

Minnesota Judicial Branch

2007

Report to the Community

**Chief Justice Russell A. Anderson
Sue K. Dosal, State Court Administrator**



**MINNESOTA
JUDICIAL
BRANCH**



From the Chief Justice

On behalf of our dedicated staff and judges of the Minnesota Judicial Branch, we are pleased to offer this 2007 Report to the Community. In this report you will find many examples of innovation, of the challenges facing our courts, and of our efforts to make Minnesota's courts, acclaimed internationally for efficiency and administrative and judicial excellence, even better.

Minnesota's trial and appellate courts were united and fully state funded in 2005, and a new governance body, the Judicial Council was created. We are using the benefit of this unification to improve efficiency across the system, reduce costs, enhance service to citizens, promote innovation, and share knowledge across the nearly 100 courts and work sites that make up the Minnesota Judicial Branch.

In 2006, the Judicial Council adopted a strategic plan that established goals for the court system around three over-arching themes: (1) Improving Access to Justice; (2) Administering Justice for Effective Results; and (3) Ensuring Public Trust, Accountability and Impartiality. The strategic plan outlines 10 priorities for the 2007-2009 time period that target court system resources toward advancement in these key areas.

One of the most serious challenges facing the Judicial Branch involves our goal of preserving and enhancing public trust and confidence in the court system. Federal court decisions that have required us to change the way candidates for judgeships may campaign for election pose the threat of politicizing the judiciary in ways we have not seen in Minnesota since the state abandoned partisan judicial elections in 1912.

A citizens' commission led by former Minnesota Governor Al Quie has spent a year studying the issue and recommended changes in judicial selection designed to preserve public trust and confidence in the fairness and impartiality of judges in Minnesota. While we can debate which changes might work best for Minnesota, one thing is clear: we must have a judicial selection process that Minnesotans trust will provide them fair and impartial justice.

Chief Justice Russell A. Anderson
Chair, Judicial Council

The Judicial Branch Mission

*To provide justice through a system that assures equal access for the fair
and timely resolution of cases and controversy*

Priorities And Strategies For Minnesota's Judicial Branch

Improving Access To Justice

Complete the transition to a statewide case management system

Institute electronic case initiation

Expand resources for *pro se* (self-represented) litigants

Administering Justice For Effective Results

Integrate a judicial problem-solving approach into court operations for cases involving alcohol
and other drug (AOD) addicted offenders

Promote early resolution of cases involving children and the family

Institutionalize the Children's Justice Initiative

Ensuring Public Trust, Accountability, And Impartiality

Assure impartial decision-making through the examination of judicial selection processes

Strengthen public education regarding the role of the courts

Adopt statewide performance standards for the judiciary

Assure equitable treatment of all people in the court system regardless of race or ethnicity

Hon. Russell A. Anderson (Chair)

