

# Report to the Community

Spring 2007



**MINNESOTA  
JUDICIAL  
BRANCH**



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## A LETTER FROM THE CHIEF JUSTICE



On behalf of our more than 3,000 dedicated staff and 304 judges, we are pleased to offer this Report to the Community on the Minnesota Judicial Branch. In this report you will find many examples of innovation underway in the court system, of the challenges facing our courts, and of our efforts to make Minnesota's courts, already acclaimed nationally for efficiency and administrative and judicial excellence, even better.

Minnesota courts were united under one umbrella, fully state-funded, and governed by the Minnesota Judicial Council for the first full year in 2006. We are already using the benefit of this unification to improve efficiency, reduce costs, enhance service to citizens, and share knowledge across the nearly 100 courts and work sites that make up the Minnesota Judicial Branch.

In 2006 the Judicial Council developed a new strategic plan for the Judicial Branch which sets a clear direction over the next three years for the operation of the unified court system. This strategic plan established three long-term, enduring goals for the court system: (1) Access to Justice; (2) Administering Justice for Effective Results; and (3) Public Trust, Accountability and Impartiality.

To further each of these goals, the strategic plan outlines 10 priorities for the 2007-2009 time period. Each of these priorities addresses challenges facing the court system by targeting resources on achievable and measurable strategies.

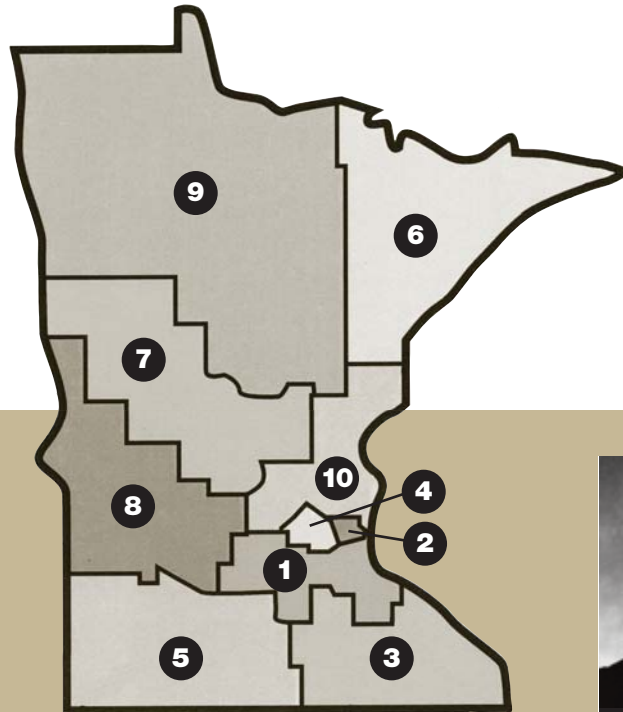
One of the most serious challenges facing the Judicial Branch involves our goal of preserving and enhancing public trust and confidence in the court system. Federal court decisions that have required us to change the way candidates for judgeships may campaign for election pose the threat of politicizing the judiciary in ways we have not seen in Minnesota since the state abandoned partisan judicial elections in 1912.

We will be studying the impact of these events, and considering what changes may be needed to preserve public trust and confidence in the fairness and impartiality of judges in Minnesota.

