



**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 150,000 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 5—ISSUE 1

JANUARY 2014

New Program Aims to Help Veterans Charged with Crimes

By Mollee Francisco, Chaska Herald

Carver County is rolling out a new program designed to help veterans working their way through the criminal justice system.



Major General Richard C. Nash, adjutant general of the Minnesota National Guard, addresses a gathering at the Carver County Justice Center on November 28th marking the start of the Carver County Veterans Program

“It’s a program I’m passionate about,” said Carver County Attorney Mark Metz.

Metz said that his department has seen a rise in the number of crimes committed by veterans, including DUI and domestic assault cases. “It’s not tremendous, but it’s enough that we’re aware of it.”

In some cases, Metz said the criminal activity seems to be directly related to a veteran’s

service to their country — especially for those who have sustained brain injuries or are suffering from post traumatic stress disorder (PTSD). Those are the vets being targeted for help with this new program.

The Carver County Veterans Program “recognizes that veterans face unique difficulties following their service and, in turn, need particularized treatment and support.”

The County Attorney’s office is collaborating with the courts, the defense bar, law enforcement, probation

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New Program (Continued from page 1)



Pictured L to R: Carver County Attorney Mark Metz, Chaplain (Major) Buddy Winn, Major Lyndsey Olson, Major General Richard Nash, Former Minnesota First Lady and Former First District Judge Mary Pawlenty, Command Sergeant Major Cynthia Kallberg, Colonel Jo Clyborne, and District Judge Janet Cain

and Veterans Affairs to offer a blend of treatment and intensive services to vets that commit crimes.

“We’re aligning services to a unique group of people,” said Metz.

The goal is to promote accountability, sobriety, recovery and stability through a coordinated response.

Metz said that while there may be an opportunity for a reduced sentence in conjunction with successful completion of the program, public safety is still of utmost concern.

“It’s not a program that allows them to escape consequences,” said Metz. “It’s not a

Get Out of Jail Free card.”

The Carver County Attorney’s Office will determine which cases qualify for the volunteer program. Metz said they will be looking for vets without a prior criminal history that have a diagnosed medical issue like traumatic brain injury, PTSD or chemical dependence. Serious violent offenders will likely not be eligible, Metz said.

Cases will be funneled through Judge Janet Cain’s courtroom. Metz said Cain has offered to hear veteran cases every other Monday afternoon.

In a “non-adversarial courtroom atmosphere,” collaborators will work together “toward a

common goal of breaking the cycle of drug and alcohol abuse, mental illness and criminal behavior.”

“The ultimate goal is so they don’t re-offend,” said Metz.

That benefits everyone, he added, noting that it reduces crime, rehabilitates veterans and costs a lot less to taxpayers.

“There are programs across the country that show it works,” said Metz.

Metz said they have spent the last year developing the Carver County Veterans Program, bringing together appropriate parties and reviewing other veterans programs in place in Washington and Hennepin counties.

Metz hopes to officially kick things off in Carver County with cases starting in December. “We have maybe 5-10 that would qualify for the program right now,” he said.

Metz noted that his office has given consideration to veteran cases in the past. “It just hasn’t been formal until now.”

“Sometimes you just have to jump in,” said Metz. “It’s the right thing to do.”



Governor Dayton Appoints Mark C. Vandelist to Fill First Judicial District Vacancy



Mark C. Vandelist

On December 23, 2013, Governor Mark Dayton announced the appointment of Mr. Mark C. Vandelist as District Court Judge in Minnesota’s First Judicial District. Mr. Vandelist will be replacing the Honorable Edward I. Lynch, who retired earlier this year. The judgeship

will be chambered at Le Center in Le Sueur County.

“I am pleased to appoint Mr. Vandelist to serve the people of the First Judicial District,” said Governor Dayton. “Mr. Vandelist has proven himself to be astute in the law, and a leader in his community. I have great confidence that he will execute his duties as judge with excellence and integrity.”

Mr. Vandelist is a trial attorney and partner at Vandelist & Vandelist, P.A., where he primarily handles personal injury cases and provides pro bono services in criminal areas. He previously served as a trial attorney at Heuer & Vandelist, P.A., and Cousineau McGuire Chartered. Mr. Vandelist earned his B.A. from American University in Washington, D.C. and his J.D. from the Hamline University School of Law.