Chief Justice, Supreme Court

Minnesota Judicial Council

Hon. John Rodenberg (Vice-Chair)
Judge, Fifth District

Hon. Michael L. Kirk
Chief Judge, Seventh District

Hon. G. Barry Anderson
Associate Justice, Supreme Court

Hon. Paul A. Nelson
Chief Judge, Eighth District

Hon. Edward Toussaint Jr.
Chief Judge, Court of Appeals

Hon. Gerald J. Seibel
Chief Judge, Eighth District

Hon. Wilhelmina M. Wright
Judge, Court of Appeals

Hon. Jon Maturi
Chief Judge, Ninth District

Hon. William E. Macklin
Chief Judge, First District

Hon. Gary R. Schurrer
Chief Judge, Tenth District

Hon. David L. Knutson
Judge, First District

Sue K. Dosal
State Court Administrator

Hon. Gregg E. Johnson
Chief Judge, Second District

Jeffrey G. Shorba
Deputy State Court Administrator

Hon. William A. Johnson
Chief Judge, Third District

Gerald J. Winter
District Administrator, First District

Hon. Lucy A. Wieland
Chief Judge, Fourth District

Mark S. Thompson
District Administrator, Fourth District

Hon. Denise D. Reilly
Judge, Fourth District

Shelley Ellefson
District Administrator, Third District

Hon. George I. Harrelson
Chief Judge, Fifth District

Judith A. Besemer
Court Administrator, Blue Earth County

Hon. James B. Florey
Chief Judge, Sixth District

<p>MINNESOTA SUPREME COURT</p>	<p>SEVEN MEMBERS</p>
<p><i>(Approx 750 dispositions each year)</i></p> <p>Hears appeals from: Court of Appeals decisions Trial court decisions if Supreme Court chooses to bypass the Court of Appeals Tax Court decisions Workers' Compensation Court of Appeals</p> <p>Original Actions: Review of all first-degree murder convictions Writs of Prohibition** Writs of Habeas Corpus*** Writs of Mandamus**** Legislative election disputes</p>	
<p>MINNESOTA COURT OF APPEALS</p>	<p>19 MEMBERS</p>
<p><i>(Approx. 2,400 cases handled per year)</i></p> <p>Hears appeals from: Trial court decisions, except first-degree murder convictions Decisions of Commissioner of Economic Security Administrative agency decisions, except Tax Court & Workers' Compensation Court</p> <p>Original Actions: Writs of mandamus or prohibition, which order a trial judge or public official to perform a specified act, such as permitting media coverage of a hearing.</p>	

**MINNESOTA DISTRICT
(TRIAL) COURTS**

288 JUDGESHIPS/ 10 JUDICIAL DISTRICTS

(1.9 million cases)

Original Actions:
Civil Actions, Criminal Cases,
Family, Juvenile, Probate,
Violations of city ordinances

Appeals from:
Conciliation Court

Conciliation Division:
Civil disputes up to \$7,500

*Called trial de novo-actually a new trial, not just a review of the conciliation court.
**Writ of prohibition-asks that a governmental body or official be prevented from doing something that might cause harm.
***Habeas corpus-a complaint alleging that someone has been unlawfully confined and is asking for release.
****Mandamus-asks that a governmental body or official be commanded to perform a specific act.

Minnesota Judicial District Map

First: Carver, Dakota, Goodhue, LeSueur, McLeod, Scott, Sibley

Second: Ramsey

Third: Dodge, Fillmore, Freeborn, Houston, Mower, Olmsted, Rice, Steele, Wabasha, Waseca, Winona

Fourth: Hennepin

Fifth: Blue Earth, Brown, Cottonwood, Faribault, Jackson, Lincoln, Lyon, Martin, Murray, Nicollet, Nobles, Pipestone, Redwood, Rock, Watonwan

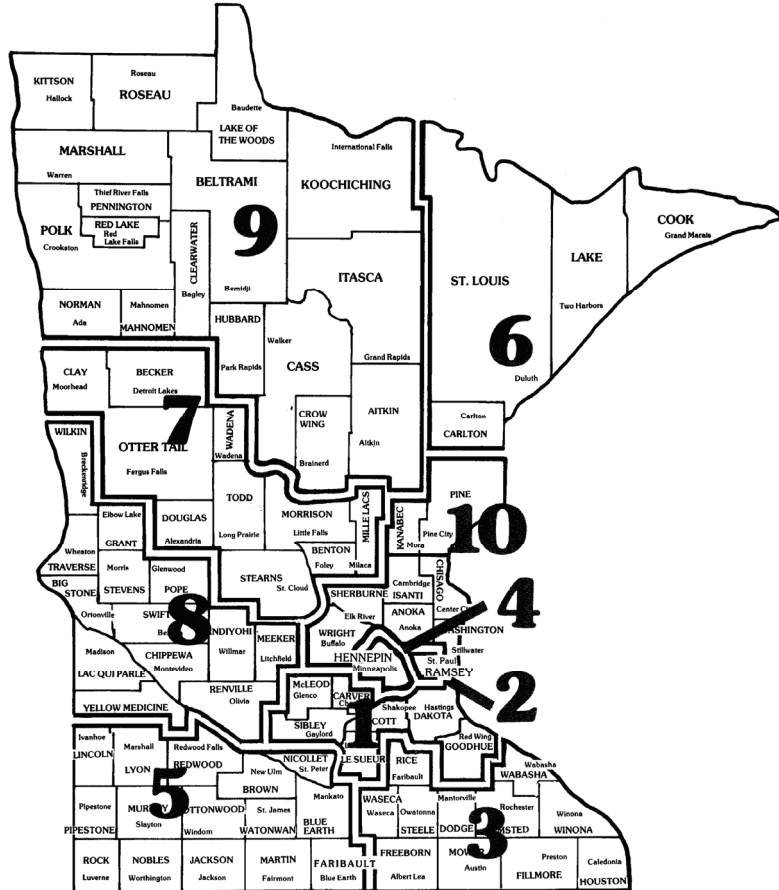
Sixth: Carlton, Cook, Lake, St. Louis

Seventh: Becker, Benton, Clay, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Wadena