### **Russell A. Anderson**

*Chief Justice, Minnesota Supreme Court  
Chair, Judicial Council*

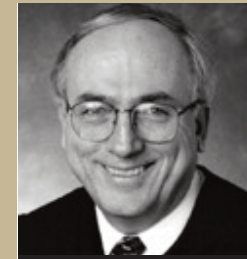
# 2006 DISTRICT COURT CHIEF JUDGES



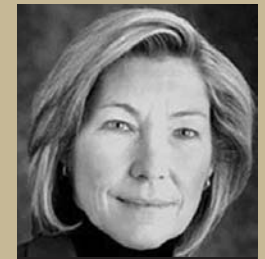
First District  
**William Macklin**



Second District  
**Gregg Johnson**



Third District  
**William Johnson**



Fourth District  
**Lucy Wieland**



Fifth District  
**George Harrelson**



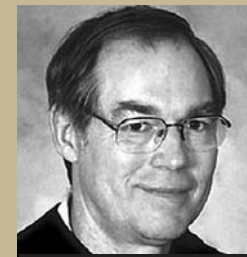
Sixth District  
**James Florey**



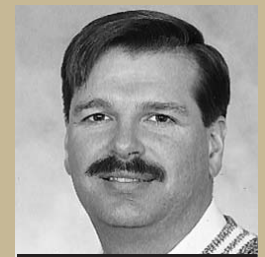
Seventh District  
**Michael Kirk**



Eighth District  
**Paul Nelson**

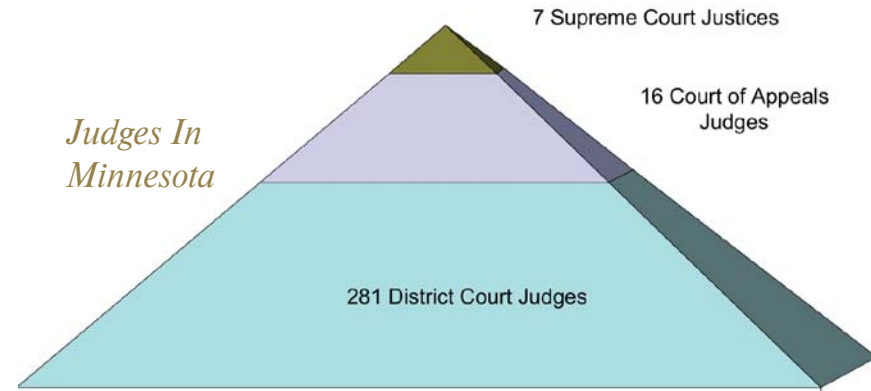


Ninth District  
**John Smith**



Tenth District  
**Gary Schurrer**

# HOW THE MINNESOTA COURT SYSTEM IS STRUCTURED



## DISTRICT (TRIAL) COURT

Civil actions  
 Criminal actions  
 Family  
 Juvenile  
 Probate (dealing with wills)  
 Violations of city ordinances  
 Appeals from Conciliation Court\*  
 Conciliation Court  
 (Civil disputes up to \$7,500)

## COURT OF APPEALS

**Appeals from:**  
 Administrative agency decisions except Tax Court and Workers' Compensation

All trial court decisions except first-degree murder

Decisions of Commissioner of Economic Security

**Original Actions:**  
 Writs of mandamus or prohibition which order a trial judge or public official to perform a specified act, such as permitting media coverage of a hearing

## SUPREME COURT

**Appeals from:**  
 Court of Appeals

Trial court decisions if Supreme Court chooses to bypass the Court of Appeals

Tax Court and Workers' Compensation Court of Appeals

**Original Actions:**  
 First-degree murder convictions

Writs of prohibition\*\*, habeas corpus\*\*\* and mandamus\*\*\*\*

Legislative election contests

\*Called trial de novo- actually a new trial, not just a review of the conciliation court.

\*\*Writ of prohibition- asks that a governmental body or official be prevented from doing something that might cause harm.

\*\*\*Habeas corpus- a complaint alleging that someone has been unlawfully confined and is asking for release.

\*\*\*\*Mandamus- asks that a governmental body or official be commanded to perform a specific act.