Additionally, Mr. Vandelist is a certified civil trial specialist, serves as an arbitrator with the American Arbitration Association and volunteers as coach for Lakeville North High School Mock Trial.

Mr. Vandelist resides with his family in Lakeville. Minnesota’s First Judicial District consists of Carver, Dakota, Goodhue, Le Sueur, McLeod, Scott and Sibley Counties.

More information on the Commission on Judicial Selection, as well as vacancies it is currently considering, can be found at <http://mn.gov/governor/appointments/judicial-appointments/>



The Judicial Branch Strategic Plan – Our Roadmap By Jeff Shorba, State Court Administrator

Minnesota’s courts have a national reputation for professionalism, efficiency, and innovation. We have earned this reputation

by taking seriously the need to periodically assess our performance and identify new and innovative ways of more effectively

handling cases and delivering quality services as cost effectively as possible. The FY14-15 Judicial Branch Strategic Plan,

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Strategic Plan (Continued from page 3)

approved by the Judicial Council in August, is the result of our most recent self-assessment.

The Strategic Plan serves many purposes. It is a roadmap to keep us on track and focused on what is important.

It is a tool for decision-making and resource allocation. It helps us ward off the temptation to make everything a priority, which would ultimately mean nothing really is. It helps us remain disciplined.

It guides our budget request to the Legislature. We complete the Plan and decide our priorities for the Branch on a biennial basis. Only after that do we begin formulating our budget request – guided by the Plan.

It serves as a statement of the Judicial Branch’s priorities and about how we are using the valuable resources given to us by

the Legislature.

The FY 2014-2015 Plan sets out three overarching goals: Access to Justice, Administering Justice for Effective Results, and Public Trust and Accountability.

The Plan also establishes priorities and initiatives designed to attain these goals. For example, under the Strategic Goal of Access to Justice, one of the priorities is “To implement technological initiatives aimed at reducing workloads and enhancing Judicial Branch efficiency and effectiveness.” Strategies chosen include continuing efforts to implement eCourtMN, including accommodating *pro se* litigants in the eCourtMN environment; development and implementation of an OFP (Order for Protection) upgrade in MNCIS; completion of the transition of the Second and Fourth judicial districts from ViBES to MNCIS; and redesign of the Judicial Branch official

website.

The State Court Administrators Office in conjunction with district and county staff develops operational plans which detail the tasks necessary to implement the selected initiatives. Progress is reported annually to the Judicial Council.

Another effort underway aimed at ensuring that the Plan is accomplished is the development of our Enterprise Portfolio Management Process. Proposed statewide and local projects undergo a rigorous review and priority-setting exercise, designed to ensure that our limited resources and the projects we select to take on are aligned with the Branch’s priorities as identified in the Strategic Plan.

The Judicial Branch FY14-15 Strategic Plan—our roadmap for the next two years—can be viewed through the Judicial Branch website at www.mncourts.gov.

Sibley County Kicks Off The MENDING Project

By Judge Thomas G. McCarthy

“We are here tonight to receive a report from the frontline of the War on Terror,” said First District Judge Thomas McCarthy when opening a presentation

from Cara Bishop of Henderson, Minnesota, whose daughter was murdered by her ex-boyfriend in Mankato 2011.

“We are not talking about al Qaeda or the Taliban here,” continued Judge McCarthy, “But of home-grown terrorism.

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MENding Project (Continued from page 4)

And I mean that literally, as this type of terror occurs in the home and terrorizes the members of the family.” Even in a community as small as Sibley County, just about every week more than one case involving domestic abuse appears on the court calendar .

“The ultimate answer,” opined Judge McCarthy, “is for men to take a stand to say ‘We will not tolerate abuse or disrespect to women or children.’ We will not look away uncomfortably when a man makes a crude joke. We will, as respectfully as possible, note that men – real men – do not treat women and children in that way.”

To combat the epidemic of domestic violence in their community, a group of men has decided to support The MENding Project. The MENding Project was developed by the MN Men’s Action Network to provide immediate assistance to women and children, and provide a venue for men to join women in our collective efforts to end sexual and domestic violence in our communities.

Started by members of Sibley Lodge No. 209, Ancient Free and Accepted Masons (of which Judge McCarthy is a member), The MENding Project is designed to

provide free or reduced cost goods and services to victims of sexual and domestic violence from traditionally male run or male oriented businesses. This provides assistance that women and children need, and at the same time lets abusive men know that other men will not sit quietly by as the violence continues.

