



## 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.

Hon. Kevin F. Mark  
Chief Judge  
(651) 267-4800

Brian E. Jones  
Judicial District  
Administrator  
(651) 377-7400

[First Judicial District Public Website](#)

The First District has 36 judges and 250 staff who handled more than 90,000 cases in 2021 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 14—ISSUE 1

WINTER 2023

## A Message of Thanks from the Chief Justice to the First Judicial District



**Minnesota Supreme Court  
Chief Justice Lorie S. Gildea**

On behalf of the Minnesota Judicial Council, I am writing to share congratulations and appreciation for achieving your backlog reduction goal. Not only are you the first judicial district in Minnesota to reach this milestone, but you eliminated your pandemic backlog of Major Criminal cases more than six months ahead of schedule. This is an incredible achievement, and reflects the hard work and innovative approaches the First Judicial District has put toward this important priority.

## Inside

Page	Article
1-2	A Message of Thanks from the Chief Justice to the First Judicial District
3	First Judicial District Chief Judge Kevin F. Mark to Retire
3-4	oneCourt MN: A Decade of Innovation and Transformation
5	New Resources on Court-Appointed Attorneys for Parents, Guardians and Custodians in Juvenile Protection Proceedings
6	oneCourtMN Hearings Initiative Policy Revised Effective January 3, 2023
7-8	Minnesota Judicial Branch FY24-25 Budget Request

*A Message of Thanks from the Chief Justice to the First Judicial District*

*(Continued from page 1)*

The Judicial Council adopted its backlog reduction strategy and goals because it recognized the importance of preserving timely access to justice in our state. Left unchecked, the pandemic backlog of felony and gross misdemeanor cases in our district courts threatened to cause undue delays in our justice system and jeopardize the people's trust and confidence in our courts.



The First Judicial District recognized the importance of this issue, and made tackling the backlog your highest priority over the past year. I have spoken to Chief Judge Kevin Mark and your District leadership team about your backlog reduction strategy, and I have been impressed at the focus and partnership that has yielded your success:

- Judges and senior judges took on greater criminal caseloads, and helped set the tone by prioritizing the timely resolution of cases and limiting unnecessary continuances.
- Court administration staff closely tracked each court's backlog statistics and sent weekly progress reports to judges and staff to ensure continued focus on achieving the District's goal. Staff would also contact judges when cases were lingering past our timing objectives, so judges could take action to help resolve these older cases.
- Judges and staff conducted extensive outreach and communication with county justice partners. They collaborated with prosecutors, public defenders, and the local bar to prioritize staff and resources toward achieving this goal. Chief Judge Mark shared his appreciation for all of the hard work local justice partners in the First District contributed to helping meet this critical objective. This was truly a team effort, and a success shared across the District's justice system.

All of the effort and energy that went into achieving this milestone will make a real difference in the lives of those

served by the First Judicial District.

Your work has demonstrated our commitment to providing timely access to justice and ensuring that all Minnesotans have a place to turn to protect their rights and peacefully resolve their disputes. Most of all, you have helped uphold one of the first promises of Minnesota's Constitution: the right "to obtain justice freely...promptly and without delay."

Once again, on behalf of the Minnesota Judicial Council and the people we serve, thank you for your incredible work in addressing the pandemic backlog in the First Judicial District and for helping lead the way toward achieving our statewide goal.



## First Judicial District Chief Judge Kevin F. Mark to Retire

*The Honorable  
Caroline H. Lennon  
to Serve as Chief Judge*

The [Honorable Kevin F. Mark](#), current chief judge of the First Judicial District, will reach the mandatory MN judicial retirement age of 70 on January 31, 2023. Effective February 1, 2023, the [Honorable Caroline H. Lennon](#), current assistant chief judge of the District, will assume the chief judge duties for the remainder of the current term that expires on June 30, 2023.

The judges of the District held a special election to replace Judge Lennon as assistant chief judge, and elected the [Honorable Vicki Vial Taylor](#) to serve out the remainder of the term, effective Feb. 1, 2023.

Chief Judge Mark was appointed to serve on the First Judicial District bench in January 2003, and was elected chief judge of the District in 2021 for a two-year term. Before serving as a judge, he spent eight years as sole practitioner, and 16 years as an attorney at Holst, Vogel, Erdmann, and Vogel in Red Wing. He graduated with his juris doctorate degree from Marquette University Law School, and has a Bachelor of Arts degree *magna cum*

*laude* from Minnesota State University, Mankato. Judge Mark's chambers are located in the Goodhue County Justice Center in Red Wing.