# MINNESOTA JUDICIAL COUNCIL

**Hon. Russell A. Anderson (Chair)**

*Chief Justice, Supreme Court*

**Hon. Sam Hanson**

*Associate Justice, Supreme Court*

**Hon. Edward Toussaint Jr.**

*Chief Judge, Court of Appeals*

**Hon. Wilhelmina M. Wright**

*Judge, Court of Appeals*

**Hon. William E. Macklin**

*Chief Judge, First District*

**Hon. David L. Knutson**

*Judge, First District*

**Hon. Gregg E. Johnson**

*Chief Judge, Second District*

**Hon. William A. Johnson**

*Chief Judge, Third District*

**Hon. Lucy A. Wieland**

*Chief Judge, Fourth District*

**Hon. Denise D. Reilly**

*Judge, Fourth District*

**Hon. George I. Harrelson**

*Chief Judge, Fifth District*

**Hon. John R. Rodenberg**

*Judge, Fifth District*

**Hon. James B. Florey**

*Chief Judge, Sixth District*

**Hon. Michael L. Kirk**

*Chief Judge, Seventh District*

**Hon. James W. Hoolihan**

*Judge, Seventh District*

**Hon. Paul A. Nelson**

*Chief Judge, Eighth District*

**Hon. Gerald J. Seibel**

*Judge, Eighth District*

**Hon. John P. Smith (Vice-Chair)**

*Chief Judge, Ninth District*

**Hon. Gary R. Schurrer**

*Chief Judge, Tenth District*

**Sue K. Dosal**

*State Court Administrator*

**Jeffrey G. Shorba**

*Deputy State Court Administrator*

**Gerald J. Winter**

*District Administrator, First District*

**Shelley Ellefson**

*District Administrator, Third District*

**Mark S. Thompson**

*District Administrator, Fourth District*

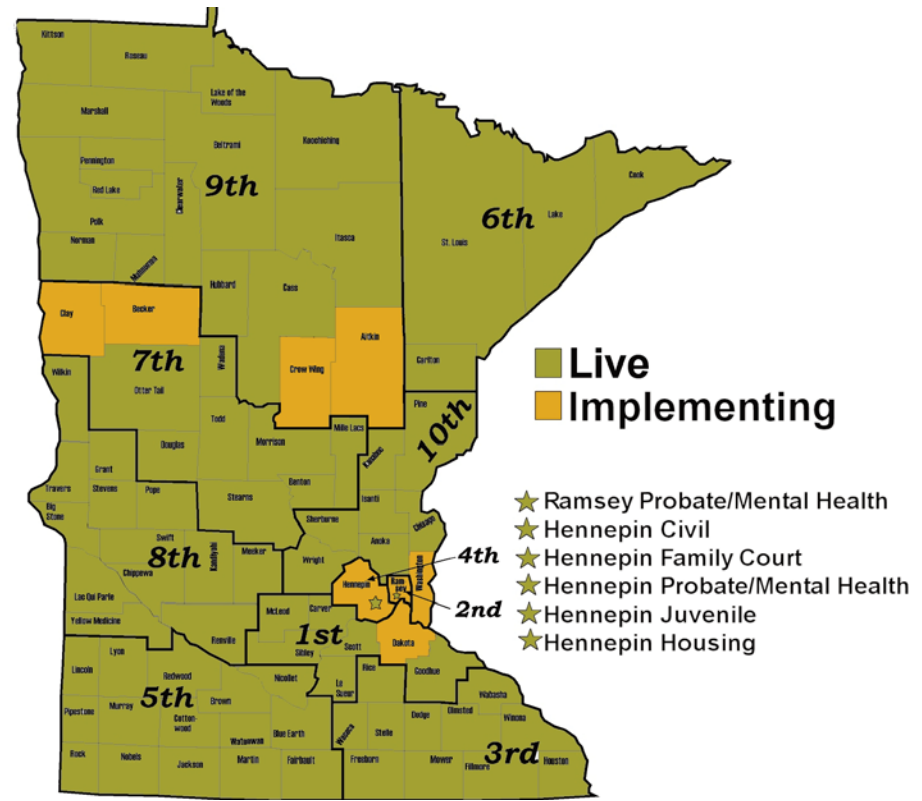
**Judith A. Besemer**

*Court Administrator, Blue Earth County*

The Hon. David P. Sullivan retired as Chief Judge of the 6th District in 2006  
The Hon. Steven E. Drange was Chief Judge of the 8th District for part of 2006  
Richard H. Fasnacht, District Administrator, 5th District, served for part of 2006

# A COMMITMENT TO PROGRESS

*Minnesota Court Information System (MNCIS)*



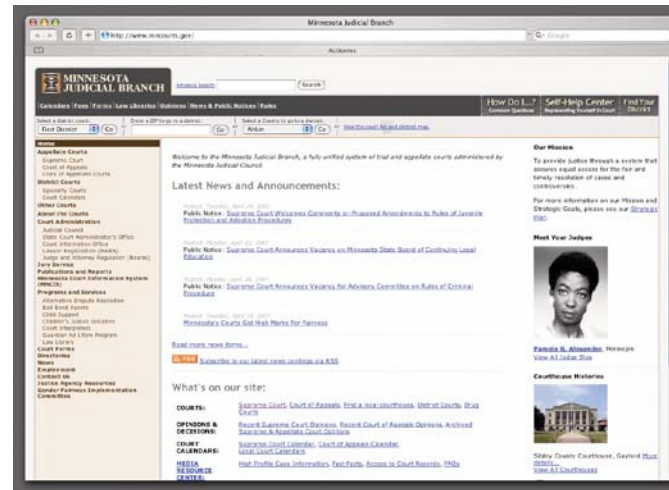
## *New Case Management System Will Provide Instant Access to Case Information*

The year 2006 saw considerable progress in the conversion of court records from throughout the state onto one new system, the **Minnesota Court Information System (MNCIS)**. When completed, at the end of 2007, MNCIS will give judges, court staff, our justice system partners, and the public, via the Internet, access to court records. (see map)

## *New Court Web Site Provides Help for Court Users*

The evolution of the Internet and the World Wide Web have made it possible for the courts to offer citizens instant access to court information such as court calendars, Supreme Court and Court of Appeals opinions, courthouse locations, contact information, and much more. In 2006 the Minnesota Judicial Branch introduced a new, expanded Web site, [www.mncourts.gov](http://www.mncourts.gov).

Our new Web site offers users an easier-to-understand page layout and information directory. It also features a new Self-Help Center that walks users through more than a dozen subjects. This "virtual" Self-Help Center has information and links to legal resources to assist Minnesotans who choose to represent themselves in Minnesota District Courts.



## A COMMITMENT TO PROGRESS

### *New Court Web Site Provides Help for Court Users (cont.)*

Some of the topics covered are: divorce; custody and family law; domestic abuse; harassment; criminal expungement; landlord and tenant issues; probate, wills and estates; car title problems; conciliation court; bankruptcy; guardianship; power of attorney; and subpoenas.

“How Do I?”, another new section, provides answers to questions frequently asked of court staff. And for the first time, Web site users can view instructional videos on several topics, including, “How to Start a Divorce,” “How to File a Motion in Family Court,” “How to Handle a Conciliation Court Hearing,” and more.

Also for the first time, defendants in Hennepin, Ramsey and Dakota counties are able to pay their fines online.

Ramsey County District Court is piloting a service that helps court staff better monitor probate cases. The service enables probate conservators to complete and file an inventory and annual accounts report over the Internet. The program collects the information in a database that allows the court to run reports designed to flag unusual activity.

Visitors to the Judicial Branch Web site can get up-to-date information on appellate and district court calendars, and beginning in 2006, recorded videos of Supreme Court oral arguments can be viewed via the Internet.

### *Drug Courts Reduce Crime, Costs*

The number of Minnesotans sentenced for felony offenses, the number of drug offenders imprisoned, and the length of drug-crime sentences have all increased dramatically in the past decade, according to the Minnesota Sentencing Guidelines Commission. The problem of drug-related crime has become especially acute for the courts. Felonies increased 34 percent between 1999 and 2006. Drug-related case filings make up 17 percent of all felonies. Between 1999 and 2006 methamphetamine-related cases increased 638 percent.

