



**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 150,000 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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Access to Electronic Court Records and Documents

By Brian Jones, Assistant District Administrator

As the Minnesota Judicial Branch continues to implement the eCourtMN initiative and move toward a paperless court, it is committed to ensuring that electronic court records are accessible to the public and government entities to the fullest extent possible under the Rules of Public Access to Records of the Judicial Branch. In addition to promoting full access to court information and effective public policy decision-making, it is also the policy of the Judicial Branch to ensure appropriate, uniform, effective, and efficient access by data consumer groups. Some of these groups include the general public, government entities, attorneys, and self-represented litigants.

The Minnesota Judicial Council has adopted Judicial Council Policy 800 “Access to Records of the Judicial Branch” and its related procedures to facilitate appropriate electronic access to court records and documents.

The Policy 800 Access Program involves multiple projects and will be a multi-year endeavor that runs parallel with the eCourtMN initiative.

One of the projects is to ensure that non-court government agencies have appropriate access to electronic court records and documents. Non-court government agencies can include county attorneys, public defenders, corrections, social services, city attorneys, law enforcement, etc.

The vendor of the Minnesota Court Information System (MNCIS) is currently developing an “access portal” that will provide remote online access to court records and documents for government subscribers.

The Judicial Branch is working with our eCourtMN Pilot Courts to identify agencies or divisions within an agency that are interested in participating as “early adopters”. They must have the resources available to actively engage in a process that will include

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Access to Electronic Records (Cont. from page 1)

communicating with their local court, participating in training, and providing feedback to the State Court Administrator's Office on the portal and implementation process. Early adopters will be expected to participate in surveys and provide feedback regarding the new portal's features and general usability, as well as document any error messages received.

The online piloting of this portal to early adopters will commence toward the end of 2014. After the early adopter experience has been evaluated and the process revised based on their experiences, the portal will be rolled out to all of the government agencies within the pilot courts in early 2015. The government agencies in the remaining counties will receive the portal in late 2015 to early 2016.

All government subscribers will be required to sign revised Master Subscriber Agreements in order to receive electronic access to court documents. Additionally, individual users within each government agency will be required to sign acknowledgment forms stating they understand appropriate electronic access to and use of court records and documents. Subscribers will use individual logins and passwords when accessing the

information.

Access to court records will be standardized statewide based on the type of government unit, and will be granted based on legitimate government business needs and the rules of access. Government Subscribers will have electronic access to statewide public



documents, including criminal citations and complaints, through the new access method. Access to confidential case records and documents will vary

depending on business needs and access rules. Until the new online access is available, government subscribers can continue to use their current method for accessing court activity and event records.

The Rules of Public Access to electronic records do not afford the same access to private attorneys, so the access portal will not be available to private attorneys in the near future. However, additional projects are planned relative to private attorney access to court records.

While the access portal is being developed, the Minnesota Judicial Branch has been simultaneously working on another project to provide access to electronic records at each courthouse location called [MPA Courthouse](#).

For several years members of the general public have had access to some case information through courthouse public access computer terminals and via the Judicial Branch public website. Visitors could find information about a case such as the names of the parties, when a hearing is scheduled, and what case events have occurred and what documents have been filed. As the Judicial Branch's move to electronic case records expands and district courts convert paper case documents into digital images, the public will also be able to view publicly available case documents on courthouse terminals. Confidential and sealed documents will not be available. Once a county begins sharing public documents on MPA Courthouse, those images are available at all Minnesota courthouse public terminals where this access has been implemented. MPA Courthouse is currently available in all counties of the First Judicial District, and completion of the statewide rollout is scheduled for the end of April 2014.

In addition to the electronic records provided via MPA Courthouse, Minnesota state trial court case records are also available via the Internet from the Minnesota Judicial Branch (www.mncourts.gov), but presently this does not include imaged court documents.

Drug Courts in Minnesota: Smart on Crime, not 'Soft on Crime'

By Sarah T. Williams, [MinnPost](#)

To understand how Minnesota's Drug Court system is working, you need only to consider this before-and-after scenario.

Before: In March of 2012, Steve B. of Hastings was facing a prison sentence of seven to 10 years on felony charges of possession and sale (to an undercover cop) of methamphetamines. There were restraining orders against him. He had lost his wife, his house, his job in the construction industry, parental rights, and access to his then 5-year-old daughter. He'd been using for five years, was "caught up in the lifestyle," and keeping company with others on the same hellish trajectory. "I was willing to give up everything for the drug," he says in retrospect. "I had a good life, and I lost it all."

