



MINNESOTA
JUDICIAL
BRANCH

Priorities & Strategies for Minnesota's Judicial Branch

Focus on the Future

FY2007-FY2009

Minnesota Judicial Council



CONTENTS

Letter from the Chief Justice.....	2
Judicial Council Membership.....	3
Introduction	4
Judicial Branch Vision and Mission.....	5
STRATEGIC GOAL 1: ACCESS TO JUSTICE.....	6
Priority 1A: Complete the transition to a unified statewide case management system	7
Priority 1B: Institute electronic case initiation.....	8
Priority 1C: Expand resources for pro se litigants	9
STRATEGIC GOAL 2: ADMINISTERING JUSTICE FOR EFFECTIVE RESULTS	10
Priority 2A: Integrate a judicial problem-solving approach into court operations for cases involving alcohol and other drug (AOD) addicted offenders	11
Priority 2B: Promote early resolution of cases involving children and the family	12
Priority 2C: Institutionalize the Children’s Justice Initiative.....	13
STRATEGIC GOAL 3: PUBLIC TRUST, ACCOUNTABILITY, AND IMPARTIALITY ...	14
Priority 3A: Assure impartial decision-making through the examination of judicial selection processes in Minnesota.....	15
Priority 3B: Strengthen public education regarding the role of the courts	16
Priority 3C: Adopt statewide performance standards for the judiciary.....	17
Priority 3D: Assure equitable treatment of all people in the court system regardless of race or ethnicity	18



Letter from the Chief Justice

Dear Fellow Minnesotans:

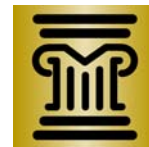
Minnesota's courts have a national reputation for professionalism, efficiency, and innovation. They have earned this reputation by taking seriously the need to periodically assess judicial branch performance and identify new and innovative ways of more effectively handling cases and delivering quality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

Since the last strategic plan was developed for our courts in 2001, we have seen the culmination of a two decade effort to change the structure of our judicial branch in a way which will better meet the needs of Minnesota citizens and the increasing demands placed on our court system. What was once a confederation of state appellate and county-funded trial courts is now a united, state-funded branch of government. The various policy groups associated with the dispersed court structure have also been replaced by a single statewide policy-making entity known as the Judicial Council, which serves as the governing body for the entire judicial branch.

In conjunction with these structural changes, the Judicial Council undertook a reassessment of the organizational priorities laid out in the strategic plan that has guided the judicial branch since 2001. Our new plan is the result of many months of study by the Judicial Council's ad hoc Strategic Planning Committee, ably led by Judge Robert Benson, and of discussion with judges and court employees throughout the state. 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,

Russell Anderson
Chief Justice



Judicial Council Membership

Hon. Russell A. Anderson (Chair)
Chief Justice, Supreme Court

Hon. Sam Hanson
Associate Justice, Supreme Court

Hon. Edward Toussaint Jr.
Chief Judge, Court of Appeals

Hon. Wilhelmina M. Wright
Judge, Court of Appeals

Hon. William E. Macklin
Chief Judge, First District

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Judge, First District

Hon. Gregg E. Johnson
Chief Judge, Second District

Hon. Bill Johnson
Chief Judge, Third District

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Chief Judge, Fourth District

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Judge, Fourth District

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Sue K. Dosal
State Court Administrator

Jeffrey G. Shorba
Deputy State Court Administrator

Gerald J. Winter
District Administrator, First District

Mark S. Thompson
District Administrator, Fourth District

Richard H. Fasnacht
District Administrator, Fifth District

Judith A. Besemer
Court Administrator, Blue Earth County



Introduction

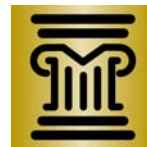
In July 2005, the Minnesota Judicial Branch completed its transition from a largely county funded and focused confederation of trial courts to a unified, co-equal branch of state government operating under a single umbrella of state funding. In support of this change, the Minnesota Judicial Branch instituted a new governance structure with the creation of a Judicial Council comprised of judges and administrators from all levels of court and chaired by the Chief Justice of the Supreme Court. These changes present a tremendous opportunity for the judicial branch to more equitably, efficiently, and effectively serve the citizens of Minnesota.

