



MINNESOTA  
JUDICIAL  
BRANCH

# Priorities & Strategies for Minnesota's Judicial Branch

## *Focus on the Future*

FY2016-FY2017

Minnesota Judicial Council

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## 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.

The Minnesota Judicial Branch has undergone many changes over the last decade, with the goal of improving our ability to fulfill our core mission: *To provide justice through a system that assures equal access for the fair and timely resolution of cases and controversies.* The Branch has worked to reduce administrative costs, increase our efficiency and make use of new information technologies to improve service to court users, streamline our work, and reduce operational costs.

We remain committed to providing excellent service, more efficient operations and more effective use of judicial resources in the years ahead. But we will need the support of our partners in the Executive and Legislative Branches, along with our justice system partners and the citizens of this state, to sustain this commitment to improvement.

Our new plan is the result of many months of study by the Judicial Council's ad hoc Strategic Planning Committee. 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,

A handwritten signature in black ink that reads "Lorie S. Gildea".

Lorie S. Gildea  
Chief Justice



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## 2015-2016 Judicial Council Membership

Hon. Lorie S. Gildea (Chair)  
*Chief Justice, Supreme Court*

Hon. Christopher Dietzen  
*Associate Justice, Supreme Court*

Hon. Edward Cleary  
*Chief Judge, Court of Appeals*

Hon. Terrence Conkel  
*Chief Judge, First District*

Hon. Kevin Mark  
*First Judicial District*

Hon. Thomas Pugh  
*First Judicial District*

Hon. Teresa Warner  
*Chief Judge, Second District*

Hon. Jeff Thompson  
*Chief Judge, Third District*

Hon. Peter Cahill  
*Chief Judge, Fourth District*

Hon. Jeannice Reding  
*Fourth Judicial District*

Hon. Bradley Walker  
*Chief Judge, Fifth District*

Hon. Shaun Floerke  
*Chief Judge, Sixth District*

Hon. James Florey  
*Sixth Judicial District*

Hon. John Scherer  
*Chief Judge, Seventh Judicial District*

Hon. Donald Spilseth  
*Chief Judge, Eighth District*

Hon. Paul Benshoof  
*Chief Judge, Ninth Judicial District*

Hon. Shari Schluchter  
*Ninth District*

Hon. John Hoffman  
*Chief Judge, Tenth Judicial District*

Hon. Krista Martin  
*Tenth Judicial District*

Jeffrey G. Shorba  
*State Court Administrator*

Dawn Torgerson  
*Deputy State Court Administrator*

Kate Fogarty  
*District Administrator, Fourth District*

Marieta Johnson  
*District Administrator, Sixth District*

Paul Maatz  
*District Administrator, Ninth District*

Karen Messner  
*Court Administrator, McLeod and Sibley Counties*



## Introduction

In April 2014 the Strategic Planning Workgroup began its review of the FY14-15 Strategic Plan with the goal of forming recommendations for the FY16-17 Plan. The Workgroup reviewed initiatives contained in the FY14-15 Plan to determine whether these initiatives would be completed by the end of the FY15 biennium and whether any of the initiatives should be continued as strategic initiatives in the FY16-17 Plan. The National Center for State Courts annual “Emerging Trends” report was also reviewed.

The FY16-17 Strategic Planning Workgroup charge was as follows:

In recognition of competition for limited state resources and of the initiatives and projects already underway, the FY16-17 plan should only contain initiatives that address three areas:

1. Initiatives aimed at the development and maintenance of adequate personnel, financial and service infrastructure in order to ensure the provision of, and access to justice;
2. Affordable initiatives that are already under way and will not be completed at the end of the current plan; and
3. Initiatives that will provide additional cost effectiveness and efficiency critical to the efficient operation of the Judicial Branch.

The FY16-17 Strategic Plan sets out the Judicial Branch’s blueprint for the future with three overarching goals of improving access to justice, administering justice for more effective results and strengthening public trust and accountability. The Plan includes several significant initiatives that use new information management technologies to streamline case processing and improve service to the public.



## **Judicial Branch Vision, Mission, and Core Values**

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

### **Core Values**

Core values that the judicial system must embrace if it is to perform successfully its unique role in society:

Judicial Independence and Accountability

Equal Justice, Fair and Respectful Treatment of All

Customer Focused—Internally and Externally

Accessible

Affordable

Quality Commitment to Excellence and Quality Work Environment

Commitment to Effective Communication

Predictability of Procedures

Balance Between Individualized Justice and Predictability of Outcome

Efficient

Innovative and Self Analytical



## **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 the needs of litigants become more complex, resources become more scarce, and the Judicial Branch is called upon to provide justice in an efficient and effective manner.