Sibley Lodge member Steve Saxton pointed out that Masons pledge to support “widows and orphans”. Over 300 years ago when Masonry was first formally begun, widows and orphans literally required the assistance of men to survive. Now, victims of domestic abuse are the new “widows and orphans” who have been cut off from the support of the male figure by the male figure. “If we are who we say we are,” said Saxton, “we have to do this project.”

Assistant Sibley County Attorney Bryce Ehrman has been a strong supporter of The MENding Project in Sibley County from its beginning. “Through the efforts of the Sibley County Domestic Abuse Council, we have made more effective the response to domestic violence in our community. We have standardized the law enforcement response to domestic violence calls. We have a process for bringing charges and seeing those

charges proceed through the criminal justice system, while protecting the constitutional rights of persons accused of committing domestic violence,” said Ehrman. “More work needs to be done and MENding can have a positive impact on making Sibley County a safer place for women and children”.

There is a very old cliché that says behind every successful man is a supportive woman. The MENding program is supported and advised by a most dedicated group of women who have advised and counseled the group in its mission and action. Brenda Sharp, the Victim Witness Coordinator for the Sibley County Attorney’s Office, was a leader in forming a support group for victims of domestic violence in our community. Supportive Women Against Violence (SWAV) meets every Monday to offer domestic violence victims an opportunity to share stories and support each other. Child care is offered during the meeting.

Ms. Sharp and Erin Kissner, Program Coordinator for the Council Against Domestic Abuse (CADA), as well as the other primary participants in SWAV have offered advice and suggestions as to what services and goods would be most

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MENding Project (Continued from page 5)
helpful to victims.

At The MENding Project kickoff event December 11, Cara Bishop described the relationship between her daughter and the man who would ultimately take her life. The audience listened in rapt attention as she described a carefree beginning which took a nasty turn when her "friend" began to be controlling and jealous. He stabbed Josselyn Bishop to death on a busy street in Mankato. Ms. Bishop ended her presentation that night

with these words: "When I look out at this audience I see heroes who are already making a difference. This is your chance, Sibley County, to take a stand, raise awareness, be a hero by joining forces with the MENding project and becoming the transition for these girls out of abusive relationships so no family has to go through such heartache. So a beautiful girl, possibly one like yours, can feel safe; so a grandfather, maybe like one of you, doesn't have to outlive and bury his oldest granddaughter. I hope

you were able to find value tonight in Josselyn's story, and find it in your heart to help a girl, a daughter, a mother you may never know."

More information on The MENding Project can be found at <http://menaspeacemakers.org/programs/>



Judge Messerich is ASTAR Fellow



Honorable Kathryn D. Messerich

Judge Kathryn D. Messerich elected as a Science and Technology Fellow by the Advanced Science and Technology Adjudication Center (ASTAR) following a 3 year course of study in adjudicative sciences. Among the topics that Judge Messerich studied were DNA analysis, radiation science and environmental disasters, forensic psychiatry, genetics, neuroscience and child development and emerging issues with computer forensics.

The course work also presented national perspectives on how science is implicated in sentencing decisions, civil litigation, expert challenges and designing court programs. Judge Messerich will serve as a resource judge for the State of Minnesota judiciary and will work to develop Minnesota programs for judges on scientific topics. She is also the Assistant Chief Judge of the First Judicial District.

First District Judges take “Judicial Notice” of Cuba

By Judge Michael Savre and Dan Provencher, Law Clerk to Judge Savre

This past November, a group of judges from Minnesota and North Dakota obtained special permission from the U.S. Treasury Department to travel to Cuba to learn about the Cuban legal system. Five judges from the First Judicial District participated: Dakota County Judges Martha Simonett, Erica MacDonald, and Michael Mayer; Goodhue County Judge Lawrence Clark; and McLeod County Judge Michael Savre.

The group spent four days in Havana, Cuba’s capital, two days in the southern coast city of Cienfuegos, and then returned to Havana (four hours, one-way, by bus) for one final day of educational meetings and sightseeing before taking their charter flight back to Miami. During the week-long excursion, the group met with several distinguished Cubans, including a professor of constitutional law, a noted diplomat and former ambassador, and an accomplished attorney who is now the head of the Cuban equivalent of the State Bar Association. The group also spent a morning at a Havana courthouse meeting with five Cuban judges and visiting a courtroom.

