

**2020 Progress Report on the
1989 Gender Fairness Task Force Report**

Drafted by: The Honorable Richelle M. Wahj
District Court Judge, First Judicial District

Access and Fairness Committee Members

Chair: Honorable Richelle M. Wahj, District Court Judge, First Judicial District

Members: Honorable Margaret Chutich, Associate Justice, Minnesota Supreme Court
Honorable JaPaul Harris, District Court Judge, Second Judicial District
Honorable Charlene Hatcher, District Court Judge, Fourth Judicial District
Honorable Mark Herzing, District Court Judge, Seventh Judicial District
Zuri Balamkund, Esq., Minnesota Attorney General's Office
John Buhta, Esq., Southern Minnesota Regional Legal Services
David Clausen, Esq., Douglas county Attorney's Office
Athena Hollins, Esq., Minnesota State Bar Association
Andrew Wold, Esq., Minnesota Office of Higher Education

Staff: Melissa Kantola, State Court Administration
Sarah Welter, State Court Administration

Contributors: Kathryn Bjorklund, Judicial Law Clerk to the Honorable Margaret Chutich
Nathaniel Gier, Judicial Law Clerk to the Honorable Margaret Chutich
Joseph Shields, Judicial Law Clerk to the Honorable Richelle M. Wahj
Mandy Woods, Court Reporter First Judicial District
Matthew Yost, Judicial Law Clerk to the Honorable Richelle M. Wahj

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A Message From Justice Margaret H. Chutich

Co-chairing the Committee for Equality and Justice this past year with Judge Shari Schluchter has been a rewarding and invigorating experience. As part of our efforts, the Committee looked back at the recommendations in the original Minnesota Task Force for Gender Fairness in the Courts to document what has been accomplished and to see what remains to be done. I am pleased to report that with the support, collaboration, and dedicated efforts of many in the Judicial Branch; our predecessor committee; other judicial partners; the Minnesota Legislature; Governors Pawlenty, Dayton, and Walz; and members of the public whom we serve, much progress has been made in achieving gender equity in our court system, and we have documented that progress in this report.

We realize that our work in eliminating bias from court operations, promoting equal access to the courts, and inspiring a high level of trust and public confidence is ongoing. We pledge to continue this critical and challenging work with diligence and dedication.

Justice Margaret H. Chutich

I. Historical Background

In June 1987, Chief Justice Douglas K. Amdahl and the Minnesota Supreme Court established the Minnesota Task Force for Gender Fairness in the Courts (hereinafter “Gender Fairness Task Force”). The Gender Fairness Task Force examined the judicial system to determine whether gender unfairly affects the application, interpretation and enforcement of the law. The Gender Fairness Task Force concluded that gender bias proved to be significant in the Minnesota Judicial Branch.

Accordingly, in 1989, the Gender Fairness Task Force issued a report to address gender bias and focused its recommendations in the areas of family law, domestic violence, criminal and civil justice and the courtroom environment. Later that same year, the Gender Fairness Implementation Committee (GFIC) was established and charged with the responsibility to implement the recommendations of the Gender Fairness Task Force. In addition, in 1993, the Supreme Court also established local implementation committees, now known as Equal Justice Committees, in each judicial district to assist in these efforts. In 2006, the GFIC was designated as an Advisory Committee to the Minnesota Judicial Council (Judicial Council), the governing body overseeing the Minnesota Judicial Branch.

The GFIC published three (3) Progress Reports in 1994, 2006 and 2010. These reports updated the Minnesota Judicial Branch on the status of various recommendations stemming from the initial Gender Fairness Taskforce Report and provided additional recommendations.

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

Since 2010, the Committee for Equality and Justice has continued to carry out recommendations of the Gender Fairness Task Force and subsequent Progress Reports. Despite this continuing work, however, the committee issued no supplemental report to the Judicial Branch to outline its progress.

In 2020-21, the Access and Fairness Subcommittee of the Committee for Equality and Justice reviewed the Gender Fairness Task Force Report and outlined Minnesota Judicial Branch recommendations stemming from that report and progress made in achieving those recommendations. The following outlines the work and recommendations of the subcommittee.

II. Review of Gender Fairness Task Force Recommendations

To prepare this report, the Access and Fairness Subcommittee developed the Gender Fairness Task Force Grid that is attached as Appendix A. This Gender Fairness Task Force Grid is a comprehensive analysis addressing Gender Fairness Task Force recommendations specific to the Minnesota Judicial Branch and outlining action that has been taken to date. In addition, the Gender Fairness Task Force Grid summarizes recommendations that are outside the purview of the Minnesota Judicial Branch.

The Minnesota Judicial Branch has made significant progress towards its mandate to implement the Gender Fairness Task Force recommendations and to monitor the effectiveness of approved reform

measures. Early on the GFIC used a two-pronged approach of judicial education and legislative action to accomplish many of the stated recommendations. As outlined in the Gender Fairness Task Force Grid, many recommendations have been adopted and fulfilled.

This progress report will focus on the many achievements in the area of family law and domestic violence.

A. Family Law

One of the key findings of the Gender Fairness Task Force Report was the need for judicial education on gender issues arising in family law cases. Specifically, recommendations were made on judicial education in the area of spousal maintenance, division of marital property, child support, custody determinations and domestic violence issues. Since 1989, the Minnesota Judicial Branch has offered more than 100 educational programs in family law and domestic violence to judges, magistrates and referees across the state. Judicial education on family law topics and domestic abuse issues are routinely provided at the Annual Conference of Judges and the Minnesota District Judges Association and Foundation Annual Conference. In addition, the Minnesota Judicial Branch provides New Judge Orientation which includes judicial education on all family law issues and specific classes and training on domestic violence issues. The Minnesota Family Law Institute now runs a separate judicial education track providing additional educational opportunities relating to family law proceedings.

The Gender Fairness Task Force also made numerous recommendations regarding access to the courts in family law proceedings. These recommendations focused on three areas: assistance for Self-Represented Litigants, translation of court forms and judicial education on statutes authorizing the award of attorney's fees and costs. By Minnesota Supreme Court Order, the General Rules of Practice were amended to provide for Self-Help programs. Self-Help Centers are available in courthouses throughout the state which provide Self-Represented Litigants with general family court information, provide access to litigants to print court forms and permit litigants to speak or email with Self-Help staff members. Further, the "Minnesota Guide & File" web-page was created to assist litigants with forms needed to start a dissolution proceeding in Minnesota. The Minnesota Judicial Branch has translated certain court forms into other languages and all Self-Help centers have access to interpreters who can assist with communicating with Self-Represented Litigants. Finally, judicial education on statutes authorizing the award of temporary attorney's fees and permanent need-based and conduct-based attorney's fees and costs has been provided.

B. Domestic Violence

Following the Gender Fairness Task Force Report, the GFIC established domestic violence as its top priority concluding that, "domestic abuse victims do not receive the relief, either civil or criminal, that our legislature intended to provide." 1989 Gender Task Force Report, p. 35. Substantial work has been done in the area of domestic abuse. There have been numerous

judicial education courses and resources developed to address domestic abuse issues and gender bias including stereotyping and sensitivity. Judicial education on issues including abuse dynamics, the dangers of victim blaming, immigration issues and the cycle of domestic abuse have been provided. In addition, the Domestic Abuse Risk Assessment Bench Guide was developed and distributed to all judges, referees and magistrates and has been subject to several updates since its initial publication in 2009. Ongoing webinars provide training on the use of the Domestic Abuse Risk Assessment Bench Guide. Further, recognizing the important role of domestic abuse advocates in these proceedings, by Order of the Minnesota Supreme Court, domestic abuse advocates are permitted to attend and sit at counsel table and confer with the victim during both civil and criminal domestic abuse proceedings. Recently, substantial work has been done in the area of firearm surrender to ensure that compliance occurs with Minnesota Statutes following both criminal and civil domestic abuse cases. District Courts have developed court processes to address firearm surrender hearings, improved firearm surrender forms and provided substantial judicial education on issues surrounding firearm surrender in domestic abuse cases.

Beyond the laudable work in the areas of family law and domestic violence, most recommendations have been completed in the areas of criminal justice, civil justice and the courtroom environment.

III. Access and Fairness Recommendations

The Access and Fairness Subcommittee recognizes that the Minnesota Judicial Branch has made commendable progress in fulfilling most of the original recommendations of the Gender Fairness Task Force. In fact, only two recommendations in the courts' purview have not been addressed or fulfilled: 1) in the family law area, ensuring that courts "discontinue the use of the terms "rehabilitative" or "short-term" and adopt the term "maintenance" as standard usage; and 2) "Judicial districts should develop policies for the assignment of judges which treat applicants fairly regardless of gender."

To address these remaining issues, the Access and Fairness Subcommittee recommends the following:

1. Use of the Term "Maintenance." The Committee for Equality and Justice believes that this issue can be resolved by further judicial education. It will ask its liaisons to the appellate and district courts to raise this issue in bench meetings and with appropriate court staff members.
2. Judicial Assignment. The Committee for Equality and Justice acknowledges that, since this initial recommendation was made, many of the chief judges who are now making work and committee assignments are now women. To assess whether an issue still exists concerning the fairness of the assignment of judicial work and committee participation based upon gender, the Committee will consult with its district liaisons and with the Minnesota District Judges Association and, if necessary, make recommendations to ensure that gender fairness is achieved.

IV. Conclusion

Minnesota Supreme Court Chief Justice, Lori Gildea, recently stated:

“While our courts will always stand for the cause of justice, fairness, and equality, it is important that we lead not just with our words, but with our actions. It is crucial that every Minnesotan believes our courts will provide a fair, impartial resolution to their cases and disputes, and that they see matters before our courts decided by the rule of law.”

As the Gender Fairness Task Force Grid shows, the Committee for Equality and Justice, and its predecessor committee, has made substantial progress in fulfilling their mandate to carry out the recommendations of the Gender Fairness Task Force. Even so, the Minnesota Judicial Branch cannot become complacent. Considerable work remains to address current issues of gender fairness issues for all court users, and the Committee for Equality and Justice looks forward to identifying and addressing those challenges as it continues its work.

