



# MINNESOTA ASSOCIATION FOR COURT MANAGEMENT

## REFLECTIONS

Volume 5, Issue 1

December 2012 through March 2013

### MACM REFLECTIONS FROM THE PRESIDENT

by Vicky Carlson, MACM President

My first year as MACM President has flown by. I would like to thank you again for the opportunity afforded me to lead our professional association. I am thankful to the MACM officers and executive board members who give their time and talents to this association; and to our members who serve on committees, provide newsletter updates and participate in our annual conferences.

For many of us, MACM provides an outlet to be creative, insightful, and use our leadership skills in ways that might not exist in our "day jobs." From presenting or hosting education sessions to providing fun and creative networking opportunities to being involved in the legislative process, MACM provides something for everyone.

Our committee chairs, Aaron Williamson, 1<sup>st</sup> Vice President and chair of the Legislative and Outreach Committee; Peggy

Gentles, 2<sup>nd</sup> Vice President and Education Chair; and 3<sup>rd</sup> Vice-President and Membership Chair, Annette Fritz, have all worked hard to provide excellent service to this association. You can find their updates in this newsletter.

Not found in our other sections of the newsletter is information on what our other officers and chairs provide to you. Throughout the year, Rhonda Williams, MACM Treasurer is busy paying MACM bills and managing our budget and finances. This requires a keen eye and attention to detail. She is top-notch and we are lucky to have her serving in this capacity.

Linda Sandberg, MACM Secretary, records all of the business and executive meetings of the association. She has an abundance of information and history about the association.

Susan Love, Past MACM President, provides invaluable support, wisdom, knowledge, and an extensive history of the association.

And finally, Lisa Lane, Bylaws Chair, reviews our bylaws for any updates that might be necessary to have a well-functioning



association. She has been a great addition to our team.

All of these individuals have provided invaluable service and dedication to this association and I am thankful for them.

There are also many others who give tirelessly of their time and expertise serving on committees, presenting or hosting conferences and many other things too numerous to mention. They deserve our gratitude and applause. Volunteers are important to this association and volunteerism is important to our professional well-being.

*(Continued on page 2)*

#### INSIDE THIS ISSUE:

Committee Updates	2
Debra Mueske Interview	7
Dawn Torgerson Interview	9
District Updates	10
MACM Photo	18

## MACM REFLECTIONS FROM THE PRESIDENT

(Continued from page 1)

I recently read an article from the Gallup Business Journal. Gallup experts, who have been studying human behavior for more than 70 years, report the following five elements of well-being that are important to most people:

The first element is about how you occupy your time or simply liking what you do every day, your career well-being.

The second element is about having strong relationships and love in your life, your social well-being.

The third element is about effectively managing your economic life, your financial well-being.

The fourth element is about having good health and enough energy to get things done on a daily basis, your physical well-being.

The fifth element is about the sense of engagement you have with the area where you live, your community well-being.\*

Being involved in this association can contribute to your career and social well-being. I know it has

contributed to mine. Again, thank you for the opportunity and privilege to serve as your MACM President. I look forward to the next year.

*\*Adapted from the Gallup Business Journal at <http://businessjournal.gallup.com/content/126884/five-essential-elements-wellbeing.aspx>*

## MACM LEGISLATIVE & OUTREACH COMMITTEE UPDATE

by Aaron Williamson, Chair of Legislative and Outreach Committee

The Legislature convened on January 8<sup>th</sup> of this year and has many important subject matters to address this session, namely how to pay for state expenditures.

This is an important year for court funding as we face new challenges and opportunities. We're challenged by increased demands on staff and judges but we're taking advantage of the opportunity to reengineer our business practices in an electronic world.

Judges and administrative staff around the state have been working around the clock, getting this message out to the legislature and to the public. According to Ken Bergstrom, who oversees legislative outreach in the Fourth Dis-

trict, this year "The aim is to educate legislators and others as to importance of the judiciary's budget and its status as a constitutionally-mandated, separate and co-equal branch of government."

Contacts made with legislators have been well-received and have provided a great opportunity for dialogue about shared concerns, such as public safety, mental health intersection with the criminal justice system, court workload and budget, and family law.

At the forefront of the courts budget request was the desire to reward court staff with long overdue pay increases. Our Chief Justice and State Court Administrator have reiterated this message time and time again when speaking



Aaron Williamson, MACM Vice President

with legislators and the Governor. And while Governor Dayton has affirmed the work and dedication of the Judicial Branch by approving our budget request, we still have an uphill battle to convince

(Continued on page 3)

## MACM LEGISLATIVE & OUTREACH COMMITTEE UPDATE *(Continued from page 2)*

many legislators who are being pulled in a number of directions by other agencies and organizations asking for a piece of the pie. Please continue contacting your legislators to keep the conversation about the role of the courts active.

The following are some examples of ways that outreach is being done:

- Briefings and in-court ride-alongs for visiting legislators and legislative staff, and executive branch officers;
- Meetings of legislators and their judge-constituents; and,
- Indirect legislative outreach (eliciting third-party legislative support for the judicial branch from the bar associations, local government officials, and business and civic organizations).

