



MINNESOTA
JUDICIAL
BRANCH

Priorities & Strategies for Minnesota's Judicial Branch

Focus on the Future

FY2012-FY2013

Minnesota Judicial Council

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Letter from the Chief Justice

Dear Fellow Minnesotans:

Minnesota's courts have a national reputation for professionalism, efficiency, and innovation. They have earned this reputation by taking seriously the need to periodically assess judicial branch performance and identify new and innovative ways of more effectively handling cases and delivering quality services as cost efficiently as possible. This document is the result of our most recent self-assessment.

The Minnesota Judicial Branch has undergone many changes over the last decade, with the goal of improving our ability to fulfill our core mission: *To provide justice through a system that assures equal access for the fair and timely resolution of cases and controversies.* The Branch has worked to reduce administrative costs, increase our efficiency and make use of new information technologies to improve service to court users, streamline our work, and reduce operational costs.

We remain committed to providing excellent service, more efficient operations and more effective use of judicial resources in the years ahead. But we will need the support of our partners in the Executive and Legislative Branches, along with our justice system partners and the citizens of this state, to sustain this commitment to improvement during these current difficult economic times.

Our new plan is the result of many months of study by the Judicial Council's ad hoc Strategic Planning Committee, led by Chief Judge Edward Lynch. The result is a set of goals and priorities designed to produce a more efficient, effective, and equitable court system. It is our blueprint for the future.

Sincerely,

Lorie S. Gildea
Chief Justice



2010-2011 Judicial Council Membership

Hon. Lorie S. Gildea (Chair)
Chief Justice, Supreme Court

Hon. Douglas Richards
Chief Judge, Fifth District

Jeffrey G. Shorba
Deputy State Court Administrator

Hon. G. Barry Anderson
Associate Justice, Supreme Court

Hon. James Florey (Vice Chair)
Chief Judge, Sixth District

Larry Dease
District Administrator, Second District

Hon. Matthew Johnson
Chief Judge, Court of Appeals

Hon. Peter Irvine
Chief Judge, Seventh District

Tim Ostby
District Administrator, Eighth District

Hon. Thomas Kalitowski
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Judge, Tenth Judicial District

Hon. Denise D. Reilly
Judge, Fourth District

Sue K. Dosal
State Court Administrator



Introduction

In May 2010 the Strategic Planning Workgroup began its review of the FY10-11 Strategic Plan with the goal of forming recommendations for the FY12-13 Plan. The Workgroup reviewed initiatives contained in the FY10-11 Plan to determine whether these initiatives would be completed by the end of the FY11 biennium and whether any of the initiatives should be continued as strategic initiatives in the FY12-13 Plan. The National Center for State Courts annual “Emerging Trends” report was also reviewed. Last, the group reviewed the proposed FY12-13 Judicial Branch Technology Investment Plan for possible inclusion in the Strategic Plan.

The Strategic Planning Workgroup, in recognition of current fiscal constraints facing the Judicial Branch and of the initiatives and projects already underway, determined that the new plan should only contain initiatives that address three areas:

1. Initiatives aimed at the development and maintenance of adequate personnel, financial and service infrastructure in order to ensure the provision of, and access to justice;
2. Affordable initiatives that are already under way and will not be completed at the end of the current plan; and
3. Initiatives that will reduce or contain current expenditures or provide additional cost effectiveness and efficiency critical to the efficient operation of the Judicial Branch.

The FY12-13 Strategic Plan sets out the Judicial Branch’s blueprint for the future with three overarching goals of improving access to justice, administering justice for more effective results and strengthening public trust and accountability. The Plan includes several significant initiatives that use new information management technologies to streamline case processing and improve service to the public.



Judicial Branch Vision, Mission, and Core Values

The elements of this strategic plan are designed to support the mission, vision, and core values of the Minnesota Judicial Branch:

Vision

The general public and those who use the court system will refer to it as accessible, fair, consistent, responsive, free of discrimination, independent, and well-managed.

Mission

To provide justice through a system that assures equal access for the fair and timely resolution of cases and controversies.