As one of its first tasks, the Judicial Council developed a new strategic plan for the judicial branch which sets a clear direction over the next three years for the operation of the unified court system. This strategic plan sets forth three long-term, enduring goals for the court system: (1) Access to Justice; (2) Administering Justice for Effective Results; and (3) Public Trust, Accountability and Impartiality. These goals are fundamental building blocks for the operation of the courts and anchor all other parts of the strategic plan.

To further each of these goals, the strategic plan outlines ten priorities for the 2007-2009 time period. Each of these specific priorities addresses challenges facing the court system by targeting judicial branch resources in a focused manner on achievable and measurable strategies. Implementation of these priorities will take place over the life of the strategic plan with specific performance measures to evaluate their success.

This strategic plan is ambitious and will require the judicial branch to focus resources and energy in targeted areas. The Judicial Council is committed to ensuring that the judiciary has the resources needed to perform its core functions while implementing this plan. Indeed, the plan is designed to expand the capacity of the judicial branch to perform the ongoing work of the courts, by developing tools and strategies to increase efficiency and effectiveness. The plan is also intended to be a working document, flexible enough to be modified in response to changing needs, resources, and circumstances.

The Judicial Council believes this strategic plan will serve as a roadmap for the judicial branch – guiding judges and court employees as they perform their work, prioritizing the use of scarce judicial branch resources, and measuring the success of the courts as we strive to achieve our mission.



Judicial Branch Vision and Mission

The elements of this strategic plan are designed to support the mission and vision 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.



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 caseloads rise and the needs of litigants become more complex.

In the last decade, Minnesota's court system has seen its workload increase by over 10%, including a 42% increase in major criminal cases. Today, more than two million cases are filed each year, with each Minnesota judge handling an average of nearly 8,000 cases annually.

Minnesota's judicial branch faces challenges to ensuring access to justice beyond the sheer number of its cases. Last year, 62 languages were spoken in state courtrooms, and interpreters were used in over 30,000 hearings. In addition, the number of unrepresented litigants is on the rise. The Minnesota judicial branch is committed to undertaking efforts to assist users of our court system to understand and meaningfully participate in the judicial process.

ACCESS PRIORITIES

For this strategic planning cycle, the Access to Justice priorities capitalize 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 three Access to Justice priorities are:

- 1A. Complete the transition to a unified statewide case management system**
- 1B. Institute electronic case initiation**
- 1C. Expand resources for pro se litigants**



Strategic Goal 1: ACCESS TO JUSTICE

Priority 1A: Complete the transition to a unified statewide case management system

ISSUE

The replacement of the court's outdated case management system under the Minnesota Court Information System project (MNCIS) will significantly improve the collection, storage, retrieval, tracking, and electronic sharing of trial and appellate court case information. Information databases will be person-based, statewide, and able to exchange information with other criminal justice agencies.

Fifty of Minnesota's 87 counties are currently part of MNCIS. Statewide completion will:

- enhance judicial decision-making and public safety by providing adequate and timely information
- allow the court system to more effectively and efficiently process cases
- meet the need of the public and court users for information about matters under the jurisdiction of the court system

OBJECTIVE

An efficient, reliable, comprehensive case management system that meets the needs of court users, judges and court staff, justice partners, and the state judicial system as a unified whole.

APPROACH

- Rollout MNCIS technology to the remaining 37 counties
- Ensure that staff have the training necessary to maximize the benefits of the technology
- Pilot in-court updating



Strategic Goal 1: ACCESS TO JUSTICE

Priority 1B: Institute electronic case initiation

ISSUE

Citation processing is among the highest volume, most labor-intensive activities for Minnesota courts. Most information needed to initiate a citation in district court is already entered by law enforcement in their records management systems. Electronic case initiation, or e-filing, is the ability of external parties to file case initiation documents with the court in an electronic format, eliminating the need for manual entry of this information by the courts.

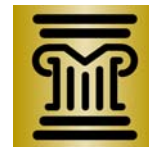
E-filing will allow courts to more quickly process cases, reduce the number of errors in court data, and enhance the productivity of court administration staff resources. The end result of this effort will be more timely access to accurate information by the public and a more efficient court system.

OBJECTIVE

Develop a highly efficient, accurate process for the initiation of criminal and juvenile cases, and pave the way for civil e-filing.

