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# Minnesota State Courts

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# *A Message from the Chief Justice*

*Dear Minnesotans,*

As citizens of this state, the judicial system has an impact on our daily lives and those of our families, friends and neighbors. Whether it's addressing serious criminal cases or handling routine civil issues, we count on our court system to be both impartial and effective in the disposition of conflicts and controversies.

Those of us entrusted with administering justice in our state and operating Minnesota's court system take our responsibilities very seriously. We also recognize that amid the tremendous demographic and social change underway in our state, we must actively pursue new and innovative solutions to the issues at hand. To that end, we are implementing an ambitious strategic plan to carry the Minnesota Judicial System into the year 2005. In 1998, your court system made solid progress toward the goals spelled out in this strategic plan by adopting new technologies, developing innovative pilot programs and strengthening relationships with others who are committed to Minnesota's future. You'll learn more about many of these efforts elsewhere in this report.

One of the most exciting events of the past year was the establishment of an Inter-Branch Forum. This effort brought judges from the Supreme Court, Court of Appeals and trial courts together with key legislators to build relationships, share common concerns and discuss important issues like juvenile justice, civil and criminal law revisions, and sentencing. We look forward to continuing the dialogue between these two branches of government.



Through ongoing discussions and sharing of information, we have great opportunities to develop early solutions to the problems that face our state's citizens.

But 1998 was also a year of taking stock. If the Minnesota judicial system is to maintain its steady progress of the past decade, we must address some tough resource issues. Here is a brief overview of your state's court system today:

- Overall caseload has increased 41 percent since 1988.
- Major criminal cases have increased 74 percent and juvenile caseloads have doubled in the last decade.
- Civil filings are on the rise, particularly in the time-consuming areas of personal injury and contract cases.
- Since 1990, populations have increased about 20 percent in the two judicial districts serving the suburban Twin Cities.
- As caseloads increase, the time judges spend per case has declined in virtually every category.

Clearly the current situation does not meet the all-important goal of providing Minnesota citizens with an effective judicial system. System-wide efforts in the last decade have increased our court system's efficiency, but the ability to adequately manage caseload growth with existing resources has been exhausted.

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# Major Cases Filings

## 1988-1998

We believe Minnesota's citizens want more than assembly line justice and deserve more than a system that has just minutes to spend on most of the cases that come before us—cases that are vitally important to the parties involved.

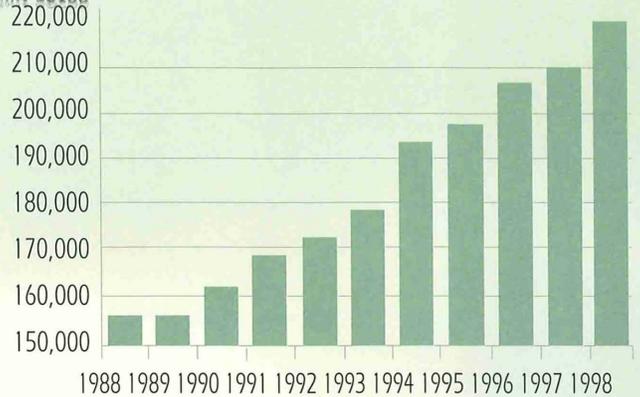
While we're committed to pursuing technology and other innovations which will make this court system even more effective, establishing new judicial positions is essential to keep pace with caseload growth. Pending before the 1999 legislative session is a request for 18 judgeships, distributed among the five judicial districts with the greatest need. Given both current caseloads and future projections, we believe these new judgeships — the first since 1995 — are essential to maintaining an effective judiciary for Minnesota citizens.

Being effective also requires knowing what Minnesotans think of their judicial system. During 1999, we'll learn their viewpoints by conducting a survey on public trust and confidence in the judiciary. In addition, several of this state's judicial districts will hold public focus groups to gain input closer to home. This information will help us shape future programs.

On August 13, 1999, our state will mark the 150th anniversary of establishment of the Minnesota Court system with a full slate of educational events. As we commemorate this sesquicentennial, I believe the most important way we can honor our forebears is to look to the future with energy and determination and to craft new solutions that build an effective judicial system for Minnesotans in 1999 and the years ahead.