Core Values

Core values that the judicial system must embrace if it is to perform successfully its unique role in society:

Judicial Independence and Accountability

Equal Justice, Fair and Respectful Treatment of All

Customer Focused—Internally and Externally

Accessible

Affordable

Quality Commitment to Excellence and Quality Work Environment

Commitment to Effective Communication

Predictability of Procedures

Balance Between Individualized Justice and Predictability of Outcome

Efficient

Innovative and Self Analytical



STRATEGIC GOAL 1: ACCESS TO JUSTICE

A justice system that is open, affordable, understandable, and provides appropriate levels of service to all users

ISSUE

Ensuring access to justice for all citizens is an enduring concern for Minnesota's court system. It is also an increasingly challenging one, as the needs of litigants become more complex, resources become more scarce, and the Judicial Branch is called upon to provide justice in an efficient and effective manner.

The Minnesota Judicial Branch has experienced underfunding for the past three biennia. This chronic underfunding has resulted in a 9% staff shortage, delayed cases and extensive service reductions for Minnesotans. The Judicial Branch is at a tipping point—further under-funding will erode the justice system with collateral economic consequences for counties and increased public safety risks.

ACCESS PRIORITIES

The Access to Justice priorities focus on the need to increase awareness and build support for obtaining sufficient resources for the Judicial Branch and the need to continue efforts to build on the technological momentum and expertise in the state, with the goals of expanding the capacity of the judicial branch to efficiently process cases, enhancing timely access to information by court users and justice partners, and helping

unrepresented litigants navigate the legal process.

The four Access to Justice priorities are:

- 1A. Demonstrate the need and build support for obtaining the resources necessary to insure the provision of and access to justice.**
- 1B. Implement technological initiatives aimed at reducing workloads for court administration staff.**
- 1C. Provide centralized Self Represented Litigant Services to Minnesotans.**
- 1.D. Plan for access and service delivery levels in the context of anticipated future fiscal constraints.**



Strategic Goal 1: ACCESS TO JUSTICE

Priority 1A: Demonstrate the need and build support for obtaining the resources necessary to ensure the provision of and access to justice.

ISSUE

This initiative recognizes the concern that the Judicial Branch will be unable to meet its constitutional obligation to provide justice in an efficient and effective manner if sufficient staff and judges are not provided to perform judicial branch core services. It further recognizes concerns about the Branch's ability to take on new initiatives if core services are not being performed. Last, it recognizes the need for the Branch to make efforts to provide justice in the most efficient and effective way possible.

Courts must actively work to educate funding and policy groups, as well as the public, about the judicial system and the challenges the courts face.

All Judicial Branch judges and employees should participate in efforts to increase awareness of the essential role played by courts at the appellate and the trial court levels. Judges and court staff must also work to develop sound relationships with the Legislature, the Executive Branch, and with justice system partners.

OBJECTIVES

- Better understanding on the part of policy makers about the essential core government function provided by the Judicial Branch.
- Development/enrichment of local personal relationships with legislators.
- Support for judicial branch funding by policy makers and the public.
- Support for judicial branch innovations by justice partners.

STRATEGIES

- Continue Criminal Justice Forum.
- Seek out opportunities for media placements of events/projects/milestones that emphasize Judicial Branch effectiveness, cost efficiency and expanded use of technology.
- Continue efforts to educate policy makers and the public about the courts and duties of judges.
- Convene a workgroup to examine case processing of both complex and simple civil litigation to determine if and how these cases can be handled more effectively, more efficiently and at less expense through changes in court rules and court processes.



Strategic Goal 1: ACCESS TO JUSTICE

Priority 1B: Implement technological initiatives aimed at reducing workloads for court administration staff.

ISSUE

One of the most critical issues facing the Judicial Branch today is the diminished staff levels in our trial courts. Funding levels for the courts have declined with no corresponding decrease in workloads or in the services citizens expect.

The difficult ongoing economic recovery highlights the need for the Branch to effectively manage the workforce, which represents their greatest asset. To effectively manage to the “new normal” of working smarter in an era of relatively flat budgets, the Branch is turning to automated workforce management solutions in order to maintain levels of services with fewer people.

