



**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.

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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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Coping With Budget Shortages in the First Judicial District

By Jerry Winter, First Judicial District Administrator

The Minnesota Judicial Branch knew this year's budget process at the Legislature was going to be difficult. In recognition of the state's budget deficit, the Judicial Council elected to not ask for any additional judgeships (20 judges short), additional personnel, funding for cost of living adjustments, and funding for merit increases for staff. The only increase requested was for mandated increases in pension contributions and an anticipated increase in the branch's contribution to health care premiums.

Over the past four years, the Supreme Court, the Court of Appeals and the trial courts have been working to streamline operations through the expanded use of technology, to consolidate offices and the court management structure, and to centralize functions previously provided in all 87 counties of the state. During that same period of time, the judicial branch eliminated or left vacant over 250 positions.

The First District has taken several steps to insure that personnel are operating as efficiently and flexibly as possible. This includes hiring temporary employees in lieu of hiring permanent staff, shifting work and/or employees from one county to another to balance workloads within the district, closing public counter service at selected times or on selected days to allow for uninterrupted staff work hours, expanding the use of volunteers and unpaid interns, and using Early Case Management (ECM) and Early Neutral Evaluators (ENE) or other alternative dispute

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resolution methods. The district is also expanding the use of ITV in the district in an effort to minimize travel time and increase bench time. The Dakota County Court Administration Office is currently serving as the statewide pilot for document imaging on our case management system. Other counties in the district are pilot testing e-filings in criminal cases. These and other efforts have allowed the First to function with a staffing level below the "most efficient norm" (optimum number of employees needed to process the workload) established by the State Court Administrator's Office.

In the First Judicial District (Carver, Dakota, Goodhue, Le Sueur, McLeod, Scott and Sibley Counties), personnel salaries and benefits make-up 90-93% of the budget. These people work in the court administration offices in the nine locations of the district serving the public and justice system partners that rely on them for prompt and accurate assistance. They serve as court reporters and law clerks to the judges providing an accurate record of the proceed-



ings in court and insuring that the best possible decisions are rendered by the judges. They provide the basic personnel, financial, technical and planning services to the district and state court system. They have the reputation of being one of the best, most hard working and most efficient court staff in the state. Any reduction in funding means either a reduction in hours and/or positions in the district.

Unfortunately, the court has little or no control over the number of cases that are filed. In the First District we are still trying to staff up to workload increases that have regularly occurred over the past decade. The courts still have to give the highest priority to criminal defendants in custody, domestic abuse cases, some juvenile matters, unlawful detainer cases (evictions), and those needing commitment because of mental illness. If budget cuts occur, some cases will have to be given lower priority based on the extent of reductions in funding. Logical reductions in services would impact the hearing of conciliation

court cases, petty misdemeanor trials, civil trials and probate matters.

Recent targets in both the Senate and the House propose funding cuts for the Public Safety arena ranging from zero to 3.5%. This is much better than the 15% to 20% scenarios that were being discussed earlier in the session, but they still come with a price tag for court operations. Using the 3.5% reduction we would see a ten position reduction in funding after we have made adjustments for anticipated voluntary leave and operational expense reductions. Rather than lay off employees, which would require added expenses for severance costs and unemployment expenses, the First District would probably implement a mandatory unpaid salary savings leave program. This in turn would require closure of court administration offices in all counties for at least two days per month. The workload reduction and established priorities listed above would be implemented district-wide.

The courts are a third branch of government--not a state agency--and are

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Coping with Budget Shortages (Continued from page 2)

vital to government’s basic function of protecting public safety, insuring individual rights and providing a forum for the orderly and civil resolution of disputes. Yet, the judicial branch accounts for less than 2% of the state’s general fund. We exist not for those of us who

work in the courthouses throughout the state, but for the people of Minnesota whom we serve—all 5 million. Fortunately the funding bills coming out of the House and Senate represent no cut to the request made by the branch. This is extremely good news and hope-

fully demonstrates the appreciation legislators have for our aggressive efforts to find and implement efficiencies and a recognition that we are a core government function. We thank our representatives and senators for the support they have given the courts.

Meet the Newest First District Judge —Lawrence F. Clark

By Judge Lawrence F. Clark



Lawrence F. Clark

I was recently elected Judge in the First Judicial District, chambered in Goodhue County. Prior to taking the oath of office on January 3rd, I served for almost 22 years as an assistant county attorney in

the Dakota County Attorney’s Office. I spent that entire time in the criminal division of the office, prosecuting adult felony cases. I also began prosecuting child abuse cases for Dakota County in 1992 and developed a fair degree of expertise in that area of specialty.