In December, a letter from MACM and a “legislative briefing” brochure was sent to each legislator in the state. Please utilize the brochure which has many talking points for conversations with your legislators. It can be found on the MACM website at: <http://www.mnmacm.org/pdf/LegislativeBriefing.pdf>.

There are also several resources on the CourtNet “[Legislative Updates](#)” page which will help you discuss our budget request with

your legislators.

Aside from the budget, in St. Paul many bills have been proposed that would affect court operations.

The several notable proposals include:

***Judgments (SF 33/HF 80):*** This bill restricts how companies who buy debts from other companies file claims in conciliation court against consumers. It would require that they provide: Copies of original loan/debt contracts, evidence establishing that the person owes the money, evidence that the amount is correct, documentation showing how they came to own the debt, and proof that the hearing notice & lawsuit was served on the consumer.

***Certificate of Good Conduct (SF 143/HF 559):*** This establishes a process where someone convicted or adjudicated delinquent for a crime may petition the court for a Certificate of Good Conduct” which would “create a presumption of rehabilitation in favor of the person to whom it was issued and relieves the person of any statutory imposed collateral sanction, as defined in section 609B.050, relating to the eligibility for housing, employment, or professional or occupational licensing arising from a crime for which the certificate was issued.” The petition process is similar to the process when asking for a criminal expungement.

***Jury service (SF 41/HF none):*** Would prohibit exclusion from jury service on the basis of marital



status or sexual orientation.

***Witness fees (HF 718/SF none):*** Pays witnesses the minimum wage rate for their hours served or \$20 per day, whichever is more.

***Judicial Compensation (HF 953/SF none):*** Relates to judges retirement plan; reducing postretirement adjustments; increasing normal retirement age for new judges; revising member and employer contribution rates; permitting existing judges to elect to be treated as a new judge for benefit and contribution purposes.

### Civil Court

***Short Form Power of Attorney (HF 232/SF none):*** Modifies the statutory short form power of attorney and authorizes certain judicial reliefs.

***Defamation Actions (HF 217/SF none):*** Regulates defamation actions

*(Continued on page 4)*

**MACM LEGISLATIVE & OUTREACH COMMITTEE UPDATE**

*(Continued from page 3)*

and provides for requests for clarification and correction.

*Action After Death (HF 482/SF none):* Provides for the survival or continuation of an action after the death or disability of a party.

**Civil Court**

*Sex Abuse Limitation Period (HF 681/SF 534):* Changes the limitation period for civil actions involving sexual abuse.

*Sex Trafficking Cause of Action (SF 470/HF none):* Creates a cause of action for sex trafficking victims.

**Family Court**

*Domestic Assault Expansion (HF 263/SF none):* Adds fifth degree assault and certain domestic assault provisions to crimes of violence.

*Forfeited Money (SF 346/HF 411):* Provides for forfeiture of money used or intended for use to facilitate a prostitution or sex trafficking offense.



*Order for Restitution (SF 345/HF 410):* Authorizes a victim's estate to request or enforce an order for restitution.

*Marriage /Dissolution Class Requirement (HF 909/SF none):* Requires parents filing for dissolution or legal separation to take a four-hour “marriage and dissolution education program” course before their first court hearing.

*Medical Support (HF 163/SF 141):* Allows for suspension or reinstatement of medical support contributions in certain situations.

*Child Support and TPRs (HF 101/SF none):* Imposes a child support obligation on individuals whose parental rights have been terminated.

*Grandparent Visitation (HF non/SF 45):* Modifies provisions governing grandparent visitation.

*Placement (HF 252/SF none):* adoption; modifying certain child placement proceedings.

**Juvenile Court**

*Public Hearings (SF 286/HF 392):* Modifies provisions governing public hearings in juvenile court proceedings, allowing for more open adult certification or EJJ hearings.

*Emily’s Law/EJJ (HF 559/SF none):* Establishes Emily's law and lowers the age of extended jurisdiction juvenile prosecution for violent offenses from 14 to 13.

*Continuances without Adjudication (HF 633/SF none):* Extends

the time period for a continuance without adjudication in a juvenile delinquency case from 90 to 180, but requires approval by the prosecutor.

**Probate Court**

*Homicide Victim Assets (HF 161 / SF none):* Authorizing inventory and emergency order protecting specified personal property of homicide victim to preserve rights of decedent's heirs and beneficiaries; adding notice of rights and procedures to crime victims' chapter.

*Multiparty Accounts (HF 19/SF 84):* Allowing agency designations in certain situations.

**Mental Health Court**

*Guardians and Conservators (HF 40/SF 7):* Modifying provisions related to the appointment of guardians and conservators; increasing background study fee; modifying contents of annual reports made by guardians and conservators.

**Public Safety**

*Firearms (HF 294/SF none):* Modifies the judicial process for restoring firearms eligibility to certain persons who have become ineligible and modifies the judicial challenge process for persons who have been denied a permit to carry a handgun.

*(Continued on page 5)*

**MACM LEGISLATIVE & OUTREACH COMMITTEE UPDATE** *(Continued from page 4)*

**Reporting Offender Information Quickly (SF646/HF none):** Requires timely transmittal of civil commitment, law enforcement, and court data to certain state and federal searchable databases requiring a report.

**Chemical Dependence (SF 430/HF none):** Providing for an aggressive initiative against chemical dependency and increasing the tax on alcoholic beverages to fund this initiative. The bill says that, “the costs of fighting alcohol abuse should be funded by those who abuse alcohol.”

