil Matters

civil suits up to \$5,000 (concurrent jurisdiction with District Court)  
Conciliation Court

appeals from Conciliation Court  
forcible entry and unlawful detainer (means of restoring possession of real estate in landlord-tenant disputes)  
quiet title (means of establishing title to land) (concurrent jurisdiction with District Court)  
foreclosures (concurrent jurisdiction with District Court)  
replevin (means of recovering personal property) (concurrent jurisdiction with District Court)

### Criminal Matters

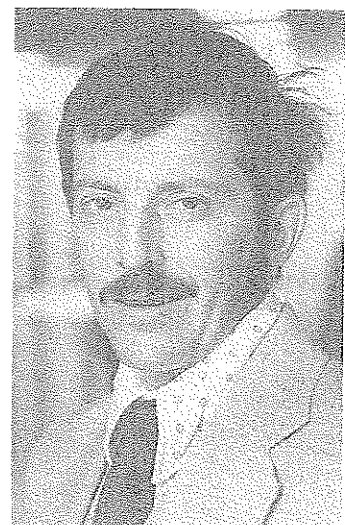
misdemeanors (crimes involving sentences of not more than 90 days and/or fines of not more than \$500) (concurrent jurisdiction with District Court)  
petty misdemeanors (petty offenses involving fines of not more than \$100) (concurrent jurisdiction with District Court)  
Traffic Violations Bureau



JUDGE GERARD W. RING



JUDGE HAROLD G. KRIEGER



JUDGE LAWRENCE E. AGERTTER

# Clerk of Courts

Each county is served by a county court clerk and a district court clerk. In most counties, these two functions are combined into one position--the clerk of courts.

"My function, in Olmsted County, is to provide administrative management support to District and County judges in order that the courts operate efficiently and fairly," said John McCally (Clerk of Courts).

The clerk of courts is responsible for the scheduling of all cases heard in the District Court and the County Court. "Depending upon the kind of case, judges and attorneys receive typed schedules, plus some get confirmation by phone," said McCally. "Additional notices are sent to attorneys if there are schedule changes."

Clerk services are provided for every session of court proceedings. "Deputy clerks usually call each session of court to order, swear in witnesses and juries, maintain a record of what transpires during a trial, and perform paperwork follow-up at the trial's conclusion," said McCally.

The clerk of courts is responsible for the custody of all court files and exhibits. These are stored in vaults on the third floor of the Courthouse.

"Registers of Action are also maintained for all District and County Court cases," McCally said. "It is required that each action be recorded for all court cases as they progress through the legal system."

The Clerk of Courts also serves as jury commissioner for both the District Court and the County Court. The jury commissioner selects names randomly by computer from voter lists in Olmsted County.

"At the beginning of each year, jury questionnaires are sent out to 333 of the computer selected names," said McCally. "After each questionnaire has been reviewed for a determination of the individual's ability to serve, the names are placed in a jury drum."

If the District Court is going to hear a jury trial, a panel of 45 jurors is randomly selected from the drum. A panel of 30 to 40 jurors is selected when a jury trial is to take place in County Court. "The jurors are summoned to serve over the next three-month period, although they usually serve no more than ten days during that time," McCally said.

A process of random selection is once again used to determine which members of a panel will actually serve as the petit jury for a trial. A petit jury hears the evidence, determines the facts, and renders a verdict. "There are usually six jurors for civil cases," said McCally. "Criminal cases usually have twelve jurors."

Guilty pleas on criminal charges and out-of-court settlements in civil cases occur more frequently than jury trials. "Cases are also often tried by judges alone," McCally said.

In Olmsted County, a grand jury is usually required only once or twice a year. "A grand jury consists of 23 jurors who are on call for a period of one year," said McCally. The

primary function of a grand jury is to listen to the accusations and evidence brought forth in certain criminal cases to determine if the evidence is such that the case should go to trial.

"In addition to court-related functions, the clerk of courts serves as the designated official who is responsible for maintaining and preserving vital statistics records such as birth and death certificates," McCally said.

Documents relating to notary commissions and ordination credentials are also recorded. Ordination credentials are required for members of the clergy who wish to perform marriages.

The clerk of courts' office also processes marriage applications, passport applications, and driver license renewals. "The fees charged by the clerk of courts' office have been determined by the Minnesota Legislature," said McCally.

"One little known but financially significant responsibility of the clerk of courts is to maintain the records and ledgers and handle the settlements for trust funds of minors," said McCally, "and, in some cases, to act as a trustee for court-appointed trust funds which currently amount to close to one million dollars."

Over the years, Minnesota Statutes have added to the responsibilities of the clerk of courts. A recent example is that, as of March 1979, clerks of courts were given the authority to perform marriages. "I normally perform these civil marriages in a courtroom," said McCally, "but I can perform them elsewhere."

The responsibilities of the clerk of courts vary from county to county in those areas which have not been set by statute. This year, the Olmsted County clerk of courts has been spending a lot of time working with plans being developed for automated criminal justice and trial court information systems.

Effective January 1, 1979, Olmsted County received a grant to develop a Subject in Process information system.

"As much of the information regarding criminal subjects flows into the courts, is generated through the courts, and flows out of the courts," McCally said, "I have been heavily involved with the Criminal Justice Information System team in helping to develop a more efficient automated system."

The Trial Court Information System is another project with which the Olmsted County clerk of courts is currently involved.

"This project deals with the processing of information for civil and criminal cases in the courts of Olmsted County," said McCally. "The Trial Court Information System will provide management information to the clerk of courts, the Olmsted County judges, and the State Supreme Court's administrator's office."

"The automation of both the Criminal Justice Information System and the Trial Court Information System will help provide the efficiency that is necessary for my office in assisting the judges of Olmsted County to operate their courts as effectively and fairly as possible," said McCally.