**1B. Implement technological initiatives aimed at improving customer service and enhancing Judicial Branch efficiency and effectiveness and effectiveness.**

**1C. Examine and modify access and service delivery levels in the context of limited state resources, technology developments, demographics, and business process changes.**

### **ACCESS PRIORITIES**

The Access to Justice priorities focus on the need to continue efforts aimed at increasing awareness and building support for sufficient resources for the Judicial Branch and the need to continue efforts to build on the technological momentum and expertise in the state, with the goals of expanding the capacity of the Judicial Branch to efficiently process cases and enhancing timely access to information by court users and justice partners.

The three Access to Justice priorities are:

**1A. Demonstrate the need and build support for obtaining the resources necessary to insure the provision of and access to justice.**



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*Strategic Goal 1: ACCESS TO JUSTICE*

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**Priority 1A: Demonstrate the need and build support for obtaining the resources necessary to ensure the provision of and access to justice.**

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**ISSUE**

This initiative recognizes the concern that the Judicial Branch will be unable to meet its constitutional obligation to provide justice in an efficient and effective manner if sufficient staff and judges are not maintained to perform judicial branch core services. It further recognizes concerns about the Branch’s ability to take on new initiatives if core services are not being performed. Last, it recognizes the need for the Branch to make efforts to provide justice in the most efficient and effective way possible.

Courts must actively work to educate funding and policy groups, as well as the public, about the judicial system and the challenges the courts face.

All Judicial Branch judges and employees should participate in efforts to increase awareness of the essential role played by courts at the appellate and the trial court levels. Judges and court staff must also work to develop sound relationships with the Legislature, the Executive Branch, and with justice system partners.

**OBJECTIVES**

- Better understanding on the part of policy makers and the public about the essential core government function provided by the Judicial Branch.
- Development/enrichment of local personal relationships with legislators.
- Support for judicial branch funding by policy makers and the public.
- Support for judicial branch innovations by justice partners.

**INITIATIVES**

- Continue to educate policy makers, stakeholders, and the public about the courts and duties of judges.
- Conduct two “open courthouse” events each year.



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*Strategic Goal 1: ACCESS TO JUSTICE*

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**Priority 1B: Implement technological initiatives aimed at improving customer service and enhancing Judicial Branch efficiency and effectiveness.**

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**ISSUE**

One of the most critical issues facing the Judicial Branch today is the diminished staff levels in our trial courts. Until recently, funding levels for the courts declined with no corresponding decrease in workloads or in the services citizens expect.

The difficult ongoing economic recovery highlights the need for the Branch to effectively manage the workforce, which represents their greatest asset. To effectively manage to the “new normal” of working smarter, the Branch is turning to automated workforce management solutions in order to maintain levels of services with fewer people.

**OBJECTIVE**

Implement technological initiatives to:

- reduce workloads for judges and court administration staff;
- enhance case processing efficiency; and
- enhance Judicial Branch effectiveness.

**INITIATIVES**

- Continue to implement eCourtMN in the trial and appellate courts.
- Continue evaluation of existing and emerging technology for use in courtrooms (i.e. ITV, electronic courtrooms).



*Strategic Goal 1: ACCESS TO JUSTICE*

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**Priority 1C: Examine and modify access and service delivery levels in the context of limited state resources, technology developments, demographics, and business process changes.**

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**ISSUE**

The Minnesota Judicial Branch continues to face several challenges as a result of the current economic situation:

- ◆ significant budget constraints;
- ◆ a smaller available workforce; and
- ◆ significant competition for a limited pool of workers.

In response to the challenges, the Judicial Council created the Access and Service Delivery Workgroup (ASD) to develop options for restructuring delivery systems, redesigning business processes, expanding the use of technology and prioritizing functions to provide appropriate levels of access and services statewide at the lowest cost. The Workgroup reported its recommendations in January 2008. Since that time the Branch has spent considerable time planning for and implementing the ASD recommendations.

**OBJECTIVE**

- Continue to develop and implement plans for re-engineering access and delivery systems in the Judicial Branch.
- Reduce cost of operations.
- Maintain acceptable levels and alternative means of access.