OBJECTIVE

Implement technological initiatives to:

- reduce workloads for court administration staff; and
- reduce cost of court operations.

STRATEGIES

- Continue efforts to increase the capacity (bandwidth) of the Judicial Branch Network to serve current and future needs.
- Launch statewide efforts to build a complete Electronic Case Record for District Courts.
 - ⇒ E-Filing
 - ⇒ Imaging
 - ⇒ Integrations and Miscellaneous Other Components
 - ⇒ Access
- Develop Plan for implementing e-filing in the Appellate Courts.
- Continue to pursue the development of functionality in MNCIS to replace the existing, external OFP database.
- Complete implementation of the Court Payment Center, including the development of a plan and steps to migrate the 2nd & 4th District from VIBES to MNCIS .



Strategic Goal 1: ACCESS TO JUSTICE

Priority 1C: Provide centralized Self Represented Litigant Services to Minnesotans.

ISSUE

The number of litigants who proceed without an attorney is on the rise nationally and in Minnesota. The number of pro se defendants in Hennepin County’s Housing Court, for example, is more than twice the number who use an attorney. Nationally, only a small portion of low-income litigants in need of legal assistance have access to lawyers. The law and court processes are complex and difficult for non-lawyers to understand and navigate. This initiative continues the judicial branch commitment to access to justice for its citizens.

The Statewide Self-Help Center annually provides services to over 300,000 pro se litigants via a “virtual self-help center” on the judicial branch’s website and public workstations in each courthouse where litigants can access the site, use interactive software to complete forms, and phone SHC staff for assistance.

The benefits of providing self-help resources to litigants are:

- improved quality of hearings, as pro se litigants with access to self-help centers will have more accurate paperwork and be better prepared for court
- increased access for non-English speakers, as some self-help resources are

available in several languages

- improved trust in the court system as a result of better understanding of court procedures and more control over the process

OBJECTIVE

Provide accurate timely and meaningful information about court processes to self represented litigants to:

- Enhance access to court.
- Reduce costs and create efficiencies.
- Improve the ability of judges to make a decision on the merits.

STRATEGIES

- Continue to maintain the Self Help Center website.
- Continue efforts to implement new services such as document assembly tools, fillable PDFs, virtual workshops, and videos/tutorial.
- Continue efforts to evaluate services.
- Continue efforts to partner with legal services providers to improve availability of brief legal services, especially in Greater Minnesota.



Strategic Goal 1: ACCESS TO JUSTICE

Priority 1D: Plan for access and service delivery levels in the context of anticipated future fiscal constraints.

ISSUE

The Minnesota Judicial Branch is faced with several challenges as a result of the current economic situation and the Branch's history of underfunding:

- ◆ significant budget constraints;
- ◆ a smaller available workforce; and
- ◆ significant competition for a limited pool of workers.

In response to the challenges, the Judicial Council created the Access and Service Delivery Workgroup (ASD) to develop options for restructuring delivery systems, redesigning business processes, expanding the use of technology and prioritizing functions to provide appropriate levels of access and services statewide at the lowest cost. The Workgroup reported its recommendations in January 2008. Since that time the Branch has spent considerable time planning for and implementing the ASD recommendations.

OBJECTIVE

- Continue to develop and implement plans for re-engineering access and delivery systems in the Judicial Branch.
- Reduce cost of operations.
- Maintain acceptable levels and alternative means of access.

STRATEGIES

- Implement recommendations of the Adjunct Judicial Officer Workgroup on the use of adjunct judicial officers and pro bono attorneys.
- Study the potential for regionalizing or centralizing the conservator account review hearings using ITV and subordinate judicial officers.
- Explore the use of remote hearing officers for fine mitigation activities.



STRATEGIC GOAL 2: ADMINISTERING JUSTICE FOR EFFECTIVE RESULTS

Adopting approaches and processes for the resolution of cases that enhance the outcomes for individual participants and the public

ISSUE

Over the last two decades, Minnesota courts have worked diligently to become increasingly efficient. Minnesota judges carry caseloads that are 49% greater than judges in comparable state court systems. Yet, efficiency is not an adequate measure of a successful justice system. Striving for more effective outcomes for court participants is the focus of this goal.