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Color Key:  Complete  In Progress or Partially Complete  Not Started

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
A. FAMILY LAW							
I. SPOUSAL MAINTENANCE							
<p>a) Judicial education courses and continuing education for lawyers in family law should address spousal maintenance. These courses should contain: (1) information about the economic realities facing women attempting to re-enter the labor market after extended absences, including practical exercises dealing with spousal maintenance determinations; and (2) information emphasizing the need to make specific maintenance findings on all of the factors which state law requires courts to consider in awarding maintenance.</p>	<p>More than 15 educational programs have been presented to the legal community about spousal maintenance issues since the task force report was released in 1989.</p> <p>Programs addressing spousal maintenance have been presented to judges at their annual conference and at Minnesota’s Judicial College on seven occasions from 1990-1993. This topic has been covered in the annual New Judge Orientation every year since 1989. Programs addressing property issues were presented at two statewide judges’ conferences.</p> <p>Spousal maintenance has been covered each year at the Minnesota Family Law Institute, attended by more than 1,500 attorneys and judges. This has been the topic of a panel discussion by judges and a program presented by the Minnesota Institute of Legal Education.</p>	<p>1994 Progress Report</p> <p>1994 Progress Report</p> <p>1994 Progress Report</p>		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	Minnesota Family Law Institute has implemented a Judicial Track addressing spousal maintenance.	MJB SharePoint; Judicial Education					
	New Judge Orientation provides judicial education on spousal maintenance issues.	MJB SharePoint; Judicial Education					
	Family Law Financial Hour	MJB SharePoint; Judicial Education; Family Law Institute; March 18, 2019					
	Modification of Spousal Maintenance for Cohabitation and Other Changes of Circumstances	MJB SharePoint; Judicial Education; Family Law Institute; March 21, 2017					
	The Future of Spousal Maintenance: Reform Proposals, Guidelines, and Maintenance in Divorces Involving Older Executives and Those Close to Retirement	MJB SharePoint; Judicial Education; Family Law Institute; March 23, 2015					
	Family Law Case Update	MJB SharePoint; Judicial Education; Annual Conferences of Judges; June 5, 2013					

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
b) Courts should discontinue the use of the terms “rehabilitative” or “short-term” and adopt the term “maintenance” as standard usage.			Minn. Stat § 518.552 refers to permanent and temporary maintenance. Case law reflects that courts continue to use rehabilitative maintenance.	X			
II. PROPERTY DIVISION							
a) Judicial education programs should address the need for judges to divide marital property so that each of the parties retain some liquid and income-producing assets after divorce.	<p>Family Law Case Update</p> <p>Family Law Financial Hour</p> <p>Demystifying the Property and Business Valuation Process</p> <p>Debt Allocation</p> <p>New Judge Orientation</p>	<p>MJB SharePoint; Judicial Education</p> <p>MJB SharePoint; Judicial Education; Family Law Institute; March 18, 2019</p> <p>MJB SharePoint; Judicial Education; Family Law Institute; March 30, 2016</p> <p>MJB SharePoint; Judicial Education; Family Law Institute; March 19, 2013</p> <p>MJB SharePoint; Judicial Education; Annual Conference of Judges; December 5, 2013</p>		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
III. CHILD SUPPORT							
a) Judges should enforce child support orders through the use of contempt.			Codified in Minn. Stat. § 518A.72.	X			
b) In keeping with the original legislative intent, judges should interpret child support guidelines as the minimum level of the non-custodial parent's obligation, rather than the maximum.			Minn. Stat. § 518A.34 establishes computation of presumptive child support. Minn. Stat. § 518A.35 states that guideline support is a rebuttable presumption for determination of child support. Minn. Stat. § 518A.43 addresses deviations from child support guidelines.	X			
c) Judges should calculate the effects of a downward deviation from the guidelines on the post-divorce standard of living of both parties before ordering downward deviation. Judicial education courses in family law should contain information on how to perform these calculations.			Minn. Stat. § 518A.43 addresses deviations from child support guidelines. In determining whether to deviate upward or downward from the presumptive child support obligation the statute requires the court to consider the standard of living the child would enjoy if the parents were living together, but recognizing that the parents now have separate households.	X			
d) Judges should use statutorily authorized judicial sanctions for failure to pay child support, such as the appointment of receivers, where appropriate, and should consider developing additional			Minn. Stat. § 518A.59 addresses interest on child support. Minn. Stat. § 518A.60 addresses collection of arrears. Minn. Stat. § 518A.61 addresses revenue recapture. Minn. Stat. §§ 518A.64 to 518A.75 addresses child support enforcement mechanisms.	X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
creative sanctions, all of which should be incorporated into statewide enforcement policies.							
e) Judicial education programs should address child support topics and issues.	<p>Child support enforcement was the subject of three educational programs from 1990-1992. Child support was covered at the New Judge Orientation in 1992. Judicial education courses on the interpretation and application of Child Support Guidelines were presented at conferences and at the judicial college and at new judge orientation programs six times from 1991-1993.</p> <p>Family Law Financial Hour</p> <p>New Judge Orientation</p> <p>Let's Talk Family Law – Money and Talking to Kids in Court</p>	<p>1994 Progress Report</p> <p>MJB SharePoint; Judicial Education; Family Law Institute; March 18, 2019</p> <p>MJB SharePoint; Judicial Education</p> <p>MJB SharePoint; Judicial Education; MDJF Fall Conference, September 5, 2018</p>		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	Contempt of Court in Family Law Cases Parenting Time Expense Adjustment Contempt in Family Court	MJB SharePoint; Judicial Education; Family Law Institute, March 26, 2018 MJB SharePoint; Judicial Education; March 26, 2018 MJB SharePoint; Judicial Education; Annual Conference of Judges, December 5, 2013					
f)	No action toward collecting information on the economic impact of the income shares child support calculation method should be undertaken until the method is implemented in 2007.		Statutory modifications in 2008 and 2018 to income share models.			X	
IV. CHILD CUSTODY							
a)	Judicial education programs in family law must sensitize the bench to issues of bias in custody determinations; judges must recognize that fathers can be good custodians of small children, and that mothers with careers can be good parents. Custody and Parenting Issues Affecting the LGBTQ+ Community in Minnesota:	1994 Progress Report MJB SharePoint; Judicial Education; Family Law		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	<p>Legal Trends and Developments Post-<i>Obergefell</i></p> <p>Brains, Attachment and Family Time: Supporting Health and Well-Being in Early Childhood</p> <p>Judicial Considerations About Parenting in the Context of Coercive Control</p> <p>No Child Left Behind or Deciding Custody Without an Evaluation</p>	<p>Institute; March 18, 2019</p> <p>MJB SharePoint; Judicial Education; Annual Conference of Judges, December 7, 2017</p> <p>MJB SharePoint; Judicial Education; Family Law Institute, March 25, 2014</p> <p>MJB SharePoint; Judicial Education; Family Law Institute, March 20, 2013</p>					
<p>b) Judicial education programs in family law should educate judges about the need to make custody decisions promptly.</p>	<p>Custody and Parenting Issues Affecting the LGBTQ+ Community in Minnesota: Legal Trends and Developments Post-<i>Obergefell</i></p> <p>Brains, Attachment and Family Time: Supporting Health and Well-Being in Early Childhood</p> <p>Judicial Considerations About Parenting in the Context of Coercive Control</p>	<p>MJB SharePoint; Judicial Education; Family Law Institute; March 18, 2019</p> <p>MJB SharePoint; Judicial Education; Annual Conference of Judges, December 7, 2017</p> <p>MJB SharePoint; Judicial Education; Family Law Institute, March 25, 2014</p>		<p>X</p>			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	No Child Left Behind or Deciding Custody Without an Evaluation	MJB SharePoint; Judicial Education; Family Law Institute, March 20, 2013					
c) Custody mediation should not be ordered where domestic abuse has been documented by means of sworn statements, an OFP, or arrest records.	<p>Five judicial education programs addressed the recommendation that custody mediation should not be ordered where domestic abuse has been documented by means of sworn statements, an OFP, or arrest records. These programs also examined the appropriateness and impact of joint custody orders.</p> <p>Domestic Abuse in Family Court: Better Tools for Better Practices</p> <p>10 Tips to Resolve High Conflict Family Matters</p> <p>Family Law ADR Resources Done Right</p>	<p>1994 Progress Report</p> <p>MJB SharePoint; Judicial Education; Family Law Institute, March 18, 2019</p> <p>MJB SharePoint; Judicial Education; Annual Conference of Judges, December 5, 2018</p> <p>MJB SharePoint; Judicial Education; Annual Conference of Judges, December 1, 2016</p>		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	<p>Comings and Goings – The Footsteps of Abuse – Parts I and II</p> <p>Early Case Management/Early Neutral Evaluation: The Future of Family Case Resolution</p>	<p>MJB SharePoint; Judicial Education; Family Law Institute, March 23, 2015</p> <p>MJB SharePoint; Judicial Education; Annual Conference of Judges, December 6, 2012</p>					
<p>d) Counties using court services for custody evaluations should provide rigorous training and evaluations to ensure that social workers are sensitive to issues of bias in their investigation and reporting.</p>	<p>Some counties have provided gender-sensitive training for custody evaluations to ensure that social workers are sensitive to the issues of bias in their investigations and reporting.</p> <p>The Fourth District utilizes Family Court Services for custody evaluations. Family Court Services utilize a standardized format relative to the best interest factors.</p>	<p>1994 Progress Report</p> <p>Report of Fourth Judicial District, June 2020.</p>		X			
<p>e) The Office of the State Court Administrator should develop a standardized format to be used throughout the state in custody evaluations and reports.</p>	<p>The Office of the State Court Administrator is exploring, with the Conference of Chief Judges, a mechanism for developing a standardized format for custody evaluations and reports.</p>	<p>1994 Progress Report</p>		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	The Fourth District utilizes Family Court Services for custody evaluations. Family Court Services utilize a standardized format relative to the best interest factors.	Report of Fourth Judicial District, June 2020.					
f) Where other evidence about custody is presented to the court, the court must carefully consider it along with any recommendation from a court services worker or private evaluator.	No Child Left Behind or Deciding Custody Without an Evaluation	MJB SharePoint; Judicial Education; Family Law Institute; March 20, 2013		X			
g) Judicial education programs in family law should examine the effects of joint custody orders.	<p>Five judicial education programs addressed the recommendation that custody mediation should not be ordered where domestic abuses has been documented by means of sworn statements, an OFP, or arrest records. These programs also examined the appropriateness and impact of joint custody orders.</p> <p>Custody and Parenting Issues Affecting the LGBTQ+ Community in Minnesota: Legal Trends and Developments Post-<i>Obergefell</i></p> <p>Brains, Attachment and Family Time: Supporting</p>	<p>1994 Progress Report</p> <p>MJB SharePoint; Judicial Education; Family Law Institute; March 18, 2019</p> <p>MJB SharePoint; Judicial Education; Annual Conference</p>		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	Health and Well-Being in Early Childhood	of Judges; December 7, 2017					
	Judicial Considerations About Parenting in the Context of Coercive Control	MJB SharePoint; Judicial Education; Family Law Institute; March 25, 2014					
	No Child Left Behind or Deciding Custody Without an Evaluation	MJB SharePoint; Judicial Education; Family Law Institute; March 20, 2013					
h) Judges should use great caution in deciding to order joint custody; it should be imposed over the objections of one of the parents only where the court makes specific findings which identify the reasons why such an order is in the children's best interests.			Custodial presumptions found in Minn. Stat. § 518.17.	X			
i) The treatment of child custody issues in Order for Protection matters should be examined, and recommendations should issue regarding the interplay between custody and parenting time involving potentially dangerous parties.	The Best Practices for OFP Proceedings workgroup was formed and began an examination of these issues, particularly involving pro se parties. The 2010 Supplement Recommended that the CEJ should continue to analyze this area. 26 Domestic Abuse programs and Family Law programs	The Best Practices for OFP Proceedings workgroup report can be found at Appendix G of the 2010 GIFC Final Report. MJB SharePoint; Judicial Education	Custodial presumptions found in Minn. Stat. § 518.17.				X