After: Last Monday, in Dakota County Adult Drug Court, Steve B. was accepting a round of courtroom applause and personal congratulations from Judge Kathryn Messerich, who told him that he'd be "graduating" March 10 after successfully completing 18 months in the rigorous program. He had done a few months of jail time, finished treatment, remained sober, followed the rules, returned to the work force and recovered his relationship with his daughter. They were going to Disney World, he proudly told the court. "You have really earned this trip," Messerich told him. "I have to commend you for how hard you have worked to be a good dad. There is one young lady who is going to have a good life because [you] are her dad."

He was one of four people in the courtroom that day who were told they'd be graduating. "I'm losing all my people," Messerich said earlier Monday during a

team meeting to review the day's cases. And that was a good thing.

Cost-effective outcomes

The state's first drug court was established in Hennepin County in 1996 and has grown to more than 37 specialty courts (including drug, DWI, veterans, family dependency, juvenile and some hybrids) serving more than 30 counties.

The goal is to stop felony drug offenders' revolving-door interactions with law enforcement and to give them a foothold in a productive, drug-free life. Other goals include improving public safety and reducing the overall costs of illegal drug activity and incarceration.

A [2012 statewide study](#) confirmed that the labor-

intensive but cost-effective effort was paying off: The study of 535 participants in 16 different courts who entered drug court between July 2007 and December 2008 found a 37 percent reduction in recidivism rates (compared with nonparticipants); a 47 percent reduction in reconviction rates; a 54 percent graduation rate (62 percent if you exclude Hennepin County); higher rates of completing drug treatment programs and maintaining sobriety; higher rates of employment and educational achievement; and greater command of such life skills and responsibilities as obtaining a driver's license, locating housing and making child-support payments. Most were diagnosed with drug-use disorders, and slightly less than half also had mental-health diagnoses.

The study also found that incarceration costs (both prison and jail) were about \$3,000 less for drug court participants (who oftentimes must also do some time) than nonparticipants.

"Before specialty courts, there was no focus at all on rehabilitating the

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Drug Courts (Continued from page 3)

offenders,” said Dakota County Attorney James Backstrom in an interview last week. “We just did our job, which was to prosecute them, convict them, and put them in jail or prison. And then you didn’t worry about what was going to happen next. But ... if we want to keep our communities safe, the most important thing we can do is ensure that these offenders get the help they need for the chemical addictions they have so they don’t break the law again.”

A team approach

If it takes a village to raise a child, it also takes one to help a repeat felony drug offender break the cycle. Each drug court takes a team approach, with all players at the table – a judge, a prosecutor, a public defender, a law-enforcement official, probation officers, chemical dependency experts, and community volunteers. Traditional adversaries in the courtroom now become advocates – all pulling in the same direction.

The Dakota County team provides a good example of how it works.

The day’s caseload (last Monday) includes 14 drug-court participants in various stages of program completion. Some are in Phase I, which requires a

courtroom appearance every other week before the judge, twice-weekly random urine tests and meetings with probation officers, compliance with all chemical dependency assessments and treatment recommendations, attendance at the pre-court hearing AA meetings, and participation in cognition skills courses – just to name a few of the



stringent requirements. Some are in stepped-down phases II and III, and some are ready to graduate. Still others are applying to enter the program, and team members try to gauge each person’s level of motivation and possibility of success. Criminal charges in other jurisdictions are considered, and past crimes are weighed.

To opt in, you must agree to plead guilty. And not everyone is eligible: Those who committed violent crimes, have gang affiliations, sold drugs to children, or caused vehicular homicide need not apply.

It gets personal

It’s clear that the relationships have become quite personal.

The team members take note of any program participant’s life stressors – a child-custody battle, a new job to learn, an illness, a bout of depression. They discuss victories – graduation from school or treatment, reconciliation with a family member, landing a job. They discuss any violations of the program rules. One man whose urine test was positive for

cocaine, and who then attributed it to medication that had been prescribed by a doctor, will get seven days in jail – not just for using but for lying about it. (Other possible sanctions include repeating a phase, community service, electronic home monitoring, or termination from the program.) A woman spotted in a liquor store by a county employee will get a stern reminder about the company she keeps and the choices she is making.

