



**MINNESOTA  
JUDICIAL  
BRANCH**

**First Judicial District**

**Mission:** To provide justice through a system that assures equal access for the fair and timely resolution of cases and controversies.

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The First Judicial District has 36 judges and more than 250 staff that handle nearly 200,000 cases annually in the counties of Carver, Dakota, Goodhue, Le Sueur, McLeod, Scott and Sibley.

# The First Edition

A Newsletter about the First Judicial District of the State of Minnesota

VOLUME 2—ISSUE 3

JULY 2011

## BUDGET *Blues*

By Edward Lynch, First Judicial District Chief Judge

It's July and funding for the continued operation of the Judicial Branch has not yet been appropriated. Although the court's budget request has been approved by the Governor and passed by the Senate and House, it has fallen victim to a veto due to the larger philosophical disagreement between the Governor and Legislature over spending and taxes. The failure to agree upon a budget has caused a government shutdown idling over 20,000 state employees and affecting many more thousands of people and businesses who depend upon the services provided by the state.

Fortunately for the people of Minnesota, a petition by the Attorney General on behalf of the Judicial Branch to require ongoing funding of the court's constitutional responsibilities has been granted and the courts remain open to protect public safety, individual freedom, economic stability and social order. Although the courts remain open, there is still a significant impact on the Judicial Branch because of the government shutdown.

Until a budget is appropriated through the legislative process, in deference to the separation of powers among the three branches of government, the Judicial Branch will continue its hiring freeze, travel restrictions and limits on training and educational opportunities. This will delay important branch initiatives to improve the service provided to the people of Minnesota and the efficiency of court operations and will continue the stress and anxiety of hard working Judicial Branch employees.

Despite the hardship the government shutdown causes many people who provide or rely upon

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state services, it does showcase the important role the Judicial Branch has in our lives. At a time when the Executive Branch and Legislative Branch are paralyzed by an inability to agree on the appropriate size, scope, cost and role of government, the courts have been drawn into the middle of this disagreement in order to protect the safety, health, property and well being of the people of Minnesota until this dispute is resolved. This is the same critical function the court

provides to individuals and organizations when they are unable to resolve the difficult issues that impact their lives, families and businesses.

The constitutional responsibility of the Judicial Branch to ensure that every person has a remedy for every wrong and is able “to obtain justice freely and without purchase, completely and without denial, promptly and without delay” is often the only hope for distressed people at critical

times in their lives. The government shutdown is a grave situation that affects hundreds of thousands of people in Minnesota. It should be comforting for everyone to know that the Judicial Branch, in discharging its constitutional responsibility, provides a forum where even a dispute of this magnitude can be addressed to provide interim relief and hope at a critical time in Minnesota history.

## 2010 Report to the Community Now Available



The Minnesota Judicial Branch 2010 Report to the Community is now

available online at:

<http://www.mncourts.gov/publications>.

The year 2010 was a busy one for the staff and judges of the Minnesota Judicial Branch as they worked to complete an ambitious agenda of innovation and reform laid out by the Judicial Council. While planning for many of these innovations began in previous years, much of the final implementation took place in 2010.

The technology innovations and work process re-engineering detailed in the report reflect the Judicial Branch’s response to the economic and demographic challenges facing Minnesota, and its commitment to ensuring that timely justice remains a basic right of all Minnesotans.

“These challenging economic times have given all of us in government an opportunity to improve how we do the people’s work,” said Chief Justice Lorie Gildea. “We in the Judicial Branch have embraced this opportu-

nity. We are implementing state-of-the-art information technology to automate work once done by hand, eliminating redundancy, speeding case processing, and improving public access to the courts. We are employing innovative adjudicatory strategies to resolve cases faster and more effectively for the parties involved, and to improve public safety.”

Please contact the Court Information Office at (651) 296-6043 with any questions regarding the Report.



## A Conversation with Judge William E. Macklin



### Appointed/ Elected:

Appointed May 5, 1998 by Governor Arne H. Carlson. Elected in 2000 and 2006. Current term expires in 2013.