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	addressing domestic abuse issues were presented and made available to judicial officers between 2012-2019.						
V. ACCESS TO THE COURTS							
a) Whenever possible, judges should award temporary attorney's fees and costs to the economically dependent spouse in an amount that is sufficient to allow that spouse to effectively pursue relief in family court.		Chapter 574 – H.F. No. 1655 (1990) 1994 Progress Report	Minn. Stat. § 518.131 amended to permit judges to award temporary attorney's fees and costs.	X			
b) Judicial education programs should discuss the issue of providing temporary attorney fees for an economically dependent spouse in the amount sufficient to pursue relief in family court.	The issue of providing temporary attorney fees for an economically dependent spouse in the amount sufficient to pursue relief in family court was discussed at five judicial education programs and included in a new judge orientation session. Family Law training provided to all new judges.	1994 Progress Report MJB SharePoint; Judicial Education			X		
c) Information with respect to accessing the courts, in particular in cases of domestic abuse, should be made available in multiple languages and should be available in multiple locations. The question of	LawHelpMN.org has comprehensive information on domestic violence and how to access help provided in English, Spanish, Somali, and Hmong. The MJB website has some information translated in other languages and	MJB Website				X	

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
<p>what entity has the responsibility for funding, promoting and preparing the materials should be explored by the State Court Administration Interpreter Program.</p>	<p>Self-Help Centers located in courthouses have some translated materials available. A complete assessment of what is available and what is needed has not yet been done. All MJB Self-Help Centers have access to interpreters who can assist staff with communicating with SRLs.</p>						
<p>d) Representatives of the Gender Fairness Implementation Committee should meet with the Racial Fairness Implementation Committee to discuss cultural awareness training issues and opportunities.</p>	<p>In June 2010, the Judicial Council established the Committee for Equality and Justice replacing the Racial Fairness and Gender Fairness Implementation Committees. The Committee for Equality and Justice is charged with working collaboratively across the Minnesota Judicial Branch to advance efforts to eliminate bias from court operations, to promote equal access to the court, and to inspire a high level of trust and public confidence in the Minnesota Judicial Branch. Since 2010, the Committee for Equality and Justice has continued to implement recommendations of the Race Bias Task Force and subsequent Progress Reports</p> <p><i>See also</i> Race Bias Task Force Grid.</p>	<p>2019 Progress Report</p>				<p>X</p>	

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
e) The Judicial Council should consider a policy relating to what court documents should be translated and who has responsibility for the funding. Translation of judicial orders as well as forms should be considered.	Minnesota Judicial Branch Policy 503(b) includes procedures on requesting translations of existing court forms and prioritizing requests. A matrix is used to assess which forms are considered vital for translation. Funding for translation of court forms is secured each year in the Mandated Services budget as line item Central Interpreter. Court Orders are not generally provided in written, translated format unless ordered by the presiding judicial officer. Court Orders are orally translated by the court interpreter during or directly following the hearing.	Minnesota Judicial Branch Policy 503(b) (last revised Jan. 16, 2009)				X	
f) Judicial Council Policy 10.02 should be amended to include the identification and address of barriers to gender fairness within the judicial system.	Minnesota Judicial Branch Policy 1502 includes the identification and address of barriers to gender fairness within the judicial system.	Minnesota Judicial Branch Policy 1502 (last revised June 15, 2017)				X	
VI. GENERAL FAMILY LAW RECOMMENDATIONS							
a) Since family law and domestic abuse cases make up an ever increasing percentage of the caseload in Minnesota's courts at the trial court level, judges	Family law programs were presented at six judicial conferences between 1989-1993. 43 Family law programs were presented and made available	1994 Progress Report MJB SharePoint; Judicial Education		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
should be required to accumulate at least ten hours of judicial education credit in these two areas during each certification period.	to judicial officers between 2013-2019.						
b) Judges and attorneys must include more comprehensive economic information about the parties to a divorce in both temporary and final orders. Court records are often incomplete, and vital statistics data accumulated at the state level are presently not detailed enough to permit thorough analysis of the effects of divorce on families and children.	Doing it Write – Family Law Findings that Make Everyone’s Life Easier	MJB SharePoint; Judicial Education; Family Law Institute; March 18, 2019	Various statutes have been amended to require detailed findings in family cases. <i>See generally</i> Minn. Stat. § 518.17 (custody and parenting time); Minn. Stat. § 518.552 (spousal maintenance); Minn. Stat. § 518.58 (property division); Minn. Stat. § 518.14 (attorney’s fees and costs); Minn. Stat. § 518A.37 (child support); Minn. Stat. § 518A.39 (modification of support); Minn. Stat. § 518A.43 (deviation from child support guidelines).	X			
c) The Office of the State Court Administrator should develop materials which explain the function of the court in family law matters to litigants. These materials could include both pamphlets and videotapes. They should be distributed statewide.	With funding from the Legislature, three educational videos were produced that explain the function of family courts to litigants. The videos are entitled “Divorce in Minnesota: An Overview,” “The Process of Divorce,” and “Consider Kids: Looking Out for the Children in Divorce.” MJB Website Self-Help Center provides an overview of family law matters including an overview of the law, frequently asked questions,	1994 Progress Report MJB Website; May 2020		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	<p>forms, links to applicable statutes and rules, family court motions and various resources. Links to publications include: "Custody & Parenting Time Legal Resources," "Early Neutral Evaluation (ENE) in Family Court Cases," "Finding a Lawyer," "Guardian Ad Litem Program," "Legal Steps Manual: Raising Relatives' Children," "Child-Focused Parenting Time Guide," "Pro Se Appeal of a Family Court Case," "Resource Center for Fathers and Families," "Rights & Responsibilities of Unmarried Parents," "What to Expect as a Self-Represented Party in a Family Court Trial or Evidentiary Hearing."</p> <p>Additional videos are available: "How to File a Motion in Family Court," "How to File a Motion to Modify Child Support," "How to File a Motion to Stop a Cost of Living Adjustment," and "How to Start a Divorce in Minnesota." Additional publications include: "Getting a Divorce," "Child Support Basics," "What to Expect...Divorce in Minnesota."</p>						