**Alcohol Taxes (HF 885/SF none):** Creates an “alcohol health and

judicial impact fund” where monies collected from alcohol taxes would go. Half of the money would go to judicial and public-safety related costs, and the other half to treatment and supportive services. This bill also substantially increases alcohol sales taxes.

**License Reinstatement (SF 416/HF none):** Authorizes a pilot project for the Office of Administrative Hearings to review driver's license revocation or disqualification and motor vehicle plate impoundment resulting from implied consent violations.

**Marijuana (HF 508/SF none):** Authorizes courts to recognize a

necessity defense for certain criminal, administrative, and civil cases involving natural herbs of the genus Cannabis.

**A reminder from the Legislative Outreach Committee Recognize Court Administration in your Local Newspaper**

Is there something newsworthy happening in your court? Has someone received an award? Have you implemented a new project? If so, please consider putting an article in your local newspaper.

**MACM EDUCATION COMMITTEE UPDATE**

*by Peggy Gentles, Education Chair*

The Education Committee is hard at work planning this Fall’s conference. The dates and location have been set - October 23-25, 2013 at the City Center Hotel in Mankato.

As part of the location selection process, the Committee decided to establish a rotation for the Conference location. We believe that this will allow members to plan attendance more easily and will streamline the location selection process for the Committee. So you can look forward to Conferences in the following areas over the next four years:

- ◆ 2013 Southern Minnesota (Mankato)
- ◆ 2014 Metro Area
- ◆ 2015 Central Minnesota
- ◆ 2016 Northern Minnesota

The starting point for each year’s Conference planning is the evaluations from the previous year’s so thank you to everyone who took the time to respond. We use the information to identify topics in which attendees are interested as well as session formats that worked well (or did not) and logistical issues.

We have 30 people participating on the Committee including 6 new members. It is through the efforts



**Peggy Gentles:** Second Vice President,

of many people that we are able to provide members valuable professional development opportunities.

## MACM MEMBERSHIP SERVICES UPDATE

by Annette Fritz, Membership Services Chair

Wine tasting, mystery, vendors, and gifts are some of the items that the Membership Services Committee is working on for the fall conference.

We are also reviewing the awards process and categories. Please consider the great work that your co-workers are performing and possibly submitting a nomination for an award later this year.

Information on awards will be sent by eMail this summer. The awards are our opportunity to recognize our colleagues and to share the important work that is performed in court administration every day.

Scholarships are another area that our committee oversees. MACM

does a twice annual scholarship award of up to \$500 each. The scholarship information is located on our website on the home page under MACM scholarship.

Applications for scholarships are submitted to me as the chair of the committee.

The Reflections Newsletter has a new editorial team including Jan Cossette from Clay County, Monica Tschumper from Isanti County, Aaron Williamson from Hennepin County, Annette Fritz from Washington County, Susan Love from Hennepin County, Jan Krupicka from Anoka County, and Vicky Carlson from Carver County.



Annette Fritz: Third Vice President

If a MACM member is interested in joining the Membership Committee please contact Annette Fritz.

### *MACM's MISSION:*

**MACM is an organization committed to the enrichment of its members through professional growth and development, opportunities, promoting advancements and innovations in court administration, and partnering with other professionals working to improve the justice system in Minnesota.**



## INTERVIEW WITH DEBRA MUESKE

by Susan Stahl, Renville County Court Administrator

**Current position:** Court Administrator, Central Assignment Area, Kandiyohi/Meeker/Swift Counties – 8<sup>th</sup> Judicial District, appointed on August 1, 2012

**How many years have you been with the Minnesota Judicial Branch and what positions have you held?** I have worked for the Judicial Branch for 12 years: 11 ½ years as Senior Court Clerk and 7 months as Court Administrator.

**Tell us a little about your professional background, education and work history.** My education consists of a legal secretary diploma, an Associate in Arts Degree (both from Ridgewater College), a Court Management Certificate from the National Center for State Courts, and a Bachelor's Degree in Public Administration through Southwest Minnesota State University.

My work experience entails two years at McLeod County Title Services preparing and conducting real estate closings, four years legal secretary experience at the Kandiyohi County Attorney's office and two years secretarial experience at the Kandiyohi County Sheriff's Department. I worked as a senior court clerk for Kandiyohi County Court Administration for eleven years, and was hired as the Court Administrator for Kandiyohi, Meeker and Swift Counties on August 1, 2012.

### **Please tell us about your family?**

I have been married to my wonderful, supportive husband, Shawn, for 13 years. We have four beautiful children: Derik 17 years, Peyton 11 years, Brooklyn 8 years, and Lauryn 6 years. I grew up in the Willmar area and graduated from Willmar High School. My Mom and Stepdad live in Park Rapids, and I have three sisters who all live within the State of Minnesota. I love spending time with my family.

### **Was it a professional goal to become a Court Administrator?**

Yes. Shortly after my career with the courts began, I knew a position in court administration was a perfect career for me. I loved the fast pace work environment associated with working in court administration. The court system provides challenges and multiple learning opportunities. It is constantly changing, and it is exciting to be on the ground floor of the evolving judicial system. I expressed my interest in court management with my boss, and she was supportive of my position and encouraged me to further my career.