In 1980 I graduated from William Mitchell College of Law and immediately began working for a small private law firm in Ellsworth, WI. Being in a small three-lawyer office, I dealt with a wide variety of cases, from real estate and taxes to criminal defense and personal injury.

After the first year, I became a partner in that firm and continued in private

practice for another eight years, before joining the County Attorney’s Office in 1989.

My wife Colleen and I have lived in Red Wing for 25 years. We have three adult daughters. The oldest operates a music studio in St. Paul with her husband, our middle daughter is a nurse in Denver and the youngest is in her final semester of law school. We have thoroughly enjoyed living in Red Wing, and we both have been active in various community groups. I have particularly appreciated the fact that we live only three blocks from the Goodhue County Jus-

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Meet the Newest Judge (Continued from page 3)

tice Center. The commute is especially satisfying after driving to and from Hastings for 22 years.

I have found my limited time as a judge to be very rewarding and satisfying. Although I've found a rather

steep learning curve with some areas, such as Torrens property and CHIPS cases, the court staff have been most



helpful and the attorneys very patient. I especially appreciate the assistance of my staff attorney, Tyler. His experience and research and writing skills have proven to be invaluable.

The switch from prosecutor to judge has required an adjustment on my part in attitude and perspective. I have enjoyed relating to attorneys and litigants in a non-adversarial role. I

have also relished the opportunity to dig into interesting civil cases, an area of the law that I have essentially ignored for over 20 years. With the help of the fine staff here in Goodhue County, I look forward to many years of serving the citizens of the First District.



**WELCOME
JUDGE
CLARK**

The Multi-County Court Administrator

By Vicky Carlson, Carver County Court Administrator

Court Administrators have seen many changes in the trial courts in the last several years. A few of the changes include:

- Transition to state funding
- Centralized technology efficiencies
- Sharing of court administrator positions

For some courts and judicial districts, the multi-county administrator positions have been the result of budget cuts, for others, it's an initiative to restructure the courts management in order to streamline and to share resources where possible.

Prior to the initiative, each of the 87 coun-

ties in Minnesota had its own court administrator. Today, there are 52 court administrators state-wide. There are 22 multi-county court administrators serving a total of 56 counties;

11 oversee two (2) counties

10 oversee three (3) counties

1 oversees four (4) counties

The remaining 30 administrators serve one county. The Minnesota Judicial Branch currently has more counties that

are led by multi-county court administrators than single county court administrators.

The merging of manager/executive level positions is not a new concept. Private business has been downsizing for years. Since the first several court administrator positions were combined, the merging has become more commonplace. A recent survey was conducted by the Minnesota Association for Court Management and

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Multi-County (Continued from page 4)

targeted all of the multi-county court administrators in Minnesota. The survey was conducted to help others in the courts understand the benefits and challenges facing court administrators in these positions. The feedback received contained similar themes.

The benefits of combining court administrator positions goes beyond the obvious ability of the district to save money during these difficult times. Most court administrators agreed that the new challenges of being a multi-county court administrator was a good change. Administrators have been able to expand their experiences and knowledge and apply their skills in managing another court. Applying consistency and uniformity of processes among court locations has been an added bonus for not only the administrator but judges and court staff who may work across county lines. Several court administrators said they were able to see new and better ways to manage different processes and procedures and implement those in both counties. Another advantage of being a multi-county administrator is the ability to move people and work easier across county lines. According to Karen Messner, Sibley and McLeod County Court Administrator,

“...the change has allowed me to bring the judges closer together and get some consistencies from them between counties.”

The top challenges that echoed across all of the interviews included: building and maintaining relationships, holding meetings, prioritizing work, and communicating timely and effectively. While these are challenges inherent in any executive or administrator position, they are multiplied when managing multiple counties that have different justice partners, judges, staff, public and locations. The inherent culture of each location takes some getting used to and making any changes can take time and effort to implement.

The most significant challenge echoed for some administrators has been establishing long term working relationships when the administrator may only be in a location on a part time basis, sometimes only one day per week. Most administrators previously felt they had very good working relationship with their county administrators, department heads, county board, staff, judges and other agencies. The good relationships that lead to gaining and developing trust that ultimately results in working out problems and issues were possible to maintain and nurture as a result of the

administrator being in that location daily. For the multi-county administrator today, holding meetings and effectively communicating with others is a challenge. It can be difficult to find a time when all of the stakeholders and the administrator are available in a particular county. The stars must align.

