



**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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Judicial Council Approves Move to Electronic Court Operating Environment

By Brian E. Jones, Assistant District Administrator

On January 19, 2012 the Judicial Council took a historic step into the future by voting to move state courts from a framework of paper files to an electronic information environment. The eCourtMN strategic initiative will result in increased productivity for judges and court staff, and ensure convenient, timely, and appropriate access to court information for court users.

“The eCourtMN initiative will result in significant benefits for judges, court employees, attorneys, and most importantly, the hundreds of thousands of people we serve each year,” said Chief Justice Lorie S. Gildea.

“It is often said that everybody likes progress, but nobody likes change. However, the public we serve deserves the most cost-efficient and user-focused judicial system that we can provide, one that is more in tune with the high-tech world in which we live,” said Gildea.

The plan approved by the Judicial Council envisions a multi-year transition to an electronic environment that, among other innovations, includes electronic filing (eFiling) and document imaging of new cases.

Nine courts have been selected as eFiling pilot sites for the eCourtMN initiative. They include district courts in Cass, Clay, Cook, Dakota, Faribault, Kandiyohi, Lake, Morrison, and Washington counties. Courts in the Second Judicial District (Ramsey County) and the Fourth Judicial District (Hennepin County) have already been operating a pilot project that allows for the voluntary eFiling of civil cases. A proposal in front of the Minnesota Supreme Court would make eFiling of civil cases mandatory from

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district courts in Ramsey and Hennepin counties, the state’s highest volume courts, beginning July 1, 2012.

Dakota County District Court has been operating a pilot project since 2009 to scan all documents on active case files into the courts case management system creating an electronic copy of the document. This pilot will be expanded to include the remaining 6 counties of the First Judicial District over the next few months. Those counties include Carver, Goodhue, Le Sueur, McLeod, Scott, and Sibley.

“The eCourtMN initiative will be the most comprehensive reengineering effort yet undertaken by the Minnesota Judicial Branch,” said State Court Administrator Sue K. Dosal, who was charged by the Council with overseeing the initiative. “Our past successes like the creation of

the Minnesota Case Information System (MNCIS) and the Minnesota Court Payment Center (CPC) demonstrate that we are up to this new task,” Dosal said.

THE SCOPE OF THE eCOURTMN INITIATIVE INCLUDES THE FOLLOWING COMPONENTS:

- *eFiling (including eCitations and eCharging)*
- *Electronic document management (including document imaging)*
- *SessionWorks for judges (a touch screen desktop tool for judges to view case records)*
- *Electronic transmission of cases to the appellate courts*
- *eTools (eSignature, eNoticing, eCertification, and other tools that allow for electronic processing of orders)*

A Conversation with Judge Robert R. King

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



Judge Robert R. King

I was in private practice for several years with a small South St. Paul firm that gave me experience in a wide variety of areas including civil and corporate law, family law, and criminal law. I did prosecution work for several municipalities. I then spent ten years with the County Attorney’s office, eventually heading up the Criminal Division for five

years. Over the span of 17 years I tried over 80 jury trials. Needless to say, trial experience provides wonderful training experience for anyone who wants to be a judge. Even though I was somewhat nervous at the beginning, I felt comfortable in a courtroom very quickly after being appointed to the bench.

Why did I want to become a judge?

I’d been trying cases for many years, spending a great deal of time in the courtroom. I’d seen many judges in action and believed that I had enough experience to qualify for the job. I believed it would be interesting. I liked the prestige associated with the job. I hoped that maybe I could have a positive influence in peoples’ lives and in my

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Judge Robert R. King (Continued from page 2)

community. The pay, while perhaps not as high as I could eventually achieve in private practice, was nevertheless good, and the benefits that went with the job were generous.

What is most rewarding and concerning about being a judge?