**Please describe your thoughts about your appointment and your goals for your organization.** My initial reaction to finding out I was appointed as the Court Administrator for the central assignment area was pure excitement – followed immediately by nervousness. I had big shoes to



fill, and I did not want to let my coworkers (now employees) down.

Our organizational goals include ensuring fair and equitable workloads to staff, working together as a team, and treating everyone we encounter equally and respectfully.

**What are your initial priorities for your organization?** Kandiyohi County is an eCourt pilot and my priority as a Court Administration is successful implementation of this progressive state-wide initiative. My priorities include ensuring adequate training for court staff on imaging and working through the eFile and eServe process.

I want to make sure that our external constituents receive exposure to the EFS system, and help them file documents electronically with the courts.

*(Continued on page 8)*

## INTERVIEW WITH DEBRA MUESKE

(Continued from Page 7)

As eCourt is implemented throughout my assignment area, another initial priority is reexamining workflow processes and maximizing efficiencies in a paperless environment.

**Since your appointment, what have you found the most rewarding as a Court Administrator?** There are excellent employees working in court administration who care about their jobs and their coworkers; it makes my job enjoyable and rewarding to work with such great people.

I enjoy helping people and making sure they have the tools and resources to do their job. I thrive on examining court processes and looking for ways to maximize ef-

ficiency. I like being busy, and my position as court administrator certainly overflows my needs in this area.

**Likewise, since your appointment, what have you found the most challenging as a Court Administrator?** The most challenging aspect of being newly appointed as court administrator is the 'learn as you go' environment, in conjunction with project management of Kandiyohi County's eCourt pilot.

There were just a couple of days training with my successor and so much I did not know about my role as Court Administrator when I started my position. It was difficult to make processing decisions about eCourt when I was learning

my responsibilities of my position.

**What is your most memorable/proud of event in your career thus far?** eCourt implementation is the most memorable event in my court administrator career thus far, and the accomplishment I am most proud of. The experience has been invaluable and I look forward to reflecting on these days and saying, "Remember the day we started eCourt?" I hope they are good memories!

Spring




**BEHIND THE SCENES WITH DAWN TORGERSON, DEPUTY STATE COURT ADMINISTRATOR** *by Karrie Espinoza*

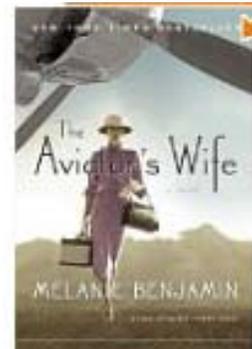


Eatery in Minneapolis where I had their steak tartar. It was phenomenal.



<http://www.112eatery.com/>

reading a book called “The Aviator’s Wife,” and it is a fictional account of the relationship between Charles Lindbergh and his wife Anne Morrow Lindbergh.



**Do you have any hobbies?** Yes. Gardening, doing home improvement projects, trying out new recipes and reading.

**Can you share something most people don’t know about you?** In high school I lettered in choir. I also sang in the school’s show choir.

**What was your very first job ever?** I babysat when I was too young to officially employ. My first real job in high school was working as a server and cook at a pizza place called “One of a Kind Pizza.”



**What’s your sign?** Sagitarius

**What’s your Meyer’s Brigg type?** It’s been a while since I took this test, but I think I am an ENTJ.

**Do you have a favorite genre of music?** Rock.

**Do you play or have you ever played a musical instrument?** Yes.

**Do you like to dance?** Absolutely!!

**Pepsi or Coke?** Coke.

**Regular or Decaf?** Regular with cream.

**What’s your favorite vacation spot?** The North Shore of Lake Superior

**What’s your favorite food/restaurant?** I like a lot of different foods and restaurants. A more memorable meal was at the 112

**What do you typically eat for breakfast?** Greek yogurt and a banana

**What’s your middle name? Are you named after anyone?** My middle name is Marie. I am not named after anyone.

**What’s your favorite season or holiday?** Spring because it’s the start of gardening season.



**Name your favorite sports team?** Not a huge sports fan but I like to watch basketball – college and professional. Always root for the home team!

**What is your all-time favorite movie?** I grew up watching the classics and have many favorites, including “To Kill a Mockingbird,” anything directed by Alfred Hitchcock, anything starring a Hepburn (Audrey or Katharine), and even some musicals.

**What was the last book you read?** The last book I read was pretty “fluffy.” Right now I’m

## Minnesota State Court News From The Land of 10,000 Lakes

### SECOND JUDICIAL DISTRICT - LEARNING *by Sue Halpern*

I had my annual performance evaluation the other day. It was positive, applicable, and got me thinking about me. One of the things my supervisor identified was my love of learning.

When the monthly “Recently Received State Law Library Review Articles” arrive, I have to admit, I peruse the list. An email from the National Center for State Courts never goes unread in my inbox. And yes, I wish it would have been me who, at a mentoring kick-off for the Second Judicial District, identified who “Mentor” was when the facilitator posed the question.



The honors went to Larry Dease. I was impressed with a leader who, in a heartbeat, offered Mentor was a buddy of Odysseus, entrusted with the education of Odysseus' son when Odysseus trotted off to terrify Troy.