Assistant Chief Judge Lennon joined the bench in November 2008, and was elected to serve a two-year term as assistant chief judge of the First Judicial District in 2021. Prior to joining the bench, she spent 18 years as an assistant Hennepin County attorney in Minneapolis, and being appointed as special assistant county attorney in Ramsey, Dakota, Washington, and Scott counties on individual cases. Judge Lennon is chambered in the Scott County Justice Center in Shakopee.

Judge Vicki Vial Taylor was appointed to the First District bench in November 2018. Prior to joining the bench, she served as senior assistant Hennepin County Attorney, assistant Hennepin County Attorney, and assistant Carver County Attorney. Judge Taylor is chambered in the Dakota County Courthouse in Hastings.

According to state statute, the chief judge of a judicial district exercises general administrative authority over the courts within the district, including assigning judges to serve in locations throughout the district. The chief judge of each judicial district also serves as a member of the administrative policy-

making authority for the Minnesota Judicial Branch, the Minnesota Judicial Council. No judge may serve as chief judge or assistant chief judge for more than two consecutive two-year terms.

## oneCourt MN: A Decade of Innovation and Transformation

*By Jeff Shorba, State Court  
Administrator for the  
Minnesota Judicial Branch*

October 2022 marks my 10-year anniversary as Minnesota's State Court Administrator. Over the past decade, I have been privileged to be part of a historic transformation in our state court system that has increased access to justice, enhanced efficiency in our justice system, and improved how we serve the people of Minnesota. When the COVID-19 pandemic challenged our judiciary in unprecedented ways, our courts kept an open door to justice through innovation and the dedication of our judges and staff.

My time as State Court Administrator began at the start of our eCourtMN revolution when our courts embraced the electronic court record and replaced paper court files with a new digital environment. Today, court users can electronically file and serve court documents, and we can instantly share electronic court records across



*oneCourt MN—A Decade of Innovation and Transformation*

*(Continued from page 3)*

our state's justice system.

We have leveraged this technology to help people navigate the court system and make our courts more accessible and equitable. Minnesotans can now visit the Minnesota Judicial Branch website to find an array of online tools to help them understand complex legal issues or easily complete common court forms. They can sign up for text or email reminders of upcoming court hearings. They can access and download court documents from our district and appellate courts. They can watch livestreams of state Supreme Court proceedings.

This technological evolution in our courts paid immeasurable dividends during the pandemic, as we quickly shifted a vast majority of court hearings from our physical courthouses to online courtrooms. Even during the most challenging moments of the pandemic, our statewide court system still held virtually the same number of court hearings each week as we were before the pandemic. The difference was that 70 to 80 percent of those hearings were held over Zoom.

The tools we have embraced over the

past decade have made a positive difference for the people we serve. Leveraging technology is just one aspect of our work to provide a more accessible and equitable justice system. Over the past decade, we have also transformed how we work and the services we provide.

We expanded access to civil legal services in underserved communities, doubled the number of drug courts and other treatment court programs across the state, and became the national model for how to protect elderly and vulnerable adults from financial abuse through our conservator account auditing and review programs. Our Committee for Equality and Justice has tackled vital issues related to diversity, equity, and inclusion in our courts by creating tools to address implicit bias and identifying disparities in our justice system.

Today, court systems across the nation look to Minnesota as a leader in innovation, accessibility, fairness, and customer service.

Looking ahead, we are building on the incredible progress of the past decade and the lessons learned from the pan-

demic to improve how we serve the people of Minnesota. Ensuring fairness and equity in our courts, improving customer service, and creating a quality workplace will continue to guide and prioritize the work of the courts.

On behalf of the judges and staff of the Minnesota Judicial Branch, I thank the people of Minnesota for their support and investment in our state courts. We will continue striving to earn that trust by providing consistent, responsive, high-quality court services throughout Minnesota and ensuring that all Minnesotans have fair and timely access to justice.



## New Resources on Court-Appointed Attorneys for Parents, Guardians, and Custodians in Juvenile Protection Proceedings

The Minnesota Judicial Branch has released new resources to help eligible parents, guardians, and custodians of a child in a juvenile protection proceeding request and receive a court-appointed attorney earlier in the process.

On January 1, 2023, a change in state law will require the appointment of attorneys to parents, guardians, and custodians who request and financially qualify for an attorney before the first hearing, and at all stages of the proceedings.

In anticipation of this change, the Judicial Branch has established more consistency in the application process to ensure district courts receive requests from parents with the information needed to determine financial eligibility and issue timely appointment orders. Last December, the Judicial Branch published a [statewide forms packet for parents to apply for a court-appointed attorney](#). The forms are available in English, Spanish, and Somali.