The multi-county administrator has had to adjust and work extra diligently to stay in the loop about important issues occurring in each county and delegating those less important. Email has become their number one communication tool. In the life of a multi-administrator, it is necessary to have an additional means of communicating in order to stay on top of things while at meetings or in travel mode. One attorney recently compared the court administrator to a Schwan's delivery man with all the traveling now involved.

While the challenges can be great, most administrators expressed a higher satisfaction level as a result of combining county court positions. While this satisfaction may depend on how many counties the administrator is managing and the day, many have found that the variety and different people they work with has offered them fulfillment.



Dakota County Judge is a Global Voice for Justice

By Joy Powell, Star Tribune Staff Writer

Published in Star Tribune on February 16, 2011

Retiring Dakota County Judge Robert Carolan is well respected locally, but as a key contributor to the effort to establish a legal system in Kosovo, he's gained international praise.



Photo: Kyndell Harkness, Star Tribune

Judge Robert Carolan, former Dakota County district court judge, greeted a long line of colleagues saying goodbye as he retires. Carolan has served as an international judge of war crimes. He will return to Kosovo to help local judges write rules of law for the young nation.

Robert Carolan retired less than two weeks ago as a highly regarded Dakota County district court judge, but no moss will grow under his feet. This week, he and his wife, Meg, will return to Kosovo, where he'll preside over the new Constitutional Court for 18 months.

Carolan joins a team of international judges who are helping local judges write rules of law for their young nation. It's the first step in building democracy in the former Yugoslavian republic torn apart by

judges to join a global team presiding over cases too sensitive for local judges, including organized crime and ethnic violence in the former Yugoslavian republic.

They've included the 2008 conviction of a Croatian commander who ran a POW camp in Herzegovina, Bosnia, where dozens of Bosnians were tortured and executed, and a Serbian man's conviction for assisting in rounding up and executing about 270 Bosnian men in July 1992.

war between ethnic Albanians and Serbians, as well as corruption, he said.

Carolan previously prosecuted war crimes in the Balkans. Nearly eight years ago, he and other judges from Minnesota were the first four U.S.

Carolan, 65, of Mendota Heights, isn't going to Kosovo empty handed.

Last week, officials at Thomson Reuters in Eagan granted Carolan's request for free use of a legal database research service, Westlaw, for an electronic law library in Kosovo for a year or two.

"I'm thrilled," Carolan said. "This court started two years ago with a building and nothing else, and it's slowly building a library of books."

The electronic database will give access to legal treatises and publications worldwide, "which is just so critical for this court in writing decisions," he said. "It's effectively expanded the library of the court not only a hundred-fold, but a thousand-fold."

'Breath of fresh air'

Maybe it's his Midwest values or the Iowa farm boy in him, but Carolan is a man who usually asks for little. That's partly why he was well received by Kosovo's local judges, who were accustomed to Euro-

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Judge Carolan (Continued from page 6)

pean judges' requests for lavish chambers.

"Bob was happy to have a card table and folding chair and a small place to work," said First District Judge Phil Kanning, who also served in Kosovo. "He was just such a breath of fresh air for the local judges."

Carolan's presence in Kosovo has proved to be "of utmost importance," said Constitutional Court President Enver Hasani.

"The Western path for Kosovo has been traced and assured through the work of this Constitutional Court more than through the work of all other institutions of Kosovo taken together," he said.

Hasani also said Carolan teaches Kosovar judges about U.S. common law, so different from Kosovo's code system, which has no juries. It has trials by panels of professional judges and lay people.

Carolan was an international judge with the U.N. Mission in Kosovo from 2002 to 2003, where he presided over convictions for ethnic kidnappings, weapons smuggling, terrorism and murder.

From 2004 until 2005, he chaired the Judicial and Prosecutorial Council of Kosovo,



Photo **Kyndell Harkness**, Star Tribune

Judge Robert Carolan hugged his wife, Meg, after the ceremony to honor his retirement. Of his opportunity to preside over Kosovo's Constitutional Court for 18 months, the Mendota Heights judge says, he's "privileged."

which hired and restored the judges and prosecutors removed from office, beginning in 1989, by former Yugoslav President Slobodan Milosevic, who was later indicted for war crimes. He died awaiting trial in The Hague.

In 2008-09, Carolan heard appeals of the War Crimes Chamber of the Court of Bosnia and Herzegovina, including cases of ethnic cleansing heard by panels of judges.