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B. DOMESTIC VIOLENCE							
I. CIVIL PROCESS							
<p>a) Judges, attorneys, court personnel and law enforcement officers should be sensitized to the problems of individuals who have been victims of domestic abuse.</p>	<p>In 1993, a statewide conference was held to bring together representatives of all facets of the justice system that address domestic violence. At the conference, participants formed teams and action plans for reducing the problem at the local level.</p> <p>Law enforcement education programs address domestic violence and domestic abuse laws, as well as responding to victims.</p> <p>26 Domestic Abuse programs and Family Law programs addressing domestic abuse issues were presented and made available to judicial officers between 2012-2019.</p>	<p>1994 Progress Report</p> <p>1994 Progress Report</p> <p>MJB SharePoint; Judicial Education</p>		X			
<p>b) The topics of domestic abuse and Orders for Protection—including information about the abuse dynamic and the dangers of victim blaming—should be addressed in judicial education programs.</p>	<p>Nine programs designed to sensitize judges to the issues of domestic violence were presented at judges conferences held between 1989-1993. Topics included abuse dynamics, the dangers of victim blaming, and the inadvisability of issuing mutual orders for protection without cross-petitions.</p>	<p>1994 Progress Report</p>		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	26 Domestic Abuse programs and Family Law programs addressing domestic abuse issues were presented and made available to judicial officers between 2012-2019.	MJB SharePoint; Judicial Education					
c) Courts should not issue Orders for Protection in cases without cross-petitions.	The inadvisability of issuing mutual orders for protection without cross-petitions was a topic at least one judges' conference held between 1989-1993.	1994 Progress Report		X			
d) Court administrators and their deputies should have training in the area of domestic abuse as well as a good understanding of the Minnesota Domestic Abuse Act.	<p>Court administrators participated in two statewide training sessions. Additional local training has been provided in the Ninth Judicial District.</p> <p>A plenary session on increasing access to justice for court customers who have experienced domestic or sexual violence was presented at the 2019 Court Business Conference. A workshop session on Domestic Violence Courts in MN was presented at the 2019 Minnesota Association for Court Management (MACM) conference. A Cultural Perspectives webinar on understanding domestic violence and its impact was</p>	<p>1994 Progress Report</p> <p>SCAO Update; May 2020</p>		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	scheduled for May 2020. Additional training on domestic violence may have been offered at the district level.						
e) The state's courts should set a uniform standard regarding the role of the domestic abuse advocate at OFP hearings. The advocate should be allowed to attend the hearing, be present at counsel table, and address the court. The courts should also take action to ensure that advocates are allowed to assist in the preparation of OFP petitions.	By Order of the Minnesota Supreme Court, in civil proceedings, domestic abuse advocates are be allowed to attend and sit at counsel table, confer with the victim, and, at the judge's discretion, address the court. In addition, in criminal trial court proceedings, domestic abuse advocates shall be allowed to accompany the victim, confer with the victim and, at sentencing, at the judge's discretion, be heard by the judge. Domestic abuse advocates assist victims of domestic violence in the preparation of petitions for protection orders which the Supreme Court has ordered is not the unauthorized practice of law. The MJB Self-Help Center provides information regarding the role of the advocate.	C2-87-1089 Order In re Domestic Abuse Advocates MJB Website		X			
f) The forms used to petition the court for an Order for	New, simplified forms for orders for protection were	1994 Progress Report		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
<p>Protection should be simplified. For example, proposed orders could contain more sections which would be checked off by the judge.</p>	<p>approved by the Conference of Chief Judges in 1993.</p> <p>Order for protection forms including instructions, petition, orders, and related forms have been simplified and modified numerous times between 2001 and 2019.</p> <p>Forms were also simplified further by being converted into a Guide & File interview in February of 2019. Guide & File is a document assembly tool that asks for the information on the forms in an interview style format. The completed forms are generated and can be printed or filed electronically directly through Guide & File.</p> <p>Most recently order for protection instructions, petition, and several related forms were simplified to use plain language in late 2019. Final publication of updated forms is pending, corresponding updates to translated forms and forms in Guide & File.</p>	<p>SCAO Update; May 2020</p> <p>SCAO Update; May 2020</p> <p>SCAO Update; May 2020</p>					
<p>g) The State Court Administrator's Office should distribute a domestic violence risk</p>	<p>In 2007, the Gender Fairness Implementation Committee developed a risk assessment tool, the Domestic Abuse Risk</p>	<p>A copy of the Bench Guide can be found at Attachment D of</p>				<p>X</p>	<p>X</p>

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
assessment checklist (bench card) to all trial judges in the state.	<p>Assessment Bench Guide, for use at all stages of family, order for protection, civil, and criminal cases involving allegations of domestic violence. The Bench Guide was distributed to all judges, referees, and magistrates in the fall of 2009 and was the subject of a breakout session at the 2010 judges' conference.</p> <p>Re-issued in July 2013 without changes by the Gender Fairness Subcommittee of the Committee for Equality and Justice. Originally prepared by the Gender Fairness Implementation Committee, 2009.</p> <p>2014 Cultural Perspectives Webinar provided by the MJB on the Domestic Abuse Risk Assessment Bench Guide</p>	<p>the 2010 GFIC Final Report.</p> <p>MJB SharePoint; 2013</p> <p>2014 MJB Diversity & Inclusion Report</p>					
h) The Gender Fairness Implementation Committee recommends that local courts consider and implement procedures which will enable judges to have information on parties' involvement in the entire court system readily	A judge shall not investigate facts in a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed.	Minn. R. Jud. Conduct 2.9(C)				X	

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
available when issuing orders in domestic violence cases.	Rule 201 of the Minnesota Rules of Evidence addresses judicial notice of adjudicative facts in civil cases	MINN. R. EVID. 201(E)					
i) Judicial training on the relationship/interplay between domestic violence and immigration should be developed and implemented.	<p>Immigration and Family Law</p> <p>Journey to Safety: The Battered Immigrant Woman’s Experience</p> <p>MJB Cultural Perspectives Education Series on “Working with Immigrant Clients”</p>	<p>MJB SharePoint; Judicial Education; Family Law Institute; March, 2013</p> <p>MJB SharePoint; Judicial Education; Annual Conference of Judges; December 6, 2012</p> <p>Various MJB Diversity & Inclusion Reports</p>				X	
j) Training on domestic violence should be provided to interpreters.	<p>2019 Judicial Bench Card on Use of Interpreters in the Courtroom was updated by CEJ.</p> <p>2019 Informational Pamphlet developed by CEJ to address concerns raised by domestic violence advocates on interpreter bias and use.</p> <p>All interpreters on the state roster and those who work regularly for the MJB were notified on February 2, 2020 by email of a free training opportunity: Interpreting for</p>	<p>CEJ – Access & Fairness Subcommittee; 2019</p> <p>CEJ – Access & Fairness Subcommittee; 2019</p> <p>SCAO Update; May 2020</p>				X	

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	<p>Domestic Violence and Sexual Assault Cases, an interactive online course for court and legal interpreters and other justice system professionals. The course consists of self-paced interactive modules guided by a virtual coach. Participants are immersed in a first-person encounter and interactive learning. The State Court Administration Interpreter Program staff will continue to notify interpreters of training opportunities and encourage them to participate.</p>						
II. CRIMINAL ENFORCEMENT							
i.							
<p>b) The Supreme Court should promulgate a rule which provides that domestic abuse advocates do not commit the unauthorized practice of law when appearing with or assisting victims of domestic violence in criminal proceedings.</p>	<p>By Order of the Minnesota Supreme Court, in civil proceedings, domestic abuse advocates are allowed to attend and sit at counsel table, confer with the victim, and, at the judge's discretion, address the court. In addition, in criminal trial court proceedings, domestic abuse advocates shall be allowed to accompany the victim, confer with the victim and, at sentencing, at the judge's discretion, be heard by the judge. Domestic abuse advocates assist victims of</p>	<p>C2-87-1089 Order In re Domestic Abuse Advocates</p>		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	<p>domestic violence in the preparation of petitions for protection orders which the Supreme Court has ordered is not the unauthorized practice of law.</p> <p>The MJB Self-Help Center provides information regarding the role of the advocate.</p>	<p>MJB Website</p>					
<p>c) Courts should require supervision of conditions of release by court services pending trial in criminal actions and of probationary conditions following sentence.</p>			<p>Minn. Stat. 629.75, subd. 1(b): Domestic Abuse No Contact Order</p> <p>Minn. Stat. 629.72, subd. 2: Bail; Domestic Abuse; Harassment; Violation of OFP; or No Contact Order</p> <p>Minn. Stat. 518B.01: Domestic Abuse Act</p> <p>Minn. R. Crim. P. 6.02: Release by Court or Prosecutor</p> <p>Minn. R. Crim. P. 27.01: Conditions of Release</p>	<p>X</p>			
<p>d) Courts should create uniform forms for statewide use in bail matters for criminal domestic violence proceedings.</p>	<p>The Racial Fairness subcommittee's recommendation that a branch-wide review of evidence-based practices used in making pretrial release decisions take place, was adopted and included in the</p>	<p>2013 MJB Diversity & Inclusion Report</p>		<p>X</p>			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	<p>on the Pretrial Release Project Advisory Workgroup.</p> <p>Judicial Council passes Judicial Branch policy 524 requiring judges to use evidence-based assessment of risk in setting pretrial release conditions and shall presumptively use non-financial release conditions to the greatest degree consistent with evidence-based assessment of flight risk and threat to public safety and to victims of crimes.</p> <p>Domestic Abuse Assessment; Pretrial Bail Evaluation</p>	<p>Minnesota Judicial Branch Policy 524 (effective date March 1, 2018 and January 1, 2019)¹</p> <p>Minn. Stat. § 629.74</p>					
e)	Courts should enforce the statutory mandatory fine requirement in instances of conviction for domestic violence, except in cases of sworn indigence.		Statutory Requirements found in Minn. Stat. §609.2242	X			
C. CRIMINAL AND CIVIL JUSTICE							
I. SEXUAL ASSAULT							
a)	Judicial education programs should be designed and taught, to heighten judicial awareness about the	Judicial education programs are in the planning stages on the subject of acquaintance rape.	1994 Progress Report	X			

¹ Effective date staggered to allow for training and implementation of the validated risk assessment tool in 2018.

