



**MINNESOTA
JUDICIAL
BRANCH**

First Judicial District

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

Hon. Edward Lynch
Chief Judge
(651) 438-4352

Gerald J. Winter
Judicial District
Administrator
(651) 438-4330
jerry.winter@courts.state.mn.us

<http://www.mncourts.gov/district/1/>

The First Judicial District has 36 judges and more than 250 staff that handle nearly 200,000 cases annually in the counties of Carver, Dakota, Goodhue, Le Sueur, McLeod, Scott and Sibley.

The First Edition

A Newsletter about the First Judicial District of the State of Minnesota

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Dakota County District Court Prepares to Implement eFile and eServe

By Carol Renn, Dakota County Court Administrator



In January 2012, the Minnesota Judicial Council, the governing body of the Minnesota Judicial Branch, approved the eCourtMN initiative,

which calls for moving all state courts to an electronic records system over the next few years. The goal of the initiative is for Minnesota courts to operate in an electronic information environment that will ensure timely and appropriate access to court information for all stakeholders and enable enhanced productivity in court processes. Two of the components to

eCourtMN are eFile and eServe. eFiling is the use of an online application to electronically file cases through the Judicial Branch case management system. eServing provides the opportunity to electronically serve registered parties and eliminate U.S. mail costs.

In October 2010, the Branch initiated pilots in Hennepin and Ramsey Counties for the use of eFiling in civil and family cases. Given the success of these initial pilots, the Branch has named nine additional pilot locations to test the process and Dakota County District Court is one of the pilots.

The plan calls for implementation of eCourtMN statewide in four parts, each part about one year long. The eleven pilots make up the first part of the implementation and by the end of the year the goal is to have all eleven pilots include eFiling and electronic

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imaging on all case types. Over the next three years, the Branch will bring the remaining counties online with the new technology in groups of 20 to 30 counties each year.

Dakota County is scheduled to implement eFile and eServe in civil, family, and criminal cases on December 3, 2012. In the first quarter of 2013, Dakota County will add probate and juvenile cases, although exact go live dates for these case types has not been determined.

Dakota County has already launched its 12 week countdown toward implementing eFile and eServe in civil, family, and criminal

cases, which requires the county to complete certain tasks in preparation for go live. For instance, staff held an informational session and introduced eCourtMN to its justice partners in early September. Participants were given a brief overview of eFile and eServe, as well as information regarding the project from a statewide perspective. The implementation team also held a two day process re-engineering session to identify work flow changes that may be needed as a result of operating in an electronic environment. Additionally, district technology staff have been busy making sure hardware is in place that provides electronic viewing capabilities for judges and court staff. These

are just a few of the tasks our project staff have been working on as part of the countdown.

The eCourtMN initiative benefits all justice partners. eFiling will allow 24-7 access to documents filed and served electronically; improve file management for lawyers and law firms; eliminate redundant tasks for the court, parties, and clients; reduce costs of paper, supplies and overhead; and move cases along more quickly, speed service process, and enhance the ability of lawyers to communicate with their clients.

Additional information on eCourtMN can be found at www.mncourts.gov/ecourtmn.

Online eFile and eServe Training for Attorneys Available Starting October 1, 2012



Any attorney licensed in Minnesota and staff who will be eFile and eServe court documents at any time in the future in Minnesota district courts may wish to register now for live online training sessions to be offered twice weekly starting Oct. 1, 2012.

The sessions are for all attorneys and their staff, regardless of whether their local court currently offers eFile and eServe. The sessions will last approximately 90 minutes, with time allowed for questions after the presentation.

Attorneys and their staff can participate in the sessions from any computer. Training is provided online through WebEx, and users will be sent instructions on how to set up their computer for the training upon registration.

Registration links and more information about eFile and eServe are available at www.mncourts.gov/efile.

eFile and eServe are part of the Judicial Branch's eCourtMN initiative to move from paper to electronic case records. Learn more about the initiative at www.mncourts.gov/ecourtmn.



Governor Dayton Appoints Ann Offermann and Christian Wilton to First Judicial District Court



On August 28, 2012, Governor Mark Dayton announced the appointment of

Ms. Ann M. Offermann and Mr. Christian S. Wilton as District Court Judges in Minnesota's First Judicial District. Ms. Offermann and Mr. Wilton will replace the Honorable Carol Hooten who was appointed to the Minnesota Court of Appeals and the Honorable William Macklin who retired earlier this year. Both seats will be chambered at Shakopee in Scott County.

