



COMMUNITY LISTENING SESSION SIXTH JUDICIAL DISTRICT

Introduction

In 2010, the Minnesota Judicial Branch created the Committee for Equality and Justice. The committee was established to advance the Judicial Branch's efforts to eliminate from Court operations bias that is based on race, gender, ethnicity, age, disability, socioeconomic status, religion, sexual orientation and any other status protected by law.

The FY16-17 Minnesota Judicial Branch Strategic plan includes a goal to have a Community Dialogue/Listening session in each of the state's 10 judicial districts in partnership with the District's Equal Justice Committee (EJC), the Minnesota Judicial Branch's statewide Committee for Equality and Justice (CEJ), and the local community to ensure equitable treatment for all individuals in the court system.

A Community Dialogue's 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.”

Session Details

A Community Listening session was hosted by the Sixth Judicial District's Equal Justice Committee on Saturday, October 29, 2016 at Denfeld High School in Duluth, MN. Sixth District EJC chair Judge Leslie Beiers, served as moderator. Judges Mike Cuzzo, Jill Eichenwald, Jim Florey, Shaun Floerke, Eric Hylden, Theresa Neo, Referee John Schulte and Sixth District Court Administrator, Amy Turnquist participated as panelists.



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 the courts. The session also allowed judges and administration to listen first-hand to the individual experiences of members of the public.

In preparation for the event, Judge Beiers reviewed the 1993 Minnesota Supreme Court Racial Bias Task Force Report which was dedicated to Thurgood Marshall and quoted his words from 1992: "I wish I could say that racism and prejudice were only distant memories and that liberty and equality were just around the bend. I wish I could say that America has come to appreciate diversity and to see and accept similarity. But as I look around, I see not a nation of unity but of division..." And he encouraged Americans to do better.

Minnesota courts have worked since that report in 1993 through the Racial Fairness Implementation Committee and now the Committee for Equality and Justice to implement the recommendations from the report and beyond:

- Collect self-reported race data in every court
- Analyze and share with the data with local Equal Justice Committees
- Meet with the public through Community Dialogues/Listening Sessions and other methods
- Provide education and for judicial officers and employees on diversity and inclusion-related topics

Each participant of the Listening Session was given a handout with three questions for consideration:

1. If there is one thing that you could change that would make the courts more fair and accessible, what would it be?
2. Do you feel confident that you would be treated fairly if you were to use the court system?
3. Do you think the courts are fair or unfair? How or why did you gain this perspective? Any certain groups of people?

The meeting was conducted as a large group dialogue session with an ASL interpreter available.

Major Themes

Four major themes emerged at the Listening Session:

1. Fairness to Families and Children
2. Criminalization of Poverty
3. Assistance for Self-Represented Litigants
4. Implicit Bias



1. Fairness to Families and Children

Concern was expressed about dealing with the justice system when involved in a divorce with children and the effect the process can have on children. One participant shared that he was denied a Guardian ad Litem (GAL) and felt the GAL was desperately needed to help them deal with the

justice system and the process, especially with respect to fairness for fathers in divorce. Another voiced concern about the often prohibitive cost of family court and asked about resources available for those familiar with the system to meet with divorcing couples with children.

2. Criminalization of Poverty

Concern was raised about the fees defendants incur as part of the court process; both court fines and the fees charged at the county jails. Participants shared that the fees impact the way our system is set up and how poor people can end up becoming criminals because they are poor and cannot seem to get out of the system. One example shared was how the suspension of a driver's license impacts people's livelihoods – they will likely drive anyway but are not likely to keep license tabs and insurance current. This may bring them to the attention of law enforcement and possibly incur additional other charges and fees. A question was raised on whether or not the Sixth Judicial District has a low cost attorney program similar to what is offered in Hennepin County and information regarding the Volunteer Attorney Program and Legal Aid of Northeastern Minnesota was shared.

3. Assistance for Self-Represented Litigants

Kudos were given to the St. Louis County Law Librarian and to Court Administration staff for those without an attorney and in need of legal information assistance when coming to the courthouse. While the support provided is useful, there were questions about other resources for the public to utilize to assist if they feel they cannot afford an attorney.

4. Implicit Bias

A question was asked about whether there are efforts at the local or state level to measure the amount of bias and whether judges cross reference other factors in a person's life when making their decisions.

Suggestions for Follow-Up by the Sixth Equal Justice Committee

1. Information sharing about resources for family cases

- Encourage the bench to offer more information about the Early Neutral Evaluation program with divorcing couples.
- Ensure resources are shared with divorcing couples with a list of costs and contact information.
 - Early Neutral Evaluation program
 - Use of custody evaluators and cost
 - Guardian ad Litem for mandatory cases only

2. Information about access to resources assistance in accessing the justice system

- Work with the Volunteer Attorney Program to market their services
- Share information and resources from Legal Aid of Minnesota
- Work with the local bar association(s) to share more information about pro bono services offered by private attorneys in the Duluth area

3. Resources for self-represented litigants

- More information posted in court administration offices about on the Self Help Centers: <http://www.mncourts.gov/Help-Topics/Self-Help-Centers.aspx>

- More information made available about St. Louis County Law Libraries:<http://www.stlouiscountymn.gov/LAWPUBLICSAFETY/LawLibrary.aspx>
- Keep advised of the work of the Self Represented Litigants Workgroup for future assistance for people filing with the Court

4. Awareness of Implicit Bias

- Stay apprised of the work on the pre-trial release tool that will be validated for the Sixth District in the future.
- Keep talking about the importance of checking in about our own biases
- Ask that the topic of Implicit Bias be on every Sixth District bench meeting for discussion

5. Future Community Listening Sessions

- Plan a future Community Listening session in Duluth to better reach and target communities of color.
- Plan future Community Listening sessions in other locations in the Sixth.