

CHAPTER 202--S.F.No. 2718

An act relating to judiciary; modifying the review process of district judge disposition for compliance with 90-day disposition requirement; amending Minnesota Statutes 2012, section 546.27, subdivision 2, by adding a subdivision.

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

Section 1. Minnesota Statutes 2012, section 546.27, is amended by adding a subdivision to read:

Subd. 1a. **Applicable compliance procedures.** Unless different procedures for ensuring compliance with subdivision 1 are set by the Rules of the Board on Judicial Standards, the procedures in subdivision 2 shall be used.

Sec. 2. Minnesota Statutes 2012, section 546.27, subdivision 2, is amended to read:

Subd. 2. **Board of on Judicial Standards review.** At least annually, (a) The chief judges of the judicial districts and the Board on Judicial Standards shall review the compliance of each district judge judges with the provisions of subdivision 1 as provided in this subdivision. To facilitate this review, the director of the state judicial information system shall notify the executive secretary of the state Board on Judicial Standards when a matter exceeds provide monthly reports to the chief judges identifying matters that have exceeded 90 days without a disposition. The board shall notify the commissioner of management and budget of each judge not in compliance. If the board finds that a judge has compelling reasons for noncompliance, it may decide not to issue the notice. Upon notification that the first 90-day infraction, the director shall notify the chief judge of the judge's district that a judge is not in compliance, the commissioner of management and budget shall not pay the salary of that judge. The board may cancel a notice of noncompliance upon finding that a judge is in compliance, but in no event shall a judge be paid a salary for the period in which the notification of noncompliance was in effect. The chief judge shall take appropriate action to remedy the infraction. Upon a second 90-day infraction occurring on or before five years from the date of the first infraction by the same judge, the director shall again refer the matter to the chief judge. Within 45 days of the referral, the chief judge shall develop a written plan with the judge to remedy the 90-day infraction and avoid future 90-day infractions and notify the Board on Judicial Standards of the development of the written plan. At a minimum, the written plan must include measures taken to release timely decisions, timelines for substantial compliance, and audit procedures to monitor progress. If at any time the judge fails to follow the written plan, the chief judge shall notify the Board on Judicial Standards for further action. Upon a third 90-day infraction on or before five years from the date of the first 90-day infraction, the chief judge shall notify the Board on Judicial Standards, which shall take appropriate action. This section does not affect the chief judge's duty under the Minnesota Code of Judicial Conduct to take appropriate action in response to violations of the code. Should the board receive a complaint alleging a serious violation of this section, the board's authority to review and act shall not be limited.

(b) If an infraction under paragraph (a) involves the chief judge, the notification must be made to the assistant chief judge who shall take on the responsibilities that would otherwise be the responsibility of the chief judge under paragraph (a).

Presented to the governor May 5, 2014

Signed by the governor May 6, 2014, 10:10 a.m.