**Kathleen A. Blatz**  
Chief Justice

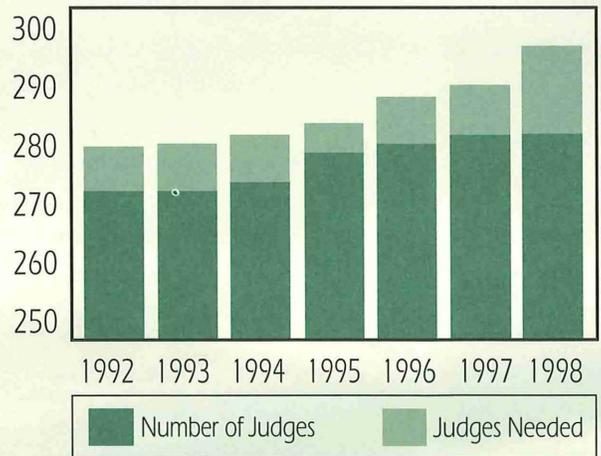
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**The court's caseload increased 41% over the past 10 years.** As compared to 1988, today we have over 62,000 additional major cases to be handled each year by just 254 judges.

## Need for Judicial Positions

### 1992-1998



**Judgeship Deficit Continues.** Because of caseload growth during the period between the request for new judgeships and their approval, judgeships have never kept pace with the need.

1998 ANNUAL REPORT

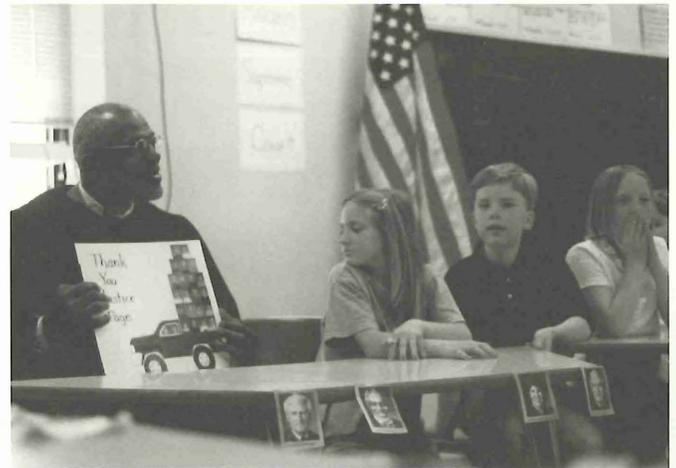
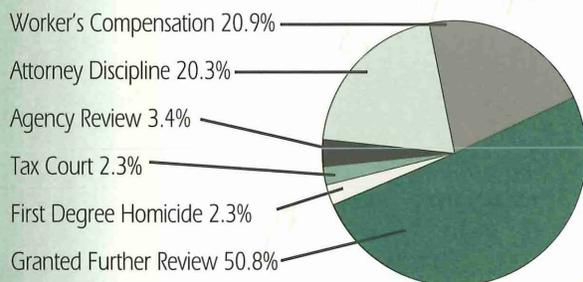
# Minnesota Supreme Court

The seven-member Minnesota Supreme Court, as the state's court of last resort, hears appeals from the decisions of the Minnesota Court of Appeals, the Workers Compensation Court of Appeals and the Tax Court. In addition, the Court takes appeals of first-degree murder convictions directly from the district courts and hears legislative-election contest disputes.

The Supreme Court also is responsible for the administration of Minnesota's judicial system. In recent years, the Court has identified and addressed numerous issues that affect the quality of justice including the needs of children, youth and families and the growing demand for qualified court interpreters. In seeking improvements, the Court often assembles a task force or committee of professionals and lay people to study an issue and recommend a course of action.

As part of their administrative duties, Supreme Court justices serve as liaisons to the state judicial districts and to various Supreme Court boards regulating some facet of the practice of law. Several justices also serve on rules committees that monitor the effectiveness of court rules, such as civil procedure, criminal procedure and the general rules of practice for district courts.

## Supreme Court Case Filings 1998



Associate Justice Alan C. Page teaches elementary school students about Minnesota's judicial system.