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
subject of acquaintance rape.							
b) A judicial education program should be designed and taught to heighten judicial awareness about the pervasive gender-based stereotypes employed in trial of a criminal sexual conduct case and to develop judicial skills in distinguishing between the presentation of a legitimate consent defense and the improper assertion of a gender-biased defense.	Judicial education programs are in the planning stages on the subject of gender-based stereotypes used in the trial of a criminal sexual conduct case, and to develop judicial skills in distinguishing between the presentation of a legitimate consent defense and the improper assertion of a gender-biased defense.	1994 Progress Report		X			
c) Judges should not distinguish in setting bail, conditions of release, or sentencing, in non-familial criminal sexual conduct cases, on the basis of whether the victim and defendant were acquainted.	The Minnesota Judicial Council, through the FY14-15 Judicial Branch Strategic Plan, directed the Committee for Equality and Justice (CEJ) to study evidence-based tools for use in making pretrial release decisions statewide. The purpose of the study was to provide information which would lead to a greater understanding of: 1) statewide pretrial release practices; 2) the use of risk assessment tools; and 3) studying pretrial release outcomes impacted by race or gender.	2014 MJB Diversity & Inclusion Report		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	<p>shall presumptively use non-financial release conditions to the greatest degree consistent with evidence-based assessment of flight risk and threat to public safety and to victims of crimes.</p> <p>Domestic Abuse Assessment; Pretrial Bail Evaluation</p>	<p>Minn. Stat. § 629.74</p>					
<p>d) Judges should curtail improper reliance upon irrelevant gender stereotypes in criminal sexual conduct cases during the voir dire process, counsel’s argument, witness examination, and cross-examination of the victim. They should recognize that this question is considerably broader in scope than the questions subsumed in Minnesota Statutes section 609.347.</p>	<p>Bench Card on Procedural Fairness/Procedural Justice: Practical Tips for Courtroom Proceedings</p> <p>For the past eight years the MJB has offered Judicial Decision Making to judicial officers. This is an innovative program involving introspection and authentic</p>	<p>MJB SharePoint; Judicial Resource Library (Adapted from Emily Gold LaGratta, Procedural Justice: Practical Tips for Courts (2015); Jointly produced by the American Judges Association, the Center for Court Innovation, the National Center for State Courts, and the National Judicial College</p> <p>MJB SharePoint; Judicial Education; 2014-2020</p>		<p>X</p>			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	<p>dialogue addressing such issues as cultural diversity, gender bias, domestic violence, and personal relationships.</p> <p>#MeToo-What Judges Need to Know</p> <p>Adult Victim Sexual Assault: What I Wish I Had Known Before Presiding Over These Challenging Cases</p> <p>2017 Annual Conference of Judges: Access to Justice</p> <p>Making Better Decisions, Managing Information and Improving Productivity</p>	<p>MJB SharePoint; Judicial Education; 2018 Annual Conference of Judges: #Trending; December 5-7, 2018</p> <p>MJB SharePoint; Judicial Education; 2018 Annual Conference of Judges: #Trending; December 5-7, 2018</p> <p>MJB SharePoint; Judicial Education; December 6-8, 2017</p> <p>MJB SharePoint; Judicial Education; 2016 Annual Conference of Judges: Mindful and a Mind Full; November 30-December 2, 2016</p>					

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	<p>The Latest and Greatest News and Material on Procedural Fairness</p> <p>Judges Tell: What I Wish I Had Known Before I Presided in an Adult Victim Sexual Assault Case</p> <p>Judges Words Matter-The Language of Sexual Violence</p> <p>Understanding Sexual Violence</p> <p>Implicit Bias Bench Card developed to encourage</p>	<p>MJB SharePoint; Judicial Education; 2016 Annual Conference of Judges: Mindful and a Mind Full; November 30-December 2, 2016</p> <p>MJB SharePoint; Judicial Education; National Judicial Education Program (A project of Legal Momentum in cooperation with the National Association of Women Judges); 2015</p> <p>MJB SharePoint; Judicial Education; 2015 Annual Conference of Judges: Bridges; December 2-4, 2015</p> <p>MJB SharePoint; Judicial Education ; November 5-6, 2015</p> <p>MJB SharePoint; Judicial Resource Library; Issued by</p>					

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	<p>judicial officers to act consciously and deliberately, be self-aware, and create processes to check on unintended biases.</p> <p>Race and Ethic Fairness in the Courts, “Managing the Unknown: The Impact of Implicit Bias on Fairness in the Courts”</p> <p>Overcoming Implicit Bias Through Effective Voir Dire and Jury Instructions</p> <p>On an annual basis, the MJB offers the Judicial Trial Skills Program, which is a simulation-based exercise, to new trial court judges. It introduces judges to courtroom management, communication, evidence, intervention, juror management, judicial ethics, and bias.</p>	<p>the Committee for Equality and Justice of the Minnesota Judicial Branch; April 2015</p> <p>MJB SharePoint; Judicial Education, New Judge Orientation; October 24, 2012</p> <p>MJB SharePoint; Judicial Education; 2011 Annual Conference of Judges: Lessons from Lincoln; December 7-9, 2011</p> <p>MJB SharePoint; Judicial Education; scheduled annually by the SCAO, Judicial Education Team</p>					
e) Judges should scrutinize proffered plea negotiations in criminal sexual conduct cases to	Minnesota Judges Criminal Benchbook: Pleas/Plea Agreements	MJB SharePoint; Judicial Education; 7th Edition, 2016 Updated 2020		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
ensure that they are not grounded upon improper gender-based stereotypes about the victim.	<p>Sentencing, including Criminal Sexual Conduct</p> <p>Criminal Dispositions and Sentencing</p> <p>Managing the Challenging Criminal Case; Thorny Sentencing Issues</p> <p>Sentencing including Criminal Sexual Conduct</p>	<p>MJB SharePoint; Judicial Education; New Judge Orientation; May 23, 2019</p> <p>MJB SharePoint; Judicial Education; 2019 Annual Conference of Judges: The Flexible Mind; December 4-6, 2019</p> <p>MJB SharePoint, Judicial Education; March 2-3 2017</p> <p>MJB SharePoint; Judicial Education; 2014 Bridging the Gap Program; December 2, 2014</p>					
II. SENTENCING ADULT FELONS							
III. JUVENILE JUSTICE							
IV. CIVIL DAMAGE AWARDS							
a) The Minnesota Civil Jury Instruction Guide (JIG) 160 should be examined by the jury instruction committee to determine the appropriateness of a modification of the JIG	CIV JIG 91.20 and CIV JIG 91.35 address loss of earning capacity. Commentes to CIV. JIG 91.35 reflect that the measure of future damages with respect to earnings is loss of earning capacity, not loss of earnings. <i>See Riley v.</i>			X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
to provide for valuation of lost wage claims by homemakers.	<i>Luedloff</i> , 253 Minn. 447, 452, 92 N.W.2d 806, 810 (1958). A claimant in a personal injury action may recover for loss of future earning capacity, even though there is no intention to resume gainful employment, <i>see Le May v. Minneapolis St. Ry. Co.</i> , 245 Minn. 192, 199–200, 71 N.W.2d 826, 831 (1955); or the claimant is working at home and receiving no wages <i>see Stenshoel v. Great Northern Ry.</i> , 142 Minn. 14, 16, 170 N.W. 695, 696 (1919).						
V. GENDER BASED EMPLOYMENT DISCRIMINATION							
a) Judicial education programs should raise awareness of gender-based employment discrimination within the courts and of the impact of sexist, discriminatory remarks on the overall processing of gender-based employment cases in the courts.	A program on sexual harassment was presented to all chief judges and assistant chief judges, followed by statewide training of judges in 1990.	1994 Progress Report		X			
b) The Judicial Branch should adopt a statewide sexual harassment policy.	In 1990, a system-wide sexual harassment policy was adopted by the Minnesota Supreme Court. Human Resources Policy 304 includes procedure for sexual harassment complaints	1994 Progress Report Human Resources Policy 304, Discrimination and			X		

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	<p>against MJB employees and judges.</p> <p>Sexual harassment training is required for all employees every two years.</p>	<p>Harassment Policy (last revised June 14, 2018)</p> <p>Human Resources Policy 304, Discrimination and Harassment Policy (last revised June 14, 2018)</p>					
c) Studies in the issue of comparable worth should be completed.	Comparable worth studies have been completed.	1994 Progress Report			X		
d) Court administration and court employees should be required to complete educational programs on sexual harassment	<p>The Judicial Branch sexual harassment policy was the subject of an in-service training at the 1990 conference of court administrators. Court employees throughout the state have been trained regarding the policy and the types of behavior that will not be tolerated.</p> <p>Human Resources Policy 304 includes procedure for sexual harassment complaints against MJB employees and judges.</p> <p>Sexual harassment training is required for all employees every two years.</p>	<p>1994 Progress Report</p> <p>MJB Judicial Council; Jan. 20, 2006</p> <p>MJB Judicial Council; Jan. 20, 2006</p>		X			

D. COURTROOM ENVIRONMENT

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
I. WOMEN LITIGANTS, WITNESSES, AND ATTORNEYS							
<p>a) Standards of gender fair behavior for all participants in the judicial system should be incorporated in such documents as the Code of Judicial Conduct, the Rules of Professional Conduct, and the Rules for Uniform Decorum.</p>	<p>The Minnesota Supreme Court adopted amendments to the Rules of the Board on Judicial Standards and the Rules of Professional Conduct, which makes discrimination or harassment on the basis of gender professional misconduct and grounds for discipline.</p> <p>Code of Judicial Conduct requires judges to refrain from actions reflecting bias, prejudice, and harassment based upon sex, gender, and marital status; and to prevent such conduct by staff, court officials, and others under judge's control, as well as lawyers appearing before the court. This prohibition also covers behavior outside of the judge's official or judicial actions.</p> <p>Rules of decorum under the general court rules incorporate the recommendations of the Task Force on Gender Fairness in 1997.</p>	<p>Minn. R. Board of Jud. Stand. 4(a)(5); Minn. R. Prof. Cond. 8.4(g); 1994 Progress Report</p> <p>Minn. R. Jud. Conduct 2.3, 3.1</p> <p>Minn. Gen. R. Prac. 2.03(d)</p>		X			
<p>b) Special efforts should be made to present innovative, entertaining,</p>	<p>At six judges' conferences, including a new judge orientation, programs were</p>	<p>1994 Progress Report</p>		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
<p>and memorable judicial education programs to enhance sensitivity to gender fairness issues. Programs should include specific reference to the complex issue of when judicial intervention is appropriate to correct a gender fairness problem and how that intervention should be accomplished.</p>	<p>presented to enhance sensitivity to gender fairness issues.</p> <p>Various topics covered at the judge retreats in the 4th District (i.e., LGBTQ programming, “Process and Cultural Considerations,” and implicit bias in jury selection).</p> <p>Implicit Bias</p> <p>Inside the Judicial Mind</p> <p>Gay, Lesbian, Bisexual and Transgender People in Your Courtroom: Recent Data, Practical Tool & Best Practices</p> <p>Understanding LGBT Clients in the Minnesota Courts</p>	<p>MJB SharePoint; 4th District Judicial Resource Center; Bench Retreats Lunch & Learn; 2013-19</p> <p>MJB SharePoint; Judicial Education; Bridging the Gap; 2014, 2018</p> <p>MJB SharePoint; Judicial Education; Annual Conferences of Judges; 2017</p> <p>MJB SharePoint; Judicial Education; Annual Conferences of Judges; 2011</p> <p>2013 MJB Diveristy & Inclusion Report</p>					