As we know, the name of Mentor has since been adopted as a term meaning someone who imparts wisdom to, and shares knowledge with, someone less experienced.

Years before the mentoring kick-off, I was at some kind of “So You Think You Want to Be a Supervisor” training in the basement of the Courthouse. One of the exercises had you identify in your mind, your favorite boss. We were instructed to write the five qualities you admired the most. We repeated the exercise with the least favorite boss and why. My answers gave me pause. I began to think if I ever became a supervisor, what kind would I want to be?

At that same training, the idea of learning from others in the judicial branch was discussed. It was mentioned that we should seek mentors. I didn't formally ask someone to mentor me. Instead, I became an attentive student learning from the people around me. In my mind there were mentors everywhere. I watched and listened and witnessed examples of good supervision - and not so good. I'd make a mental note of responses to situations I observed in which the exchanges or outcomes were desirable.

Conversely, not so good were noted as well. When I became a supervisor I fumbled about a bit, like most who are new to management. To this day I do think some of my best work was a result of my early years observing other supervisors and managers in action.

You don't need a formal mentor to learn. Just be open to learning. Some of the things I've put in my supervisor tool box:

- ◆ Given a choice, take time to think through a decision or how to react to a situation.
- ◆ Gather all the facts. Do not jump to conclusions. We all know what is contained in the word “assume.”
- ◆ You can't choose circumstances but more often than not, you get to choose how to respond.
- ◆ Network! Network! Network! Why re-invent the wheel when there are so many wheel inventors working in courthouses all over the state.

*(Continued on page 11)*

**SECOND JUDICIAL DISTRICT - LEARNING** by Sue Halpern

(Continued from page 10)

- ◆ Be generous with your knowledge. We are a uniform court and what I know or have learned is not “Top Secret” no matter how profound! [If I weren’t an ardent professional I would insert a smiley face here but this is a professional publication!] Oh, did I mention don’t take yourself too seriously and have a sense of humor?
- ◆ Participate in professional organizations such as the Minnesota Association for Court Management.

Where else are you going to find

an organization committed to the enrichment of its members through professional growth and development opportunities?

MACM promotes advancements and innovation in court administration, and partners with other professionals working to improve the Justice System in Minnesota.

Virtually every successful person I know says that their willingness to continue learning was critical to their success. I can think of some great teachers, coaches and mentors that no one else has ever heard of—relatives, co-workers, even pets—that I would follow

anywhere.

Be curious, celebrate success, honor hard work and value the people you work with. I did learn a good supervisor shares their wisdom, knowledge and experience with their employees.

A collaborative style helps staff perform better and creates a bond of respect and of trust. If any of my staff are asked someday to think of a favorite boss, I hope I pop into mind.

*Sue Halpern is a Court Operations Supervisor in Ramsey County Juvenile Court since 1999*

*The Second Judicial District encompasses all of Ramsey County.*

**THIRD JUDICIAL DISTRICT - PREPARING FOR eCOURTMN IN THE 3RD DISTRICT**

by Nanette Escobedo and Linda Murray



Back in April 2012, Olmsted County began a pilot program, which consisted of scanning a limited number of VB case-type documents into MNCIS. We focused on the “auto-docket” type

of scanning which involves printing out a bar code label and attaching it to the document in preparation for scanning.

This process proved to be beneficial in many ways. We

have eliminated storing a lot of paper documents. In fact, we removed the two full-sized filing cabinets where we used to store our VB tickets and documentation. It also is a time-saver when

the supervisor needs to work on the Financial Transaction Report, as there is now no need to go pull a file to look for supporting documentation.

Staff have quickly realized the time-savings in having those documents readily available in MNCIS when answering inquiries from the public, stakeholders, and judges during court hearings.

Another benefit is the training staff have received on reviewing and verifying (Continued on page 12)

**THIRD JUDICIAL DISTRICT - PREPARING FOR eCOURTMN IN THE 3RD DISTRICT**

*(Continued from page 11)*

that the documents are scanned in properly, as well as entered into MNCIS with the correct document type and security level, not to mention understanding how important “quality assurance” will play into our future eCourt initiative.

We are excited to expand on this process and feel very positive that we will ensure the integrity of our cases will not be jeopardized in any manner as we move on into the “paperless” world.

The next phase is to image all documents for VB cases and utilize MNCIS on the bench for any

VB cases that go to court. On a small scale, this will help the judges realize how a paperless court system will work for them. We will also begin to introduce imaging to our non-criminal staff by scanning in any documents that are required to be maintained for financial records, such as IFP applications and certain orders.

This phase will have two benefits: first, it will educate the staff in regard to the different security levels, and second, it will be a huge time savings for manage-



ment in complying with policy 209(h) each month as there will be no need to go pull a file to look for supporting documentation.