Photo courtesy of Fergus Falls Daily Journal

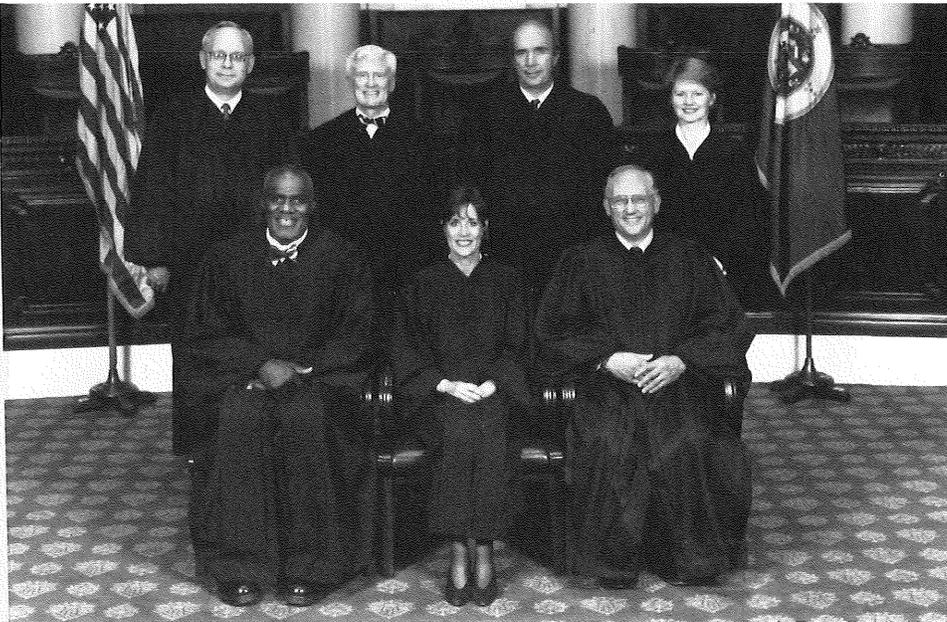
## Supreme Court Disposition Summary 1998

Disposition	Number of Cases
PFR Denied .....	610
Affirmed .....	60
Affirmed as Modified .....	2
Affirmed in Part, Reversed in Part .....	10
Affirmed in Part, Remanded in Part .....	2
Affirmed in Part, Reversed in Part & Remanded .....	4
Question of Law Answered .....	3
Closed .....	26
Remanded .....	3
Reversed .....	44
Reversed & Remanded .....	10
Total by Opinion .....	164
Summary Affirmance .....	19
Per Curiam .....	8
Dismissed & Other .....	15
Total Dispositions .....	816

## 1998 Minnesota Supreme Court

*Standing left to right: Justice Russell A. Anderson, Justice Edward C. Stringer, Justice James H. Gilbert, Justice Joan Ericksen Lancaster*

*Seated left to right: Justice Alan C. Page, Chief Justice Kathleen A. Blatz, Justice Paul H. Anderson*



### *A Year of Change & Outreach*

Not since its establishment in 1849, has the Minnesota Supreme Court experienced a turnover of justices of the dramatic proportions that occurred in 1998. The retirements of the chief justice and two associate justices, followed by the appointments of a new chief justice and three new associate justices ushered in a new era for the court.

The year began with the January retirement of Chief Justice A.M. "Sandy" Keith, after eight years on the court, and subsequent swearing in of new Chief Justice Kathleen A. Blatz and Associate Justice James H. Gilbert. Associate Justice Esther Tomljanovich's retirement in August after eight years of service, was followed by Associate Justice Sandra Gardebring's similar step in September, ending her seven years on the court. Named to the associate justice positions by Gov. Arne Carlson were Russell A. Anderson, a district court judge from Crookston, and Joan Ericksen Lancaster, a Hennepin County district court judge.

Throughout 1998, Supreme Court justices emphasized community outreach, with a goal of making the state's judicial system more accessible and understandable to Minnesota citizens. Highlighting the year were oral arguments conducted in Austin and Duluth, which each drew more than 1,000 high school students.

The outstate visits also included conversations with local government and civic leaders. Outreach efforts continue year-around as justices annually host dozens of student groups and address numerous school and community forums.