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	Working with Transgender Individuals in the Court System	2013 MJB Diveristy & Inclusion Report					
c) A guide on “How to Conduct Gender-Fair Proceedings” should be drafted and distributed to all judges. Such a guide could discuss forms of address, provide a uniform method for designating attorneys, and explain how to avoid in-chambers discussion topics which tend to exclude persons of one gender.	<p>A guidebook on “How to Conduct Gender-Fair Proceedings” has been produced for all state court judges.</p> <p>The United States Supreme Court extended <i>Batson</i> challenges to include peremptory challenges based solely on gender. <i>J.E.B. v. Alabama ex rel. T.B.</i>, 511 U.S. 127 (1994).</p> <p>The Minnesota Supreme Court clarified that <i>Batson</i> challenges apply to jury members excluded based on gender. <i>State v. Greenleaf</i>, 591 N.W.2d 488 (Minn. 1999) (“The use of peremptory challenges to exclude persons from the jury solely on the bases of either race <i>or</i> gender is prohibited by the Equal Protection Clause of the United States Constitution.”).</p>	<p>1994 Progress Report</p> <p>Apr. 19, 1994</p> <p>Apr. 15, 1999</p>		X			
d) The Gender Fairness Implementation Committee should study and make	The Minnesota Board on Judicial Standards was created by the Legislature in 1972.					X	X

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
<p>recommendations on the implementation of a complaint process to handle gender bias remarks and actions by judges and court employees.</p>	<p>Minn. Code Jud. Cond. R. 2.3 addresses bias, prejudice, and harassment. Minn. R. Board on Jud. Stand. 8 codifies the procedure for processing complaints against judges.</p> <p>In response to concerns regarding conduct that was problematic but did not “rise to the level” of a complaint to the Board of Judicial Standards, the Gender Fairness Implementation Committee created an “Informal Complaint Process” workgroup to examine systems, procedures, etc., to determine whether these existing systems were adequate to handle these types of complaints. The workgroup concluded that no changes to the existing system were necessary.</p> <p>Section IV incorporates a complaint procedure for discrimination and harassment.</p>	<p>The recommendations of the “Informal Complaint Process” workgroup can be found at Attachment E of the 2010 Gender Fairness Implementation Committee Final Report</p> <p>Human Resources Policy 304, Discrimination and Harassment Policy, part IV (last revised June 14, 2018)</p>					
<p>e) The Gender Fairness Implementation Committee should review established</p>	<p>In 2008, the MSBA issued a report entitled Diversity & Gender Equality in the Legal Profession: Best Practices</p>	<p>The Final Report is found at Attachment B of</p>					<p>X</p>

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
<p>literature on gender equality best practices and identify further recommendations that warrant further consideration and acceptance from the Judicial Branch.</p>	<p>Guide. A GFIC subcommittee was established to review the document with the purpose of identifying any recommendations that warrant further consideration and acceptance from the Judicial Branch from the perspective of the GFIC.</p> <p>In 2010, MJB provided the first statewide training through ITV on “Why Diveristy Matters in the Minnesota State Courts.”</p>	<p>the 2010 GFIC Final Report.</p> <p>2010 MJB Diversity & Inclusion Report</p>					
<p>f) The manner in which Judicial Brach policies and practices impact court users should be examined, and recommendations on improvements to provide greater access to the courts and court-related materials should be made available.</p>	<p>The GFIC created the Work-Life Balance workgroup to examine Judicial Branch policies and practices and their impacts on court users. The workgroup concluded that improvements could be made to provide greater access to the courts and court-related materials.</p> <p>According to the 2018 annual report, “Minnesota ranks as one of the highest-scoring states in the nation on the Justice Index, an independent examination of how well state court systems ensure access to justice for those who can’t afford an attorney, those with</p>	<p>The Work-Life Balance workgroup recommendations are found at Attachment F of the 2010 GFIC Final Report.</p> <p>2018 Annual Report</p>					

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	<p>limited-English proficiency, and those with disabilities.”</p> <p>The Branch’s #1 strategic goal in 2014–15 was “access to justice.” The branch has since prioritized and continued to improve access to justice.</p>	<p>Priorities and Strategies for Minnesota’s Judicial Branch</p>					
II. WOMEN JUDGES							
<p>a) Chief Judges and court employees should be given training to assure that women judges are given adequate respect and any problems are appropriately remedied.</p>	<p>Judges have access to judicial education on implicit bias. The Judicial Decision Making program includes discussions amongst judge attendees concerning the treatment of women judges.</p> <p>Administrative staff receive trainings on “Why Diversity Matters, Appropriate Workplace Behavior, and Sexual Harassment in the Workplace” as well as implicit bias courses upon request.</p>	<p>Email from Judicial and Employee Education Program Manager, highlighting actions taken since 2014; February 21, 2020</p>		X			
<p>b) The judicial education system should include an opportunity for all new women judges, and especially for those geographically isolated, to learn from more experienced women judges about how best to</p>	<p>At New Judge Orientation, new women judges now have an opportunity to learn from more experienced women judges.</p>	<p>Judicial and Employee Education Program Manager; 2020</p>		X	X		

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
deal with gender fairness issues.							
c) The Supreme Court Information Office should ensure equal representation of women judges in publicity about the judicial system.	<p>For 18 of the last 22 years, 1998 to 2006 and 2010 to the time of this report, the Minnesota Supreme Court Chief Justice has been a woman. This position is presently held by Chief Justice Lorie S. Gildea, who is the main spokesperson for the branch.</p> <p>As of May 2020, the Chief Judge of the Court of Appeals will be a woman, and 6 of the 10 Chief Judges in Minnesota Judicial Districts will be women. Chief Judges are often spokespeople for their districts.</p>	Email from Director of Communications and Public Affairs; April 21, 2020		X			
d) In providing speakers at judges' meetings, attention should be paid to obtaining respected women speakers on substantive issues.	"[W]e do not have any policies that prioritize women in the role of speakers at judges' meetings. However when we plan our educational program, we do strive to ensure we are including faculty members from diverse backgrounds to include race, gender, ethnicity, age, disability, sexual orientation, etc."	Email from Judicial and Employee Education Program Manager, highlighting actions taken since 2014; February 20, 2020		X			
e) Judicial districts should develop policies for the assignment of judges	There are no formal policies in place, but in larger metropolitan counties a standardized rotation takes	Conversations with district court		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
which treat applicants fairly regardless of gender.	place. In Hennepin and Ramsey Counties, lead judges in each division are selected by the Chief Judge. In smaller counties in greater Minnesota, there are typically no judicial assignments and work is divided between or among the judges.	judges; Apr. 22, 2020					
III. COURT DOCUMENTS							
a) The Supreme Court and the Office of the State Court Administrator should issue general directives on the use of unbiased language in court documents, brochures, and forms. Such directives should make clear that masculine pronouns are not to be used as if they were neutral words; that all unnecessary gender-specific language should be deleted; and that drafters should consider the inclusion of language to promote gender fairness in court policy statements.	Court forms and documents have been reviewed and revised to assure that they use unbiased and gender neutral language. Minnesota Judges Criminal Benchbook incorporates all gender-neutral language.	1994 Progress Report Minnesota Judges Criminal Benchbook		X			
b) The Supreme Court and the Office of the State Court Administrator should appoint committees immediately to review and amend all	Review accomplished.			X	X		

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
existing court documents which use gender-biased language.							
IV. COURT AS EMPLOYER							
<p>a) The Task Force recommends that the State Court Administrator’s Office conduct a more comprehensive study of employment practices within the state court system and undertake development of behavioral standards of nondiscrimination, development of effective grievance procedures, and employee training where indicated.</p>	<p>As of November 2019 the MJB employs: Females = 2,426; Males = 655</p> <p>For pay band 9 and higher, the numbers are as follows: Female = 450, Male = 139</p> <p>Human Resources Policy 304, Discrimination and Harassment Policy, incorporates a formal complaint procedure for instances of harassment. Human Resources Policy 400(a), Compliance Education Policy and Procedure, requires employees to complete sexual harassment training (“Appropriate Workplace Behavior”) every 2 years.</p> <p>“The Appropriate Workplace Behavior module will cover in-depth topics such as appropriate conduct expected of court employees, sexual harassment, hostile work environment, and bullying.”</p> <p>2010 MJB Study on Demographic Data</p>	<p>Data collected from Human Resources; November 2019</p> <p>Human Resources Policy 304 (last revised June 14, 2018), 400(a) (last revised June 14, 2018)</p> <p>Reported in Branching Out, a publication of the State Court Administrator’s Office; Vol. 19, January 2018</p> <p>2010 MJB Diversity & Inclusion Report</p>		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
<p>b) Cultural awareness training for judges must be ongoing and continuously revisited as diverse communities arise in many locations throughout the state. Judges who have more experience might be asked to mentor or provide resources to other judges.</p>	<p>Judicial Decision Making (“[The program] addresses such issues as cultural diversity, gender bias, domestic violence and personal relationships.”)</p> <p>Language & Cultural Barriers Impacting Interpreters in the Courtroom</p> <p>Promoting Diversity and Inclusion in the Judiciary; Bridges Out of Poverty: Strategies for Professionals and Communities</p> <p>Historical Trauma and the Native American Experience</p> <p>In 2010, MJB provided the first statewide training through ITV on “Why Diversity Matters in the Minnesota State Courts.”</p>	<p>MJB SharePoint; Judicial Education; Judicial Decision Making; 2014–20</p> <p>MJB SharePoint; Judicial Education; Annual Conferences of Judges; 2015</p> <p>MJB SharePoint; Judicial Education; Annual Conferences of Judges; 2013</p> <p>MJB SharePoint; Judicial Education; Annual Conferences of Judges; 2011</p> <p>2010 MJB Diversity & Inclusion Report</p>				X	
<p>c) A committee should be created that focuses broadly on issues of race and gender, using</p>	<p>In December 2009, the GFIC Committee and the Racial Fairness Committee presented a proposal to the</p>	<p>2010 Progress Report</p>					