In 2006, reacting to a Supreme Court task force report, the Judicial Council made expansion of drug courts a top priority for the Minnesota Judicial Branch as its primary response to this troubling societal problem. (See: Report on Adult and Juvenile Drug Offenders at [www.mncourts.gov](http://www.mncourts.gov))



## Operational Drug Courts in Minnesota

### Adult

Blue Earth County  
Crow Wing County  
Dodge County  
Hennepin County  
Ramsey County  
St. Louis-Duluth County  
St. Louis-Virginia County  
Stearns County  
Wabasha County  
Watonwan County

### Juvenile

Chisago County  
Dakota County  
Dodge County  
Ramsey County

### Family

Dakota County  
Stearns County

### DWI

Aitkin County  
Cass County  
Koochiching County  
Ramsey County

### Wellness

Cass County

A drug court is a problem-solving approach that uses the power of the court in collaboration with other justice system partners (prosecutors, defense counsel, treatment providers, probation officers, law enforcement, educational and vocational experts, community leaders and others) to closely monitor the defendant's progress toward sobriety and recovery.

Treatment, frequent drug testing, regular mandatory check-in court appearances, and the use of a range of immediate sanctions and incentives are used to foster behavior change. By the end of 2006 Minnesota had 21 drug courts.

Why drug courts? Simply because drug courts are one of the best researched and most effective approaches to addressing chemical dependency-related crime. A 2005 U.S. Government Accountability Office study of a number of drug court programs across the country found recidivism rates for program participants were 10 to 30 percent below those of comparison groups. A 2003 New York study showed that the re-arrest rate for drug court participants was 29 percent lower than comparison groups over a three-year period.

*Ramsey County District Judge Joanne Smith congratulated an April 2007 graduate of the Drug Court program.*



## A COMMITMENT TO PROGRESS

### *Drug Courts Reduce Crime, Costs (cont.)*

And drug courts save the public money. A 2006 study of California's many drug courts found that for a \$14 million investment, the state avoided more than \$43 million in jail and prison costs over a two-year period.

The Judicial Council has convened the multi-disciplinary, cross-branch Drug Court Initiative Advisory Committee (DCI) to oversee and advise policy formulation and implementation, as well as funding distribution for drug courts/problem-solving approaches in Minnesota.

The group will provide guidance to the Judicial Council on long-term strategy and specific action steps needed to ensure the viability, quality, accountability and sustainability of the Drug Court Initiative.

The state's first multi-county Drug Court began operating in 2006. The Faribault/Martin/Jackson County program, which involves the drug court team and participants traveling to Martin Co., held their first session in December 2006. The Brown/Nicollet/Watonwan County program involves the judge traveling to each county. Implementation of the multi-county drug courts will result in 70 percent of the population in the Fifth Judicial District having access to a drug court.

*Chairman of the Leech Lake Tribal Council George Goggeye, Jr. (right) presents the tribal flag to Ninth District Chief Judge John P. Smith (left). Also pictured is Chief Judge of the Leech Lake Tribal Court Honorable Korey Wawassuck. Judges Smith and Wawassuck alternate hearing cases in the Leech Lake/Cass County Wellness Court.*



The Leech Lake-Cass County Wellness Court, a partnership with the Leech Lake Tribal Court, is thought to be the first joint state court/tribal court in the nation.

# A COMMITMENT TO PROGRESS

## *Stearns County Drug Courts Turn Failure Into Success*

This year marked the implementation of Stearns County's second drug court when, on July 1, the Stearns County Family Dependency Treatment Court (FDTC) began screening participants. Eligible participants are parents who have children removed and in out-of-home placement due to substance abuse issues, resulting in findings of abuse or neglect.

By March 2007, eight participants had volunteered to enter the program, one of whom voluntarily terminated her parental rights four months into the program, saying she realized permanent placement was best for her child. The remaining seven participants, with 11 children between them, are on track to reunification. One family reunified in November, but the children returned to care due to a relapse in February, and are currently out-of-home. This participant subsequently returned to treatment and agreed to follow program requirements in anticipation of reunification later this year.

In February 2007, four children were returned to their father. The remaining seven children remained in care, with reunification anticipated in the near future after their parents finish primary substance abuse treatment. Parents who have completed treatment attend an aftercare program. The first graduation from the program will likely occur in August.

The Stearns FDTC joined the Stearns Adult Drug Court, which has been in operation since July 2002. The adult court has served 131 participants, with 35 active as of March 2007. Of the 131, 57 percent are male, 43 percent are female, and they range in age from 18 to 54. The program had 54 graduates through March 2007, 34 of whom were unemployed at intake in the program. Upon graduation, 18 were working full-time, 10 held part-time positions and four were volunteering with local community organizations.

Several graduates have made significant achievements since leaving the program. For example, one graduate, Barb Klein (our first graduate), sits on the Judicial Branch Drug Court Initiative (DCI) as a voice for the drug court movement and recovery. One graduate has held various community leadership positions. Others have celebrated personal milestones. A 20-plus-year meth addict recently celebrated four years of recovery. Another, who graduated the program at the age of 27, and who was simultaneously discharged from probation, realized that it was the first time since she was 13 that she was not on probation.

A final fact: three graduates entered the program on downward durational departures, with successful completion of drug court as a condition of the stayed sentence. Between them, they would have served a combined total of 294 months in prison. All three are now working, parenting and contributing to society in a healthy and productive way.