During 1998, the Supreme Court raised to permanent status the Alternative Dispute Resolution Board. Currently, 1,600 individuals and organizations are listed as approved ADR Neutrals. A roster is accessible to the public via the state court's website at <http://www.courts.state.mn.us>

The Court also approved revisions to the rules of criminal procedure, civil procedure and appellate procedure in 1998. These became effective on January 1, 1999. In addition, a major consolidation and reorganization of the state's Rules for Admission to the Bar was adopted and became effective on August 18, 1998. These changes were made available to the public on the court website.

# Minnesota Court of Appeals



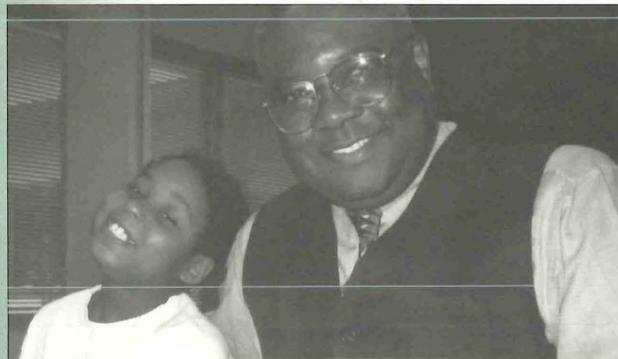
## Court of Appeals

Standing left to right: Judge G. Barry Anderson, Judge Bruce D. Willis, Judge Roland C. Amundson, Judge Jack Davies, Judge Roger M. Klaphake, Judge Randolph W. Peterson, Judge James C. Harten, Judge Gordon W. Shumaker, Judge Jill Flaskamp Halbrooks

Seated left to right: Judge Robert H. Schumacher, Judge Gary L. Crippen, Judge Harriet Lansing, Chief Judge Edward Toussaint, Judge R.A. "Jim" Randall, Judge Thomas J. Kalitowski, Judge Marianne D. Short

Minnesota's Court of Appeals marked its 15th anniversary as the state's intermediate appellate court on November 2, 1998. The court has long been viewed by other states as a model of case processing and delay reduction. Working in rotating three-judge panels, the court strives to provide Minnesotans with impartial, clear and timely appellate decisions made according to law. In 1998, a sixth appeals court panel was established to help speed disposition of juvenile, family and civil commitment cases.

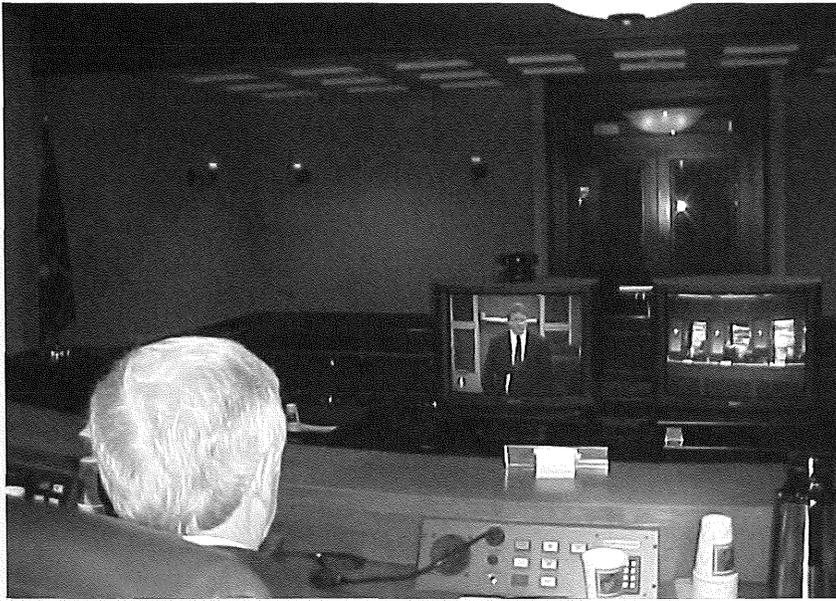
Beyond their caseload responsibilities, Court of Appeals judges are active within the legal profession and community at large. The court's judges serve as liaisons to the state's judicial districts and serve on dozens of committees and boards ranging from the Sentencing Guidelines Commission to the American Law Institute to community organizations and volunteer activities.