Parents, guardians, and custodians

can download the forms from the Judicial Branch website or use Guide & File to complete them. The [Guide & File](#) interview allows parents, guardians, and custodians to apply for a court-appointed attorney online before their first hearings, or at any point during their cases, if they do not have an attorney. At the end of the interview, parents are provided with their completed affidavits, and instructions explaining what happens after they eFile their forms, or how to file their forms if not within Guide & File.

Court administration will then inform filers about the local procedures for having a judicial officer review the applications. Judicial officers generally look to public defender eligibility guidelines when determining if a parent, guardian, or custodian financially qualifies. If so, the court will appoint an attorney.

### Additional Parent Attorney Resources

Counties may contract with attorneys to serve as parent attorneys and have been given additional funding to increase their pool of attorney resources. Attorneys interested in being considered for appointments should contact the administrator's office in the county where they wish to work. Contact information can be found on the [Association of Minnesota Counties website](#).

The parent attorney community has also organized a [list of lead parent attorneys in each judicial district](#) who can serve as a resource to one another and as liaisons to the court. The list of lead parent attorneys is posted on the Judicial Branch website under the [Tools & Resources tab](#) of the [Child in Need of Protection or Services \(CHIPS\) Help Topic](#). Attorneys doing the work should contact the lead parent attorney in their district to stay connected and informed. They should also consider joining the new parent attorney list serve. Attorneys can join the list serve by clicking on the link at the bottom of the Institute to Transform Child Protection's (ITCP's) [Parent Attorney Training Series page](#).

For more information, see [Fast Facts – Court-Appointed Attorneys for Parents, Guardians, and Custodians in Juvenile Protection Proceedings](#). Questions about the new Judicial Branch resources can be directed to [CJI@courts.state.mn.us](mailto:CJI@courts.state.mn.us).





## oneCourtMN Hearings Initiative Policy Revised Effective January 3, 2023

In November, the [Minnesota Judicial Council](#) approved revisions to the oneCourtMN Hearings Initiative Policy (Policy 525), the Judicial Branch policy that lays out the framework for continued use of remote hearings and the presumptive hearing locations for each case type. The [revised policy](#) becomes effective January 3, 2023.

In April 2022, Minnesota Supreme Court Chief Justice Lorie S. Gildea issued an [order](#) that lifted all pandemic-related restrictions and announced the new Judicial Branch policy governing presumptive hearing locations affecting both Criminal and Non-Criminal case types.

Since that time, the [oneCourtMN Hearings Initiative](#) Steering Committee has met regularly with judges, court staff, and justice partners to discuss and gather feedback about ways to improve the Policy to best address the needs of court users.

Based on that feedback, the Judicial Council approved revisions to the policy, effective January 3, 2023, including:

- Moving juvenile delinquency hearings under the criminal provision within Policy 525. Each district or county will develop its own local hearing plan(s) for how juvenile delinquency hearings are held. Each district will complete its plans by December 20.
- The following hearing types in which settlement is a common occurrence will change from presumptively remote to presumptively in-person: family pre-trials, civil pre-trials, civil settlement conferences, and civil temporary restraining orders.
- Guardianship/Conservatorship Order to Show Cause hearings will generally be held remotely.

Case participants will find the most accurate information about how their court hearing will take place on their Hearing Notice.

### About the oneCourtMN Hearings Initiative Framework

The Minnesota Judicial Council in September 2021 approved the framework for the continuation of remote hearings in some case types. The work of developing the remote hearing framework and the subsequent rollout was guided by the oneCourtMN Hearings Initiative Steering Committee appointed by Minnesota Supreme Court Chief Justice Lorie S. Gildea, and informed by feedback gathered from judges, court staff, attorneys, and court users across the state. The work to improve remote and in-person proceedings represents the commitment of the Minnesota Judicial Branch to innovation and transformational change for a more user-focused judicial system.





## MINNESOTA JUDICIAL BRANCH

The Minnesota Judicial Branch is proud to have maintained an open door to justice in Minnesota throughout the COVID-19 pandemic. By leveraging remote court hearings and nation-leading safety protocols, the Judicial Branch has ensured Minnesotans have always had a place to turn to seek justice, protect their rights, and peacefully resolve their disputes.

As Minnesota emerges from this time of crisis, the Judicial Branch is using the lessons and experiences of the pandemic to modernize and improve how the judiciary serves the people of Minnesota. The FY24-25 budget request will ensure that Minnesota's courts can continue to deliver timely and effective access to justice, eliminate the pandemic backlog, and expand access to justice through remote hearings and other technological innovation.

### Total FY24-25 Budget Request

FY24	FY25	FY24-25
\$47.963 m.	\$55.576 m.	\$103.539 m.

