

State of the Judiciary
Chief Justice Lorie S. Gildea, Minnesota Supreme Court
Message to the Minnesota State Bar Association
July 1, 2019

George Washington once wrote that “due administration of justice is the firmest pillar of good government.”

As I come before the Bar this afternoon to talk about the state of our judiciary, I am both heartened and proud to say that this pillar of good government is as strong and sturdy as it’s been in the history of Minnesota.

Thanks to wise investments from the executive and legislative branches, robust partnerships within our justice community, and smart strategic planning, we have restored a judiciary that just 10 years ago was struggling under the weight of repeated budget cuts and freezes.

Today, the state of our judiciary is strong. Our state court system stands as one of the most accessible, innovative, and well-managed in the nation. And I stand here proud to share with you some significant advancements we’ve made in the past year to improve our service to the people of Minnesota.

My remarks today will be focused on three broad topics:

First, I will recap the results of the most recent Legislative Session and then give you a snapshot of the current performance of our courts. Second, I will review some of the major initiatives we’ve been focused on during the past year. Third, I’ll give you a preview of what to expect in the year ahead, as we launch a new biennial strategic plan.

As I talk today about all of the great things happening in our court system, it is so crucial to remember that none of this happens by accident.

Over the past decade, the Bench and Bar have worked hand-in-hand to advocate for adequate justice system funding. That work has put more judges in our courtrooms to handle a rising caseload, helped us maintain a world-class workforce, and ensured access to critical court services.

I’m especially pleased to report that during this most recent Legislative Session, that partnership resulted in much of the Judicial Branch’s biennial budget request being passed into law.

That includes funding for one of the two additional judgeships we requested, as well as much-needed new funding to provide psychological examinations in criminal and civil commitment cases, maintain our treatment court programs, and better protect the Judicial Branch from cyber-attacks.

We’re also grateful to the Governor and Legislature for providing significant new funding for the state’s public defenders, Guardians ad Litem, and other justice system partners.

This recent reinvestment in our justice system has made a huge impact on our ability to deliver timely justice to the people of Minnesota.

Every year, the Minnesota Judicial Branch publishes a lengthy and detailed Performance Measures Report on our website. If you look at that Report – and I encourage all of you to do so – you’ll see many positive indicators.

Our clearance rate – that is simply a measure of how many cases were disposed of in a given year versus how many cases were filed – has been improving steadily over the past five years. In fact, in the last two fiscal years it has been over 100% - meaning we’ve disposed of more cases than have been filed.

The Performance Measures Report also shows decreasing case backlogs and improving time to disposition in many of our different case types.

But you’ll also see the areas where we need to stay vigilant.

As you can see, our courts are been experiencing [sic] a huge influx of drug, DWI, and domestic abuse cases, as well as a spike in the number of children coming into our courts needing protection or services.

These are the types of cases that require the most time and attention from judges, court staff, justice partners, and attorneys. Which is exactly why we were before the Legislature this Session seeking two additional judgeships.

Given that the Legislature and Governor only approved funding for one of those judgeships, we will need to closely monitor this caseload issue in the year ahead. As positive as many of our performance indicators are today, we know how quickly that can change when we don’t have enough judges, staff, or resources in our courts.

Though we remain vigilant on these issues, we shouldn’t hesitate to pause and celebrate how far we’ve come in recent years. Our most recent Performance Measures Report contains a great deal of good news for our courts, and the people who rely on them.

That success is the result of a lot of hard work, and a lot of strong partnerships. Dedicated, committed judges and court staff. The exceptional Bar we have here in Minnesota. State and local justice partners. And of course the policymakers who have made our justice system a priority over the last decade.

While these performance measures are important, they only tell us part of the story. If we truly want to evaluate the state of Minnesota’s judiciary, we need to look at how our courts are serving the people of Minnesota.

As our state has strived to restore this “firmest pillar of good government,” the Minnesota Judicial Branch has been working to expand access to justice, improve court administration, and build public trust and confidence in the judiciary.

Let me share with you some of the advancements we’ve made in the past year.

For those of you who attended last year’s MSBA Annual Convention, you may remember my remarks regarding the Bar’s Alternative Legal Models Task Force.

At that conference, I applauded the MSBA for your work on this important issue, as we seek new and innovative ways to tackle Minnesota's lingering civil justice gap. I also announced my intention to pick up the MSBA's report, and to work with the Bench and Bar to further its recommendations.

This past March, the Supreme Court issued an order establishing an implementation committee for a new Pilot that will permit greater use of legal paraprofessionals to address the justice gap.

The Legal Paraprofessional Pilot Project is not intended to take work away from lawyers; the Project is intended to increase access to civil legal representation in case types where one or both parties typically appear without legal representation. This includes cases involving housing disputes, family law, and creditor-debtor disputes.