In recent years, new strategies have been tested and proven promising in achieving more effective outcomes for court participants who continually come back into the justice system because underlying substance abuse, mental health, or other psychosocial problems have not been addressed. These approaches stress a collaborative, multidisciplinary problem solving approach for addressing the underlying problems as well as the legal issues that bring these individuals into court in the first place.

Judicial approaches which target the early resolution of cases involving families and children and are more likely to produce effective case outcomes are another strategic focus for the judicial branch.

EFFECTIVE RESULTS PRIORITIES

The priorities for administering justice for effective results during this strategic planning period are to:

- 2A. Integrate a judicial problem-solving approach into court operations for dealing with alcohol and other drug (AOD) addicted offenders, offenders with mental health issues and offenders who are veterans**
- 2B. Provide early resolution of family law cases**
- 2C. Continue Efforts to Identify Judicial Branch Case Processing Responsibilities aimed at reducing caseloads.**



Strategic Goal 2: ADMINISTERING JUSTICE FOR EFFECTIVE RESULTS

Priority 2A: Integrate a judicial problem-solving approach into court operations for cases involving alcohol and other drug (AOD) addicted offenders, offenders with mental health issues and offenders who are veterans.

ISSUE

In recent years, alternative and demonstrably more effective judicial strategies for dealing with AOD- addicted persons, offenders with mental health issues and offenders who are veterans have evolved both in Minnesota and other states. Known as “problem solving approaches,” these strategies use the coercive power of the court, in collaboration with prosecution, defense, probation, treatment providers, and veteran services providers to closely monitor the defendant’s progress toward sobriety and recovery through ongoing treatment, frequent drug testing, regular court check-in appearances, and use of a range of immediate sanctions and incentives to foster behavioral change. This priority calls for a broad and fundamental shift in how Minnesota’s courts deal with AOD-addicted offenders.

The Judicial Council recognizes the effectiveness of problem-solving courts and recommends, to the extent possible, that current courts be maintained and that robust evaluation efforts be accomplished to bolster the justification for these courts.

OBJECTIVE

Maintain current problem-solving courts and evaluate their effectiveness to the extent financial resources permits.

STRATEGIES

- Maintain existing drug courts.
- Complete evaluation of drug courts.
- Develop methodology for evaluation of all problem solving courts.



Strategic Goal 2: ADMINISTERING JUSTICE FOR EFFECTIVE RESULTS

Priority 2B: Provide early resolution of family law cases.

ISSUE

Family Early Case Management (ECM) is an emerging model for processing marital dissolution cases more effectively and efficiently, especially in cases involving disputed issues such as custody and parenting time. It involves more active and aggressive judicial management early in the case to help facilitate early settlement of disputed issues.

An additional component of this model is the use of Early Neutral Evaluation (ENE) to settle disputed issues early in the dissolution case, as an alternative to the expensive and time-consuming process of conducting custody evaluations. ENE is a short-term, confidential, evaluative process using a male and female team of experienced custody evaluators to facilitate prompt dispute resolution in custody and parenting time matters.

The benefits of using these approaches in family cases involving children are significant:

- reduced cost and acrimony among the parties
- earlier resolution and certainty for the children
- increased settlement rates
- reduced time from filing to judgment
- fewer number of appeals and post judgment motions to modify decrees
- reduced need for full custody evaluations and custody trials

Jurisdictions throughout the state have begun experimenting with the use of the Initial Case Management Conference and the Early Neutral Evaluator model in family law cases. Programs have been developed and implemented in 50 counties, encompassing all ten judicial districts. Preliminary information demonstrates that these serve as important case management tools in the early and effective resolution of family law cases. Jurisdictions should be encouraged to continue experimentation in this area.

OBJECTIVE

Less adversarial and more timely, efficient, cost effective resolution of cases involving children and families.

STRATEGIES

- Continue to support the activities of existing local pilots and the state steering committee.
- Encourage statewide expansion of the ENE program through expanded sharing of knowledge and information.