*The Third Judicial District encompasses Dodge, Fillmore, Freeborn, Houston, Mower, Olmsted, Rice, Steele, Winona, Waseca, and Wabasha counties.*

**Fourth Judicial District - 2013 State of the Court Address**

*by Chief Judge Peter Cahill and Kate Fogarty*

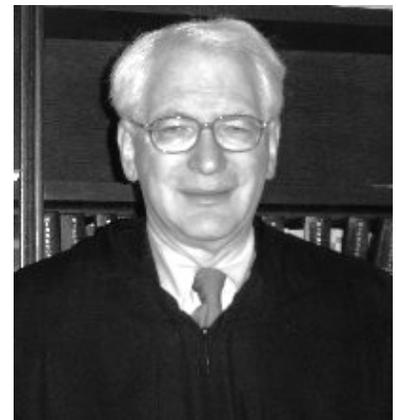
In a word, the state of the judiciary in the Fourth Judicial District is “dynamic.” Merriam-Webster Online Dictionary defines dynamic as “marked by usually continuous and productive activity or change.” In the Fourth Judicial District, we specialize in continuous and productive activity and change.

The most noticeable change is in the composition of the bench itself. In 2012, we lost 177 years of judicial experience because of retirements, and each of the judges had expertise in various areas of

the law that we will also miss. Last you think that 2012 saw an anomalously high retirement rate, know that more than half of our bench (34 out of 62 judges) has been on the bench for less than seven years.

Change in the Fourth Judicial District goes far beyond who sits on the bench. The first change in the Civil Division to note is the appointment of Judge Ron Abrams as the presiding judge of the Civil Division. He took over from Judge Robert Blaeser who served as pre-

siding judge until his last day on the bench in October 2012.



**Judge Ron Abrams**

*(Continued on page 13)*

## Fourth Judicial District - 2013 State of the Court Address

*(Continued from page 12)*

Another change is the increase in the conciliation court jurisdictional monetary thresholds (See Minnesota Statutes, section 491A.01, subdivision 3.).

Will the increase provide more access to the justice system and be more efficient, or will this change increase the number of hearings by having more conciliation court appeals that judges must handle because more is at stake? Only time will tell.

The Civil bench continues to work closely with the bar on several initiatives that aid in providing free or low-cost services to some Civil litigants and assist in the timely resolution of many cases. Projects including:

**Pro Bono ADR Program:** Providing free mediation services in cases where one party is self-represented and at least one party has an in forma pauperis (IFP) status or is within 300 percent of the Federal Poverty Guidelines;

**Conciliation Court Appeal Program:** Providing free mediation in cases where one party has an IFP in a conciliation court appeal case;

**Flat Fee Mediation Pilot:** Providing voluntary, affordable mediation services to civil litigants who don't qualify for the pro bono mediation programs and have cases with lower amounts in controversy; and,

**Volunteer Lawyers Network Pilot Program:** A program recently started to provide free legal consultations and services to parties in conciliation court appeal cases.

In our Criminal Division, Judge Todd Barnette has taken over as presiding judge, replacing Judge Mark Wernick who served with distinction as Criminal presiding judge for four years. Since most of our new judges start in the Criminal Division, Judge Barnette has put a great deal of his time and effort in the training of new judges.



**Judge Todd Barnette**

Within each of the court divisions, there are changes to meet new challenges and to remain focused on evidence-based practices.

Two years ago, the Fourth Judicial District Court Criminal Division began blocking Criminal cases, even down to the misdemeanor level, with a set of performance measures in place to evaluate results by data, not anecdote. After 15 months of collecting data with our new blocking system, Dr. Marcy Podkopacz, Director of the Fourth Judicial District Court Research and Business Practices Unit, prepared a report complete

with enough charts and graphs to satisfy even the most data-driven person.

The bench is still digesting the information, discussing, and considering appropriate next steps. At its most basic, the data confirms that the Fourth Judicial District Court continues to be under-judged according to state weighted caseload data, and thus have to figure out the most efficient way to spread out the limited judicial officer resources.

One of the central judge assignment issues the Fourth Judicial District Court Bench has already discussed and decided is whether to have a separate Civil division of judges. Under the current scheme, Civil judges in Hennepin County each carry a Criminal caseload in addition to Civil blocks.

This is fairly uncommon for a jurisdiction the size of Hennepin County. Unfortunately, in examining the data, it was concluded that it would not be feasible to create a "pure" Civil division of judges. The Criminal workload is so high that the Fourth District could only assign 12 or 13 judges to a purely civil assignment and that would be a tremendously taxing assignment given the high volume of cases and written orders that must be produced by judges with a Civil block.

*(Continued on page 14)*

## Fourth Judicial District - 2013 State of the Court Address

*(Continued from page 13)*

Thus, Civil judges will continue to have a Criminal assignment so that the number of Civil blocks can be maintained at or near the current level.

In Juvenile court, under the leadership of the presiding Judge Kathryn Quaintance, the Crossover Youth Practice Model was implemented in October 2012. The Crossover

Model was the culmination of 15 months of work with, and technical assistance from,



**Judge Quaintance**

the Georgetown University Center for Juvenile Justice Reform. The Crossover Model provides for joint case management by probation and social services where a child is simultaneously involved in both the child protection and juvenile delinquency systems. One judge will preside over both delinquency and child protection matters for any given family, accomplishing a nationally recognized Juvenile court best practice.

The Fourth Judicial District believes that this level of coordination will have better results for these kids and ultimately make

better use of resources. It has been very exciting to witness the experience and expertise of social workers and probation officers coming together to design programming to meet the needs of kids and families.

The collaboration of the courts, corrections and human services, as well as community partners, has been extraordinary. Now, the Juvenile Court is working with schools to ensure better educational outcomes for the Juvenile court population.