Court of Appeals Chief Judge Edward Toussaint with reading buddy Teonna Green

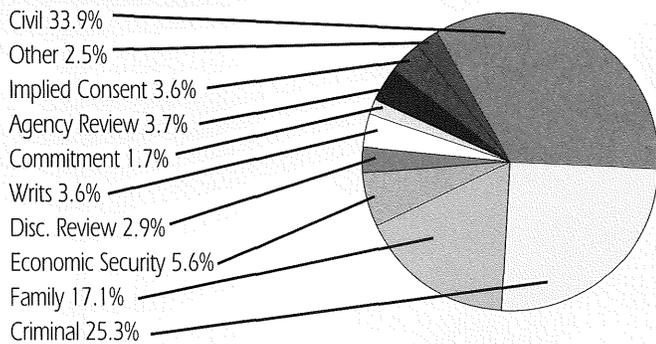
## Court of Appeals Disposition Summary 1998

Disposition	Number of Cases
Affirmed .....	1024
Affirmed as Modified .....	28
Affirmed in Part, Reversed in Part .....	33
Affirmed in Part, Remanded in Part .....	3
Affirmed in Part, Reversed in Part & Remanded .....	88
Vacated .....	5
Remanded .....	12
Reversed .....	125
Reversed & Remanded .....	124
Summary Affirmance .....	2
Total by Opinion .....	1444
Order Opinion .....	74
Denied/Discharged .....	112
Dismissed & Other .....	405
Certified/Transferred .....	3
Stayed, Remanded .....	6
Total Dispositions .....	2044



*Seated in a Minnesota Judicial Center courtroom, Court of Appeals Judge Robert H. Schumacher hears oral arguments from an attorney 300 miles away in Roseau.*

## *Court of Appeals Case Filings 1998*



## *Changes on the Court of Appeals*

Efficiency and effectiveness were maintained during 1998, as three new judges joined the appeals court. In January, Judge Gordon Shumaker, from the 2nd Judicial District in Ramsey County, replaced Judge Edward Parker, who retired in November 1997. Judge G. Barry Anderson, a Hutchinson, Minn., attorney, joined the court in August, filling the vacancy left by the December 1997 retirement of Judge Fred Norton. Judge Delores Ohlsen Huspeni retired on October 31, 1998 and was succeeded by Judge Jill Flaskamp Halbrooks, a Minneapolis attorney.

## *Testing new Technology*

As part of ongoing public accessibility effort, in November 1998 the Minnesota Court of Appeals began hearing oral arguments on a regular basis via interactive teleconferencing technology (ITV). The three-judge panel was located in its St. Paul courtroom and the lawyers were in their local courthouses in Hallock and Thief River Falls. Participants were able to see and hear both the judges and the attorney who was making argument. This innovative use of technology, which was enthusiastically received by those participating, will continue to be tested in 1999.

The Court of Appeals' goal was to use this interactive technology to reduce travel time and expenses for those involved, to minimize the risk of cancellation due to weather conditions and to alleviate delays. The goals were fulfilled in the inaugural ITV case. Without the use of ITV, the oral arguments might have been cancelled due to weather conditions because each attorney would have been fighting 12 inches of freshly fallen snow to get to St. Paul.

# Minnesota Trial Courts

The day-to-day handling of justice for Minnesota's 4.7 million citizens occurs in the state's 10 judicial districts, where 254 judges managed a growing workload that approached 2 million cases in 1998. These courts handle a wide range of civil and criminal matters including probate, family law and juvenile cases.

## *Innovative programs tackle tough issues: Children, youth and families*

In June 1998, a 12-county pilot project was launched to open some juvenile protection hearings to the public. The three-year experiment approved by the Minnesota Supreme Court is intended to give the entire community a window on the welfare of children, making it possible for opinion leaders and policy makers to address children's needs in more realistic and practical ways. Proceedings open to the public and to the media generally are those related to children in need of protection and services. Although formal assessment will occur later in the three-year pilot, early response from judges, attorneys, media and others involved in the program has been favorable.

Numerous other programs on behalf of children, youth and families are taking place in Minnesota's judicial districts, many of them funded by special "innovation grants". These include utilizing mediation in family, conciliation and housing courts; expansion and implementation of interactive videoconferencing, development of hearing impaired services, and creation of truancy programs.