Eighth: Big Stone, Chippewa, Grant, Kandiyohi, LacQuiParle, Meeker, Pope, Renville, Stevens, Swift, Traverse, Wilkin, Yellow Medicine

Ninth: Aitkin, Beltrami, Cass, Clearwater, Crow Wing, Hubbard, Itasca, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau

Tenth: Anoka, Chisago, Isanti, Kanabec, Pine, Sherburne, Washington, Wright



ACHIEVEMENTS AND CHALLENGES

New Minnesota Court Information System Near Completion

After three years of planning and four years of court level conversions and installation, the new Minnesota Court Information System (MNCIS) neared completion as 2007 came to a close. More than 10 different databases and multiple case information systems are being converted to a single, state-of-the-art court case information system. The final conversion – Ramsey County District Court criminal case records – was completed in April 2008. The system, which cost approximately \$30 million, includes information on more than 10 million cases dating back to the 1970's. Original paper records will remain with local courts.

The new system will enable court staff, judges and justice system partners such as prosecutors, probation officers and police to access real-time information on every case filed in the Minnesota courts. It will provide the foundation for electronic case filing, allow citizens to view court case records through the court web site (www.mncourts.go), allow for the payment of fines and court fees over the Internet, and much more.

Case information was made available through our website beginning in November 2007. The court's three highest volume counties, Dakota, Ramsey and Hennepin, were scheduled to complete their conversions in early 2008. The remote access service allows searches by name, case number, citation or attorney for criminal, civil, family and probate cases. The service also allows easy access to court calendars.

Use of Judicial Branch Website Continues to Grow

Use of the Judicial Branch website www.mncourts.gov continues to grow at a fast clip. The average number of daily viewers has climbed to 14,500 from about 9,000 less than two years ago. Average daily page views are up to 97,000. Total visits to www.mncourts.gov in 2007 topped 3.25 million.

Our Virtual Self-Help Center, inaugurated in 2006 to help viewers quickly find information about court calendars, court forms, court procedures, and more, has become the second most visited area of our website, drawing 207,000 visitors in 2007. The service provides legal information, court forms, lawyer referral resources, tutorials, and videos on various legal actions, including divorce, child support, child custody, landlord-tenant disputes, car title issues, and more.

Public Access Workstations Installed in Courthouses

In 2007, the Judicial Branch installed public access computer workstations in courthouses throughout the state. These workstations provide access to the Virtual Self-Help Center on the Judicial Branch website, www.mncourts.gov/selfhel, as well as to court case records and calendars.

The courthouse workstations include a printer and a phone that connects the user to a court support person. Phone calls are answered by court employees Tuesday through Friday from 10 a.m. to 3 p.m., except for legal holidays. While court employees are not able to give legal advice, they can assist callers with general questions about court forms, procedures, and legal resources. Bilingual staff is available to provide services in Spanish as well. Email support is also available via a “Contact Us” link on the website.

The project is a Judicial Branch strategic initiative, which aims to “Expand resources for *pro se* litigants by providing a baseline level of access to legal information and resources for all.” A grant from the State Justice Institute supported this project.

Drug Courts Grow in Reach and Success

A recent report ranked Minnesota third nationally for incidences of drunken driving, below only Wisconsin and North Dakota. The report relies on data obtained from the National Survey on Drug Use and Health. The survey asked 127,283 adults in 2004, 2005 and 2006 whether they had driven under the influence in the past year.



Chief Justice Russell Anderson (standing) congratulated graduates and staff of the Ramsey County Adult Substance Abuse Court on its 5th Anniversary in April 2008. Judge Robert Awsumb (left) currently presides over the court.

All that driving while impaired causes a lot of trouble for Minnesotans. According to the Minnesota Department of Public Safety, in 2006:

- 494 people died in traffic crashes in Minnesota.
- 166 (34 percent) of those deaths resulted from crashes classified as alcohol-related.
- 3,501 people sustained injuries in alcohol-related crashes.
- \$277 million is the estimated economic impact of alcohol-related crashes, deaths, and injuries.
- 41,951 DWIs were issued on Minnesota roads – an average of over 100 arrests per day.
- 38 percent of these violators had prior DWIs on record.
- 10 percent were issued to drivers under 21 years of age.
- More than 500,000 Minnesota residents now have a DWI on their driver's license record - translating to 1 in 8 licensed drivers