We are also starting to see the benefits of other Juvenile Court initiatives that were started years ago. For example, the Juvenile Detention Alternatives Initiative (JDAI), sponsored by the Annie E. Casey Foundation, has now been in place in Hennepin County since 2006. Over the past four years the Fourth Judicial District Court and criminal justice partners have reduced the number of kids being detained awaiting trial by 50% without any increase in crime. Some of the alternatives to detention include evening reporting centers, shelter, and electronic home monitoring. In September 2012, JDAI received the Hennepin County Administrator's Award.

Juvenile Court has also reduced placement of kids in residential treatment by about 30%, resulting in enormous cost savings to taxpayers. Research and best practices endorse community-based treat-

ment whenever possible so that the youth can be rehabilitated while living with family or in nearby foster care. Evening reporting centers, wraparound mental-health treatment, Functional Family Therapy, and Multi-Systemic Family Therapy are out-patient evidence-based treatments that are being utilized with low to moderate risk juveniles.

These efforts were recently featured on a Twin Cities Public Television program, Margins of Safety, narrated by Don Shelby.

In Family Court, the primary challenge is a marked increase in filings (up about 7% in 2012 compared to 2011). The bulk of those increases are in the areas of divorces with children and domestic abuse. An increase in filings is particularly challenging in Family Court because approximately two-thirds of the litigants are not represented by an attorney. These cases require more time and there is often a need for more services for these families.

An additional complication is deciding cases in the context of changing family dynamics and social definitions of family. For example, a large number of our litigants are from non-traditional families such as never-married parents with children and same-sex partnerships. In some instances, current laws, which were

*(Continued on page 15)*

## Fourth Judicial District - 2013 State of the Court Address

(Continued from page 14)

initially developed in response to dissolution of traditional marriages, do not always fit different family situations.

In meeting the challenges facing Family Court, the bench continues to get unparalleled support from several of its justice partners. For example, Family Court is currently working with the local family bar to develop a low-cost mediation program to replace some of the community services that has been lost in the last several years.

The bench has worked with another partner, Hennepin County Family Court Services (HCFCS), to review the services HCFCS offers for resolution of disputed custody and parenting time issues. This has resulted in revising and expanding certain services.

The Fourth Judicial District Court has entered into a memorandum of understanding with HCFCS to continue working cooperatively with the goal of resolving custody and parenting time issues in a timely, cost-effective manner that is, most importantly, in the best interests of families and children.

Family Court also entered into a memorandum of understanding with the Safe Havens Project, a

collaboration with safety centers for children, to develop a supervised parenting program for children who are from families with a history of domestic violence. The Fourth Judicial District Court continues to be vigilant about domestic violence issues.

In Probate and Mental Health Court, our Adjunct Judicial Officer (AJO) Pilot Project concluded. The project used volunteer attorneys to act as adjunct judicial officers to handle uncontested matters in probate court. The data from the pilot indicated that it saved our referees time and was well-received by most of the parties. However, because of a concern that having attorneys act as AJOs while also being allowed to practice in probate court created an appearance of a conflict of interest, our bench executive committee voted to discontinue the project.

On the brighter side, it has been recommended that all new guardians and conservators throughout the state be required to watch the Guardianship and Conservatorship Educational Video, narrated by KARE-11 TV anchor Julie Nelson and produced by the Fourth Judicial District.

Guardians and conservators in our district have been required to watch the video since December 1, 2011. Also, recognizing the court's statutory mandate to "establish a system for monitoring

of conservatorships," our probate court and courts throughout the state have implemented the Conservator Account Auditing Program (CAAP). CAAP has two parts, both of which will affect practitioners: 1) The electronic filing of annual accounts via the Conservator Account Monitoring Preparation and Electronic Reporting (CAMPER) system, which has been in place for more than a year as a statewide requirement; and 2) The auditing of those accounts by trained professionals. In addition to specific files that judges refer to CAAP, all first year accounts over \$3,000 will be audited and will continue to be audited every four years after that. The CAAP program when combined with the CAMPER electronic filing system are a step forward nationally and may serve as a model for states across the country looking for ways to address issues related to the monitoring of conservatorships.

In addition to his duties as presiding judge of Probate Court, Judge Jay Quam also acts as presiding judge of Mental Health Court. His current focus is on the unfortunate fact that those with mental illness



**Judge Jay Quam**

(Continued on page 16)

Safe Haven  
Project

**Fourth Judicial District - 2013 State of the Court Address**

*(Continued from page 15)*

frequently come in contact with the criminal justice system. It is even more unfortunate that those with mental illness often spend too much time in jail before receiving the evaluation and treatment they need.

Probate/Mental Health Presiding Judge Quam and Criminal Division Presiding Judge Barnette are working with our justice partners to make the process for handling the mentally ill in jail faster, more effective, cheaper, and safer for everyone. The Fourth Judicial District hopes to report significant progress on this next year.

Looking externally, the change in the Fourth Judicial District that has the greatest impact on the Hennepin County bar and other justice partners in how business is

conducted in the “back office.” As many lawyers have found out, it is a project that fundamentally changes how the Court interacts with lawyers and parties. Checks to cover filing fees are now being replaced by online credit card transactions. Lawyers and their assistants are entering data that goes directly into the court case management system, lessening the need for data entry on our end. Affidavits of service are being replaced by online logs verifying not only delivery of e-served documents, but also when the document was opened by the recipient.