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
<p>subcommittees assigned to specific areas, including gender and race.</p>	<p>Judicial Council to establish the Committee for Equality and Justice. Upon approval, a workgroup was created consisting of Justice Gildea, Justice Page, and members of both the GFIC and the RFC to develop comprehensive recommendations for the committee's creation. This recommendation was approved in June 2010, the proposed membership of the committee was presented to Judicial Council in November 2010, and the CEJ commenced activities in January 2011.</p> <p>The Committee for Equality and Justice continues to exist and remains active. "Membership for the Committee for Equality and Justice is reflective of the state's geographic and demographic diversity. It is comprised of 26 individuals who are justice system partners, attorneys, court employees, judges and members of the public."</p>	<p>Committee for Equality and Justice Website</p>					
V. SEXUAL HARASSMENT							
<p>a) The State Court Administrator should seek</p>	<p>Human Resources Policy 304, Discrimination and</p>	<p>Human Resources Policy 304,</p>		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
consultation with experts in sexual harassment policy development to establish a policy and grievance system which can work in a structure where there are people with unusual power and people with unusual vulnerability.	Harassment Policy, was created and made effective on Jan. 20, 2006. It has since been updated on Nov. 17, 2011, and June 14, 2018.	Discrimination and Harassment Policy (last revised June 14, 2018)					
b) The variety of sexual harassment policies and disciplinary systems for different categories of court employees should be coordinated so that genuine remedies are available which satisfy the needs of the victims as well as protect the rights of those against whom accusations are made.	Human Resources Policy 304 includes procedure for sexual harassment complaints against MJB employees and judges.	Human Resources Policy 304, Discrimination and Harassment Policy (last revised June 14, 2018)		X			
c) Court employees at all levels should be given specific training to assure that they understand what sorts of behaviors will not be tolerated and to encourage reporting of problems of sexual harassment.	Sexual harassment training is required for all employees every two years	Human Resources Policy 400(a), Compliance Education Policy and Procedure (last revised June 14, 2018)		X			
d) The Canons of Judicial Ethics should be amended to prohibit sexual harassment.	Canon 2, Rule 2.3	Adopted effective July 1, 2009; with amendments effective through July 1, 2016		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
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**APPENDIX A
ITEMS NOT WITHIN JUDICIAL BRANCH PURVIEW**

I. CHILD SUPPORT							
a) When the Minnesota Legislature reexamines its child support guidelines, as required by federal law, it should adopt an approach to establishing child support levels that reduces the disparity between the standard of living of custodial parents and children and non-custodial parents after divorce.	Effective March 1, 2016, when a significant income disparity exists between the parties, the court may deviate from the presumptive child support guidelines and choose not to order a party who has between 10 and 45 percent parenting time to pay basic support when payment would be detrimental to the parties' joint child.	Minn. Stat. § 518A.43, subd. 1a; Chapter 71, S.F. No. 1458 (2015)		X			
b) The Minnesota Legislature should increase child support levels by raising the cap on child support.	Minn. Stat. § 518.551, amended, raising the cap on child support from \$4,000 to \$5,000. This amendment further: (1) required the court to review child care expenses and allocate costs to each parent in proportion with their income; (2) imposed an automatic cost-of-living index on the \$5,000 cap; and (3) required the parent with better medical insurance to provide coverage for the child(ren)	Chapter 340, H.F. No. 1042 (1993)			X		
II. ACCESS TO COURTS							
a) State resources should be made available for the funding of legal	In 1992, the Legislature authorized \$890,000 to provide legal representation	1994 Progress Report		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
representation for poor people in family law matters.	<p>in family matters to poor people.</p> <p>As of 2019, the three sources of state-administered funding account for roughly \$17 million, or 36%, of the annual budget of Minnesota Civil Legal Services programs</p>	Seeking Justice for All: An Overview of Minnesota's Civil Legal Services Network presentation to the House Judiciary Finance Committee on January 31, 2019					
III. GENERAL FAMILY LAW RECOMMENDATIONS							
a) Family law should be one of the subjects on the Minnesota bar examination.	Board of Law Examiners adopted task force recommendation that family law should be one of the subjects covered by the Minnesota bar examination	Effective 1992; 1994 Progress Report		X			
IV. CIVIL PROCESS							
a) Continuing legal education programs should address domestic abuse issues.	Nine programs for lawyers from 1990-1993 included presentations at the annual Criminal Justice Institute.			X	X		
b) The topic of domestic abuse should become part of the curriculum in family law courses in the state's law schools.	All three law schools now include domestic abuse as part of their curriculum.			X	X		
c) Domestic abuse issues should be addressed at local bar association meetings. The Minnesota				X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
State Bar Association could prepare a videotape presentation for use by local bar associations.							
d) State funding for the hiring and training of advocates should be increased.	In 1992, the legislature approved \$300,000 in funding to establish domestic abuse advocacy programs in every judicial district by July 1, 1995.	1994 Progress Report		X			
V. CRIMINAL ENFORCEMENT							
a) The state should create a statewide computerized database on domestic violence, available to law enforcement, prosecutors, courts, and probation, to be accessed under both victim and abuser names, to include: b) Existing OFPs and their conditions; c) Existing conditions of bond and probation; d) Pending criminal charges; e) Past domestic violence criminal history; and f) Past OFPs	At the recommendation of the Task Force, the Department of Public Safety completed a feasibility study for a statewide computer database on domestic violence. The study was presented at the 1991 legislature. While funding was not approved that session, the Legislature created the Criminal and Juvenile Justice Information Task Force, chaired by the State Court Administrator, to study and make recommendations for improvements in the statewide information systems, including an OFP registry.	1994 Progress Report		X			
g) Legislation should be enacted that mandates funds and makes available domestic abuse advocacy programs in each county of the state.	In 1992, legislation was passed which mandated a domestic abuse advocacy program in each judicial district in the state. Funding in			X	X		

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	the amount of \$300,000 was also made available.						
h) Police reporting requirements regarding domestic violence should be expanded to require law enforcement officers, prosecutors, courts, and probation officers to report the items above into the statewide database.	In 1998, legislation was passed which requires police officers who respond to an allegation of domestic abuse to prepare a written report containing the name, address, and telephone number of the victim (if provided), a statement as to whether arrest occurred, the name of the arrested person, and a brief summary of the incident. The legislation provides that copies of this report shall be made available at no cost to the victim, the victim's attorney, or organizations designated as providing services to victims of domestic abuse.	Minn. Stat. § 629.341, subd. 4; Chapter 371, S.F. No. 1378 (1998)		X			
i) Legislation should require medical care providers to report incidents of domestic violence to law enforcement authorities, to preserve and make available physical evidence of injury to the victim.	Legislation requires Minnesota health professionals to report suspicious wounds to local law enforcement.	Minn. Stat. § 626.52, subd. 2		X			
j) Legislations should mandate presentence investigations in all cases of conviction for domestic violence, without ability to waive the requirement.	Beginning in 1998, all domestic abuse convictions, convictions on other charges where a domestic abuse charge was part of the same set of circumstances, and violations of OFPs or HROs	Minn. Stat. § 609.2244; Chapter 239, S.F. No. 1880 (1997)		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	against a family or household member require a pre-sentence domestic abuse investigation.						
k) Legislation should require all county and city prosecuting authorities to have a plan for the effective prosecution of domestic violence cases.	Legislation passed in 1990 requiring the development of model prosecution plans by five pilot cities and counties. Completed plans were circulated to every city and county attorney in the state. Each city and county attorney is required to file a notice with the Department of Public Safety by July 1, 1994, that a plan has been adopted. The effectiveness of the plans will be assessed with an evaluation tool developed for the pilot sites.	Minn. Stat. § 611A.0311, subd. 2, 3; Chapter 583, S.F. No. 1860 (1990)		X	X		
l) A policy commitment should be implemented to end discriminatory dismissals for reasons of "victim cooperation," and to develop effective means of reversing the phenomenon.				X			
m) A single prosecutor should be responsible for each case from initial charge to disposition.	The 1990 legislation referenced in recommendation (e) above called for a single prosecutor to be responsible for each case from initial charge to disposition.			X	X		
n) Early contact between prosecutor and victim,	The 1990 legislation referenced in			X	X		

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
with earliest possible domestic abuse advocate intervention, should be used to explain the use of subpoenas, and the role of victim as witness.	recommendation (e) above called for early contact between prosecutor and victim, with earliest possible domestic abuse advocate intervention, should be used to explain the use of subpoenas and the role of victim as witness.						
o) The use of subpoenas should become standard procedure in all domestic violence prosecutions necessitating appearance of the victim.	The 1990 legislation referenced in recommendation (e) above called for the use of subpoenas as standard procedure in all domestic violence prosecutions necessitating appearance of the victim.			X	X		
p) Coordination should be established with law enforcement authorities to preserve prompt complaint evidence by means of videotape or audio recording.	The 1990 legislation referenced in recommendation (e) above called for coordination to be established with law enforcement authorities to preserve prompt complaint evidence by means of videotape or audio recording.			X	X		
q) The prosecutor's statutory obligation to notify domestic victims in advance of case dismissals should be uniformly enforced and coupled with a requirement that prosecutors state the reason for dismissal in open court.	Minn. Stat. § 611A.0315 amended requiring the prosecutor to make a record of the specific reason for dismissal of criminal charges against a person accused of domestic assault and indicate the specific reason for the unavailability of a witness if	Chapter 583, S.F. No. 1860 (1990)		X	X		

