

## MINNESOTA

### Judicial Outreach, Conference on Judicial Independence

This state's summary includes reports from the following:

[Minnesota State Bar Association](#)

[Minnesota Supreme Court](#)

The [Minnesota Supreme Court](#) is involved in a wide array of activities to improve civil, criminal, and juvenile justice in Minnesota. The activities most closely connected to improving public trust and confidence are listed below.

Allowing time for *Judicial outreach* activities: Court policies now allow each judicial district to establish a pool of outreach activity time equal to two judge days per year for each judge in the judicial district.

*Court Innovations Tours*: In 1999, Minnesota Supreme Court Chief Justice Kathleen Blatz initiated "Court Innovations Tours," which take place twice a year in different judicial districts. The tours give the Chief Justice an opportunity to learn from the experiences of jurors, litigants, and concerned citizens throughout the state. They also allow the Chief Justice to meet with trial court judges, increase public awareness of the challenges the courts face, and highlight local innovative programs judges have created. Tours involve community luncheons, breakfast meetings with local organizations, panel discussions highlighting new criminal justice initiatives, and meetings with local court officials.

*Traveling oral arguments*: In an effort to demystify the court system to Minnesotans, the Supreme Court went "on the road" to take its oral arguments into schools across the state. The program reaches more than 4,000 students each year. Twice a year, the Court hears oral arguments of actual cases and then opens the program to questions from the students in attendance. The visits include stops at other local schools. Volunteers from local bar associations volunteer to review case briefs and prepare students for the oral arguments. The Bemidji and St. Cloud visits also included community-wide dinners attended by several hundred people who represented a cross-section of the local communities. Local bar associations played a vital role in organizing these community events.

*Web site*: In summer 2000, the Supreme Court launched the new Web site for the entire state court system <[www.courts.state.mn.us](http://www.courts.state.mn.us)>. It was re-designed to provide more useful information about the judicial branch and easier access for users. Features include appellate court calendars, opinions, photographs, biographies, and links to each of the state's judicial districts. The site also provides information about alternative dispute resolution and the statewide Court Interpreter Program.

*Teachers' summit*: The Minnesota Supreme Court partnered with the Minnesota Center for Community Legal Education at the University of Minnesota and the Minnesota Council for the Social Studies to hold a weeklong institute for teachers in June 2001. The institute will be available to Minnesota high school teachers of civics, law, and government, and will help them teach the state's high school U.S. citizenship educational standards. The institute, paid for by a grant from the Minnesota Department of Children, Families, and Learning, will concentrate on the U.S. Constitution and Bill of Rights and will incorporate the role the court system plays in protecting those rights. Judges and court staff will assist in instructing participating teachers.

*"Meet Your Court"*: Hennepin County initiated "Meet Your Court," a new television show aimed at increasing public knowledge about Minnesota's courts. The show, hosted by Judge Kevin Burke, explains the issues that confront Hennepin County District Court and describes how courts help solve community problems.

*East African Festival:* In Hennepin County, District Court judges and staff collaborated with PEACE (Parents of East Africans Common Efforts) to host the June 10, 2000 East African Festival in Minneapolis. More than 2,000 people attended the festival of ethnic music, food, and art. The second annual festival was organized to promote cultural awareness and break down barriers between immigrants and the justice system.

*Hispanic Liaison Program:* Todd County District Court collaborated with county and local officials to establish the Todd County Community Hispanic Liaison Program. The program was initially established to provide interpreting services in court to Todd County's rising Latino population. It has grown to include a mentoring program for Latino youth, English and Spanish classes, a summer reading project, and other programs to promote improved cultural awareness.

#### ADDITIONAL MINNESOTA SUPREME COURT ACTIVITIES WITH NON-LAWYER GROUPS (however, attorneys played roles in virtually all of these projects):

*Children's Justice Initiative:* During summer 2000, the Judiciary, in cooperation with the Department of Human Services, conducted eleven workshops called "Through the Eyes of the Child" for stakeholders involved in child protection cases. Minnesota's statewide training program trained 1,700 stakeholders, including judges, court administrators, social workers, county attorneys, public defenders and guardians *ad litem*. In April 2001, Supreme Court Chief Justice Kathleen Blatz kicked off the more public phase of the Children's Justice Initiative. The initiative gathers judges, as well as representatives from Human Services, Guardian *ad litem* programs, Social Services, the public, and others involved in child protection to take a critical look at how they can improve Minnesota's child protection system county by county. The initiative has begun with twelve pilot counties and the appellate courts. All 87 Minnesota Counties will participate and implement systemic changes to the system by 2005.