Sure, it gets personal, said Barbara Bauer, drug court coordinator and probation officer. “Sometimes they tell me I’m nosy. We go to their homes. We go to their jobs, if that’s possible. We go to their treatment programs and coordinate with their case managers and

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Drug Courts (Continued from page 4)

therapists. We go to their graduations.” And sometimes there’s a “knock-and-talk” surprise visit from a community police officer. To know them [the program participants] is to “help them figure it out,” she said.

Backstrom agreed, saying that it’s one of the features of drug court that he likes best. “It’s the relationships that you develop with these offenders – letting them know that you believe in them, and that you’re proud of what they’ve accomplished. I think that really helps these individuals get some hope back in their lives. That’s one of the things you lose when you become addicted: hope for your future. You become despondent, depressed. And it’s a cycle that can lead to your death – at a premature age in many cases – or continuing criminal involvement, which we can stop.”

To the courtroom

After discussing and deciding on a course of action for each case, the team then heads for the weekly courtroom session (every Monday in Dakota County), where all the program participants and hopefuls sit waiting in the jury box. Some are in handcuffs. A scattering of family members – some in

agony, and some filled with pride – also are present.

The mood is mostly upbeat, as Messerich praises the four who will graduate. Her words are authentic and believable and land with impact.

“It’s hard to lose participants who are such good role models,” she tells Steve B.

There are affirmations for others as well:

“You look like you have a sense of calmness about you.”

“I can’t tell you how happy I am to see that smile on your face.”

“You have always impressed me with your energy and focus.”

The county attorney, defense attorney and probation officers also add their words of encouragement. In turn, the participants are given a chance to convey their gratitude and answer the questions, “How did you do it? What advice do you have for others?”

One woman tells Messerich with pride that she has been hired after completing a job-training program and is giving back by volunteering at a halfway house for teens – the very same place where she sought refuge as a teen.

For those who are in violation of the

rules, Messerich is firm but not retributive. And even here, she manages to inspire rather than discourage. “This is not just an issue of your health but your freedom,” she tells a man who has been caught using and who will spend the next seven days in jail. “I hope we can get you back on track.”

No one’s immune

Backstrom, who participated in the formation of the state’s drug court system and the establishment of its standards, takes a personal interest in its long-term success.

His own family has not been immune from the disease of addiction, he said. An uncle died of alcoholism in his 50s, and a beloved nephew died recently of complications from alcoholism. Though his nephew had been through treatment and was attending AA meetings, he had relapsed. Fearful of being found out, he put off getting treated for a bacterial infection until it was too late to save him. “It’s been terrible,” Backstrom said. “My sister and her family have really struggled – as we all have.”

An even earlier tragedy left its mark, when a young man who had been drinking crashed head-on into

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Backstrom's parents' car. Backstrom was just 19 years old, a college freshman. His father recovered from his injuries, but his mother, who died in 2004, suffered permanent brain damage. "It destroyed my family in many ways," Backstrom said. "The mother I grew up knowing really wasn't with me anymore. She was a different mother. I loved her just as

much. But she could never say a sentence for the rest of her life. She could never walk normally. She could never move her right hand again. She suffered every day for the final 31 years of her life because of a poor decision a young man made."

Backstrom says he sometimes wonders what became of the young man who caused the accident: "I've always

wondered if he really, fully understood the extent of the damage he caused to my mother and my family. I hope he didn't have any further violations, and I hope he lived a good life."

As he wonders, perhaps he can take some comfort from Steve B., who said of the Dakota County Drug Court team: "They gave me the strength. They cared for me when I couldn't care for myself."

Top Court Reporter—Burnsville's Janice Dickman Earns Lofty Certification

By John Gessner, [Sun Thisweek](#)



Janice Dickman

Court reporters are a rare breed, known to most only through Hollywood courtroom dramas.

Burnsville resident Janice Dickman, part of that rare breed, is rarer still. She recently earned a national certification that places her among the country's top court reporters, according to the National Court Reporters Association.

Dickman, who works for Dakota County District Judge Kathryn Messerich, earned the Registered Merit Reporter certification. Only about 3,000 of the NCRA's more than 18,000 members have achieved that status through a skills test measuring speed and accuracy.

"It's just something that I wanted to push

myself a little bit more," Dickman said. "I also have the Certified Real-time Reporter certificate. To me, this was sort of the next step."

She had to reach words-per-minute thresholds in three dictation categories – literacy (200), jury charge (240) and testimony/Q and A (260). After dictation, test-takers are given 75 minutes to transcribe their notes and must hit 95 percent accuracy in each leg to pass.

Dickman, 50, studied business and economics at St. Catherine University in St.

