

STATE OF MINNESOTA
IN COURT OF APPEALS

FILED

January 3, 2023

OFFICE OF
APPELLATE COURTS

In re Designation of Court of Appeals
Judges for Congressional Districts
Pursuant to Minnesota Statutes
Section 480A.02, Subdivision 5.

ORDER

#ADM10-8010

This administrative order fulfills the statutory requirement that eight judges of the court of appeals be redesignated for Minnesota's eight congressional districts after each reapportionment. *See* Minn. Stat. § 480A.02, subd. 5 (2022).

When redesignating judges for congressional districts, the relevant location of a judge's residence is the place where the judge resided "at the time of original election or appointment." *Id.*, subd. 5. A judge who is designated for a particular congressional district "shall continue to be eligible for that seat without regard to any subsequent change of residence." *Id.*, subd. 3.

The statute that governs the redesignations of court of appeals judges for congressional districts provides as follows:

After each reapportionment, the chief judge shall designate a judge for each of the new congressional districts. The chief judge shall first redesignate the incumbent judges serving for the old congressional districts. If only one of them was, at the time of original election or appointment, resident at a place within a new congressional district, that judge shall be designated as serving for that district. If two or more of them were residents at the time of initial election or appointment in places which are within the same new congressional district, the judge whose district was in the opinion of the chief judge most substantially related to the new district shall be designated as serving for the new district and

the other shall be designated as serving at large. If there is then any new congressional district for which there is no designated judge, but there is an incumbent at-large judge who was resident within that territory at the time of initial election or appointment, that judge, or the senior of them, if there is more than one, shall be assigned to the district seat. If there then remains any new congressional district for which there is no designated judge, there shall be no judge designated to serve from that district until the next at-large vacancy arising by death, retirement resignation, or removal, which shall be filled by appointment of a person from that congressional district.

Minn. Stat. § 480A.02, subd. 5.

The redesignation process begins with the second sentence of section 480A.02, subdivision 5, which requires the chief judge to identify the incumbent judges who were designated for the old congressional districts. Those judges are as follows: Judge Renee L. Worke, Judge Kevin G. Ross, Judge Jeanne M. Cochran, Judge Randall J. Slieter, Chief Judge Susan L. Segal, Judge Jennifer L. Frisch, Judge Sarah I. Wheelock, and Judge Elise L. Larson.

The second step in the redesignation process is contained in the third sentence of section 480A.02, subdivision 5, which requires the chief judge to redesignate each incumbent judge who is the only such judge whose original residence (i.e., the residence “at the time of original election or appointment”) is within a new congressional district. Seven incumbent judges are described by the first clause of the fourth sentence of the statute: Judge Renee L. Worke, Judge Kevin G. Ross, Judge Randall J. Slieter, Chief Judge Susan L. Segal, and Judge Jennifer L. Frisch, Judge Sarah I. Wheelock and Judge Elise L. Larson. Thus, those seven judges must be redesignated pursuant to the third sentence of the statute.

The third step in the redesignation process is contained in the fourth sentence of section 480A.02, subdivision 5, which provides a method for determining which previously designated incumbent judge should be redesignated “[i]f two or more of them were residents at the time of initial election or appointment in places which are within the same new congressional district.” Minn. Stat. § 480A.02, subd. 5. There are no such districts.

The fourth step in the redesignation process is contained in the fifth sentence of section 480A.02, subdivision 5, which provides a method for determining which incumbent judge should be designated “[i]f there is then any new congressional district for which there is no designated judge, but there is an incumbent at-large judge who was resident within that territory at the time of initial election or appointment.” *Id.* In that event, the “incumbent at-large judge who was resident within that territory at the time of initial election or appointment, . . . or the senior of them, if there is more than one, shall be assigned to the district seat.” *Id.* There is one such district, the Sixth Congressional District, because the residence at the time of appointment of the current Sixth Congressional District judge, Judge Jeanne M. Cochran, is not located within the new Sixth Congressional District. Incumbent at-large Judge Michelle A. Larkin, however, was resident in the new Sixth Congressional District at the time of her appointment. Accordingly, Judge Michelle A. Larkin will be redesignated as the Sixth Congressional District representative and Judge Jeanne M. Cochran will be redesignated as an at-large judge.

The final step, set out in the sixth sentence of the statute, is inapplicable at present because there is no new congressional district for which there is no designated judge.

IT IS HEREBY ORDERED:

1. The following incumbent judges are redesignated for the following new congressional districts:

Judge Renee L. Worke, First Congressional District;

Judge Sarah I. Wheelock, Second Congressional District;

Judge Kevin G. Ross, Third Congressional District;

Judge Jennifer L. Frisch, Fourth Congressional District;

Judge Susan L. Segal, Fifth Congressional District;

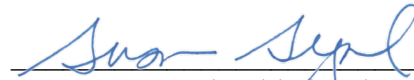
Judge Randall J. Slieter, Seventh Congressional District; and

Judge Elise L. Larson, Eighth Congressional District.

2. Judge Michelle A. Larkin is redesignated as the incumbent judge in the new Sixth Congressional District.
3. Judge Jeanne M. Cochran is redesignated as an at-large judge.

Dated: January 3, 2023

BY THE COURT



Susan L. Segal, Chief Judge