"I am very pleased to announce these appointments," Governor Dayton said. "Both Ms. Offermann and Mr. Wilton are excellent attorneys and public servants. They will be outstanding additions to the bench in Minnesota's First Judicial District." Minnesota's First Judicial District includes Carver, Dakota, Goodhue, Le Sueur, McLeod, Scott and Sibley counties. More information on the Commission on Judicial Selection, as well as vacancies it is currently considering, can be found at mn.gov/governor/appointments/judicial-appointments/

Ms. Offermann is an Assistant Dakota County Attorney assigned to the Adult Criminal Prosecution Division where she is responsible for representing Dakota County in all stages of felony criminal prosecutions. She is a former Assistant Attorney General for the State of Minnesota where she worked within the Public Safety, Labor and Health Licensing Divisions. Ms. Offermann currently serves as President of the Dakota County Bar Association and volunteers as a trained support parent with Family Voices of Minnesota. Additionally, Ms. Offermann is a Board member of the Minnesota Valley YMCA and involved with the Epilepsy Foundation of Minnesota.



Ann M. Offermann

Mr. Wilton is an Assistant United States Attorney for the District of Minnesota where he prosecutes a wide variety of criminal offenses including violent crimes, narcotics trafficking, economic crimes and child exploitation. He previously served as an Assistant Ramsey County Attorney where he handled prosecution of gang, civil commitment, child abuse and murder cases. Mr. Wilton is a lead grader of bar exams for the State of Minnesota's Board of Law Examiners. Additionally, Mr. Wilton is actively involved with local schools serving as a volunteer hockey coach for the Apple Valley Hockey Association and a parent volunteer with Olson Middle School.



Christian S. Wilton

Court Payment Center Receives National Award

The Minnesota Judicial Branch Court Payment Center (CPC) received the 2012 Justice Achievement Award from the National Association for Court Management (NACM) at its annual conference on July 17 in Orlando, FL. NACM is the largest organization of court management professionals with members from the United States, Canada, Australia, and other countries.

The Award recognizes courts and related organizations for meritorious projects and exemplary accomplishments that enhance the administration of justice. Criteria for the award include that the nominated project identify a specific problem; demonstrate that the project was more efficient and/or more effective than alternatives; and have measurable outcomes of effectiveness through resource savings, meeting identified needs, or improving service delivery.

Creation of the Court Payment Center was part of the Judicial Branch's effort to centralize and streamline the processing of the more than one million payable citations filed in Minnesota courts each year in district courts. The process utilizes fewer staff, allows for the payment of fines by credit card

through the Judicial Branch Website or over the phone, automates the calculation and distribution of fees to the state and local government, and automates the referral of overdue fines to a collections agent. The first phase of the effort, the conversion of 85 counties to CPC processing, was complete in 2011. Planning is underway to convert the Second Judicial District (Ramsey County) and the Fourth Judicial District (Hennepin County) to the CPC in 2014.

"We are very pleased that NACM has recognized the Court Payment Center project as a national model of innovation and achievement," said State Court Administrator Sue K. Dosal. "The Payment Center has been a transformational reengineering effort. We have already seen a reduction in processing costs and an increase in the collection of fine payments, money that is badly needed by the state and local governments."

Before the creation of the CPC, clerks in the local courthouses processed citations manually. Employees working from home offices now do most of the work in a highly automated system. Over \$50 million was receipted in fiscal year 2011, including

current and overdue debt. The amount of overdue debt collected in fiscal year 2011 was \$4.8 million, compared to \$.9 million collected in fiscal year 2010 and \$1.1 million in fiscal year 2009. The CPC logged its one-millionth phone call on Nov. 22, 2011.

A user satisfaction survey offered to individuals calling the CPC in March 2012 indicated an 80 percent satisfaction rate when evaluating whether the information provided was clear and 70 percent of users indicated satisfaction with the automated voice response system. Ninety-seven percent of users indicated they were treated respectfully when they spoke with a CPC clerk.



A Conversation with Judge Thomas G. McCarthy



How has your previous employment helped prepare you to be a judge?