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Janice Dickman (Continued from page 6)

Paul before training in court reporting at the former Northern Technical School of Business in Minneapolis.

"I thought it sounded fascinating, and actually it's been a great job," she said.

The profession has changed since Dickman started working for Dakota County courts in 1988. Today she works on a \$5,500 digital "writer" (stenography machine) that feeds real-time testimony to Judge Messerich, who can read and highlight the material on her bench screen.

"It takes quite a bit of work to be able to do the real-time, especially for the older reporters who weren't trained that way,"

Dickman said, adding that she has to program the machine's digital dictionary

herself.

"We pay for all of our own equipment," Dickman said. "It's the way it's always been set up."

Her keyboard has 23 keys, divided into banks of consonants and vowels.

"That's how we write, phonetically by syllable," Dickman explained.

The profession has taken her to places she never expected to visit.

In 2008 and 2009, Dickman, then working for retired District Judge Robert Carolan, took leaves of absence to work in the Tanzania city of Arusha.

While Carolan was on leave as part of a global team of judges prosecuting war crimes

in the Balkans, Dickman was part of a global team of court reporters serving United Nations-appointed judges prosecuting crimes from the Rwandan Genocide of 1994.

Dickman made three trips to Africa, working on eight trials of some of the "higher-ups" implicated in the slaughter, she said.

"In fact, the first trial I did was a priest... There were people that had gone to the church to seek refuge, and he turned them down," she said.

Back home, Dickman does monthly volunteer work, closed-captioning an AA meeting for a hearing-impaired person.

"I've just been very fortunate to have such great opportunities with this job that I wouldn't get in any other job," she said.

CHIPS Mediation Pilot Project Begins in Carver County

By Brian Jones, Assistant District Administrator

Carver County has started a pilot program that they hope will resolve some Children in Need of Protection and Services (CHIPS) cases as a "win-win" for all involved, especially the children. Started in January 2014, the County has been



offering mediations in select CHIPS and permanency cases (long term foster care, foster care for a specified time period, transfer of custody, or termination of parental rights). Conflict Resolution Center of Minneapolis has been chosen to do the mediations as a neutral third party.

For purposes of the pilot there are two types of mediations - pretrial mediation and case planning mediation - with slightly different goals for each one.

Pretrial mediation involves CHIPS and permanency cases that are set for pretrial and unlikely to settle at pretrial and CHIPS and permanency cases that

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CHIPS (Continued from page 7)

did not resolve at pretrial and are set for trial. These mediations give the parties an opportunity to sit down with a fair, neutral third party to share their issues and/or concerns, help them understand the child protection process, assist the parties in effective communication, and assist the parties in looking at the case differently and coming up with creative solutions. Mediation is meant to enhance the parties' sense of procedural fairness, ownership in the outcomes, and empower parents to come up with solutions for their own family. Research indicates that mediation decreases the length of the CHIPS and permanency process, increases the number of full or partial agreements, reduces the number of court hearings and trials, and increases parties' satisfaction with the process.

The goal of pretrial mediation is to assist the parties in resolving the case without a trial. Trials can be time consuming for all parties, expensive, and emotionally difficult on the parties and the child(ren). Trials tend to polarize parties, while effective settlements can result in a "win-win" for all involved. Ultimately, the goal is to resolve a case that provides safety, stability, and permanency that is in the

best interests of the child(ren).

In case planning mediation, cases will be evaluated for mediation when there has been significant disagreement over the case plan, insufficient progress on the case plan, inability to come up with a concurrent plan, lack of trust between the agency and the family, lack of good communication, parties inability to work together, disagreement over the priority of services, and/or unsuccessful or failed team meetings. Third party neutrals can assist the parties in breaking down barriers and working together to resolve the case.

The goal of case planning mediations are to assist the parties regarding agreement on a case plan, progress on the case plan, ensuring services being requested are needed, developing a concurrent plan, build trust and relationship between the agency and family, assist in strategies for good communication and working together, developing priority in service completion, and/or build toward successful and productive meetings. Ultimately the goal is to reunify the child (ren) with parents, keep the child(ren) in their home, reduce reentry rates, and provide safety, stability, and permanency that are in the best interests of the child (ren).

All cases are eligible for mediation except that priority will be given to cases where there is an out of home placement or where the guardian ad litem or agency is on the verge of recommending to the court that the child(ren) be placed outside the home due to a lack of safety of ability to agree on what safety looks like for the child(ren).