*MNCIS/CriMNet:* Minnesota's Court System has begun the replacement of the court's outdated case management system. The Minnesota Court Information System (MNCIS) Project will significantly improve the collection, storage, retrieval, tracking and electronic sharing of trial and appellate court case information for use by courts, other justice system agencies and the public. MNCIS will serve as the statewide court component of the larger state criminal justice integration effort known as CriMNet. CriMNet is a collaborative effort with the state's executive branch, law enforcement, criminal justice agencies and labor meant to hold the system accountable, share criminal justice information, and protect public safety.

*Jury reform:* The Jury Reform Task Force convened in 2000 to review issues including juror stress, *voir dire* and sequestration. A March 2000 Supreme Court Order established the Task Force and instructed it to recommend improvements in jury trial procedures and juror treatment. Task Force membership includes judges, county attorneys, public defenders, bar members, business leaders, union officials, citizens, and former jurors.

*Court interpreters:* The Court Interpreter Advisory Committee distributed in 1999 a "Best Practices" manual to help court officials effectively use interpreters in court. The Committee also posted information about the court interpreter program, as well as an up-to-date roster of available interpreters, on the court system's Web site ([www.courts.state.mn.us](http://www.courts.state.mn.us)). The on-line roster replaces an annual paper version that proved costly to reproduce and mail, and was frequently out-of-date. In April 2000, two Minnesotans were first in the country to be certified as Hmong interpreters by the courts. They are currently developing a legal glossary and curriculum materials for a Hmong Court Interpreter Training Program that will be shared with other states through the National Consortium of State Court Interpreters.

*Child protection hearings:* In June 1998, Minnesota's Judiciary began a pilot project in twelve counties to open child protection hearings and records to the public. The goal was to improve system-wide accountability and increase public awareness about the types of abuse and neglect, the number of cases filed each year (about 5,000) and the lack of resources available for these cases.

*Child support:* The Advisory Committee on the Rules of the Expedited Child Support Process completed more than a year of work at the end of 2000. The Committee's recommendation--to be released in 2001--includes a reorganization of the rules, with separate sections for paternity, establishment, modification, and enforcement proceedings. The final rules, which will take effect July 1, 2001, provide for a simplified, user-friendly, and expedited child support process for litigants who are largely self-represented.

*Juvenile protection rules:* New juvenile protection rules took effect March 1, 2000 after a two-year review. The changes make the court rules a "one-stop shop" for all information about child protection cases and bring the rules into conformity with state and federal parameters. The changes are meant to provide safe, permanent homes for children through: greater court responsibility for case management; mandatory appointments of guardians *ad litem* in all child protection cases; shorter permanency timelines; and clearer definitions. In accordance with the new juvenile rules the Court of Appeals began expediting opinion releases in all juvenile protection appeals filed after March 1, 2000. The appeals are released within 60 days after the case is submitted. Pursuant to its own internal rules, the Court of Appeals also expedites the scheduling of oral arguments or non-oral submission of cases that involve child custody or parental rights termination.

*Family law:* The Supreme Court Advisory Task Force on Parental Cooperation recommended in 1999 ways to change the focus of family law from parents to children, and to reduce conflict during divorce, annulment, legal separation, and paternity cases. In particular, the Task Force evaluated and recommended the use of parenting plans, which spell out financial obligations involving children's school, extracurricular, and other needs, specific visitation details, and other issues that cause disagreements between divorcing parents. During the 2000 session, the Task Force worked with the legislature to change state statutes to allow for the use of parenting plans. The statutes took effect Jan. 1, 2001.

*Pro se:* The Supreme Court and the Hennepin County District Court collaborated in 2000 with a "plain English" expert to revamp *pro se* family court forms and produce two instructional videos for *pro se* litigants. The effort, paid for by a State Justice Institute grant and in-kind donations, will continue through March 2002. Improved *pro se* instructions and forms will improve communication between *pro se* litigants and the courts. In turn, the court can reduce case delay and make more informed decisions based on more complete and reliable information from the new forms.