I believe I have had as good a background as anyone preparing to be a judge. As a small-town

attorney, I handled all manners of cases. Serving as Sibley County Attorney provided exposure to criminal, juvenile, commitment, condemnation and many other case types handled by an attorney representing a unit of government. I cannot think of a case type that I have handled as a judge to which I have not had some exposure as a practicing attorney.

Who have been your mentors?

My first mentor in law was my first law partner, Everett L. Young. He taught me – by word and example – that public service is an essential element in the practice of law. Judge Kenneth W. Bull was the County Court Judge (later District Judge, after the unification of the bench) in Sibley County. I appeared before him from my first case in 1974 until I succeeded him on the bench in 1988. He taught me that everyone who appears before a judge has the right to know the reasons for a judge's ruling. He taught me to file a memorandum explaining my reasoning with just about every

contested case. Judge John Fitzgerald taught me how to control a courtroom and yet give the participants their day in court. Judge Michael Young taught me how to ensure that a defendant was fully informed of his rights, without taking all morning to do it.

Describe your personal background.

I grew up in Green Isle, Minnesota, the oldest of eight children. I attended Arlington-Green Isle High School, where I caught the eye of a lovely cheerleader, who later became my wife. After attending the College of St. Thomas, and marrying my high school sweetheart, I attended the Notre Dame Law School the only way possible – on a scholarship! Three years and two children later, we moved to Winthrop to the house we still live in today!

I have been blessed with three children and six grandchildren (five boys, one diva) with one more on the way!

What do you do in your spare time?

What I enjoy most in my spare time is following my grandchildren to soccer, Lego League, baseball games, plays, musical events, swim meets, tennis matches and most especially, with a couple of fishing poles to the end of the dock!

What leadership roles have you taken on in the judiciary?

I served as Assistant Chief Judge of the First Judicial District from 1995-99 and the Supreme Court Technology Planning Committee (TPC) from 1997-2004, Chairing the TPC from 2000-2004. I have served as an Executive Sponsor for the MNCIS case management system, and on the Data Policy Board (which oversees the CrimNet program).

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Judge Thomas G. McCarthy (Continued from page 5)

What three characteristics and/or personality traits would you identify as helpful in order to be successful in your position?

Integrity. The public rightfully expects its judges to be above reproach. We are constantly in the public's eye, truly living in a fishbowl. But, we all are aware of the requirements when we apply for this position. That is why it is such an honor to be entrusted to make decisions, big and small, that affect the lives of the citizens who appear before us.

Compassion. Our position often requires us to make decisions that are most unpleasant for those appearing before us. It is not always possible, but when I can, I try to let the person know that it's a hard decision for me, but it has to be done. Just letting folks know you have heard them is often enough.

I have met surprisingly few truly evil people in my years on the bench. Most who appear before me are basically decent people who have made a mistake. A kind word is more effective for those individuals than an angry lecture. They know they have messed up, and don't need me to hammer them with that fact. They need encouragement to pick themselves up and get back on the right track.

Patience. This is perhaps my biggest challenge, and I don't think I'm unique among judges in this. Maintaining attention when the party or attorney has gone on too long is difficult. But the benefits are enormous. Patience can let a whole new line of evidence develop that can change the entire focus of the case.

What are the challenges and blessings of your work?

I normally travel to three different courthouses every week. Thus, preparing for the days' cases is difficult, if not impossible.

Technology has helped immensely in my "have gavel, will travel" professional life. A quarter century ago, when I first became a

judge, there were no computers. Fax machines were cutting edge technology. Now, e-mail and the ability to access my computer files from any court facility has made a positive difference in efficiency. The development of scanned documents attached to the MNCIS files has made preparing for cases in another county much more practicable.

The challenges of such a nomadic professional life are more than offset, however, by the people who work in the court system. The attorneys, probation officers, human services professionals and others who routinely appear in court are first-rate.

I have been fortunate to work with 16 wonderful law clerks over the years. Without their assistance there is no way I could have kept up with the explosion of cases.

I have had two excellent court reporters work with me: Jerry Goodroad for the first 23 years and now Paul Lyndgaard has settled in so we can complete our careers together.

Perhaps most of all, the terrific staff in Court Administration throughout the district have kept the calendars running smoothly, and have kept me on the straight and narrow. These dedicated court system employees deserve far more recognition and appreciation than they receive. I especially appreciate Court Administration in McLeod and my home county of Sibley who have really helped me over the years.