## A COMMITMENT TO PROGRESS

*Washington County District Court's Self-Help Center assists citizens with legal matters.*

### *Help For Pro Se Litigants Demystifies Court Process, Speeds Resolution*

Many people who come to court can't afford to hire a private attorney to help them resolve their problem. In criminal matters, the state provides a public defender to those who cannot afford an attorney. But in non-criminal matters, litigants are left on their own. By providing an array of services for pro se litigants, the Judicial Branch has found that it can reduce delays and improve litigant satisfaction.

In addition to the new Virtual Self-Help Center on [www.mncourts.gov](http://www.mncourts.gov), several courthouses offer in-person service and support for litigants. Hennepin County District Court's Self-Help Center helped more than 35,000 people in 2006. Similar services are being offered at the Ramsey County Courthouse, the Dakota County Courthouse, the Washington County Courthouse, and via computer terminals in many courthouses throughout the state.

A list of Self-Help services available in Minnesota courthouses is available at the Virtual Self-Help Center on [www.mncourts.gov](http://www.mncourts.gov).

### *Early Evaluation Speeds Family Court Cases, Cuts Costs*

The Early Neutral Evaluation Program (ENE) is a confidential, settlement-oriented and accelerated alternative dispute resolution technique for



Family Court Services. ENE serves divorcing parents or never-married parents who are disputing custody, visitation/access or parenting plans for their minor children.

ENE has been shown to reduce costs and court time and improve relationships between attorneys and parents. The program is offered for financial, as well as child custody and parenting time issues.

The purpose of an ENE is to provide the parties with an early neutral evaluation of the issues in dispute, with the expectation that if the parties have the neutral information, they will be better able to reach an early settlement before their financial resources are expended on litigation. A Fourth Judicial District study concluded that when parties are able to weigh the costs of pursuing adversarial evaluations and litigating financial issues versus an efficient, economical settlement early in the case, most parties favor the early settlement.

The Fourth District was the first to use the Early Neutral Process for Family Court cases. In 2006, the Third and Fifth Judicial Districts collaborated to offer a similar program.

## A COMMITMENT TO PROGRESS

*The Fourth Judicial District Self-Help Center in Minneapolis provided assistance to more than 35,000 people during 2006.*



### *Interpreters Guarantee Access to Justice for Non-English Speakers*

The Minnesota Judicial Branch is committed to providing access to justice to everyone, regardless of the language they speak. To ensure that individuals receive a fair opportunity to explain their case and to participate in court, the Minnesota Judicial Branch created the Court Interpreter Training and Certification Program, the Code of Professional Responsibility for Interpreters, and rules that explain the role of interpreters in court.

In 2006, Minnesota state courts provided interpreters for 30,894 different hearings in 62 different languages. Fifty-seven percent of all interpreting was in Spanish, 11 percent in Hmong, and 10 percent in Somali.

Access to these guidelines, and to a list of qualified court interpreters can be found at [www.mncourts.gov](http://www.mncourts.gov).

### *Guardians ad Litem Advocate for Abused, Neglected Children*

The Minnesota Guardian ad Litem Program (GAL) provides advocates who represent the best interests of abused and neglected children in court proceedings. Guardians ad Litem are paid staff members or volunteers appointed by the Juvenile or Family Court. The program, housed in the Court Services Division of State Court Administration, provides technical and legal support and training assistance, and ensures that a quality

process is in place that continuously seeks to improve the service on behalf of children.

In 2006, more than 1,000 Guardians ad Litem provided assistance on 8,000 cases, serving over 14,000 abused and neglected children.

### *Children's Justice Initiative Focuses on Drug, Alcohol Abuse*

The Children's Justice Initiative (CJI) is a collaboration between the Minnesota Judicial Branch and the Department of Human Services with the goal of improving the processing of child protection cases and outcomes for abused and neglected children.

The Children's Justice Initiative Alcohol and Other Drugs Project was launched in 2005 in recognition of the large role alcohol and drug abuse has played in these cases. The project's goal is to expand access to treatment and services for parents with alcohol and drug problems. Itasca and Stearns counties served as pilot sites for the project. In 2006 the project was expanded to include 12 more counties: Beltrami, Clay, Wadena, Todd, Sherburne, Wright, Hennepin, Chisago, Brown, Faribault, Martin, and Olmsted.

## A COMMITMENT TO PROGRESS

*The Supreme Court held oral arguments at Hutchinson High School and visited with students from area schools as part of the court's bi-annual public education program.*

### *Helping Citizens Better Understand the Courts*

The Minnesota Judicial Branch has a long-held commitment to improving public understanding of the workings of the courts. Most court proceedings are open to the public, including Supreme Court and Court of Appeals oral arguments. Beginning in 2006, video recordings of Supreme Court oral arguments became available on the Judicial Branch Web site.

Every year the Supreme Court holds oral arguments in two high schools and four Minnesota law schools. Following the oral arguments justices talk to the students about their careers, and answer questions about how the court operates and the role of the justices. In 2006 oral arguments were held at Minneapolis South High School and Hutchinson High School.

In the past year three district courts held court proceedings in high school settings: Coon Rapids High School, Wayzata High School and Worthington High School. Students could observe and talk to participants following the proceedings.



The Supreme Court and Twin Cities Public Television's Minnesota Channel teamed up in 2006 to produce, "Justice Matters: Cases That Shaped Law and Society", a documentary about significant Supreme Court decisions. The program aired on TPT-TV in February and May 2007 on stations around the state.