This Project is being co-chaired by Supreme Court Justice Paul Thissen and Judge John Rodenberg from the Court of Appeals. The implementation committee includes numerous Bar members.

We are excited to see where this Project goes, and look forward to the committee's report, which is due next February. Judge Rodenberg will be part of a panel discussion later today to give you a more in-depth look at the early work of the implementation committee.

Tackling our state's justice gap and expanding access to justice is one of our highest priorities in the Judicial Branch.

Roughly 10 years ago, we launched the statewide Self-Help Center, which has grown into one of the most highly regarded services for self-represented litigants in the country. Just last year, Self-Help Center staff handled more than 24,000 phone calls and answered nearly 4,000 emails from self-represented litigants across the state.

This past year, Self-Help Center staff launched three new online tools that we are especially proud of.

The first is Guide & File. Guide & File is an online tool that uses web-based "interviews" to help people create the most-used court forms. Rather than filling in fields on a court form, Guide & File reduces guess work by asking the user simple questions, and creating forms based on the answers to those questions.

We launched Guide & File as a pilot in June of last year, with interviews for filing a Conciliation Court Claim and filing an Eviction Action Complaint. We recently added an interview for individuals seeking either a Harassment Restraining Order or an Order for Protection.

In less than a year, we've already had users from 74 different counties complete more than 2,500 Guide & File interviews.

Given the success of the pilot, just last month the Supreme Court issued an order that made it a permanent service for self-represented litigants. Expect to see additional Guide & File interviews in the future.

Another initiative we're extremely proud of is online fillable "smart" forms. Launched late last year, these forms have built-in intelligence that makes it easier for self-represented litigants to

complete and file court forms quickly and accurately. Fillable smart forms are now available for approximately half of the 500 court forms published on our public website.

Finally, I'm pleased to share with you a new video series that aims to help people complete the process for a criminal record expungement. These step-by-step videos explain how to complete the necessary forms, and detail what court users should expect during the process of petitioning for a criminal record expungement.

These videos can be found on the Judicial Branch website or our YouTube channel.

Moving beyond how we serve self-represented litigants, I now want to highlight some of the ways we've been working to improve the administration of justice in our state over the past year.

Last fall, we began pilot-testing a new data integration with the Blue Earth County Attorney's Office. Rather than having someone from their staff manually download individual court documents, this new integration automatically transmits appropriate court documents directly into the County Attorney's case management system.

The County Attorney's Office estimated this automation would save 150 hours per week in staff time, saving the office the equivalent of \$13,000 per month.

The pilot has proven so successful, in fact, we've already expanded it to the State Board of Public Defense, the St. Cloud City Attorney, and the county attorney offices in Ramsey, Steele, and Yellow Medicine counties. This new integration has already been used to retrieve more than 100,000 documents, including more than 35,000 documents last month alone.

Last October, the Supreme Court's Rules of Evidence Advisory Committee filed a report on Eyewitness Identification, which addressed issues regarding the reliability and fallibility of eyewitness identification testimony.

Based on the findings and recommendations in that report, the Supreme Court issued an order this past December that directed the State Court Administrator to develop new training for Minnesota judicial officers on the evolving science behind eyewitness identifications. The first part of that judicial officer training launched last month, with a second part coming in the near future.

Another project we completed toward the end of 2018 aims to better protect seniors and vulnerable adults from financial abuse and mismanagement at the hands of court-appointed conservators.

Several years ago, the Judicial Branch established the Conservator Account Auditing Program, or CAAP. CAAP uses trained auditors to review the work of conservators who oversee large accounts.

In December, we launched a sister program to CAAP – the Conservator Account Review Program.

In basic terms, CAAP auditors spend their time focused on the biggest, most high-risk financial accounts. Now with the new program, we have trained financial experts also reviewing smaller and lower risk conservator-managed accounts. The new staff also provide more tools and information to judges presiding over conservatorship cases.

Together, the auditors and account reviewers working in these programs are helping to oversee roughly \$1.2 billion worth of assets owned by Minnesota seniors and vulnerable adults.

The creation of these two programs has made Minnesota a national leader in the fight against fraud and financial abuse, and we have earned numerous national awards and even an invitation to testify before Congress to share our important work in this area.

Most importantly, with the creation of the new program, we're now protecting the assets of elderly and vulnerable Minnesotans better than ever before.

Finally, just last month, I'm pleased to report that the Minnesota Judicial Council approved the two newest treatment courts in the state:

The Third Judicial District Veterans Treatment Court, serving 11 counties in southern Minnesota; and The Range Mental Health Court, which will serve individuals with severe and persistent mental illness in northern St. Louis County.

Those are actually two of the six new treatment courts that have opened in 2018 and 2019.

When I became Chief Justice in 2010, there were 38 drug courts in operation around the state. Today, we have 65 treatment court programs serving more than 80% of Minnesota counties.