Do you know any Irish jokes?

Indeed I do! Dozens, if not hundreds of them. Only one example: What is an Irishman's definition of *alibi*? "Shure, it's being in two places at the same time!"



Judge Thomas G. McCarthy's bio:
www.mncourts.gov



Jeffrey Shorba Named State Court Administrator

On July 13, 2012, Minnesota Supreme Court Chief Justice Lorie S. Gildea announced that Jeffrey Shorba will become the new Minnesota State Court Administrator October 10 upon the retirement of Sue K. Dosal. Shorba has served as Deputy State Court Administrator since 2002 and acting Director of Human Resources since 2007.

“In his 10 years as our Deputy State Court Administrator, Jeff has shown himself to be a superb consensus builder and a skilled manager, two traits critically important to the success of the Judicial Branch’s top administrative officer,” said Minnesota Supreme Court Chief Justice Lorie S. Gildea. “After a nationwide search and selection process, it was clear that Jeff was the best choice for the job.”

“Thanks to the leadership of Sue Dosal and so many others, the Judicial Branch is well-positioned to continue its tradition of excellence and high standards. I believe that Jeff is the right person at this time to help lead the branch forward as we

continue on our path of progress,” said Chief Justice Gildea.

Shorba began his career in the Minnesota Judicial Branch as a law clerk for former Minnesota Supreme Court Chief Justice Peter Popovich. He had experience as an attorney in private practice before joining the U.S. Justice Department working as an attorney with the Federal Bureau of Prisons. He returned to Minnesota to serve as Assistant Commissioner and Legal Counsel for the Minnesota Department of Corrections. He is a native of Chanhassen, MN. He received his undergraduate degree from Carleton College and his law degree from Harvard Law School.

The State Court Administrator has oversight over the State Court Administrator’s Office, which provides central administrative infrastructure services for the Branch through a number of divisions, including Information Technology, Finance, Human Resources, Court Services, Legal Counsel, Education

and Organizational Development, Court Information, Intergovernmental Relations, and the Executive Office. The State Court Administrator’s office employs approximately 200 staff.

The State Court Administrator also oversees a number of advisory work groups and committees comprised of judges, administrators, and court staff that provide recommendations and advice for policy-making, business practice changes, and service delivery.

The State Court Administrator advocates for the Judicial Branch with the legislative and executive branches, and interacts on behalf of the Chief Justice and the Judicial Council with various constituencies, including the bar; state, local, and national justice system partners; and citizens groups.

Sue Dosal has served the Branch and the citizens of the State of Minnesota as State Court Administrator since 1982.



Release of the Minnesota Statewide Adult Drug Court Evaluation

Drug court participants are more likely than non-graduates to show improvement across a number of what the study calls “community functioning measures,” including:

- *Unemployment dropped from 62 percent at drug court entry to 37 percent at drug court discharge for all participants – including those who did not graduate.*
- *The unemployment rate for participants who graduated from a drug court program dropped from about 50 percent at entry to less than 15 percent at graduation.*
- *Twenty percent of graduates raised their highest educational attainment during their time in the program.*
- *Almost three-fourths of graduates who were not compliant with their obligation to pay child support at the beginning of their program were compliant upon completion.*

Drug court participants have lower rates of recidivism, spend less time incarcerated, and make greater progress on social indicators, such as attainment of a driver’s license, than do non-participants, according to the first comprehensive study of the effectiveness of Minnesota’s drug courts.

The Minnesota Statewide Adult Drug Court Evaluation, a two-and-a-half-year study, compared 644 non-participants to 535 participants from 16 drug court programs covering 23 counties. The two groups were matched on key characteristics including criminal history, chemical dependency status, and key demographics. The study was produced by the Minnesota Judicial Branch State Court Administrator’s Office.

“The positive Minnesota results further confirm federal government and other national findings that drug courts work,” said Chisago County District Court Judge Robert Rancourt, Co-chair of the Minnesota Drug Court Initiative Advisory Committee and President of the National Association of Drug Court Professionals. “They are a win-win, for the participants, who get help turning their lives around, and for our communities, that gain improved public safety.”

The study found that drug court participants have a significantly lower rate of recidivism than non-participants. Two-and-a-half years after entering a Judicial Branch drug court program, about one quarter of the participants had been charged with a new

offense, compared to 41 percent for non-participants.