The experience was a real eye-opener. What follows are some reflections on different aspects of the trip.



L to R: Judge Clark, Judge Simonett, the Head of the Cuban Bar Association, Judge Mayer, Judge Savre, Judge MacDonald

The Cuban Legal System

One notable difference between the Cuban legal system and the American system of justice is the absence of jury trials. In Cuba, the municipal court (equivalent to a district court in Minnesota) has three judges: one professional judge and two “layperson” judges. The laypersons are elected by the local citizenry and serve for one month. Although the “professional judge” handles scheduling and decides all pre-trial and evidentiary issues, all three judges are triers-of-fact and have an equal vote in the outcome of the case. “I

gained the impression that the two layperson judges (who are similar to jurors) can override the professional judge’s decision without controversy” noted Judge Savre. “Having three persons decide every case might tend to slow things down, but their system certainly creates an impression of fairness!”

The same concept of incorporating layperson judges into the decision making process exists at each level of the court system. Litigants appearing in the provincial court (similar to the Minnesota Court of Appeals) argue their

case to a panel consisting of two layperson judges and three professional judges. At the Cuban Supreme Court, two laypersons serve along with five professional judges.

The Cuban legal system also diverges from that of the American system when it comes to a criminal defendant’s rights. In Cuba, someone who is arrested receives no *Miranda* warning and can be questioned by police for up to *eight days* without seeing a court or lawyer. Also, Cuba does not use any type of plea bargaining system, instead using a guilty plea or trial to decide cases.

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Cuba (Continued from page 7)

The Cuban Monetary System

One of the more fascinating but confusing things about Cuba is that the country presently employs two separate and distinct currencies. The Convertible Peso is the currency used in the tourism industry and in foreign trade. Cuban citizens, however, are required to use the National Peso, which is worth significantly less (about 4 cents on the dollar) than the Convertible Peso.

Raul Castro, Fidel's brother who is now running the country, announced in October that Cuba would soon be discontinuing the dual currency arrangement in an effort to end some of the unfairness it has caused, but the system was still being utilized at the time of the groups' visit.

Cubans employed in the tourism industry are often paid or tipped with the much

more valuable Convertible Peso. Understandably, jobs in the tourism industry are highly sought after. "Our tour guide was fantastic and I know she received tips totaling more than \$1,000 in Convertible Pesos" said Judge Mayer. "For the majority of Cubans, that would be the equivalent of almost two years of wages." The average Cuban, however, earns a monthly income equivalent to about \$40 in American dollars. Their monthly government rations of rice and beans and sugar are barely enough to survive. As a result, the average citizen simply doesn't have the resources to acquire a vehicle. As discussed below, many Cuban buildings and residences, both rural and urban, have fallen into disrepair.

ATM's aren't available on every street corner in Cuba. Members of the touring



Many Cubans still utilize horse or donkey drawn carts for transportation

group were told to bring Canadian dollars rather than American dollars to then exchange for Convertible Cuban Pesos. Further, American credit cards aren't accepted anywhere. "It was unusual not having ready access to cash like we do here in the States or other countries where Americans typically visit" noted Judge Clark. "Knowing that the cash you brought was all the money you had - and that's it - created a bit of anxiety!"



Early model American cars are a frequent site

Havana

Cuba's population is around 11 million people, with about 20% of that population living in the capital city of Havana. With as many people as the Twin Cities squeezed into an area one-fourth as large, Havana was surprisingly clean. And, as one envisions, the streets were filled with American cars manufactured in the 1950's. "The country had a 'frozen in time' feel to just about everything - as if a snap shot was taken in the 1950's and everything has stayed the same" observed Judge Simonett.

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“Havana is a beautiful city with a rich history, but one can’t help notice that it has fallen into a state of disrepair” observed Judge MacDonald. “Next to the majestic beauty of the Atlantic Ocean and the Malecon (the seafront promenade) stand many attractive buildings and monuments that are crumbling due to lack of funds for maintenance. While visiting a local family who was demonstrating traditional Cuban dances, we were advised not to jump (as would normally happen at that time of the dance) or we might cause the patio of the third floor apartment to fall! One can readily envision the vibrant and prosperous city that Havana was before the 1960’s, which it undoubtedly will be again, once it has sorted out its economic troubles.