Drug and alcohol abuse aren't just impacting the safety of our roads, however. Research shows that it's a major contributing factor in many crimes. For several years now Minnesota's courts have been using an innovative approach to dealing with crimes that involve alcohol or drug abuse. It's called a **drug court**, and it uses the coercive power of the court to encourage eligible defendants to seek treatment for their addiction, and to avoid reoffending. Expanding the reach of Minnesota's drug courts is a strategic initiative of the Judicial Council: *Integrate a judicial problem-solving approach into court operations for cases involving alcohol and other drug (AOD) addicted offenders*

Drug court strategies include extended probation, frequent appearances before a judge, frequent meetings with probation officers, staggered sentencing that breaks up jail time into segments and allows the participant to "earn" reductions in jail time with good behavior, regular alcohol and other drug testing, and more.

Research shows that this approach has proven more effective at reducing repeat offenses -- particularly for offenders assessed as having a high recidivism potential -- than traditional court strategies, and results in more defendants turning their lives around and beginning to live healthy, law-abiding lifestyles.

By the end of 2007, Minnesota had 30 operating drug courts, including two multi-county collaborations.

Helping Families Avoid Protracted Legal Battles

Of the major civil case types filed in Minnesota courts, (civil, probate, family), family filings are the largest percentage, nearly 50% of the total. Since May 2006, Hennepin County District Court has been using a process called Early Neutral Evaluation (ENE) to encourage settlement of family disputes without lengthy and costly litigation.

ENE is a confidential, settlement-oriented, alternative dispute resolution technique for Family Court Services that serves divorcing parents or never-married parents who are disputing custody, visitation/access or parenting plans for their minor children. ENE moves families through court as quickly, fairly and inexpensively as possible. It cuts court costs by reducing the number of expensive evaluation cases requested. It also has been shown to reduce hostilities between parties, and improve relationships with attorneys and parents. To date, ENE has a 73 percent settlement rate, far above the average for similar cases not using the process.

The purpose of an ENE is to provide parties with an early neutral evaluation of one or more financial or social issues, with the expectation that if the parties have the neutral information, they will be better able to reach an early settlement before the parties' financial resources are expended on litigation. When parties are able to weigh the costs of pursuing adversarial evaluations and litigating financial issues, versus an efficient, economical settlement early in the case, most parties favor the early settlement. Often, settlement can occur before significant time and money has been spent.

Early Neutral Evaluation is a strategic initiative of the Minnesota Judicial Council, which calls for efforts to "Promote early resolution of cases involving children and the family." The ENE approach is being piloted in the Third and Fifth Judicial Districts, and in Duluth.

Ensuring Access to Justice

The Minnesota Judicial Branch mission is: *To provide justice through a system that assures equal access for the fair and timely resolution of cases and controversies.* One of the challenges facing courts today is the growing number of non-English speakers involved in court matters. It is the Legislative policy of this state that ...

The Minnesota Judicial Branch is committed to providing access to justice to everyone, regardless of the language they speak. To ensure that individuals receive a fair opportunity to explain their case and participate in court, the Minnesota Supreme Court created the Court Interpreter Training and Certification Program, the Code of Professional Responsibility for

Interpreters, and rules that explain the role of interpreters in court. This information, in addition to a roster of interpreters who are available to work in Minnesota courtrooms, is available in through local courts on our web site www.mncourts.gov.

The Court Interpreter Program supports the Minnesota Judicial Branch goal of ensuring that people who are deaf or cannot speak English will have equal access to the courts. The program coordinates the court interpreter testing and training programs, as well as development and implementation of interpreter policy. It also performs various administrative duties, such as maintaining the Statewide Roster of Court Interpreters deemed eligible to work in the state court system.

In 2007, there were 43,420 courtroom events statewide (hearings) requiring the use of an interpreter, an increase of about 11,000 from 2006, and more than 13,000 over 2005. The need for interpreters is not confined to one area of the state. In 2007, interpreters were needed for 80 different languages all across the state.

“With the rising number of individuals who have limited English proficiency, court interpreters are vital to maintaining fundamental fairness for all who enter the courthouse door -- so that we do not deprive people of their liberty, property or families without due process of law,” says Second Judicial District Judge Elena Otsby.