*Judicial mentors:* The Supreme Court Continuing Education department began a mentoring program for new judges in 1999. When judges are appointed or elected, Supreme Court Chief Justice Kathleen Blatz appoints a mentor judge to that individual. Mentors work with new judges throughout their first year in the court system to help them make the transition from the bar to the bench. By the end of 2000, the Chief Justice had appointed 20 mentor judges.

*Peer/teen courts:* Dakota County convened the first Peer Court of its kind in the Twin Cities metropolitan area in May 2000. Peer Court is an alternative sentencing program in which juvenile offenders tell their stories to juries of their peers, who then recommend sentences that often include community service, drug or alcohol counseling, and jury service in Peer Court. Peer Court teaches participants individual accountability and responsible decision-making skills. The program was featured on French television as

an exemplary method of combating juvenile violence and crime. Similar teen courts are underway in Blue Earth, Martin, Brown and Lyon counties.

*Operation JOLT:* In 2000, Dakota County started a program that ensures that most teen-agers who commit petty offenses are seen within two weeks of their crime instead of the typical three months. The offenders often receive sentences that involve community volunteer work and an apology to the victims. Six district court judges, the county attorney's office, police officers, and local schools collaborate to offer the program.

*Access to Justice:* This is an effort of the Minnesota Court System to seek appropriate funding and infrastructure to handle continuing caseload increases (caseloads increased nearly 40 percent in the last decade to more than 2 million cases a year). The effort includes the following:

- Studying caseload increases and figuring out how many judgeships are necessary to adequately handle our burgeoning caseload. During the 2001 legislative session, Minnesota's courts requested an additional nine district court judges.
- Transferring the funding of the state's district courts from 87 individual county sources to a single state source. As of July 1, 2000, the court operations costs of all 55 counties in the Fifth, Seventh, Eighth and Ninth Judicial Districts have been transferred to state funding in order to bring court costs under one roof and alleviate funding inconsistencies across county boundaries. Eventually, there will be one source of funding for the courts instead of the previous 87 county sources. Collective bargaining for the "new" state employees was completed on time and within budget.
- Completing a compensation study that reviews employee responsibilities and assesses court employee compensation. The study and increases in funding for salaries and benefits are meant to assure that the court system can attract and retain competent employees in the midst of a tight labor market.
- Providing critically needed equipment, training and other infrastructure to meet the public's demand for judicial services.

*Driving While Intoxicated:* Hennepin County District Court started a new program in the summer of 2000 that significantly cuts DWI case processing time, which can take as many as 400 days from offense to resolution. Under new timelines implemented in Hennepin County, DWI cases are set for trial in no longer than 45 days. The effort enables parties to move through the process faster so healing and recovery can begin earlier. In addition, the reduced processing time leads to a reduced likelihood that offenders will re-offend.

*Community courts:* Ramsey and Hennepin counties formed community courts to devote more judicial attention to "livability crimes," the lower level offenses that affect a community's quality of life. The programs, started in 1999 and 2000, involve judges, prosecutors, and others who focus on community service as a method to repair and restore neighborhoods wronged by offenders' actions. Ramsey County participants logged about 13,000 community service hours in local neighborhoods since the beginning of the program, which has greatly improved compliance rates. Hennepin County's community court has shortened the arrest-to-sentencing process of its low-level felonies, misdemeanor livability crimes and nuisance abatement cases from a minimum of six weeks to two weeks. It has also reduced bench warrants and improved court order compliance rates.

*Domestic violence:* Hennepin County created a domestic violence court in fall 2000 in collaboration with the city attorney's office and the Family Violence Coordinating Council. The court consolidates domestic crimes from arraignment to sentencing into one court, allowing judges to expedite the cases so that trials are held within 45 days of arraignment. The innovation reduces the number of times victims must tell their stories, and it streamlines case handling so the court can process cases more efficiently and effectively.

*License Return Program:* The Mower County License Return Program helps motorists reinstate their licenses while under court supervision and prevents repeat arrests for driving after revocation, cancellation, or suspension. The effort lessens the burden on overcrowded local jails and reduces court calendar caseloads by as much as ten percent. It also simplifies the license reinstatement process for the public and keeps unlicensed drivers, who are also often uninsured, off the streets. The two-year-old program is a collaborative effort of the courts, Correctional Services, public defenders, offenders, and prosecutors. As many as eight other Minnesota counties – including Faribault, Rice, Freeborn, Waseca and Steele – have inquired about or have initiated similar programs.