### *Minnesota State Courts Get High Marks for Fairness in Survey*

In an effort to better understand public perceptions about the Minnesota Judicial Branch, the Supreme Court commissioned a survey of Minnesotans in the fall of 2006. The study is a follow-up to one completed in 1999.

The survey of 800 Minnesotans ("The Minnesota Difference: The Minnesota Court System and the Public") revealed that Minnesotans give their state courts and judges high marks for fairness and respectful, friendly service, far higher than national studies on similar issues.

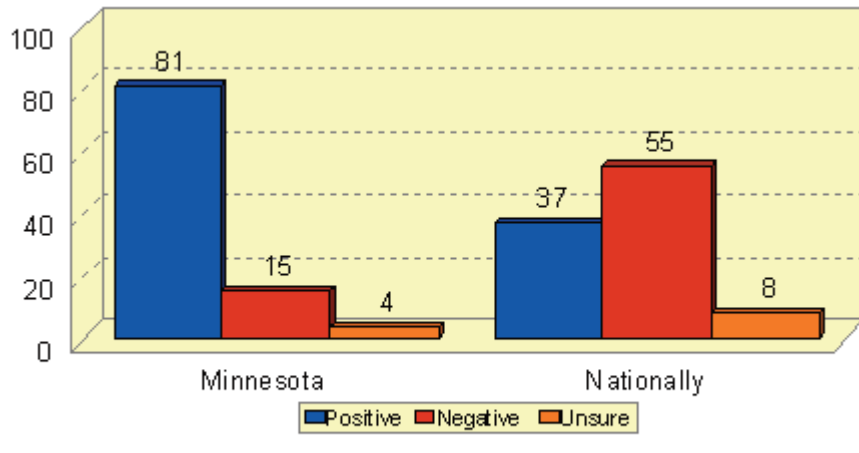
## A COMMITMENT TO PROGRESS

*Chief Justice Russell A. Anderson swears in the YMCA Youth in Government "Supreme Court Justices" in the historic Capitol Courtroom as part of the 2007 program at the Capitol complex. The program brought students from throughout the state to participate in a weeklong program that included an appellate courts section.*



## Job Of Judges Serving The Public

*2006 Minnesota State Courts Survey*



Decision Resources, Ltd.

But the study also revealed that much of the public believes that court action costs too much and takes too long, and that people of color, poor people and non-English-speaking people are treated less fairly by the courts than Caucasians, the middle class and wealthy people.

Survey respondents expressed worry that judges' need to raise campaign contributions (judges must run for election every six years) will affect court decisions. They expressed a strong preference that the courts should be kept free from political pressures.

When asked about their preferences for reducing crime, alternatives to prison proved popular with respondents. By a 70 to 23 percent margin respondents preferred spending public dollars on "funding programs that try to prevent crime by helping offenders find jobs or get treatment for their problems" over "building more prisons so that more criminals can be locked up for longer periods of time." Survey respondents said the top priority of the criminal justice system for dealing with crime should be "prevention, such as youth education programs."

The complete report may be found in the Publications and Reports section of [www.mncourts.gov](http://www.mncourts.gov).

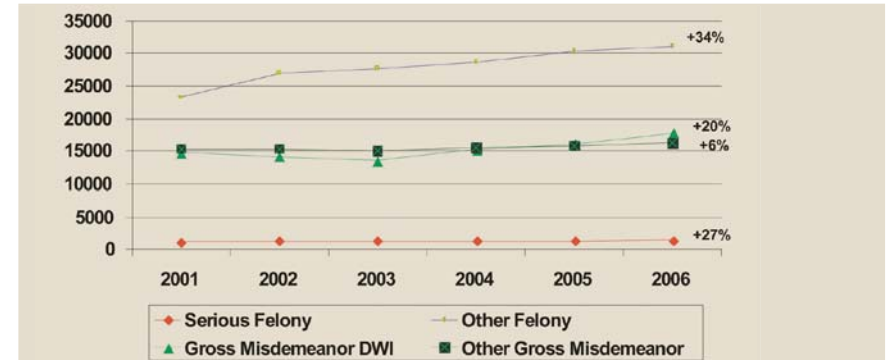
# CASELOAD TRENDS

The number of cases brought to Minnesota’s state courts has been rising dramatically. Judges spend about 78 percent of their time on what are called “major cases” (felonies, gross misdemeanors, juvenile, family, probate and other complex civil matters). Major cases, which require considerable judge interaction have increased by more than eight percent in the past decade.

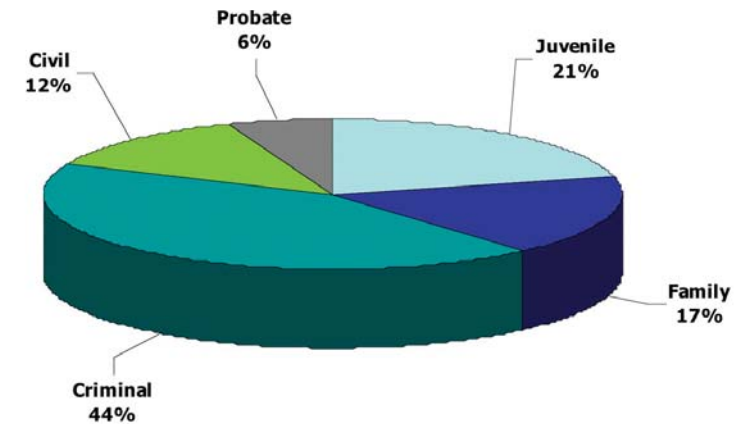
Criminal cases have increased 22 percent just in the past five years. Felonies have increased 34 percent in the same five-year period. The largest growth has occurred in drug-related case filings, which now make up 17 percent of all felonies. A majority of these cases currently involve the drug methamphetamine. The number of methamphetamine related cases increased by 638 percent between 1999 and 2006.