### Education:

J.D., magna cum laude, William Mitchell College of

Law, 1975; (William Mitchell Law Review, Managing Editor 1974 and Executive Editor 1976)  
B.A., Theater Arts, University of Minnesota, 1968

### Employment:

Minnesota House of Representatives Member- District 37B: Dakota and Scott Counties, 1989-1998

Partner- Nord & Macklin, P.A., (Lakeville, Minnesota), 1976-1998

Law Clerk to the Honorable Lawrence J. Yetka- Minnesota Supreme Court, 1975-1976

### Bar Admissions:

Supreme Court of the State of Minnesota  
Federal District Court, District of Minnesota  
Eighth Circuit Court of Appeals

### Professional Organizations/ Commissions:

Minnesota Judicial Council, Minnesota District Judges Association, Minnesota State Bar Association, First District Bar Association, Eighth District Bar Association, Supreme Court Juvenile Justice Task Force, 1995-1996

### Awards and Honors:

Society of Professional Journalists, "Freedom of Information Award," 1998  
Lions International, "Melvin Jones Award," "Helen Keller Sight Award," "Lion of the Year"  
University of Minnesota, "Outstanding Undergraduate Actor," 1967

### Family:

Married for 38 years; three children, and two grandchildren

**Why did you want to become a judge?** My interest in the bench began during law school. In my sophomore year I was hired by the Hennepin County District Court to serve as law clerk. I spent my days in the courtroom and went to school at night. I enjoyed all aspects of the job – watching trials, researching the law, writing memos – as well as the academics of law school. In practice I soon discovered that being an objective decision-maker was more to my liking and ability than being a subjective advocate. I was also motivated by a keen interest and commitment to public service.

**What is most rewarding and concerning about being a district court judge?** Most rewarding is fashioning a just and sensible outcome in a difficult case, one that is fair to all parties, mindful of the public interest and leaves you feeling confident in the work you do. Most concerning is the lack of time we have to devote to our cases, given increasing case loads and declining judicial resources, and the nagging feeling that you are just processing files and not doing your best work.

**What is your typical day like?** It may surprise some but my day begins the afternoon before when I am notified by the central assignment office where I am scheduled to work the next day (could be any one of nine courthouses) and what I will be doing. I generally arrive at work about 7:45 a.m. the following morning. After retrieving my files I began the task of reviewing them. Court begins at 9:00 a.m., assuming the parties and lawyers are ready. My calendars vary each day from criminal to juvenile to divorce to mental health commitments to jury trials. Some days they drag on into the noon hour and after the close of the court day at 4:30 p.m. On other days they finish early. Any free time during the day is spent in chambers working on decisions in cases I have heard earlier. It is an interesting variety of work that is non-stop from arrival to departure.

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*Judge Macklin (Continued from page 3)*

**What do you think are the most pressing issues facing the judiciary?** There are three: pro se litigants. The courts are relying more and more on electronic administration. The Minnesota Court Information System (MNCIS) is the repository of all court records and is driving courtroom procedure. It is a system relied on by the public and judicial partners. Getting it right is critical to the integrity of our operations, and it is a challenge to judges and staff alike. Understandably the courts are not immune from the failing economy and its impact on state funding. But we are soon reaching the point where judges and court administration staff will be unable to keep up with increasing caseloads. You can do more with less for a spell, but it can't be forever, and it does affect the quality of our work. Finally, pro se litigants – those without lawyers – seem to be increasing exponentially. Certainly no one in the judiciary is advocating that anyone should be denied access to the courts because they are not able to hire a lawyer, but it significantly increases the time it takes to process those cases. Orders and judgments need to be scoured by judges to make sure they are consistent with court rules and procedures and accomplish the intent of the parties. Their unfamiliarity with courtroom procedures – especially rules of evidence – often put them at a disadvantage requiring extra attention by the court. Fortunately the system has implemented self-help centers in our courthouses providing assistance to pro se litigants.

**What do you do in your spare time** Golfing, travel, cooking, writing, walking, and grandchildren.

**What type of cases are the most challenging?** No contest – family law. Most contested cases involve children. Our decisions affect the very nature of the relationship parents will have with their children – who gets custody and how much time can each parent spend with their children – and in termination of parental rights cases whether there will be any relationship. They are

difficult cases on so many levels and they are time-consuming. The longest cases I have ever tried during my tenure and the ones that take the longest time to decide following the trial have been family law cases.

**What is the hardest part about being a judge?** Noted attorney Ron Meshbesh used to advise young attorneys new to the practice of criminal law that to be successful you needed to remember two things: first, get your fee up front and second, keep in mind that it is your client that goes to prison, not you. Judges need to keep in mind, and it isn't easy, that at the end of the day, after you've heard all the testimony, considered all the argument and rendered a decision, you go home and all of that stays at the courthouse. It's a balancing act between being invested in the case and maintaining a studied detachment.

**Do you have any comments on self-represented litigants?** See previous answer on most pressing issues facing the judiciary.

**How are societal changes impacting the judiciary?** If you compare the caseload now with the caseload fifty years ago the changes are quite apparent. There are many more divorces, drug prosecutions, crimes of violence, addictions, etc. The economy, although fluid, has the effect of increasing the number of unrepresented litigants and public defenders, all of which slows the work of the courts.

