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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **2687**

03/03/2014 Authored by Hilstrom
The bill was read for the first time and referred to the Committee on Judiciary Finance and Policy
03/12/2014 Adoption of Report: Re-referred to the Committee on Civil Law
03/20/2014 Adoption of Report: Amended and Placed on the General Register
Read Second Time

1.1 A bill for an act
1.2 relating to judiciary; authorizing monthly review of district judge dispositions for
1.3 compliance with 90-day disposition requirement; amending Minnesota Statutes
1.4 2012, section 546.27, subdivision 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 546.27, subdivision 2, is amended to read:

1.7 Subd. 2. **Board of on Judicial Standards review.** ~~At least annually, The chief judges~~
1.8 ~~of the judicial districts and~~ the Board on Judicial Standards shall review the compliance
1.9 ~~of each district judge judges~~ with the provisions of subdivision 1 as provided in this
1.10 subdivision. To facilitate this review, the director of the state judicial information system
1.11 shall ~~notify the executive secretary of the state Board on Judicial Standards when a matter~~
1.12 ~~exceeds~~ provide monthly reports to the chief judges identifying matters that have exceeded
1.13 90 days without a disposition. ~~The board shall notify the commissioner of management~~
1.14 ~~and budget of each judge not in compliance. If the board finds that a judge has compelling~~
1.15 ~~reasons for noncompliance, it may decide not to issue the notice.~~ Upon notification that the
1.16 first 90-day infraction, the director shall notify the chief judge of the judge's district that a
1.17 judge is not in compliance, the commissioner of management and budget shall not pay the
1.18 salary of that judge. ~~The board may cancel a notice of noncompliance upon finding that a~~
1.19 ~~judge is in compliance, but in no event shall a judge be paid a salary for the period in which~~
1.20 ~~the notification of noncompliance was in effect.~~ The chief judge shall take appropriate
1.21 action to remedy the infraction. Upon a second 90-day infraction occurring on or before
1.22 five years from the date of the first infraction by the same judge, the director shall again
1.23 refer the matter to the chief judge. Within 45 days of the referral, the chief judge shall
1.24 develop a written plan with the judge to remedy the 90-day infraction and avoid future

2.1 90-day infractions and notify the Board on Judicial Standards of the development of the
2.2 written plan. At a minimum, the written plan must include measures taken to release timely
2.3 decisions, timelines for substantial compliance, and audit procedures to monitor progress.
2.4 If at any time the judge fails to follow the written plan, the chief judge shall notify the
2.5 Board on Judicial Standards for further action. Upon a third 90-day infraction on or before
2.6 five years from the date of the first 90-day infraction, the chief judge shall notify the Board
2.7 on Judicial Standards, which shall take appropriate action. This section does not affect the
2.8 chief judge's duty under the Minnesota Code of Judicial Conduct to take appropriate action
2.9 in response to violations of the code. Should the board receive a complaint alleging a
2.10 serious violation of this section, the board's authority to review and act shall not be limited.