We have seen a similar increase at the appellate level, with the Court of Appeals reporting delays of up to six months between the filing of briefs and the scheduling of oral arguments.

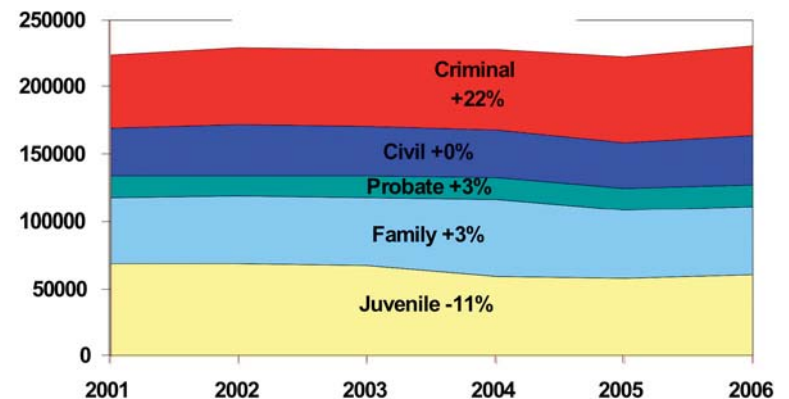
## Major Criminal Filings 2001 - 2006



## District Court 2006 Major Case Filings (289,363 Cases)

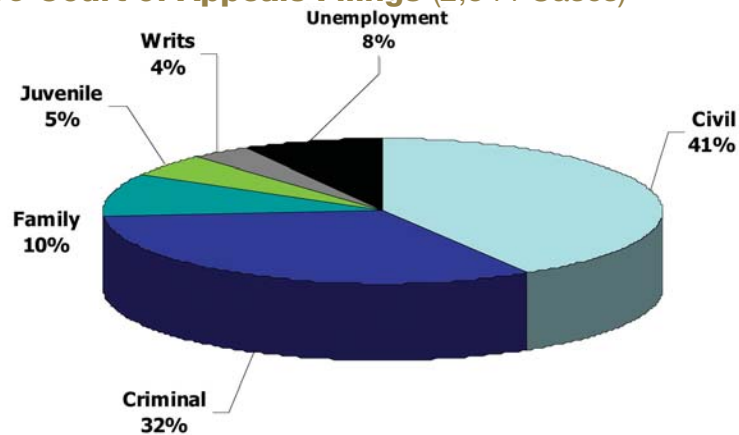


## Major Case Filings 2001 - 2006 Total Filings 230,769 (+3%)

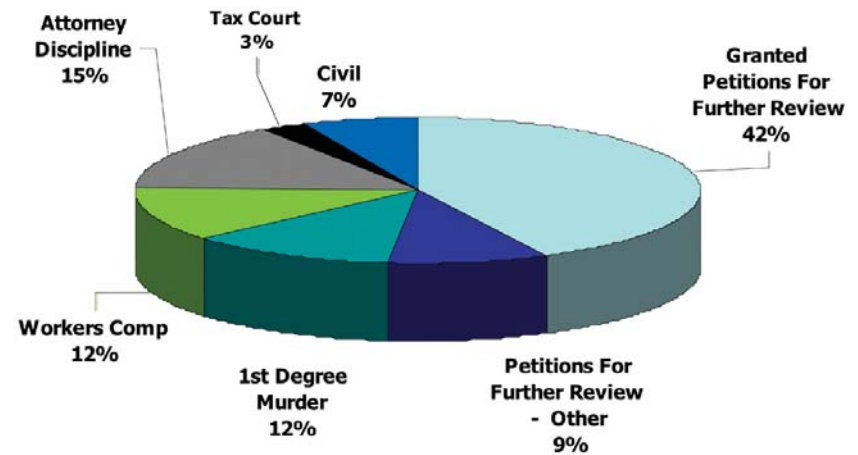




### 2006 Court of Appeals Filings (2,344 Cases)



### 2006 Supreme Court Filings 798 Cases Filed (273 Accepted)



### Court of Appeals Dispositions

	2005	2006
Total	2,170	2,288
Affirmed	1,048	1,154
Mixed	178	177
Reversed	256	254
Dismissed	635	637
Other	53	66

### Supreme Court Dispositions

	2005	2006
Petitions For Review	753	821
Denied	528	589
Affirmed	82	104
Reversed	51	64
Mixed	16	13
Other /Dismiss	81	51

# PRIORITIES AND STRATEGIES FOR MINNESOTA'S JUDICIAL BRANCH

*(Adopted by the Judicial Council April 2006)*

## **Strategic Goal 1: Access To Justice**

- Complete the transition to a statewide case management system
- Institute electronic case initiation
- Expand resources for pro se litigants