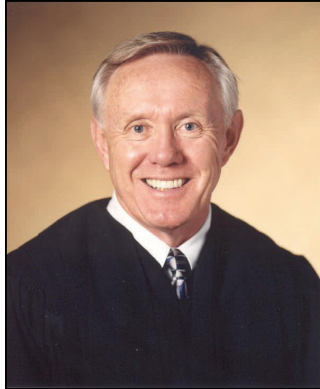
“Having court interpreters also helps foster public trust and confidence in the courts, and promotes racial fairness in the American system of justice,” said Judge Otsby. “These are all values which we, as Americans, hold dear, and which make our system of justice second to none.”

Interpreters participate in virtually every type of case in the state court system. Matters range from personal injury, small claims, landlord/tenant disputes, traffic, domestic violence, child support, sexual assault, drug offenses, arson, and DUI cases, to name a few.



Transitions on the Supreme Court

Supreme Court Justice Sam Hanson Retires



In October, Minnesota Supreme Court Justice Sam Hanson notified Governor Tim Pawlenty of his intent to retire from the court on January 1, 2008. Justice Hanson served as an Associate Justice on the state's highest court for five years. Prior to his service on the court he served as a judge on the Court of Appeals for two years.

Governor Jesse Ventura appointed Justice Hanson to the Court of Appeals in 2000 and to the Supreme Court in 2002.

“Justice Sam Hanson has made a significant and lasting contribution to the administration of justice and to the people of Minnesota,” said Chief Justice Russell Anderson. “He has provided strong leadership as chair of the advisory board for the Children's Justice Initiative and also as a member of the Judicial Council. We will miss him on the Supreme Court; we are grateful for his years of dedicated service and for the opportunity we were given to serve with such an outstanding jurist. We wish him all happiness and success as he now retires from the court.”

Community Outreach

Each year, as part of our effort to educate the public about the role of the courts in our democracy and in the justice system, the Judicial Branch undertakes a number of initiatives. In 2007, our judges spoke at more than 250 appearances at schools, civic groups and community events. In addition, the Court of Appeals held more than 100 of its appeals hearings in the communities around Minnesota.

Twice each year the Supreme Court holds oral arguments in high schools. The arguments are followed by a question and answer session, lunch with high school students, afternoon classroom visits, and during the fall visit a community dinner open to the public. In 2007, the Supreme Court visited St. Paul Central High School in the spring and Marshall Senior High School in the fall. The community dinner was held at Southwest Minnesota State University in conjunction with the visit to Marshall Senior High.

In addition, since 2006, Supreme Court oral arguments have been recorded and made available on our web site, (www.mncourts.gov). On average, the videos draw more than 1,000 views a month, with some months having viewership rise as high as 1,700 views.

Each year, in an effort to ease access to the Court of Appeals for citizens and attorneys, the Court holds some of its oral arguments outside of its home in the Minnesota Judicial Center. In 2007, the Court of Appeals held 120 oral arguments in community settings. It also made it possible for attorneys to participate in oral arguments via ITV (interactive television) in 40 additional cases.

The Minnesota Judicial Center is the home of the Supreme Court, the Court of Appeals, and State Court Administration. More than 1,200 people, including 650 Minnesota school students visited the Judicial Center in 2007. Visits and tours can be arranged through the Court Information Office.

For almost ten years the Fourth Judicial District has produced a public affairs television show about the court, “Meet Your Court,” broadcast twice a week in the Twin Cities metropolitan area through Metro Channel Six, which reaches 175,000 homes.

Another effort, “The District Court Show,” hosted by 10th District Judge Steve Halsey, is broadcast monthly throughout the Tenth Judicial District, and also features topics of interest about the courts.



Members of the Minnesota Supreme Court take questions from students at Marshall Senior High School in Marshall, MN

Funding Shortages Lead to Service Cuts

Insufficient funding left the Judicial Branch with a \$13 million budget shortfall for 2007. With about 85 percent of the state court budget needed to pay the salaries of the 3,000 judges, clerks, court reporters and others who work in the court system, funding shortages generally mean one thing: fewer people working in the courts. That translates into reductions in service hours, and slowdowns in case filing and processing.

Shortages in funding led to the reduction in hours at public service windows in three Judicial Districts; the Fourth, the Third and the Tenth Judicial Districts. The Tenth District announced that it planned to close its Cottage Grove facility because of funding shortages. Each of the 11 counties in the Third Judicial District in the southeast corner of the state has a morning when staff is not available to take in fine payments or receive or retrieve court files.