Every once in a while I hear about a matter I worked on having a very positive result. Obvious examples are things like adoptions, where everyone is happy, and weddings, where everyone should be happy. Less obvious are cases like the young woman who picked up a third DUI within weeks of being sentenced on her second DUI. The previous sentencing judge had given her a very light sentence and she clearly didn't treat the situation seriously. She celebrated her "light" sentence by drinking heavily and driving again on the same day she was sentenced. She was arrested with a blood alcohol of over .30, and she was several months pregnant. She pled guilty to Gross Misdemeanor DUI and I sentenced her to 6 months in jail, which would have taken her just past the due date of her pregnancy. She was not happy with me at the time. Two years later she showed up at the Clerk's office in Goodhue County and asked to see me. I reluctantly agreed, believing she was there to rail at me for the sentence. I was totally wrong. She had come to thank me for the sentence and for, in her words, "saving her baby's life." I came away from work that day with a great sense of job satisfaction!

The most concerning aspect of the job comes from my realization that, in some cases, I'm making potentially life-altering decisions. I realize that I'm far from perfect and that I may be mistaken in my judgment. This knowledge can be quite wearing, and wearying. A judge cannot dwell on that reality too often, at risk of being unable to make a decision. Nevertheless, it's always in the back of my mind and forces me to not take things as lightly as I might otherwise be inclined to do.

What do I do in my spare time?

In my younger years I was an enthusiastic, although not particularly gifted, tennis player. I had my knee replaced three years ago, ending my tennis career. I then took up table tennis. I used to think of myself as a pretty good player when I was back at college. Reality is a harsh teacher. I now lose to ten-year-olds on a regular basis. Since I derive no ego massages from the game, I just play for the fun and exercise. I also enjoy hitting a golf ball. Note I did not say "playing golf," as that would be too generous a description of what I do. I also have high "umbrella" insurance coverage, which gives me more confidence on the golf course. I also like spending time with my lady friend, and we regularly attend movies and join friends for meals. Lastly, I was recently "paired" with a Kinship friend. Kinship.org is an organization similar to Big Brothers. I have begun mentoring a 9-year old boy. We usually get together on Sunday afternoons. I needed to have a greater sense of purpose in my life beyond my job and family, and I'm hoping this will help fill that need.

What cases do I find most challenging?

Any "big" case (i.e. a murder case, a civil case involving large dollar amounts) can be quite challenging. However, generally speaking, I believe that family cases are the most challenging. This is largely due to the fact that they usually generate the most emotion from participants; they probably inspire more perjury than any other type of case; and there is often no clearly discernible "right" or "wrong" answer to the issues that are presented. Things like child support amounts are subject to calculations, but custody determinations are a whole different animal. My decisions often have great impact on people's lives, and I can only pray that I'm making the right decision.

What is the hardest part about being a judge?

A few things come to mind. One is my inability to "lead" the partici-



Conversation with Judge Robert R. King (Continued from page 3)

pants. Yes, I can make suggestions about resolving matters. However, if the matter is not resolved and goes to trial, I often think of questions that I'd be pursuing if I were trial counsel. It's very difficult to sit on my hands in those cases. Secondly, we judges always need to be mindful of public perception. We are closely watched by those around us. Our behavior is expected to be exemplary. Being a very fallible person I find this to be a challenge. Lastly, and most obviously, deciding matters that will have a profound impact on other's lives is always "hard."

What personality traits or characteristics are most helpful in a successful judicial career?

I'm not claiming to have these qualities, but I think that among the top three would be; patience, tenacity and curiosity. Federal judge Edward Devitt created a list years ago that he called the Ten Commandments for New Judges. His list, which I fully endorse, is as follows:

- | | |
|--------------------------------------|-----------------------------------|
| 1. BE KIND | 6. DON'T FEAR REVERSAL |
| 2. BE PATIENT | 7. THERE ARE NO UNIMPORTANT CASES |
| 3. BE DIGNIFIED | 8. BE PROMPT |
| 4. DON'T TAKE YOURSELF TOO SERIOUSLY | 9. USE COMMON SENSE |
| 5. A LAZY JUDGE IS A POOR JUDGE | 10. PRAY FOR DIVINE GUIDANCE |

Any judge who can follow these "commandments" is likely to be a good judge.