Strategic Goal 2: ADMINISTERING JUSTICE FOR EFFECTIVE RESULTS

Priority 2C: Continue Efforts to Identify Judicial Branch Case Processing Responsibilities Aimed at Reducing Caseloads.

ISSUE

A clear measure of staff workload is central to determining how many employees are needed to resolve all cases coming into the courts.

Adequate resources are essential if the Minnesota judiciary is to manage and resolve court business effectively and without delay while also delivering quality service to the public.

Determining staff need will be accomplished by the creation of workload standards (e.g. case weights, norms) that can be used in combination with changing workload units (e.g. case filings) to determine the case related implied staff need for a particular court. The information gathered during the time study will be used, in part, to calculate the workload standards. This staffing study will be a tool for Judicial Branch leadership to use in allocating funds.

OBJECTIVE

- Measure the amount of staff time expended in resolving cases.
- Determine the case related staff needs of the Judicial Branch.

STRATEGIES

- Perform update Staffing Study



STRATEGIC GOAL 3: PUBLIC TRUST, ACCOUNTABILITY, AND IMPARTIALITY

A justice system that engenders public trust and confidence through impartial decision-making and accountability for the use of public resources

ISSUE

An overwhelming majority of Minnesotans have confidence in the state's judicial branch as an institution. Minnesotans believe judges are well-equipped to do their jobs and that court employees are helpful and courteous.

Nearly 40% of Minnesotans say they know little or nothing about the court system. Nearly half of Minnesotans say they think courts are out of touch with what's going on in their communities and Minnesotans also have concerns about the timeliness and cost of bringing a case to court, and the judiciary's treatment of persons of color.

Courts must take an active role in continually assessing their performance, the perspectives and experiences of litigants and actively work to educate funding and policy groups, as well as the public, about the judicial system and the challenges the courts face.

STRATEGIC PRIORITIES

There are four priorities to ensuring public trust, accountability and impartiality during this strategic planning period:

- 3A. Continue the performance standards implementation initiative.**
- 3B. Continue efforts to implement education and development opportunities for Judges and Judicial Branch employees.**
- 3C. Continue efforts to address diversity issues in the Judicial Branch.**
- 3D. Promote communication and collaboration between the Minnesota Judicial Branch and Minnesota Tribal Courts.**



Strategic Goal 3: PUBLIC TRUST, ACCOUNTABILITY, AND IMPARTIALITY

Priority 3A: Continue the performance standards implementation initiative.

ISSUE

In 2007 the Judicial Council established court performance goals and a process for monitoring progress toward meeting those goals.

Performance goals are necessary to ensure accountability of the judicial branch, improve overall operations of the court, and enhance the public's trust and confidence in the judiciary.

This effort will continue efforts to implement the performance goals and progress monitoring efforts.

Court performance goals:

1. **Access to Justice:** The Minnesota Judicial Branch will be open, affordable, and understandable to ensure access to justice.
2. **Timeliness:** The Minnesota Judicial Branch will resolve cases and controversies in a timely and expeditious way without unnecessary delays.
3. **Integrity and Accountability:** The Minnesota Judicial Branch will ensure the integrity and accountability of its performance by maintaining a record system that is accurate, complete, and timely.
4. **Excellence:** The Minnesota Judicial Branch will achieve excellence in the resolution of cases and controversies by accurately and fairly determining the facts and by applying and clearly enunciating statutory, common, and constitutional law.

5. **Fairness and Equity:** The Minnesota Judicial Branch will provide due process and equal protection of the law, and will ensure that individuals called for jury duty are representative of the population from which the jury is drawn.

6. **Quality Court Workplace Environment:** The Minnesota Judicial Branch will ensure that judicial officers, court personnel, and jurors are qualified to perform their duties and have the materials, motivation, direction, sense of mission, and commitment to do quality work.

OBJECTIVE

Continue the performance standards implementation initiative to:

- Ensure accountability of the branch,
- Improve overall operations of the court, and
- Enhance the public's trust and confidence in the judiciary.