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# 1998 Chief Judges



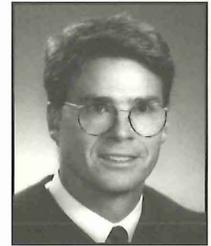
Judge Leslie M. Metzger  
First District



Judge Lawrence D. Cohen  
Second District



Judge Gerald J. Wolf  
Third District



Judge Daniel H. Mabley  
Fourth District



Judge Bruce F. Gross  
Fifth District



Judge John T. Oswald  
Sixth District



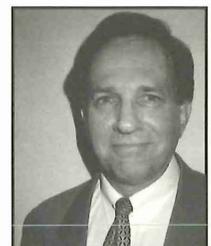
Judge William E. Walker  
Seventh District; Chairman,  
Conference of Chief Judges



Judge Gerald J. Seibel  
Eighth District



Judge Dennis J. Murphy  
Ninth District



Judge Gary J. Meyer  
Tenth District

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The "one judge/one family" program has expanded to three judicial districts. This program assigns a single judge to all issues involving a family which can range from juvenile offenses to divorce and custody disputes to domestic assault. The result is greater judicial consistency for the families involved and more in-depth knowledge of the people and circumstances for the judge assigned.

In addition, Hennepin and Dakota counties are undertaking comprehensive reviews of child protection case processing in an effort to improve handling and outcomes for children involved in the system. Best practice protocols will be developed for use in these courts and others around the state. In Stearns and Ramsey counties, the Cooperation for the Children Program is providing an easily accessible expedited process that emphasizes non-adversarial methods to resolve visitation problems. Statewide the judicial system and other government agencies are uniting toward the common goal of benefiting children by such efforts as requiring parental education in visitation and custody cases.

## *Teamwork*

Minnesota courts are teaming up with government entities, community agencies and others to find root solutions to problems facing the state.

The Hennepin County Drug Court has completed two years of operation and, while fine-tuning continues, results of the pilot program are positive. Today, the drug court handles 25 percent of the county's felony load. On average, defendants are in treatment within 18 hours of arrest and the typical case is concluded in less than two weeks from the time of arrest to the beginning of treatment or other sentence.

Other "specialty" efforts like community courts and the newly created teen courts in Blue Earth, Brown, Martin and Itasca counties, address specific issues and clients, with an eye toward using local knowledge and resources to prevent individuals from returning to the system.

Also in the area of teamwork, St. Louis County has instituted a Criminal Justice Advisory Committee, a problem-solving group committed to enhance communication, efficiency and effectiveness in dealing



*Court of Appeals Judge Marianne D. Short and "jurists" from Children's Center Montessori School in St. Paul are discussing a mock appellate case in courtroom 300 of the Minnesota Judicial Center.*

*(photo courtesy of St. Paul Pioneer Press, Joe Oden)*

with criminal justice system issues. This committee includes judges, court administrators, prosecutors, public defenders, law enforcement officials, jail personnel, transport officers and probation officers. Similar efforts are underway in the seven counties of the 1st Judicial District.

Nineteen-ninety-eight also saw the expansion of sentencing circles, community-based programs that use citizens, victims, family members judges, law enforcement officials and others to establish sentences which help offenders make amends and point their lives in new directions. Programs are now underway in Mille Lacs, Ramsey, Hennepin, Dakota and Washington counties.



### **Inter-Branch Legislative Team**

*Members of the legislature and judiciary meet over lunch to discuss how the legislative and judicial branches can work together to identify justice issues facing Minnesotans and develop solutions.*

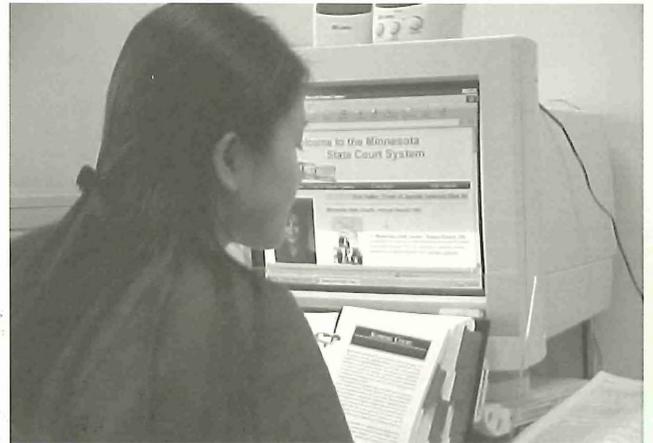
## Technology

As the rural-to-urban shift in Minnesota's population continues, maintaining equal access to justice for all citizens becomes increasingly challenging. During 1998, the 9th Judicial District — spanning 17 counties in northwest Minnesota — experimented with interactive television and collaborated with local county governments on several projects. Like the Court of Appeals pilot program, this effort has been well received by those involved who see future applications for the technology ranging from routine motions to commitment hearings.