What keeps you interested in the work that you do?

Fear of boredom is a major factor. I need to stay active, mentally and, if my body permits, physically. I often enjoy the process of thinking through cases. I usually start out with drafting Findings and then work from there through a legal analysis and conclusion. The Findings usually lead me to the conclusion. I hate to use the word "fun," but the process often is just that.

Judge Robert R. King's Bio:

http://www.mncourts.gov/?page=JudgeBio_v2&menu=district&ID=30060

International Access to Justice

By Thomas G. McCarthy, First Judicial District Judge

In May, 2011, a Sibley County pastor was accused of sexually molesting a 16-year-old foreign exchange student from Spain. The victim and her parents returned to Minnesota in October for the four-day trial, at which the defendant was convicted. Sentencing was set for January 20, 2012. The victim wished to participate in the sen-

tencing hearing, but she and her parents did not want to incur the expense or take the time to return to Minnesota for that hearing. Enter Karen Messner, Sibley County Court Administrator, and Brenda Sharp, Victim Services Coordinator for the Sibley County Attorney's Office. Could the victim and her family participate by Interactive Television (ITV) from Madrid?

Court Administration and the County Attorney's office discussed the matter, which led to County Attorney, David Schauer, contacting the United States Attorney's Office in Minnesota. They put him in touch with the U.S. Department of Justice. That in turn led to a contact with Abigail Marion from

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Access to Justice (Continued from page 4)

the Office of International Affairs in Washington D.C. Ms. Marion arranged the details directly with the victim and her family in Spain and, other than a few additional questions from Ms. Marion, everything went smoothly!

A week before the sentencing date, a test with the site in Spain was made. The test went flawlessly and the necessary arrangements for the sentencing hearing were finalized.

At the sentencing, the video was crystal clear and audio perfect with no delay at all. Judge McCarthy commented that the connection was as good as that between Sibley and its neighboring county! An interpreter was at the ITV site in Madrid, and the microphones there were muted so he could translate without being a distraction to the court in Gaylord.

After the hearing, a reporter in Spain posted the article included here:



To see more photos from the Spanish media [click here](#).

When the Minnesota Judicial Council established an initiative to promote Access to Justice in our state, they probably could not imagine that would include participation in a hearing from, literally a half a world away!



The photographer in Spain can be seen in the monitor as she takes a photo of Judge McCarthy and Karen Messner in Sibley County.



Judge McCarthy and Karen Messner are shown in the foreground with the technician in Madrid on the projection screen in the Sibley County District Courtroom.



The Prosecution Office Promotes the Use of New Technology With the U.S. Courts

The Prosecution Office has collaborated with the Prosecutor’s Office and Courts of the State of Minnesota to carry out the formal act of reading a criminal sentence through the video teleconference system. The main objective of this act of cooperation was so that the victims of Spanish Nationality, did not have to travel back to Minnesota, in the North of the United States, to help in the solemn act of sentencing by the Court handling the case.

This is the first time that a transoceanic collaboration of this nature has taken place, to accomplish a judicial act through the videoconference electrical system. To do so required the help and cooperation of the Offices of Prosecution of the two States.

With the previous consent of those involved in the case, the U.S. prosecutor’s office solicited the Attorney General’s office of the State, who collaborated so that the hearing complied, for one part, with the guarantees and legal requirements, and for another part, to use the technical devices available to the Office. It resulted in the real-time synchronization with the reading of the sentencing of the American Court.

This Act afforded the parties involved full satisfaction on the evening of the 20th of January, 2012 in the conference room of the Unidad de Cooperación Internacional, street Ortega and Gasset 57 and is a grand example of how much more significant the use of new technology can be when used in the streamlining and facilitation of international judicial cooperation. *(Translation provided by Kindahl Roe, Law Clerk to Judge McCarthy)*

Governor Dayton appoints Judge Carol A. Hooten to fill Second Congressional District seat on Minnesota Court of Appeals

Governor Mark Dayton announced the appointment of the Honorable



Judge Carol A. Hooten

Carol A. Hooten as judge for the Second Congressional District seat on the Minnesota Court of Appeals on March 30, 2012. Judge Hooten will be replacing the Honorable David Minge.