Hennepin County District Court, the state's busiest judicial district, handles roughly 40 percent of Minnesota's court cases. Chief Judge Lucy Wieland said a deficit there of \$1.5 million was balanced with personnel cuts and service reductions. "We cut an arbitration program in the civil area, we cut our conciliation court calendar by about a third, we cut out all of our travel, our training, our law books," Wieland said. Four new judges were told they will be doing without clerks and court reporters for the first six months of their term.

District Court News Highlights

- *Becker County District Court* prepared to move into new facilities in May 2008.
- *Clay and Becker County District Courts* began Drug Courts. *Otter Tail County District Court* started a DWI Court.
- *Polk County District Court* moved into the new Polk County Justice Center in November. *Beltrami County District Court* moved into the new Beltrami County Justice Center in Bemidji .
- *Blue Earth County District Court* made plans to move into a new county justice center in 2008.
- *Hennepin County District Court* opened the PRISM Center, a collaboration between the courts, community corrections, human services/public health and the doctors at Hennepin Faculty Associates. PRISM Center serves as a service/reporting center, medication dispensing site, and one stop social services location for mentally ill persons under the supervision of the criminal justice system. The Criminal Mental Health Court assigns high-risk offenders to this program with participation as a condition of their probation or diversion. The downtown Minneapolis facility is intended to improve social services through the use of a centralized, on-site "service hotel." The HFA Addiction Medicine Program oversees PRISM Center and

provides psychiatric medications and ongoing evaluation for signs and symptoms of mental illness, chemical abuse/dependency, and emerging crisis.

- *Beltrami County District Court* and *Hennepin County District Court* were chosen by the Legislature as pilots for testing an automobile ignition interlock for repeat DWI offenders. The pilot allows offenders who have had their drivers license revoked due to multiple DWI convictions to get their license back earlier if they agree to install an ignition interlock device in their car that requires the driver to blow into a device before the car can start. If the device measures alcohol in the driver's breath, the car will not start.

Facts about the Minnesota Judicial Branch

Judicial Branch FY 2007 Budget

\$231,253,077 - District Courts
\$43,211,000 - Supreme Court/State Court Administration
\$8,189,000 - Court of Appeals
\$282,653,077 - Total

Judicial Branch Staff and Judges

2,890 - Permanent full-time employee positions authorized
314 - Number of authorized judgeships
Supreme Court- 7
Court of Appeals- 19
District (Trial) Courts- 288

Judicial Districts: 10
Number of Judicial Branch hearing facilities: 99
Oldest Courthouse: Washington County Courthouse, 101 West Pine Street, Stillwater, 1869.
Number of Courthouses on the National Register of Historic Places: 62

2007 District Court Case Information	
Major criminal (serious and other felony, gross misdemeanor DWI, other gross misdemeanors)	65,160
Major civil (personal injury, contract, property damage, harassment, other)	38,690
Probate/Mental Health (trust, guardianship/conservator, commitment, estate/other probate)	16,734
Major Family (dissolution w/child, dissolution w/o child, child support, domestic abuse, other family)	45,655
Juvenile (delinquency felony, delinquency gross misdemeanor, juvenile petty offender, dependency/neglect, truancy)	59,141
Major Case Total	225,380
Minor Civil (implied consent, unlawful detainer, conciliation)	152,320
Minor Criminal (5 th degree assault, parking, non-traffic misdemeanor or petty misdemeanor, misdemeanor DWI, other traffic)	1,529,856
Total	1,907,556

2007 Court of Appeals Case Information		
	Cases filed	Dispositions
General Civil	589	554
Criminal	796	735
Other Civil	839	793
Economic Security	250	216
Writs - Certiorari	95	82
Habeas/ Certified Questions	23	15
Commitment	54	58
Family	245	237
Juvenile Delinquency	42	54
Juvenile Protection	79	83
Implied Consent	51	48
Discretionary Review / Writs	109	105
Total	2,333	2,187

2007 Supreme Court Case Information		
<i>Direct Appeals</i>		
	Filings	Dispositions
Workers' Compensation	17	24
Civil	1	0
Tax Court	9	11
Attorney Discipline	49	44
Writs	8	6
First Degree Homicide	48	41
Total Direct Appeals	132	126
<i>Petitions for Further Review (PFR)</i>		
Filed		642
Denied		581
Granted Further Review		68
Other		9
<i>Dispositions</i>		
Affirmed		24
Mixed		10
Remand / Reverse		32
Other Decision		10
Dismissal		6
Total		82



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