*This is an 11.22% permanent increase over base budget.*

### Addressing Judicial Branch Workforce Challenges

The single biggest challenge facing the Minnesota Judicial Branch is retaining and attracting a skilled workforce.

Judicial Branch compensation has fallen significantly behind other public sector employers in Minnesota. Meanwhile, Minnesota judges and court staff have seen their salaries remain flat at a time of historically high inflation and wage growth.

Without a competitive compensation structure, Minnesota's courts are struggling to find and keep qualified judges and staff to maintain the state's justice system. Court staff departure rates increased by 52% from FY19 to FY22. Meanwhile, the number of applicants for each open position with the courts fell by 73%.

This funding request will help the Judicial Branch offer compensation competitive with other public sector employers and help offset the impact of inflation on current Judicial Branch employees. Most importantly, this request will ensure Minnesota's courts have the workforce needed to continue providing timely and effective access to justice. This request also includes funding for the employer share of health insurance cost increases.

FY24	FY25	FY24-25
\$29.542 m.	\$52.958 m.	\$82.482 m.

• Increase judge compensation by 9% in FY24 and 6% in FY25.

• Provide a 9% compensation pool for employees in FY24 and 6% in FY25.

• Fund health insurance premium increases in each year.

### Tackling the Pandemic Criminal Case Backlog

During the COVID-19 pandemic, Minnesota's courts were forced to take unprecedented steps to limit in-person courthouse activity. While remote hearings allowed the Judicial Branch to address much of the incoming caseload during the pandemic, limited in-person courthouse activity resulted in a significant increase in pending felony and gross misdemeanor cases in Minnesota's district courts.

FY24	FY25	FY24-25
\$8.421 m.	-	\$8.421 m.

*Use senior judges and temporary staff to help reduce the pandemic backlog of felony and gross misdemeanor cases.*



Since November 2021, the Minnesota Judicial Branch has leveraged federal pandemic relief funding to use senior (retired) judges and temporary staff to help reduce the pandemic backlog. By November 2022, the Judicial Branch had reduced the pandemic backlog by 45%. With that federal funding soon to expire, the Judicial Branch is seeking state funding to continue using senior judges and temporary staff to help eliminate the remainder of the pandemic backlog during the FY24-25 biennium. This is a one-time funding request for FY24.

### Remote Hearings and Other Courtroom Technology

During the pandemic, remote (online) court hearings played a vital role in ensuring access to justice for Minnesotans. Through surveys and focus groups, court users have reported that remote hearings have expanded access to justice and made attending court hearings more convenient and less costly. As a result, the Minnesota Judicial Branch has made a long-term commitment to using remote hearings for many case types into the future.

This funding request will allow the Judicial Branch to continue modernizing courtroom technology to support remote and hybrid court hearings, upgrade interpreter equipment and capabilities, and implement other needed enhancements. This is a one-time funding request for FY24.

FY24	FY25	FY24-25
\$7.400 m.	-	\$7.400 m.
<i>Modernize courtroom technology to support remote hearings, upgrade interpreter equipment, and implement other needed enhancements.</i>		

### Other Funding Priorities

The Judicial Branch FY24-25 budget request also includes funding for the following priorities:

- **Addressing the Rising Cost of Providing Mandated Services:** The Judicial Branch is experiencing significant increases in the court-related cost of providing psychological examinations in criminal and civil commitment cases, due primarily to the increase in both criminal and civil commitment examinations. From FY2019 to FY2022, criminal examinations increased by 28% and civil commitment examinations increased by 48%. The overall cost of providing these services grew by 58%. This funding request will offset the increased cost of providing these statutorily mandated services.
- **Sustaining Newly Established Treatment Courts:** There are currently four treatment courts across the state that were established through federal grants that will soon lose their federal funding. This funding request will allow the Judicial Branch to add these successful programs to the state's treatment court funding formula and enable these treatment courts to continue serving their communities.
- **Maintaining Current Contract Court Interpreter Payment Rate:** The Legislature provided a one-time appropriation during the FY22-23 biennium to increase the payment rates for contract court interpreters. As a result, the Judicial Branch increased payment rates for all contract court interpreters by 8%. Without permanent funding, these payment rate increases will expire at the end of FY23.

Funding Priority	FY24	FY25	FY24-25
Address Mandated Services Deficit	\$1.996 m.	\$1.996 m.	\$3.992 m.
Maintain Four Treatment Courts	\$0.422 m.	\$0.422 m.	\$0.844 m.
Sustain Court Interpreter Payment Rate	\$0.200 m.	\$0.200 m.	\$0.400 m.