Advances in technology also are helping to protect citizens on a daily basis. In 1998, the court system and law enforcement agencies teamed up to make up-to-date Order for Protection information accessible via computer. Orders for Protection are issued to prohibit contact and set other criteria in situations like domestic abuse where one individual is a possible threat to another. Bringing this information from the court system's computers right to the squad car has helped police prevent potentially violent situations.

Throughout the state, Minnesota courts are adapting technology to enhance their effectiveness. In Ramsey County's Probate Court Division, for example, a new document imaging system has reduced staff time, storage space and paper use.

The state court system's own electronic presence continues to expand. In 1998, the Minnesota Supreme Court oral argument calendar was made available on the state court website, with additional new features planned for 1999. CourtNet, an internal website, is under development as a source of shared data and expanded communication among the state court system's employees.



*The court system's website allows users to obtain general information about the courts, Court of Appeals and Supreme Court opinions, view the annual report and other important information about Minnesota courts.*



*The Minnesota Judicial Center houses this climate-controlled computer room. The equipment in this room stores and backs-up the TCIS (Total Court Information System) information for one-half of the state and the files of employees located in the Judicial Center.*

# Crafting an effective future

A wide range of outreach, education and innovation are building a judicial system that serves a changing Minnesota.

- How do Minnesotans view their judicial system? How can the judiciary meet citizens' needs more effectively? The groundwork for answering those questions was laid during 1998 in preparation for Minnesota's participation in a 1999 national survey on public trust and confidence in the judicial system. In addition to the survey, several district courts are conducting citizen focus groups to gain insight on public attitudes that will help guide future programs and policies.
- Providing equal access to justice statewide requires adequate resources. In west central Minnesota's 8th Judicial District, a pilot project underway since 1990 has demonstrated that state funding provides flexibility to maximize the use of existing court staff and resources by shifting them between counties to meet changing needs. A proposed program expansion would include three additional judicial districts. In recent years, 29 states have moved to statewide funding from a county-based system.
- Immigrants have become one of the fastest growing segments of Minnesota's population, adding 10,000 residents annually who may not have the English language skills necessary to navigate the judicial system. The challenge affects communities from Worthington, where 20 percent of 1998 cases required interpreters, to St. Paul, where public school students speak more than 50 languages. The court system has made this pressing need a high priority. A base of 300 interpreters representing 50 languages is in place, including 20 who already have passed a stringent new certification process. Educational programs are ongoing.



## Minnesota's Judicial Leadership Team Presents 1999 Action Plan

Chief Justice Kathleen A. Blatz (left) responds to inquiries on the state of Minnesota's judicial system at the annual Conference of Judges, December 1998. Joining her were (second from left to right) First District Chief Judge Leslie M. Metzen, Seventh District Chief Judge William E. Walker, Minnesota District Judges Association President, Judge Bruce R. Douglas, Tenth District Chief Judge Gary J. Meyer and Ninth District Chief Judge Dennis J. Murphy.

- Expanded training took place in 1998 for more than for 700 guardians ad litem, in an effort to provide greater consistency and oversight for this state and federally mandated program which assigns neutral individuals to work for the interests of children in child protection and dissolution cases.
- Continuing education for judges and court staff remains a priority. During 1998, 280 judges participated in continuing judicial educational programming, with 66 district court judges serving as faculty. District and county court managers also attended programs to enhance their administrative and leadership skills.
- In August 1999, Minnesota will launch a three-year commemoration of the founding of the state court system, with a reenactment of the first court hearings at the historic Stillwater courthouse. To spearhead the celebration, Chief Justice Kathleen Blatz has named a committee including retired Supreme Court justices, the state law librarian, legal community representatives and civic leaders.

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