Batch scanning of old, closed archived files is reducing the Fourth Judicial District Court’s need to spend over \$100,000 each year to store old paper files. Hours spent

by court staff tracking down missing paper files will be eliminated by the attachment of electronic documents to the electronic case record. Redundant copies of electronic documents and a new disaster recovery center in St. Cloud will ensure that if the worst happens in a county courthouse—be it flood, fire, or tornado—the court system can be up and running again in a matter of hours and not months.

This is an exciting time of extreme change in the Fourth Judicial District Court and Minnesota Judicial Branch. We are so fortunate to have a supportive bench and top notch employees to lead these efforts.

*The Fourth Judicial District encompasses all of Hennepin County.*

**SIXTH JUDICIAL DISTRICT - MARIETA JOHNSON NAMED DISTRICT ADMINISTRATOR**

*By Mark Hoyne, Court Operations Supervisor*



Marieta Johnson was named the Sixth District Administrator on

February 8, 2013. She comes to the position with over 23 years of experience in court management.

Marieta received her masters degree in Judicial Administration from the University of Denver Law School. She worked for the National Center as a consultant, for the Ninth Circuit Court of Appeals as her internship, and for the Denver District Court as a training division supervisor.

In Minnesota, Marieta began as a Chief Deputy for the Hibbing and Virginia Courts. She was named Court Administrator for Northern St. Louis County eight years ago.

Over the last two and a half years, Marieta has served as the St. Louis County Court Administrator officed in the Duluth courthouse.

*The Sixth Judicial District encompasses Carlton, Cook, Lake, and St. Louis counties.*

## Tenth Judicial District - Imaging, EFS and Paperless Court

by Annette Fritz, Washington County Court Administrator

Winter has been fun with snow-mobiling, snowshoeing, and hot beverages most of which I did in Koochiching, Lake, or Cass Counties where they had a lot of snow.

Winter has also been busy and exciting with the eCourtMN project. Washington County Courts implemented imaging for all lines of business in October and then electronic filing and service (EFS) for civil and family cases in November.



At the same time we transitioned from a paper case record to an electronic case record for civil and family cases. We hold court hearings without paper, we provide assistance at customer service with no paper, and clerks process cases with no paper to name a few of the changes.

The electronic document that is in MNCIS is now used in place of the paper file.

Electronic File and Serve (EFS) works well for attorneys and government offices to electronically file with the court and to serve documents. EFS gets the documents into the court without us needing to scan.

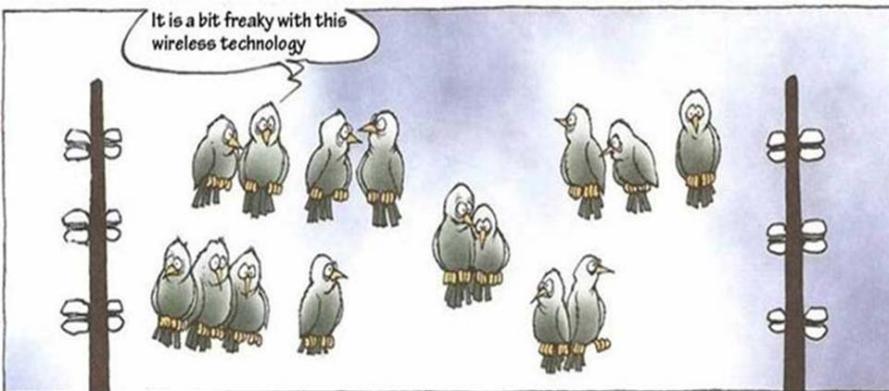
Court staff is happy with the tool; they use it to review the filing and then either accept or reject. Once documents are filed and accepted electronically, the ability to move documents electronically is under development. For workflow we use notification by eMail. Paperless will continue to be enhanced with additional tools such as eSignature and workflow tools.

Our team of court staff, law clerks, and judges worked together on solutions for electronic



workflow and the use of the electronic case record. We documented processes and provided information to State Court Administration for the eCourtMN project. We have been working with other pilot courts to learn from them and share our experiences. It is an ongoing transition that involves time from the local court, the district, state court administration, and our justice partners. Operating in a paperless or paper on demand environment is a work in progress.

The change in the eCourtMN project to implement imaging first will provide more time for courts to transition to a paperless world. In the same time additional tools including eSignature will be developed and allow time to work out workflow.



The Tenth Judicial District



## MACM Members - 2012 Fall Conference, Duluth, MN



### MACM *REFLECTIONS* QUARTERLY NEWSLETTER NEEDS YOU

Please send your MACM articles and pictures to Annette Fritz for inclusion in the next edition of *Reflections*.

You do not have to be a member of a MACM committee to send in an article about your court or your colleagues.

We are looking forward to hearing from you.

The Reflections Newsletter has a new editorial team including Jan Cossette from Clay County, Monica Tschumper from Isanti County, Aaron Williamson from Hennepin County, Annette Fritz

from Washington County, Susan Love from Hennepin County, Jan Krupicka from Anoka County, and Vicky Carlson from Carver County.

