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State of Minnesota

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

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

2.1 include: measures taken to release timely decisions, timelines for substantial compliance,
2.2 and audit procedures to monitor progress. If at any time the judge fails to follow the
2.3 written plan, the chief judge shall notify the Board on Judicial Standards for further action.
2.4 Upon a third 90-day infraction on or before five years from the date of the first 90-day
2.5 infraction, the Board on Judicial Standards shall take immediate action without referral to
2.6 the chief judge, but with notice to the chief judge.