*Juvenile Court:* In summer 2000, Hennepin County District Court announced a new initiative that transfers about one year's worth of judge time from civil cases to Juvenile Court. The move was made after judges saw dependency and neglect cases increase by 49 percent in the previous five years to nearly 1,400 cases per year. In that same timeframe, termination of parental rights cases increased by 48 percent. The transfer allows six of the existing Juvenile Court judges to devote more time to children in need of protection, or "CHIPS" cases.

*Interbranch Forum:* The Supreme Court, with support from Minnesota Senate Majority Leader and the Speaker of the Minnesota House, established an "Inter-branch" Forum to meet periodically during the legislative interim. The Forum includes members of both houses and the judiciary. The goals of the Forum is to allow court officials and legislators to get to know each other better and to discuss significant issues affecting the administration of justice outside specific bills.

#### ADDITIONAL SUPREME COURT ACTIVITIES WITH BAR ASSOCIATIONS, ETC.:

*Pro Bono Challenge:* Of great concern to the Minnesota's Judiciary is the fact that 40 percent of children in need of protection receive no representation in court from a guardian *ad litem*. To meet the demand for guardians, Supreme Court Chief Justice Kathleen Blatz issued a "Pro Bono Challenge for Kids" in winter 2000. She asked law firms in Hennepin and Ramsey counties to find 300 volunteer guardians by the year 2002. Initial responses from 21 law firms resulted in 128 volunteers for the first year.

*Constitution Day/Back to School effort:* The court system produced an engaging and educational video about the Judicial Branch in cooperation with the court system's Sesquicentennial Committee and students from St. Paul Central High School. The video premiered at St. Paul Central on Law Day 2000. On Oct. 13, 2000 it accompanied more than 200 judges and attorneys when they visited more than 6,000 middle and high school students across the state for Minnesota Constitution Day. The program included talking points for visiting judges/attorneys and full curriculum guides for teachers. The guides, written with assistance from Minnesota teachers and the Minnesota Center for Community Legal Education at the University of Minnesota, are available at the Minnesota Court System Web site <[www.courts.state.mn.us](http://www.courts.state.mn.us)>. The program was highlighted at a midwestern convention of civics and social studies teachers, sponsored by the National Council for the Social Studies.

*Judicial Ride-Along Program:* The Hennepin County District Court and the Hennepin County Bar Association developed a program in 2000 to allow attorneys to witness first-hand a judges' role, both in chambers and in the courtroom. The Judicial Ride-Along Program matches members of the bar who are interested in accompanying a judge for a day with volunteer judges. The program is believed to be the first of its kind in the nation, and one that will lead to greater understanding of the roles and responsibilities of judges.

*Business courts/complex civil litigation committee:* A committee that set out to investigate whether Minnesota should create a separate court to handle business-to-business litigation found that this should

not be one of the system's highest priorities given the limited resources available to start such a court. However, an offshoot of the committee did research ways to improve the court's handling of such cases and several rule change recommendations resulted. The recommendations included allowing complex cases to be assigned to a single judge for all hearings to allow for better management of cases; adopting a formal method of seeking to transfer multiple complex cases pending in different judicial districts for coordinated case management; and establishing a low-cost litigation alternative as a pilot project in Ramsey County for the next two years. The low-cost litigation program will be completely voluntary, will include a formal alternative dispute resolution mechanism and will allow a party to propose dispositive motions at any time during the case. The work was done by court officials and several private law firms.

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The [Minnesota State Bar Association](#) plans a conference on judicial selection methods on October 22, 2001. The theme is the importance of judicial independence and the dangers posed by single issue politics, big money, etc. Co-sponsors include the Minnesota District Judges Association, the League of Women Voters Minnesota, and the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota. Invitees include judges, legislators, lawyers, journalists, and representatives of business, labor and community organizations, and the general public.

The MSBA is involved in a four-pronged effort to increase funding for civil legal services programs:

- increased legislative appropriation
- increased interest of IOLTA accounts
- increased use of *cy pres* awards (unclaimed proceeds from class actions)
- fundraising for a statewide endorsement fund

As a follow-up to recommendations in 1995 report of its task force on unified family courts, MSBA is evaluating the unified family court pilot project.

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