

***THE MINNESOTA JUDICARY:
AN INTRODUCTION FOR MOCK TRIAL
PARTICIPANTS***

***Justice G. Barry Anderson
Robin Wolpert
November 10, 2017***



JUDICIAL QUALIFICATIONS

- ⦿ What makes a good judge?
- ⦿ What should be the criteria for selecting a judge?

QUALIFICATIONS OF A JUDGE

Minnesota Constitution, Art. 6, Sec. 5.

Judges of the supreme court, the court of appeals and the district court shall be *learned in the law*. The qualifications of all other judges and judicial officers shall be prescribed by law.

QUALIFICATIONS OF A JUDGE

**Minnesota Statutes, 480B.01, Subd.
8.Candidate evaluation.**

...integrity, maturity, health if job related, judicial temperament, diligence, legal knowledge, ability and experience, and community service. The commission shall give consideration to women and minorities...

JUDICIAL SELECTION

- ◉ Who should select our judges?
- ◉ Length of term?
- ◉ Renewal of term?
- ◉ Age limit?

JUDICIAL SELECTION

- ◉ Who selects our judges?
 - > Election
 - > Appointment by Governor through Commission on Judicial Selection
- ◉ Length of term is 6 years
- ◉ Renewal of term through nonpartisan elections
- ◉ Age limit is 70

Who Selects Our Judges

Minnesota Constitution, Article VI

Sec. 7. Term of office; election.

...They shall be elected by the voters from the area which they are to serve in the manner provided by law.

Sec. 8. Vacancy.

Whenever there is a vacancy in the office of judge the governor shall appoint in the manner provided by law...

Who Selects Our Judges

Minnesota Statutes, 480B.01 COMMISSION ON JUDICIAL SELECTION.

Subdivision 1. Judicial vacancies.

If a judge of the district court or Workers' Compensation Court of Appeals dies, resigns, retires, or is removed during the judge's term of office, or if a new district or Workers' Compensation Court of Appeals judgeship is created, the resulting vacancy must be filled by the governor as provided in this section.

Commission on Judicial Selection

Minnesota Statutes, 480B.01, Subd. 2.

(b) The governor shall appoint seven at-large members to the commission who serve at the pleasure of the governor. The governor shall appoint one of these members as chair of the commission. The chair may but does not have to be an attorney. The governor may appoint attorneys to fill no more than four of the remaining six positions.

(c) The justices of the Supreme Court shall appoint two at-large members to the commission to serve four-year terms, ending on the same day the governor's term of office ends. The justices may appoint an attorney to fill no more than one of the two positions.

Commission on Judicial Selection

Minnesota Statutes, 480B.01, Subd. 2.

(d) The governor shall appoint two district members to the commission in each judicial district who serve at the pleasure of the governor. The governor may appoint an attorney to fill no more than one of the two positions.

(e) The justices of the Supreme Court shall appoint two district members to the commission from each judicial district to serve four-year terms, ending on the same day the governor's term of office ends. The justices may appoint an attorney to fill no more than one of the two positions.

Commission on Judicial Selection

Minnesota Statutes, 480B.01, Subd. 2.

(f) The appointing authorities shall ensure that the permanent members of the commission include women and minorities.

Commission on Judicial Selection

- ◉ 13 members
- ◉ 9 at-large members – 7 appointed by Governor, 2 by Supreme Court
- ◉ Must have at least 3 at-large members who are public members (non-attorneys)
- ◉ Chair appointed by Governor
- ◉ 4 district members, 2 appointed by Governor, 2 by Supreme Court

JUDICIAL ELECTIONS

Minnesota Constitution, Article VI

Sec. 7. Term of office; election.

- ⦿ The term of office of all judges shall be **six years** and until their successors are qualified. They shall be elected by the voters from the area which they are to serve in the manner provided by law.

Sec. 8. Vacancy.

- ⦿ Whenever there is a vacancy in the office of judge the governor shall appoint in the manner provided by law a qualified person to fill the vacancy until a successor is elected and qualified. The successor shall be elected for a six year term at the next general election occurring more than one year after the appointment.

FEATURES OF MINNESOTA JUDICIAL ELECTIONS

- ⦿ Nonpartisan
 - > Political party endorsements are rare
- ⦿ Incumbency designation on ballot
- ⦿ Low cost campaigns – some of the lowest in the country
- ⦿ Typically races are not contested
- ⦿ Mandatory retirement age is 70

Challenges

- ◎ Low information races
 - > Media advertising for supreme court races is roughly \$100,000
- ◎ Voters are largely uninformed
- ◎ Ballot drop-off

Campaign Information

- ◎ Candidate websites
- ◎ League of Women Voters Guide
- ◎ Minnesota State Bar Association
(MSBA)

In 2018, Turn over those
ballots...and vote!

QUESTIONS?