STRATEGIES

- Promote regular use and review of current reports and tools relating to court management activities.
- Develop additional reports and tools for courts to use to measure compliance with the performance goals and key results.
- Continue data quality review and correction as needed.



Strategic Goal 3: PUBLIC TRUST, ACCOUNTABILITY, AND IMPARTIALITY

Priority 3B: Continue efforts to implement education and development opportunities for Judges and Judicial Branch employees.

ISSUE

Training and education are important components in achieving the Judicial Branch's strategies and priorities. Currently, court employees are asked to take on more work, often with different kinds of cases and in varying areas of court. Cross-training of employees becomes increasingly necessary as does maximizing the use of the Judicial Branch case management and other technology applications. The purpose of education and training are:

- ◆ To provide the court system with a productive and skillful workforce capable of meeting the current and future responsibilities of the judiciary;
- ◆ To provide judges and employees with training to utilize new technologies in an effective manner;
- ◆ To promote constructive workplace relationships in a healthy and diverse workforce; and
- ◆ To assist employees in achieving career and individual development goals.

It is of primary importance and benefit to the Minnesota Judicial Branch and to the public that those responsible for providing judicial branch services continue their professional education throughout the period of their employment in the courts.

OBJECTIVE

- Increase employee skill development and efficiency to enrich public trust and confidence with Judicial Branch customers.
- Expand Judicial Branch capability when diversity issues impact work or effectiveness and provide workforce retention and succession training..
- Enable staff, clients and customers to work together in a respectful, productive work environment.

STRATEGIES

- Provide training that supports business efficiency initiatives.
- Provide accessible relevant education and skills development opportunities for managers and supervisors.
- Provide technology skill development courses.
- Provide customized learning for individual employees through e-learning methods.



Strategic Goal 3: PUBLIC TRUST, ACCOUNTABILITY, AND IMPARTIALITY

Priority 3C: Continue efforts to address diversity issues in the Judicial Branch

ISSUE

Studies indicate that both white and nonwhite populations feel that persons of color are not treated fairly by the court system. The studies also indicate that communities of color have the least trust in the court system.

The courts have a responsibility to ensure that their policies and procedures are race-neutral, that the court system is not contributing to problems of disparate outcomes by race or ethnicity, and that the court system hears and responds to the needs and concerns of all populations in Minnesota.

OBJECTIVE

- To continue efforts to provide diversity training to judges and court employees.
- To continue efforts to examine juvenile detention policies, practices and programs to reduce reliance on secure confinement, improve public safety, and reduce racial disparities and bias.

STRATEGIES

- Provide training on implicit bias.
- Encourage implementation of Juvenile Detention Alternatives Initiative as appropriate.



Strategic Goal 3: PUBLIC TRUST, ACCOUNTABILITY, AND IMPARTIALITY

Priority 3D: Promote communication and collaboration between the Minnesota Judicial Branch and Minnesota Tribal Courts.

ISSUE

State courts and tribal courts have a range of common responsibilities. Both have the responsibility to provide justice to the citizens of this state. Both seek to use public resources effectively and efficiently. The parallel and sometimes overlapping responsibilities require open lines of communication between the two court systems. Person-to-person communication and sharing information among tribal and state judges and court staff can lead to improved respect, understanding, and cooperation between the two court systems.

This Strategic Goal seeks to facilitate more effective State-Tribal Court cooperation and communication. The State-Tribal Court Forum will be responsible for assessing current levels of interaction and cooperation, for facilitating improvement and for consulting on appropriate educational opportunities and materials for judges and court employees.

OBJECTIVE

- Raise understanding and awareness of State Court judges and personnel on State-Tribal issues.
- Develop training programs aimed at facilitating justice system understanding of Indian Law.
- Increase cooperation/and collaboration with Tribal Courts on matters of common interest.

STRATEGIES

- Continue state court efforts to pursue policies consistent with this Strategic Goal.
- Continue efforts to use cooperative models to enhance judicial administration and efficiency.
- Continue efforts to develop tools to assist tribal court and state court judges in their duties.

“Next to doing right, the great object in the administration of justice should be to give public satisfaction.”

-John Jay, the first United States Chief Justice



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