Not all buildings in Cuba could use some sprucing up! The group enjoyed lunch one day at this former casino located in Cienfuegos



L to R: Judge Mayer, Judge Clark, Judge MacDonald, Judge Simonett, Judge Savre

Conclusion

Reflecting on the trip as a whole, Judge Savre summarized his experience as follows: “The trip to Cuba was one of those rare opportunities you have during a lifetime to do something truly unique! Each day was fascinating and educational. I’ll retain many memories, but for me the best part of the trip was becoming even better acquainted with and sharing the adventure with my friends and colleagues from the First Judicial District. What a great group!”

Minnesota Association for Court Management (MACM) Awards for 2013

The Minnesota Association for Court Management announced the recipients of its 2013 awards at its annual meeting in October 2013.

Michael Moriarity, Tenth Judicial District Administrator, received the 2013 MACM

Lifetime Achievement Award for his many contributions to the court management profession and for his years of service to the court community. Michael has spent his career breaking through barriers to create progress in the courts. He began his career with the National Center for State Courts. In

1984, he transitioned to the Minnesota Judicial Branch where he worked as the director of Supreme Continuing Education and then transitioned to the Administrative Services Director and later the Special Courts Administrator with the civil division in Ramsey County Courts. Michael became the

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Tenth Judicial District Administrator in 2004. Throughout his time with the courts, Michael has displayed superior leadership, courage, and creativity. He has been an integral part of advancing the profession of Court Administration. Many court projects have happened because of Michael's fearlessness for risk taking and his innovative problem solving skills. Michael's most recent project has been overseeing the development of the first statewide conservator monitoring program in the nation – Conservator Audit Accounting Program (CAAP). Michael is also a Past President of the MACM.

Brian Jones, Assistant First Judicial District Administrator, received the 2013 MACM Distinguished Service Award for his leadership to the First Judicial District and the Minnesota Judicial Branch. He is the editor of "The First Edition" newsletter, which is sent to justice partners and news media to keep them informed on the latest developments in the First Judicial District. Brian is the Co-Chair of the Communications Team for the Minnesota Judicial Branch eCourtMN initiative. He has provided valuable insight and guidance on the goals and expectations of the eCourtMN project. Brian has given presentations throughout the Minnesota courts on this initiative. Finally, he is also a facilitator for the National Center for State Courts, Institute for Court Management Technology course.

Carol Renn, Dakota County Court Administrator, received the MACM 2013 Coach/Mentor of the Year Award for her outstanding mentoring, coaching, and development of her employees. Throughout Carol's career, she has volunteered her county to participate in many pilot projects in order to advance the Minnesota courts. For the last six years, she has led Dakota County through many pilots and initiatives including: Live in-court updating, Expedited Litigation Track, auto assess, imaging, MNCIS, SessionWorks and a paperless environment. Carol is a strong proponent of education and growth. She has a passion for mentoring and developing others by encouraging them to set goals and meet their potential. Carol always makes time to listen to her employees so they feel appreciated and heard.

Aaron Williamson, Supervisor, Hennepin County Court Administration, received the MACM 2013 Early Career Excellence Award for his achievement with outstanding leadership and knowledge in the field of court administration. Aaron has been an integral player in the implementation of the Fourth Judicial District Court eFile and eServe Unit. With little advance notice, he got to work planning, hiring, and putting together a training program. Aaron is a great problem solver and provides excellent customer service. He can de-escalate conflict and

resolve issues quickly. Aaron currently serves as the First Vice President of MACM and chairs the Legislative and Outreach Committee. He always displays professionalism and is dedicated to any project he is working on.

"Court and government employees often do not receive recognition for their service and achievements. These individuals have gone above and beyond to improve operations and/or coach someone for the benefit of the Minnesota Judicial Branch and the public we serve. Through their dedication to public service and commitment to the court system, we all benefit," said MACM President Vicky Carlson.

The Minnesota Association for Court Management has over 280 members throughout the Minnesota Judicial Branch. MACM is committed to the enrichment of its members through professional growth and development opportunities, promoting advancements and innovation in court administration, and partnering with other professionals working to improve the justice system in Minnesota.

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MACM Awards (Continued from page 10)



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