**What other professional activities are you involved in?** None at this time.

**What keeps you interested in the work that you do?** I am fortunate to work in a District where each day brings a new and different assignment, and on some days a different courtroom. The variety keeps me from burning out. I still enjoy researching the law, writing up decisions and presiding in the courtroom. It's

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*Judge Macklin (Continued from page 4)*

work that continues to give me personal satisfaction.

**What three characteristics and/or personality traits would you identify as helpful in order to be successful in your position?** Compassion, humility, a healthy sense of humor and enough life experience to know what is right or wrong before consulting the books.

**How do you enrich the profession that you are part of?** I make myself available to community organizations for speaking engagements to inform those who are not involved in the courts what the work of the judiciary is all about. I find that most people don't have a clue and are interested to find out.

**What ethical considerations are you confronted with regularly in your career?** Following the legislative rule of law even though you may disagree, setting aside any biases you may have, and being vigilant about even perceived conflicts of interest such as parties whom you may know.

**What is your personal mission statement that guides you at work?** The public stands when we enter the courtroom out of respect for the office, not you; those that appear before us are real people with real problems, not just numbers; lawyers actually have more than the case before us; the work our staff does is no less important than the work we do; courtesy and patience are signs of strength, not weakness; listen as if you were doing the speaking; people make mistakes and deserve second chances; you are the same person the day after you don the black robe as you were the day before.

**What leadership roles have you taken on in the judiciary?** In the First District I have served as assistant chief judge for two years and chief judge for four years. I was a member of the group that developed the Minnesota Judicial Council under former Chief Justice Kathleen Blatz, and

a member of the Judicial Council for four years. Early on in my career I was a member of the board of directors of the Minnesota District Judges Association. I have been and remain a liaison to the Legislature representing the First District.

**What are some of the obstacles that you faced during your career development?** The path to the bench is usually by appointment of the Governor. I began applying in the mid-eighties. I was interviewed by the Judicial Selection Commission several times but never made the cut. I had almost given up when a vacancy occurred in Scott County, where I live. I renewed my earlier applications, interviewed, was named a finalist and was appointed. Like running for the legislature (I lost my first election) the decision is largely out of your control. I learned the value of perseverance.

**What has been your greatest success in your career as a judge?** I'm not sure it is a success, but I will always be proud of my election as chief judge and the confidence my colleagues placed in me.

**How has your previous employment helped prepare you to be a judge?** My professional career prior to becoming a judge consisted of 2 ½ years as a district court law clerk, one year as an appellate law clerk, 10 years in the legislature and 22 years as a practicing attorney. I have experienced first-hand the work of the trial courts, lawmaking at both the Supreme Court and Legislature, and a wide variety of legal cases and issues in a general practice. These insights have been invaluable as a trial

judge interpreting cases and statutes and having hands-on experience with family law, real estate, criminal matters, etc.

See Judge William E. Macklin's bio at:

[http://www.mncourts.gov/?page=JudgeBio\\_v2&ID=30096](http://www.mncourts.gov/?page=JudgeBio_v2&ID=30096)



## Court Administrator Completes National Training Program



L to R: General William K. Suter, Clerk of US Supreme Court; Vicky Carlson, Carver County Court Administrator; Mary McQueen, President, National Center for State Courts; John Meeks, Vice President, Institute for Court Management

Vicky Carlson, Carver County Court Administrator, became a Fellow and a Certified Court Executive of the Institute for Court Management on May 13, 2011 after successfully completing the rigorous requirements of the ICM's Court Executive Development Program (CEDP). Vicky graduated with 23 other court professionals from around the United States and took part in graduation ceremonies conducted at the Supreme Court in Washington D.C. General William K. Suter, Clerk of the Supreme Court of the United States welcomed and addressed the graduates.

"The setting was magnificent and the graduation ceremony was beautiful and

amazing," said Vicky. "Maybe it had everything to do with the location, where I am in life, or the amount of work that went into the program, but I hold this graduation ceremony more dear than my high school or college graduation! It was a great day and I feel

fortunate to have gone through the program and to have learned from so many talented court professionals from around the country along the way."

Justice Clarence Thomas made an unexpected visit to the reception. In past ceremonies, Chief Justice John Roberts has presided over the graduation ceremony. This year he was unable to attend, but gave each graduate a signed letter acknowledging their accomplishments.

The Court Executive Development Program is the only program of its kind in the United States. This professional certi-

fication program was established more than 30 years ago, in part, by Chief Justice of the United States Warren E. Burger in his call for improving the management of state court administration. The intensive four-phase educational program better prepares court professionals for management and leadership positions. Since the first class of CEDP graduates in 1970, more than 1,150 court professionals in 48 states, the District of Columbia, Guam and 12 foreign countries have become fellows.