A team comprised of an assistant county attorney, court appointed attorney, public defender, private attorney, or the parents if they are not represented, social worker, and guardian ad litem will meet and determine whether they believe that mediation is appropriate and make a referral to the court. The court can also inquire regarding whether mediation would be appropriate. After input from the parties/participants the court shall decide if mediation if appropriate.

All of the parties and the parties' attorneys participate in the mediation, unless the team agrees that it is not necessary for a party to participate. Noncustodial parents, children, and their attorneys would likely participate depending on the circumstances/issues and the discussion of the team.

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CHIPS (Continued from page 8)

Mediations will generally be set for three hours. There is a possibility that a second mediation would be scheduled if the participants think it would be helpful. Typically, mediations occur in a conference room at the Carver County Government Center, but can be scheduled at any mutually agreeable location.

During the pilot program, there is no cost

to any of the participants. All of the costs are covered by a federal grant through the Minnesota Supreme Court Children's Justice Initiative.

Participants will be asked to fill out an evaluation form both before and after the mediation session that will evaluate the process in terms of overall satisfaction, fairness, impartiality of facilitator/mediator, whether concerns were heard and addressed, rating various other

factors, and whether they would participate again and/or recommend the process to others. The form is critical in evaluating the pilot, determining whether the pilot should be sustained, and assisting individual mediators by providing input and suggestions.

The mediation pilot is expected to last approximately one year.



Best Practices Guide Designed to Reduce Barriers to Justice for Self-Represented Litigants

Central Minnesota Legal Services (CMLS), Pro Bono Net, and Legal Services Corporation (LSC) recently released, "Principles and Best Practices for Access-Friendly Court Electronic Filing (The Best Practices)," a guide intended to ensure that electronic filing of court documents is deployed nationally in a way that removes barriers to access to justice. The [Minnesota Judicial Branch](#), [Legal Services State Support](#), and [Pro Bono Net](#) are partners in the project

The guide was developed by Richard Zorza,

an attorney and independent consultant who has worked on issues of access to justice, with funding from the Legal Services Corporation through a Technology Initiative Grant (TIG).

Zorza was the primary consultant to the Washington State Access to Justice Technology Principles, which were adopted by the state Supreme Court. He has collaborated with the Minnesota Judicial Branch on Self-Represented Litigant Network projects, including an evaluation of the Minnesota Self Help Center.

Jim Sandman, president of the LSC, said, "The Best Practices is an important and very practical guide to improving access to justice, crafted by the nation's leading expert on self-represented litigants. LSC will encourage broad distribution and widespread use of the guide's recommendations."

The Best Practices is posted on the LSC's website, [Legal Services Corporation \(PDF\)](#)

Pro Bono Net is a national nonprofit organization dedicated to increasing access to justice through innovative uses of technology and increased volunteer lawyer

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Best Practices Guide (Continued from page 9)

participation.

LSC was established by the Congress in 1974 to provide equal access to justice and

to ensure the delivery of high-quality civil legal assistance to low-income Americans. The Corporation currently provides funding to

134 independent nonprofit legal aid programs in every state, the District of Columbia and U.S. territories.

Improved Service and Increased Access Highlighted in 2013 Annual Report

The Minnesota Judicial Branch made great progress on the development and execution of several efforts designed to improve service and increase access for the people of Minnesota in 2013. The 2013 Judicial Branch Annual Report to the Community can be found on the Branch website at www.mncourts.gov/publications.

“The judges and employees of the Minnesota Judicial Branch are committed to our constitutional mission to provide fair, timely, and accessible justice to the people who come to our courts, and we will continue to search for ways to improve our service to the public,” said

Highlights of the report include:

- Improved Branch performance
- expanded self-help services
- a continued move toward electronic court records
- increased data-sharing with our justice partners
- expedited civil litigation
- expanded drug courts
- consolidation of appeal preparation, and
- improved monitoring of conservator accounts



Chief Justice Lorie S. Gildea.

The Minnesota Judicial Branch is made up of 10 judicial districts with 289 district court judgeships, 19 Court of Appeals judges, and seven Supreme Court justices. The Judicial Branch is governed by the Judicial Council, which is chaired by Lorie S. Gildea, Chief Justice of the Minnesota Supreme Court. The Minnesota Judicial Branch is mandated by the Minnesota Constitution to resolve disputes promptly and without delay. In 2013, there were more than 1.4 million cases filed in district courts in Minnesota. For more information please visit www.mncourts.gov.

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