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	that is the reason for dismissal.						
r) Police and sheriff's departments should be encouraged to present in-service training programs concerning domestic abuse. Post Board credit should be offered and the programs should be as realistic as possible.				X			
VI. SEXUAL ASSAULT							
a) The Minnesota Bureau of Criminal Apprehension and the Department of Corrections should determine the incidence of "acquaintance rape" in Minnesota, and ascertain what proportion is formally prosecuted in criminal courts. This examination should be sufficiently detailed to separately examine intrafamilial and nonfamilial cases, and those involving intimate sexual relationships and platonic relationships.	In response to a Task Force recommendation, the Attorney General's office and the University of Minnesota have studied the incidence and nature of acquaintance rape in Minnesota and determined what proportion is being prosecuted in criminal court.			X	X		
b) County attorneys should increase prosecution of "acquaintance rape" cases.				X			
VII. SENTENCING ADULT FELONS							

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
a) The Minnesota Sentencing Guidelines Commission should direct its staff to collect the data necessary to determine whether any gender bias exists in the imposition of non-imprisonment sanctions on adult women and men felony offenders.				X			
b) The Minnesota Sentencing Guidelines Commission data on non-imprisonment sanctions should be made available to the legislative, judicial, and executive branches for the purpose of eliminating any gender bias on non-imprisonment sentences.				X			
c) The Minnesota Department of Corrections should provide a comparable number and type of educational, vocational, and rehabilitative programs for men and women in probationary, imprisonment, and supervised release settings, consistent with the differing needs of men and women adult felony offenders.				X			
d) Local authorities should be encouraged to				X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
provide jail facilities that will result in an equal sentencing impact on both men and women adult felony offenders.							
VIII. JUVENILE JUSTICE							
a) The Department of Corrections should conduct a study to determine if there are disparities for juvenile female status offenders.	As recommended by the Task Force, the Department of Corrections is currently conducting a study to determine if there are disparities for juvenile female status offenders.				X		
b) A procedure should be established which would encourage the appointment of a guardian ad litem for the minor child whenever a child is a victim in a criminal sexual conduct case. The guardian ad litem would not be a party to the action, but would provide information to all parties regarding acceptance or rejection of plea agreements, as well as assisting in the preparation of the victim impact statement for sentencing.			See Minn. Stat. § 260B.163; Minn. Stat. 260B.193.	X			
IX. CIVIL DAMAGE AWARDS							
a) The Task Force implementation	Task Force was implemented and made the following	1994 Progress Report			X		

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
committee should investigate the best methods to collect data on the effect of gender-based stereotypes on personal injury awards.	recommendations: (1) At six judges' conferences, including at a new judge orientation, programs were presented to enhance sensitivity to gender fairness issues; (2) A guide book on "How to Conduct Gender-Fair Proceedings" has been produced for all state court judges; and (3) The Minnesota State Bar Association's video "Gender Equity in the Workplace" was distributed to 21 local bar associations and presented at the state convention.						
X. GENDER BASED EMPLOYMENT DISCRIMINATION							
a) Judicial and attorney education programs should reflect an awareness of the inappropriateness of the defense tactic of appealing to gender stereotypes.	<p>Although they do not directly address the specific defense tactic mentioned, recent examples of continuing learning education opportunities include:</p> <p>I Think, Therefore I Am... Biased: How the Natural Tendency to Form Biases Manifests Itself in the Legal Profession</p> <p>Women Going Solo: Challenges and Opportunities</p> <p>Elimination of Bias: Gender Equality Through</p>	<p>Minncle.org June 12, 2020</p> <p>Minncle.org June 12, 2020</p> <p>Minncle.org May 8, 2020</p>		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	<p>Understanding Gender Diversity</p> <p>Elimination of Bias: Lawyers Tackle Books about Bias and Diversity</p> <p>A Legal Ethics Perspective: The Professional Responsibility System's Changing Approaches to Diversity, Harassment and Discrimination</p> <p>Implicit Bias: Its Impact and How to Counter It</p> <p>In 2010, MJB provided the first statewide training through ITV on "Why Diversity Matters in the Minnesota State Courts."</p> <p>Implicit Bias Bench Card</p>	<p>Minncl.org Dec. 4, 2019</p> <p>Minncl.org May 14, 2018</p> <p>Minncl.org Aug. 29, 2017</p> <p>Minncl.org June 23, 2016</p> <p>2010 MJB Diversity & Inclusion Report</p> <p>MJB SharePoint; Judicial Education; Bridging the Gap; 2014, 2018</p> <p>MJB Diversity & Inclusion Reports; 2014, 2018</p>					

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
b) The Bar Association should seek changes that will encourage claimants to come forward. These changes could include, but are not limited to, increased pro bono or legal aid efforts, increased attorney fee awards, improved security legislation to prevent retaliation by employers, and doubling or tripling the plaintiff's damages.	An example of increased legal aid efforts: "Gender Justice addresses the causes and consequences of gender inequality, both locally and nationally. While we believe gender inequality is detrimental for everyone, we focus particularly on the needs of those individuals who have traditionally had difficulty accessing justice."	Gender Justice		X			
c) The Bar Association should conduct a comparative study of damage awards and other relief granted by administrative agencies and courts.	It appears no such study has been conducted.			X			
d) Law firms should foster an environment within the firm which encourages increased representation of litigants in employment discrimination cases.				X			
XI. WOMEN LITIGANTS, WITNESSES, AND ATTORNEYS							
e) Sensitivity training for lawyers and courtroom	The Minnesota State Bar Association's video "Gender	1994 Progress Report		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
<p>personnel should be provided through law schools, continuing legal education, and employee training programs.</p>	<p>Equity in the Workplace” was distributed to 21 local bar associations and presented at the state convention.</p> <p>MSBA trainings 11/2019-11/2020:</p> <p>11/13/18 – Unconscious Bias and Its Impact on the Profession 12/14/18 – The Intersection of Ethics, Inclusion, and Professionalism: The New Model Rule 8.4(g) 4/13/19 – Understanding Unconscious Bias 10/17/19 – Unconscious Bias – Its Impact and How to Effectively Interrupt it</p>	<p>MSBA website; Nov. 2020</p>					
<p>f) Evidence of gender-fair attitudes and behavior should be a criterion for judicial selection.</p>	<p>Minn. Stat. 480B.01, Subd. 8. Candidate evaluation. The commission shall evaluate the extent to which candidates have the following qualifications for judicial office: integrity, maturity, health if job related, judicial temperament, diligence, legal knowledge, ability and experience, and community service. The commission shall give consideration to women and minorities. The commission shall solicit, in writing, recommendations from attorney associations in</p>	<p>Ch. 608, H.F. 2666 (1990)</p>	<p>From a 10/31/2019 judicial opening posting: “The Commission is searching for fair, experienced, and civic-minded individuals to serve on the bench and offer their talents and services to Minnesota’s judicial system. The following qualities will be considered for judicial office: integrity, maturity, health (if job related), judicial temperament, legal knowledge, ability, experience, and community service. The application process is now open for these vacancies.”</p>	<p>X</p>			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	the judicial district and from organizations that represent minority or women attorneys in the judicial district who have requested solicitation.						
XII. WOMEN JUDGES							
a) The Governor should increase the number of women attorneys appointed as judges so the judiciary will achieve a more balanced gender composition.	<p>A significant number of women attorneys have been appointed to the judiciary by the current and previous governor. Women judges are now found in all judicial districts except the Eighth and Ninth. As of January 1994, 46 women serve on the bench statewide.</p> <p>As of 2017, there are women trial court judges in every judicial district. Statewide, from 1994-2017, there was an increase of 101 judges (46 to 147), a 320% increase.</p> <p>Three judicial districts (Second, Fourth, and Tenth) are majority women at the trial court level. The percentage of women judges in trial courts by district ranges from 35% (Fifth Judicial District) to 55% (Tenth Judicial District).</p>	<p>1994 Progress Report</p> <p>Survey information of all judges compiled in the 2018 Task Force for Gender Fairness in the Courts PowerPoint presentation.</p> <p>2018 Task Force for Gender Fairness in the Courts PowerPoint presentation</p>		X			

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
	<p>As of 2017, the majority of judges on the Minnesota Court of Appeals (65%) and justices on the Minnesota Supreme Court (57%) are women.</p> <p>As of April 22, 2020, 49% of the judges and justices statewide are women.</p>	Judicial Officer Directory, Minnesota Judicial Branch Website					
b) Women should be appointed to vacancies in districts with no women judges.	As of 2017, there are women trial court judges in every judicial district. Based on 2017 data, the Eighth and Ninth Districts, which at the time of the 1989 Progress Report had no women judges, now have four women judges (36%) and eleven women judges (48%) respectively.	2018 Task Force for Gender Fairness in the Courts PowerPoint presentation		X			
c) The ability to work with women and men as equals should be a criterion in the appointment of all judges.				X			
d) Women attorneys should be fairly represented on all committees considering candidates for judicial appointment.	As of November 2019, women are well represented on the Judicial Selection Commission	Judicial Selection Commission Page		X			
e) A workgroup should be established to review the various merit and appointed judicial selection methods to determine if one particular system is superior in	The Judicial Selection Methods workgroup was established and was tasked with reviewing the various merit and appointed judicial selection methods to determine if one particular	The Judicial Selection Methods workgroup's final report is found at Attachment C of the 2010 GFIC Final Report.					X

Recommendation	Action taken	Date of Action & Source	Comments	1989 Report	1994 Report	2006 Report	2010 Report
producing a diverse and representative bench.	system is superior in producing a diverse and representative bench. The workgroup issued a report summarizing their findings.						