“This study confirms what many of us in law enforcement have believed for years, which is that Minnesota’s drug courts improve public safety by reducing drunk driving and other crimes associated with alcohol and drug addiction,” said Dakota County Attorney James Backstrom.

The study also shows that drug court participants spent fewer days incarcerated (jail and prison) than non-participants. As a result, \$3,189 less was spent on incarceration of drug court participants than of non-participants. The study calculated incarceration costs using per diem costs,

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Adult Drug Courts (Continued from page 8)

including clothing, feeding, and housing offenders, provided by the Minnesota Department of Corrections.

Minnesota’s drug courts have a 54 percent graduation rate, according to the study. Participants typically spend 18 or more months in drug court programs, which include treatment for drug dependency, frequent court appearances, random drug testing, and sanctions for failing to meet court-imposed requirements.

The study found that drug court participants are twice as likely to have completed a drug treatment program (80 percent) than non-participants (49 percent).

Evaluators plan to continue tracking recidivism for the two groups for up to three-and-a-half years and use the study findings to continue to improve the effectiveness of Minnesota’s drug courts.

The Judicial Branch currently operates 38 drug court programs serving 32 counties.

There are 3 drug courts in the First Judicial District and they are all in Dakota County – Adult Drug Court, Juvenile Drug Court, and Family Dependency Treatment Court.

The study fulfills a goal of the FY12-13 Judicial Branch Strategic Plan, which called for completion of an evaluation of drug court effectiveness. The evaluation can be found in the Publications and Reports section of the Minnesota Judicial Branch Website at www.mncourts.gov/?page=519.

Remote In-Court Updating: A New and Efficient Use of Technology

By Karen Messner, McLeod and Sibley County Court Administrator

In-Court Updating has proven to be a valuable tool for courts across the State of Minnesota as well as for our justice partners and the public. Cases are updated simultaneously by the clerk in the courtroom as the judge is pronouncing the sentence and any conditions on cases. A defendant is provided a copy of this information before walking out of the courtroom. Justice partners and the public can see what happened with that defendant’s particular case in our case management system (MNCIS) earlier than ever before.

One of the benefits of utilizing this functionality and technology is that court staff are more efficient. Before in-court updating, the clerk would take the minutes of the proceedings, go back to the office after court and update the information in MNCIS and then send out a notice of hearing or order to the parties involved in the case. That was time consuming. Now, all of this work is completed right in the courtroom. The clerk can go back to the office and immediately put their case files in storage without any other necessary follow-up work.

But what do you do when you are short-staffed and you don’t have a clerk within your county to complete in-court updating in the courtroom? That was the situation recently in McLeod County. We encountered a day when there were some criminal sentencings on the calendar and there was not a criminal clerk available to do the in-court updating. In lieu of just doing it the way we used to and taking minutes and completing the file later, we decided to run the idea of remote in-court updating past First District Judge Thomas

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McCarthy. Of course, he was willing to



Judge Thomas McCarthy and Roni Sanchez

McLeod County. As Judge McCarthy was pronouncing the sentence, Stacie was doing the in-court updating. She saved the information in our case management system and Roni then printed off the sentencing order in McLeod County. The judge signed the order and the parties were given their copies. It all happened pretty seamlessly.

This was a great opportunity for us to experiment with

remote in-court updating and see what issues, if any, would surface. For this particular instance.....it worked GREAT! As always, the cooperation between the judge and staff was critical in making this work. It's wonderful to see a willingness to try new things, despite knowing that we may run into some problems. However, as I said before, it worked great and we were able to maintain the efficiency that our justice partners have come to expect.

We found that remote in-court updating can be an option when you run into the situation where an office is short-staffed or

give this a try. The criminal clerk in McLeod County, Roni Sanchez, phoned Stacie Swenson, criminal court clerk in Sibley County, which provided the phone connection between the two locations. Between the two counties, we have joint computer access to allow for the counties to help each other out with work. Stacie was able to connect from Sibley County and open the case being sentenced in



Stacie Swenson

there's not a clerk available onsite to do in-court updating. It's another way the Judicial Branch has shown that we embrace the technology and can make it work in almost any situation we encounter.

The First Edition Editorial Team:

Editor: Brian E. Jones

Formatting Editor: Rita Miest, *RM graphic design*

Comments and story ideas may be submitted to:

brian.jones@courts.state.mn.us