APPROACH

- Develop the capacity for MNCIS to accept criminal and juvenile complaints and citations electronically
- Foster participation in e-filing by prosecutors, law enforcement, and government agencies to realize e-filing's full potential
- Analyze the costs and benefits of court record imaging



Strategic Goal 1: ACCESS TO JUSTICE

Priority 1C: Expand resources for pro se litigants

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 Fourth District’s Self-Help Center (SHC) services 26,000 walk-in users annually. With a relatively low investment of resources, the SHC services could be made accessible to pro se litigants statewide via a “virtual self-help center” on the judicial branch’s website and public workstations in each courthouse where litigants could access the site, use interactive software to complete forms, and phone SHC staff for assistance.

The anticipated benefits of providing more 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 a baseline level of access to legal information and resources for all persons with cases in Minnesota courts, regardless of their geographic location or income level.

APPROACH

Provide remote access to a centralized source of self-help information for pro se litigants.



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. Today, 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.

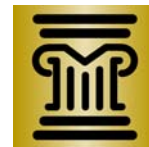
In recent years, new strategies have been tested and proven promising in achieving more effective outcomes for court participants who continually come back into the justice system because underlying substance abuse, mental health, or other psychosocial problems have not been addressed. These approaches 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**
- 2B. Promote early resolution of cases involving children and the family through strategies such as Family Early Case Management and Early Neutral Evaluation (ENE)**
- 2C. Institutionalize the Children's Justice Initiative**



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

ISSUE

Persons who suffer from alcohol and other drug (AOD) addiction present a pervasive and growing challenge for Minnesota's judicial branch, and, in particular, its criminal courts. AOD addiction is a factor in 80% of Minnesota's criminal cases, but the impact of AOD problems is not confined to any one case type -- it is a pervasive problem in juvenile delinquency, child protection, family, and mental health cases, as well.

Methamphetamine production and use has grown at an alarming rate, adding urgency to the need to address the problem. The financial costs to the state are substantial and rising.

In recent years, alternative and demonstrably more effective judicial strategies for dealing with AOD- addicted persons, and particularly criminal offenders, 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, and treatment 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 benefits of using judicial problem solving approaches include reduced AOD use, lower recidivism and incarceration rates, and reduced costs to the criminal justice system

OBJECTIVE

Administer justice in cases involving AOD-addicted offenders in ways that enhance their chances for long-term sobriety and recovery.

APPROACH

- Provide education on the philosophy of problem-solving courts
- Proactively collaborate with criminal and juvenile justice system partners to institute new problem-solving approaches for cases involving AOD-addicted offenders
- Provide leadership to ensure sustainability of problem-solving courts by courts and justice partners
- Establish a comprehensive multi-phased plan to make problem-solving approaches available throughout the state
- Evaluate effectiveness



Strategic Goal 2: ADMINISTERING JUSTICE FOR EFFECTIVE RESULTS

Priority 2B: Promote early resolution of cases involving children and the family, through strategies such as Family Early Case Management and Early Neutral Evaluation

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:

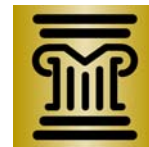
- reduced cost and acrimony among the parties
- earlier resolution and certainty for the children
- increased settlement rates
- reduced time from filing to judgment
- fewer number of appeals and post judgment motions to modify decrees
- reduced need for full custody evaluations and custody trials

OBJECTIVE

More timely, efficient, and peaceable resolution of cases involving children and the family.

APPROACH

- Develop the capacity for coordination and support of Family Early Case Management Program
- Establish pilot programs to expand use of Family Early Case Management and Early Neutral Evaluation strategies



Strategic Goal 2: ADMINISTERING JUSTICE FOR EFFECTIVE RESULTS

Priority 2C: Institutionalize the Children’s Justice Initiative

ISSUE

The mission of the Children’s Justice Initiative (CJI) is to ensure that, in a fair and timely manner, abused and neglected children involved in the juvenile protection court system have safe, stable, and permanent families. Begun in 2000, CJI is a collaboration between the Minnesota Judicial Branch and the Minnesota Department of Human Services. The purpose of the initiative is to improve the processing of child protection cases and the outcomes for abused and neglected children, by working closely with the local juvenile courts, social services departments, county attorneys, public defenders, court administrators, guardians ad litem, and other key stakeholders in each of Minnesota’s 87 counties.