Since the Constitutional Court's first decision a year ago, Hasani said, belief in the constitution and the respect for human rights and rule of law "has increased in a scale that was not imaginable before."

Pipeline of judges

Carolan helped open a pipeline of a dozen or so Minnesota judges who served in the Balkans, said state Supreme Court Justice Paul Anderson.

In 2002, U.S. District Judge John Tunheim arranged for Carolan and three judges from Hennepin and Ramsey counties to go as the first U.S. judges.

"Judge Carolan has been a real star in the legal systems in the Balkans," Tunheim said Friday.

"He has carefully blended the best of how American judges do their work with a keen understanding of local culture and traditions. Whether he realizes it or not, he has been a terrific teacher for the Kosovo judges."

Carolan, a First District judge in the south metro from 1987 through this month, is known for his humanity and sound decisions.

Among high-profile cases he heard was that of a South St. Paul woman convicted of fatally overdosing her 10-year-old son, trying to kill her daughter and attempting suicide. And there was Kelly Ritt, the Hastings woman convicted of a 1997 arson-

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Judge Carolan (Continued from page 7)

murder of her disabled toddler.

New First District Judge Larry Clark, who prosecuted Ritt, said: "To be in front of him was a pleasure because you knew that regardless of his decision, you received a fair hearing and full consideration of your client's cause."

Carolan is compassionate, thoughtful,

humble and dedicated, said other judges, lawyers and court employees.

He led, for example, the rewriting and simplifying of Minnesota's criminal rules, reducing word usage by 37 percent, Anderson said.

"He's one of our best, and I've known him since 1969," Anderson said. "He encom-

passes some of the best qualities you can find in a judge."

<http://www.startribune.com/local/south/116005589.html>

Joy Powell • 952-882-9017

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Minnesota Courts Reduce Jury Costs and Become More Efficient Using Technology



Minnesota citizens called to serve as jurors in the 89 state District Courts are being encour-

aged to complete the required [Juror Qualification Questionnaire](#) through the Judicial Branch website www.mncourts.gov.

Each year, approximately 180,000 Minnesotans are summoned to serve as jurors. Citizens summoned are required to complete and return a qualification questionnaire to a court administration office or jury management cen-

ter, where it is reviewed to determine if the prospective juror qualifies to serve.

In addition to the questionnaire, the Jury Service Web pages include answers to frequently asked questions, a video and handbook (*All Rise: Jury Service in Minnesota*), and the option of requesting a postponement.

The online Juror Qualification Questionnaire was developed as part of the Judicial Branch's on-going efforts to use technology to increase efficiency, reduce costs, and make the courts more accessible.

Since it became available in August 2009, about 20 percent of the citizens called to serve have chosen to use the online option, with higher usage percentages reported in the metro areas of the state.

Court administrators would like to see more summoned citizens use the online option because it reduces the amount of court staff time required to process the questionnaires.

To learn more about serving as a juror in the Minnesota state courts, visit www.mncourts.gov/juryservice.



Cameras to be Allowed in the Courtrooms for Some Civil Cases

By Brian E. Jones, First District Assistant District Administrator



The Minnesota Supreme Court has promulgated amendments to the General Rules of Practice for the district courts and

implementation of a pilot project to allow more extensive audio and video coverage of district court proceedings in civil cases during a two-year pilot project.

Starting July 1, judges in civil cases can allow media coverage with video cameras, still cameras, and audio devices. The decision on whether to allow cameras is up to the judge in the courtroom and does not require the consent of the parties involved.

Recordings will not be allowed for child custody hearings, divorces and juvenile court, as well as some other types of cases. Cameras will continue to be al-

lowed in criminal cases if all sides agree.

The Court ordered the Advisory Committee on the General Rules of Practice to monitor the pilot project and after two years report on its recommendations for continuation, abandonment, or modification of the rules for cameras in the courtroom as implemented during the pilot project.



Highlighting Counties / Justice Centers of the First Judicial District



Dakota County Judges:

- | | | | |
|----------------------------------|--------------------------------------|------------------------------------|---------------------------------------|
| Karen J. Asphaug | Erica H. MacDonald | Thomas B. Poch | Patrice K. Sutherland |
| Joseph T. Carter | Michael J. Mayer | Martha M. Simonett | Mary J. Theisen |
| Robert R. King | Timothy J. McManus | Michael V. Sovis | Tim D. Wermager |
| David L. Knutson | Kathryn D. Messerich | Richard G. Spicer | |
| Edward I. Lynch | Shawn M. Moynihan | Rex D. Stacey | |

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