**STRATEGIES**

- Examine and evaluate Judicial Branch business practices and justice system delivery methods in light of changing demographics, community needs and enhanced technology.
- Identify, secure funding for, and implement improved courthouse security measures, including training, practice drills, communication plans, and, as appropriate, weapons screening and law enforcement presence.
- Identify and implement strategies for equalization of resources throughout the state based on established workload measures.
- Continue implementation of Civil Justice Reform Task Force recommendations as directed by the Supreme Court and Judicial Council.



## **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. 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.

### **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, offenders with mental health issues and offenders who are veterans**
- 2B. Continue to Identify Judicial Branch Case Processing Responsibilities aimed at managing workloads.**
- 2C. Insure the fair, efficient, and cost-effective handling of cases involving elderly and vulnerable adults.**
- 2D. Provide early resolution of family laws cases.**



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*Strategic Goal 2: ADMINISTERING JUSTICE FOR EFFECTIVE RESULTS*

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**Priority 2A: Integrate a judicial problem-solving approach into court operations for cases involving alcohol and other drug (AOD) addicted offenders, offenders with mental health issues and offenders who are veterans.**

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**ISSUE**

In recent years, alternative and demonstrably more effective judicial strategies for dealing with AOD- addicted persons, offenders with mental health issues and offenders who are veterans 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, treatment providers, and veteran services 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 continuation of efforts to fundamentally shift how Minnesota’s courts deal with alcohol and other drug addicted offenders (AOD), offenders with mental health issues, and offenders who are veterans, collectively known as drug courts.

The Judicial Council recognizes the effectiveness of drug courts and recommends, to the extent possible, that current courts be maintained and that efforts continue to provide

access to drug courts on a statewide basis.

**OBJECTIVE**

Maintain current drug courts and strive to provide access to drug courts on a statewide basis to the extent financial resources permit.

**STRATEGIES**

- Build support for continued effort to provide access to drug courts in a statewide basis, including continuation of efforts to establish multi-county drug courts. n existing drug courts.
- Identify and implement drug court performance standards.



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*Strategic Goal 2: ADMINISTERING JUSTICE FOR EFFECTIVE RESULTS*

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**Priority 2B: Continue Identify Judicial Branch Case Processing Responsibilities Aimed at Managing Workloads.**

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**ISSUE**

In 2007 the Judicial Council established court performance goals and a process for monitoring progress toward meeting those goals. Performance goals are 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.

This initiative will continue efforts to implement the performance goals and to monitor progress in reaching the goals.

**OBJECTIVE**

Continue the performance standards implementation initiative to:

- Ensure accountability of the branch,
- Improve overall operations of the court, and
- Enhance the public's trust and confidence in the judiciary.

**STRATEGIES**

Continue to provide training to judges and court employees on effective workload management techniques and best practices.

- Implement Civil Justice Reform Task Force recommendations as directed by the Supreme Court and Judicial Council.



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*Strategic Goal 2: ADMINISTERING JUSTICE FOR EFFECTIVE RESULTS*

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**Priority 2C: Insure the fair, efficient, and cost-effective handling of cases involving elderly and vulnerable adults.**

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**ISSUE**

Courts throughout the United States are experiencing a substantial increase in both the number and proportion of older Americans. According to the Minnesota Department of Health, between the years 2000 and 2030 the 65 and older population will increase from 12.1 percent to 24 percent of the total state population.

The substantial increase in both the number and proportion of older Minnesotans will result in caseload increase in most areas of probate court jurisdiction, including wills and estates, mental health matters, and establishment of guardianships as well as in other areas of the law, e.g. criminal, civil, and family law matters involving allegations of elder abuse and fiduciary misconduct.

**OBJECTIVE**

Develop collaborative approaches and efficient means of communication between courts, justice partners and other entities serving the elderly and vulnerable population.

**STRATEGIES**

- Participate in the Working Disciplinary Network of Guardianship Stakeholders (WINGS) initiative, including follow-up to the focus groups held in 2014.



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*Strategic Goal 2: ADMINISTERING JUSTICE FOR EFFECTIVE RESULTS*

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## **Priority 2D: Provide early resolution of family law cases.**

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### **ISSUE**

Family Early Case Management (ECM) is a 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

Jurisdictions throughout the state have implemented the use of the Initial Case Management Conference and the Early Neutral Evaluator model in family law cases. Programs have been developed and implemented in all ten judicial districts. Preliminary information demonstrates that these serve as important case management tools in the early and effective resolution of family law cases. Jurisdictions should be encouraged to continue experimentation in this area.

### **OBJECTIVE**

Less adversarial and more timely, efficient, cost effective resolution of cases involving children and families.