Continued effort by judicial districts is required to ensure that these successful practices are adopted and maintained in all counties. The desired benefits are:

- improved outcomes for abused and neglected children and their families
- decreased length of child protection cases
- improved overall quality of child protection proceedings, including better service to children and families and increased efficiency for attorneys and other professional stakeholders
- enhanced judicial decision-making through the provision of adequate and timely training and tools

OBJECTIVE

Ensure that CJI best practices, procedures, and policies become truly incorporated as standard ways of doing business statewide.

APPROACH

- Strengthen district and court-based management and oversight
- Develop plans to promulgate best practices



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.

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

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

In light of recent federal court decisions regarding judicial elections, the judiciary must be especially vigilant to ensure that the trust of the public is maintained. The judicial

branch is committed to ensuring a fair, impartial, and accountable justice system.

STRATEGIC PRIORITIES

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

- 3A. Assure impartial decision-making through the examination of judicial selection processes in Minnesota.**
- 3B. Strengthen public education regarding the role of the courts.**
- 3C. Adopt statewide performance standards for the judiciary.**
- 3D. Assure equitable treatment of all people in the court system regardless of race or ethnicity**



Strategic Goal 3: PUBLIC TRUST, ACCOUNTABILITY, AND IMPARTIALITY

Priority 3A: Assure impartial decision-making through the examination of judicial selection processes in Minnesota

ISSUE

Recent federal court decisions have substantially changed the legal landscape of judicial elections in Minnesota. The prospect of partisan elections, in which candidates announce their personal views on disputed social and legal issues likely to come before the courts and seek party and special interest endorsement and big campaign contributions, has the potential to radically compromise the integrity and impartiality of the court system. Experiences of other states with such judicial election systems show us that the threat is real and imminent.

The ultimate goal of these efforts is to assure the impartiality and integrity of the court system for the benefit of all Minnesotans.

OBJECTIVE

Determine strategies and approaches to maintain the impartiality of, and public confidence in, the court system.

APPROACH

- Participate in a citizens' commission to study the new judicial elections environment
- Assess impact on the judiciary of commission findings and recommendations



Strategic Goal 3: PUBLIC TRUST, ACCOUNTABILITY, AND IMPARTIALITY

Priority 3B: Strengthen public education regarding the role of the courts

ISSUE

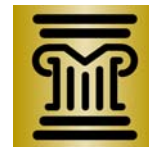
The judiciary has neither the power of the sword nor the power of the purse. It is dependent upon the public's trust and confidence for its support. For that reason, it is critical that Minnesota citizens understand the role of the courts in preserving our democracy, the reasons for the separation of powers among the three branches of government, and the role courts play in protecting individual rights.

OBJECTIVE

Increase public awareness of the function, importance, and responsibilities of the judiciary.

APPROACH

- Educate the public about the role of the courts and the duties of judges
- Increase the number of public appearances in support of an independent and impartial judiciary



Strategic Goal 3: PUBLIC TRUST, ACCOUNTABILITY AND IMPARTIALITY

Priority 3C: Adopt statewide performance standards for the judiciary

ISSUE

Establishing court performance goals and monitoring progress toward meeting those goals is 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.

The Judicial Council has identified six broad 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

Institute processes for continual self-evaluation and monitoring to ensure an effective, efficient, responsive and responsible court system.

APPROACH

- Determine key results and measurement tools for the six performance goals
- Ensure accuracy and completeness of underlying data collected and stored
- Develop and implement a plan to measure and report court performance



Strategic Goal 3: PUBLIC TRUST, ACCOUNTABILITY AND IMPARTIALITY

Priority 3D: Assure equitable treatment of all people in the court system regardless of race or ethnicity, by study and analysis of available data and development of plans to address identifiable problem areas.

ISSUE

Studies indicate that both white and nonwhite populations feel that minorities are not treated fairly by the court system. The studies also indicate that nonwhite communities 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

Determine if there are areas where the court system is not treating all people in the court system fairly and equitably by virtue of their race or ethnicity, and develop plans to address them.

APPROACH

- Assess current public perceptions of the court system in Minnesota
- Increase outreach to communities of color
- Analyze race data reports
- Develop plans to address problem areas

“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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