“Judge Hooten was chosen from a group of outstanding candidates. Her excellent service

on the District Court and her deep commitment to public service will serve Minnesota well on the Court of Appeals,” Governor Mark Dayton said.

Judge Hooten is currently a District Court Judge within the First Judicial District where she was elected in 2002. During her tenure, Judge Hooten served as Chair of the Children’s Justice Initiative where she was responsible for implementing new Best Practices for handling child protection cases. Previously, she worked for two private law firms before starting her own firm, in which she represented clients in civil matters. Judge Hooten also worked as an arbitrator for the American Arbitration Association. She received a B.A., summa cum laude from the University of Minnesota in 1973; and a J.D. from William Mitchell College of Law in 1978.

Additionally, Judge Hooten serves as Chair of the Scott County Juvenile Justice Coordinating Committee and is a member of the Scott County Legal Law Library Board. Her family also established a memorial fund for Children’s Hospital in Minneapolis. Judge Hooten previously served as Chair of the Parental Leave Committee for Minnesota Women Lawyers and was an active member of the Eagan Athletic Association.

Judge Hooten resides with her family in Lakeville.

The Minnesota Court of Appeals handles most of the appeals from the final decisions of the trial courts, state agencies and local governments. It is composed of judges who represent each of Minnesota’s eight congressional districts as well as eleven judges who serve in an at-large capacity.

More information on Governor Dayton’s Judicial Selection Committee, as well as vacancies it is currently considering, can be found at <http://mn.gov/governor/appointments/judicial-appointments/>



Minnesota Supreme Court Convenes at Eastview High School

On April 11, 2012, over 600 students watched as the Minnesota Supreme Court convened at Eastview High School in an effort to open the doors of the Judicial Branch to the public.

The state's highest court heard oral arguments of

an actual case, *State of Minnesota, Respondent vs. Christian Chi Ndikum, Appellant (A10-1728)*, which originated in Hennepin County District Court. The Court generally issues its opinions four to six months following oral arguments. Opinions are available at www.mncourts.gov.

"We are committed to ensuring that the people of Minnesota understand that this is their Court," said Chief Justice Lorie S. Gildea. "Visiting high schools is particularly important because we can engage students at a time when they are learning their role in our democracy and what it means to live in a society governed by laws. Reaching out to the people of Minnesota has long

been one of the Court's highest priorities.



Supreme Court Justices Answering Questions from Students

Speaking with students and answering their questions helps to promote

a better understanding of the Judicial Branch. I am pleased to have opened the court to the young people of Apple Valley."

First District Chief Judge Edward Lynch opened the program with an orientation about the state court system, explained how the case came to the Supreme Court, and reviewed the rules of decorum.

"Observing the highest court hear arguments in a real case at Eastview High School was a tremendous experience for the students and our local Apple Valley community," noted First District Judge David Knutson. "I am proud to be a member of the Minnesota Judicial Branch where

our Supreme Court created this learning opportunity for students by granting them unprecedented access to observe and question the court", said Knutson. "I know the event inspired a lot of students."

Volunteer attorneys coordinated by the Minnesota State Bar Association Civic Education Committee visited classrooms prior to the April 11 program to review the case with students and help them prepare for the Supreme Court visit.

Following arguments, the justices answered students' questions on a wide variety of topics. Justices and other distinguished guests also ate lunch with Eastview students. In the afternoon, justices visited classrooms at Eastview High School and Scott Highlands Middle School.

Since the Supreme Court convened oral arguments in Rochester, MN, in 1995, the school visits have taken center stage in the Court's efforts to build the public's trust and confidence in the judiciary. The Eastview High School event marks the 35th oral argument for students.

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