



# MINNESOTA JUDICIAL BRANCH

## FIRST JUDICIAL DISTRICT

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**Community Listening Session  
October 25, 2017**

### **Introduction**

In 2010, the Minnesota Judicial Branch created the Committee for Equality and Justice. The Committee for Equality and Justice is charged with working collaboratively across the Judicial Branch to advance efforts to eliminate bias from court operations, promote equal access to the court, and inspire a high level of trust and public confidence in the Minnesota Judicial Branch.

As part of the FY2016-2017 Minnesota Judicial Branch Strategic Plan, the Committee for Equality and Justice adopted a goal that each individual judicial district would begin judicial community outreach to allow court users the opportunity to describe their experiences and provide recommendations to address issues regarding equality and fairness.

### **Community Dialogue**

A Community Dialogue's stated purpose is to:

Create a public forum for community members to describe their experiences and discuss ideas for advancing equality and fairness regarding race, gender, ethnicity, age, disability, socioeconomic status, religion, sexual orientation, and any other status protected by law.

### **First Judicial District Community Listening Session**

In April 2017, the First Judicial District Equal Justice Committee hosted its first Community Listening Session. The purpose of the event was for the public to meet the judges and share ideas and concerns related to the court system, including ideas for improving our court system. The session also allowed judges and administration to listen first-hand to the individual experiences of members of the public.

A follow-up Community Listening Session was hosted by the First Judicial District's Equal Justice Committee on Wednesday, October 25, 2017 at the Apple Valley Courthouse in Apple Valley, MN. At this meeting, judges reported to the community regarding the court's responses to concerns raised at the April 2017 Community Listening Session. First Judicial District Equal Justice Committee Chair, Judge Richelle Wahi, served as moderator. Judges David Knutson, Mike Mayer, Arlene Perkkio, Ann Offermann and Jamie Cork participated as panelists. Approximately 40-50 community members were in attendance.

Judges reported on the following five major themes arising out of the April 2017 Listening Session:

1. Procedural fairness for families and children navigating the family and juvenile court system.
2. Indian Child Welfare Act issues arising in juvenile court.

3. Assistance for self-represented litigants.
4. Chemical dependency issues in criminal cases.
5. Continued and ongoing diversity-related training for judges and court personnel.

**1. Procedural Fairness For Families And Children Navigating The Family And Juvenile Court System**

- a. The First Judicial District established the Family Court Work Group (FCWP) in Dakota County. The group currently consists of judges, lawyers, mental health providers and justice partners. This group is currently working to address the following procedural issues:
  - The concept of one family, one judge. Whether assignments on family cases should occur at the Initial Case Management Conference instead of the pretrial and/or first contested hearing.
  - The appointment of Guardians ad Litem for disabled adults in family court proceedings.
  - Court appointment of attorneys in non-paternity cases, where paternity becomes an issue.
- b. Dakota County implemented the Moderated Settlement Conference (MSC) Program. The MSC Program is a confidential, voluntary evaluative process designed to facilitate dispute resolution in the later stages of family court matters. The program offers the evaluative impressions of experienced attorney-moderators (called MSC Neutrals) to parties engaged in custody, parenting time, and financial disputes.
- c. Ongoing judicial education is being provided on:
  - Substantive and procedural issues relating to domestic abuse and harassment restraining orders
  - Impact of domestic abuse in custody cases
  - Issues arising in high conflict cases and family reunification
  - Trauma based approach in juvenile matters
  - Attachment and development in early childhood and the impact on parenting time.

**2. Indian Child Welfare Act Issues Arising In Juvenile Court**

- Judicial education was provided on the impact of Indian Child Welfare Act in juvenile court.

**3. Assistance For Self-Represented Litigants**

- The First Judicial District is working on uniformity in case filing, administration assistance at filing and court forms.
- Judicial education was made available on understanding issues arising for self-represented litigants.

**4. Chemical Dependency Issues In Criminal Cases**

- Judges reported on certain treatment courts that are currently in place which address chemical dependency issues in criminal court including the Dakota County Drug Court and a new DUI/Safe Streets Court.
- Judicial education was made available on understanding addiction and recovery.

##### **5. Continued And Ongoing Diversity Related Training For Judges And Court Personnel**

- At the statewide level, judges and court personnel are now required to complete and report diversity and inclusion training. Requirements are as follows:
  - *Requirements for Judicial Officers (Judges, Referees, Child Support Magistrates, and other Judicial Officers who are not contractors and who spend at least .5 FTE as a Judicial Officer)*
    - All judicial officers are required to complete forty-five (45) hours of approved Continuing Judicial Education (CJE) coursework, three (3) hours of which must be diversity and inclusion related, every three years.
  - *Requirements for Managers and Directors*
    - All managers and directors, as defined by the Judicial Branch Human Resources Rules, are required to complete a minimum of forty-five (45) hours of approved Continuing Management Education (CME), three (3) hours of which must be diversity and inclusion related, every three years of employment with the courts.
  - *Requirements for Judicial Branch Personnel*
    - All full time Judicial Branch personnel not covered by prior sections of these standards are required to complete a minimum of fifteen (15) hours of approved course work, one (1) hour of which must be diversity and inclusion related, each year of employment from the date of hire.
- The First Judicial District Equal Justice Committee began a weekly publication distributed district-wide on multicultural and diversity related topics.
- Training was made available to judges on:
  - ADA accommodations for those who are Deaf or hard of hearing. Changing demographic patterns in Minnesota
  - Pretrial release, risk assessments and implicit bias implications.
- Training was made available to judges and employees through Cultural Perspectives:

2017 courses include:

- Understanding Somali Court Users
- Leveraging Generations for Greater Effectiveness
- Working Effectively in a World with Poverty and 'isms
- Implicit Bias – Implicit Bias - Its Impact and How the Courts can Counter It

After reporting back on these five major themes, time was available for the public to meet the judges and share ideas and concerns related to the court system, including ideas for improving the courts. The session also allowed judges and administration to listen first-hand to the individual experiences of members of the public. Ongoing concerns were raised regarding the following:

- Whether the Dakota County court system should be looking at specialty courts with judges assigned in these courts
- Procedural and substantive issues arising in application of search warrants
- Procedural and substantive issues arising in domestic abuse cases.

The First Judicial District Equal Justice Committee is committed to continuing its community outreach efforts to eliminate bias from court operations, promote equal access to the court, and inspire a high level of trust and public confidence in the Minnesota Judicial Branch.