Individuals enrolled in the CEDP must successfully complete four phases of coursework including:

**Phase I** requires participants to take five in-depth courses that cover topics of court performance standards, caseflow



Justice Clarence Thomas, U.S. Supreme Court, Vicky Carlson, Carver County Court Administrator

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*ICM Fellowship (Continued from page 6)*

management, human resources, fiscal management, and technology management.

**Phase II** begins with a three-month distance learning component intended to prepare participants with preliminary research skills. Following this initial stage, participants attend a three-week full-time course at the National Center's headquarters in Williamsburg, VA. While in Williamsburg, participants engage in a range of discussions designed to sharpen their conceptual and interper-

sonal skills and learn leadership and management theory as it applies to court management.

**Phase III** requires participants to prepare a master's-level research paper that relates to evaluating and implementing a key court activity in their home jurisdiction.

In **Phase IV** participants develop and clearly articulate the results of their research before a respected panel and their classmates.

The National Center for State Courts,

founded by Chief Justice Warren E. Burger in 1971, is a non-profit organization dedicated to improving the administration of justice by providing leadership, research, technology, education and training to the state courts.

Vicky Carlson has been the Court Administrator in Carver County since October 2007. She previously held various positions with Dakota County District Court since 1986 including Court Administrative Manager. She received her B.A. in Public Administration from Metro State University.

## Governor Dayton Appoints Arlene Perkkio to fill First Judicial District Vacancy



On June 10, 2011, Governor Mark Dayton announced the appointment of Ms.

Arlene M. Asencio Perkkio as District Court Judge in Minnesota's First Judicial District. Ms. Perkkio will be replacing The Honorable Robert F. Carolan, who retired earlier this year. Ms. Perkkio is currently an attorney in private practice, focusing on criminal defense work at both the state and federal level. She has appeared in 31 Minnesota counties, as well as in the

United States District Court for the District of Minnesota. Much of her practice focuses on immigration consequences for non-citizen clients; she has also taught classes on that subject matter at William Mitchell College of Law. Ms. Perkkio has also appeared in Guardianship/Probate Court and in Civil Commitment Court in Ramsey County. She earned her B.S. in Political Science from Macalester College in 1987, and her J.D. from William Mitchell College of Law in 1991.

Additionally, Ms. Perkkio has served on a number of boards, including La Clinica and Criminal Defense Services, both in St. Paul. She is currently serving as a board member of the St. Thomas More Society, and is a member of several professional organizations, including the Minnesota Public Defender DNA Institute, the National and Minnesota Associations of Criminal Defense Lawyers, the Minnesota Society for Criminal Justice and Juris Divas. Ms.

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*New Judge Announced (Continued from page 7)*

Perkkio is an active member of her community, following the sports her children play (soccer and hockey), volunteering her time in area schools and her church.

About the appointment, Governor Dayton said, "I am very pleased to an-

nounce my appointment of Ms. Arlene Perkkio to the First Judicial District. She is a supremely well-qualified attorney, who brings a wealth of courtroom experience to the First Judicial District Court. She has demonstrated a commitment to community service, and she is able to relate to individuals coming

from diverse backgrounds, which will serve her well as judge."

Ms. Perkkio resides with her family in Mendota Heights. Minnesota's First Judicial District covers Carver, Dakota, Goodhue, Le Sueur, McLeod, Scott and Sibley counties.

## Attorneys Liz Reppe, Dana McKenzie and Merlyn Meinerts Receive First Judicial District Amicus Curiae Award

The First Judicial District presented its first annual Amicus Curiae Award to attorneys Liz Reppe, Dana McKenzie and Merlyn Meinerts on May 13, 2011. The Amicus Curiae Award, meaning Friend of the Court, will be an annual recognition of attorneys and others who have provided exceptional service, leadership or other contributions to assist the courts in the First Judicial District discharge their constitutional responsibility for the administration of justice.

Liz Reppe, the Dakota County Law Librarian was recognized for her leadership in continuing the Dakota County

Family Self Help Center that assisted over 400 litigants represent themselves without attorneys in court matters in 2010 and for her effort in developing and implementing the Criminal Defense Panel of Dakota County. The panel provides reduced fee representation to persons charged with criminal offenses in Dakota County.

Dana McKenzie and Merlyn Meinerts

were recognized for their leadership and efforts in developing and implementing the Initial Case Management Conference and Early Neutral Evaluation (ICMC/ENE) pilot program in the First Judicial District. The program provides divorcing couples a non-adversarial option to traditional litigation and has been successful in reducing the time, cost and conflict often associated with divorce proceedings.

*"As the justice system confronts and adapts to the new normal of reduced funding and increased demand for services, the support and leadership of our friends of the court will become more important and more vital to the continued successful administration of justice"*

(Chief Judge Edward Lynch's statement while presenting the awards.)

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