### **STRATEGIES**

- Build support for continued effort to provide access to early neutral evaluation and early case management programs on a statewide basis.



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## **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.

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

### **OBJECTIVE**

Continue efforts to ensuring public trust, accountability and impartiality.

### **STRATEGIES**

- 3A. Continue efforts to address diversity issues in the Judicial Branch.**
- 3B. Continue efforts to assess and improve court performance and accountability.**
- 3C. Promote communication and collaboration between the Minnesota Judicial Branch and Minnesota Tribal Courts.**



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*Strategic Goal 3: PUBLIC TRUST, ACCOUNTABILITY, AND IMPARTIALITY*

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**Priority 3A: Continue efforts to address diversity issues in the Judicial Branch**

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**ISSUE**

Studies indicate that both white and nonwhite populations feel that persons of color are not treated fairly by the court system. The studies also indicate that communities of color have the least trust in the court system.

The courts have a responsibility to ensure equal access to the courts and a fair and impartial courtroom. In addition, courts must provide fair treatment of court users and to hear and respond to the needs and concerns of all populations in Minnesota.

**OBJECTIVE**

- To continue to advance the Judicial Branch's efforts to eliminate from court operations bias that is based on race, gender, ethnicity, age, disability, socioeconomic status, religion, sexual orientation, and any other status protected by law.

**STRATEGIES**

- Continue Judicial Branch's efforts to eliminate bias from court operations

through activities of the Judicial Council Committee for Equality and Justice and Judicial District Equal Justice Committees:

- ⇒ Review judicial branch race related and other relevant bias-related data and make recommendations for improvement in court processes.
- ⇒ Recommend diversity and inclusion education programs and courses for judges and judicial branch staff.
- ⇒ Conduct Community dialogs on diversity issues in all judicial districts.
- ⇒ Continue study of evidence based tool(s) for use in making pretrial release decisions statewide.
- ⇒ Partner with the Governor, Judicial Selection Commission, the academic community and State and local bar associations to encourage a diverse pool of candidates for judicial positions.
- ⇒ Continue to promote diversity in the selection and retention of court employees to reflect the population served by the Judicial Branch.



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*Strategic Goal 3: PUBLIC TRUST, ACCOUNTABILITY, AND IMPARTIALITY*

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**Priority 3B: Continue Efforts to Assess and Improve Court Performance and Accountability**

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**ISSUE**

The Judicial Branch has established six core judicial branch goals:

1. Access to Justice
2. Timeliness
3. Integrity and Accountability
4. Excellence
5. Fairness and Equity
6. Quality Court Workplace Environment

The Judicial Council has established core performance goals to monitor key results that measure progress toward meeting these goals. Each judicial district is responsible for reviewing Performance Measure results at least twice per year and provide the findings of the review to the Council. An annual written performance measure report is issued by the Branch.

Tools have been developed to assist individual judicial districts in their biannual review and to assist the districts in the integration of

performance measures report results in their day-to-day operations and court operations improvement planning.

**OBJECTIVE**

- To ensure accountability of the branch, improve overall operations of the court, and enhance the public's trust and confidence in the judiciary.

**STRATEGIES**

- Continue to integrate regular use and review of performance measures reports to court management activities.



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*Strategic Goal 3: PUBLIC TRUST, ACCOUNTABILITY, AND IMPARTIALITY*

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**Priority 3C: Promote communication and collaboration between the Minnesota Judicial Branch and Minnesota Tribal Courts.**

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**ISSUE**

State courts and tribal courts have a range of common responsibilities. Both have the responsibility to provide justice to the citizens of this state. Both seek to use public resources effectively and efficiently. The parallel and sometimes overlapping responsibilities require open lines of communication between the two court systems. Person-to-person communication and sharing information among tribal and state judges and court staff can lead to improved respect, understanding, and cooperation between the two court systems.

This Strategic Goal seeks to facilitate more effective State-Tribal Court cooperation and communication. The State-Tribal Court Forum will be responsible for assessing current levels of interaction and cooperation, for facilitating improvement and for consulting on appropriate educational opportunities and materials for judges, court employees, and justice partners.

**OBJECTIVE**

- Raise understanding and awareness of State Court judges and personnel on State-Tribal issues.
- Develop training programs aimed at facilitating justice system understanding of Indian Law.
- Increase cooperation/and collaboration with Tribal Courts on matters of common interest.

**STRATEGIES**

- Continue to foster relationships between state courts and tribal courts through education, training, meetings and ride-alongs.

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*“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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