## **Strategic Goal 2: Administering Justice For Effective Results**

- Integrate a judicial problem-solving approach into court operations for cases involving alcohol and other drug (AOD) addicted offenders
- Promote early resolution of cases involving children and the family
- Institutionalize the Children's Justice Initiative

## **Strategic Goal 3: Public Trust, Accountability, And Impartiality**

- Assure impartial decision-making through the examination of judicial selection processes in Minnesota
- Strengthen public education regarding the role of the courts
- Adopt statewide performance standards for the judiciary
- Assure equitable treatment of all people in the court system regardless of race or ethnicity

## COURT OF APPEALS

*Standing (left-right): Judge Renee L. Worke, Judge Wilhelmina M. Wright, Judge David Minge, Judge Jill Flaskamp Halbrooks, Judge Gordon W. Shumaker, Judge Terri J. Stoneburner, Judge Natalie E. Hudson, Judge Christopher J. Dietzen, Judge Kevin G. Ross*  
*Sitting (left-right): Judge Randolph W. Peterson, Judge Thomas J. Kalitowski, Judge Harriet Lansing, Chief Judge Edward Toussaint, Judge R. A. "Jim" Randall, Judge Robert M. Klaphake, Judge Bruce D. Willis*



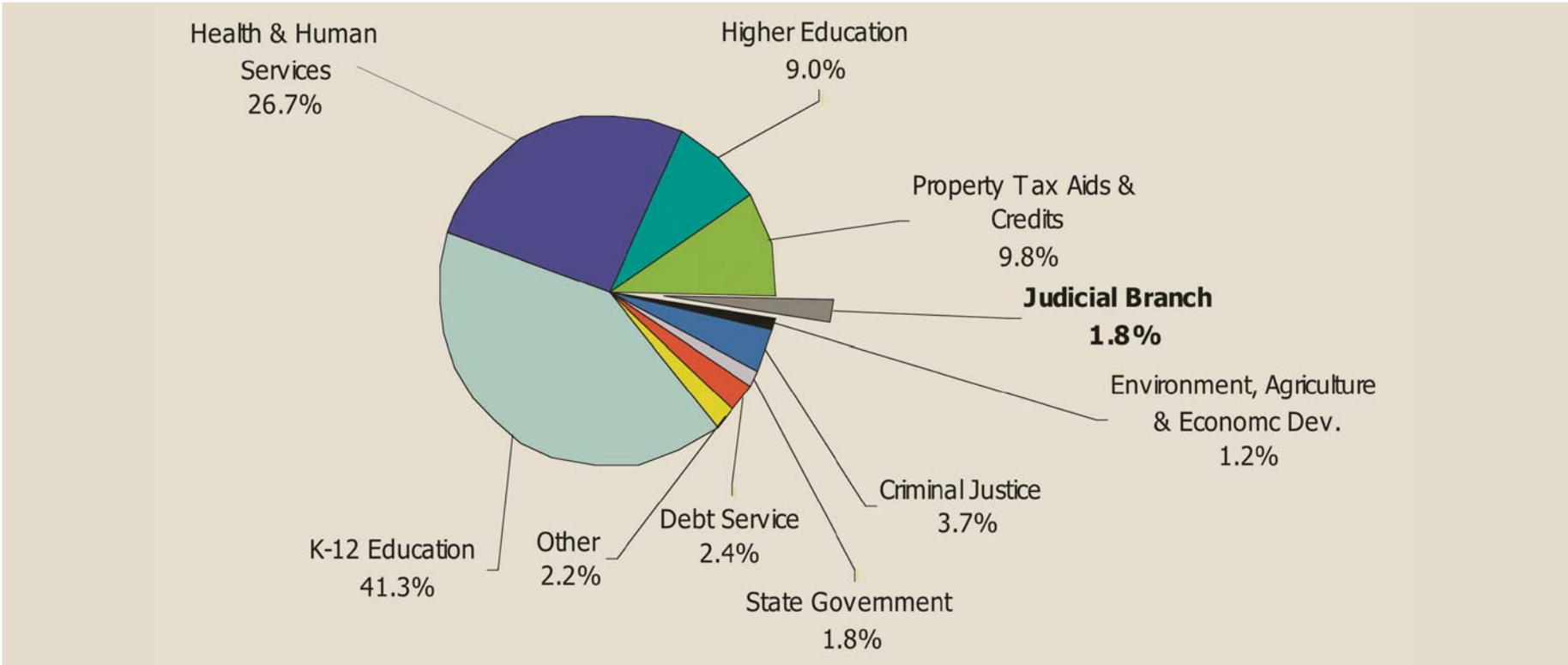
## SUPREME COURT

*Standing (left-right): Associate Justice G. Barry Anderson, Associate Justice Helen M. Meyer, Associate Justice Sam Hanson, Associate Justice Lorie S. Gildea*  
*Sitting (left-right): Associate Justice Alan C. Page, Chief Justice Russell A. Anderson, Associate Justice Paul H. Anderson*



# MINNESOTA'S GENERAL FUND DISTRIBUTION

## Where The State's General Fund Dollars Go





**MINNESOTA  
JUDICIAL  
BRANCH**

**Minnesota Judicial Center**

25 Rev. Dr. Martin Luther King, Jr. Blvd.

Saint Paul, Minnesota 55155

Sue K. Dosal, *State Court Administrator*

[www.mncourts.gov](http://www.mncourts.gov)