This expansion has been fueled by a growing consensus of academic research showing treatment courts reduce repeat offenses, save taxpayer money, and produce better outcomes for those struggling with substance use disorders or mental health issues.

As I close this review of our past year, I want to just briefly review some of the ways we've worked to build public trust, confidence, and understanding of our courts in the past year.

In addition to our usual outreach activities, such as the Supreme Court's biannual visits to Minnesota high schools, and the Open Courthouse events we hold throughout the state, this past year saw judges and court staff take numerous steps to better engage the people we serve.

This past fall, the Minnesota Judicial Branch hosted its first-ever information booth at the Great Minnesota Get Together. Each day of the Fair, we had judicial officers and staff on hand to connect with the public and provide information about Minnesota's court system.

And like any good State Fair booth, we had great swag: informational magnets, hand fans, and, everyone's favorite...gavel-shaped pencils.

If you missed your chance at one of those gavel pencils, don't worry: we will be back at the Fair this fall in the Education Building.

Beginning this past December, we undertook a four-month effort to survey court participants and stakeholders in each of the state's district courthouses.

The goal of this effort – called the Access and Fairness Survey – was to ensure accountability of the Judicial Branch, improve overall operations of the court, and enhance the public's trust and confidence in the judiciary.

Thousands of Minnesotans took part in the Survey, and our research staff has spent more than two months analyzing the data and putting together a report the Judicial Council will receive

next month. As I'll discuss in a bit, the customer feedback we received through this process is going to play a big part in our strategic planning process.

Finally, in February, the Supreme Court led a call to action for lawyer well-being at St. Thomas University. I'm happy to report that nearly 250 judicial officers, attorneys, and human resources professionals took the time to be part of this important event.

We organized the event in response to the ABA report from 2017 that found lawyers are grappling with serious barriers to well-being.

We've also dedicated a page on our website related to this topic, with a variety of resources on lawyer well-being and videos from the event. I encourage you to take advantage of these tools.

Now that we've talked about what has happened in the past year, let me preview a little about what's ahead.

Every two years, the Minnesota Judicial Council adopts a strategic plan to guide the work of our courts over the biennium. Nearly all of the positive developments I've shared with you today are the result of our current strategic planning process.

Next month, the Judicial Council will be adopting our FY20-21 Strategic Plan. While I can't share that Plan with you until it's formally approved by the Judicial Council, I think it's within my power as Council Chair to preview a few of the major themes and initiatives you should expect to see when it is released. Part of our plan will be continuing to work on providing remote access to public documents. I know this is a project of great interest to the Bar. It's a project we've been working on for a while now – too long, frankly.

That's our ongoing effort to provide online public access to district court case documents. Unfortunately, over the past several months, the project hit a major roadblock.

We had been working with a vendor to help us develop the online portal that would connect users to public court documents. However, as we began testing the vendor's development, we kept finding more and more issues: frequent error messages, incorrect information being displayed, ADA compliance issues, the list went on and on.

Thankfully, our contract with the vendor was designed to shield taxpayers from paying for this failed development. What we did lose, however, was time.

At this point, we're reassessing our options. We've put out a call for other vendors who may be able to step up and take this on, and our own IT staff is currently exploring whether we could build this portal internally and we have discussions with other states to see about partnership opportunities.

I wish I had better news to share with you on this front. There is no bigger champion for this project within the Judicial Branch than me, simply because I know how much it means to you, our customers, and the public.

But in the end, it's more important that we do this right than it is that we do it quickly. As you know, the documents filed in our district courts contain a wide array of confidential, sensitive information. The people of Minnesota trust us – both the courts and their legal counsel – to keep that information secure.

Ultimately, we need a system that is easy, convenient, and reliable to use, but that also provides the level of data security Minnesotans expect and deserve.

You have my commitment that we are going to continue doing everything in our power to deliver this service to all of you, just as soon as we're confident we can deliver on these two goals.

Another area of focus for our courts over the next two years will be improving our customer service to the people who use our court system.

This work will be driven by the results of our recent Access and Fairness Survey. Our goal will be to leverage this direct customer feedback to make improvements to both our courthouse and online services. Expect to hear much more on this topic in the year ahead.

Another big item on our to-do list for the next biennium will be putting into action the recommendations that come from the Legal Paraprofessionals Pilot implementation committee. As I mentioned before, we anticipate having the committee's recommendations by February, and you'll be hearing much more about this effort later today.

Finally, I'm pleased to announce that later this year, we will be launching MyMinnesotaGuardian.

Some of you may already be familiar with MyMinnesotaConservator. That's our nation-leading online application that allows conservators to submit their annual reports electronically, and that uses built-in logic to spot possible errors, inconsistencies, or transactions that require further review.

MyMinnesotaGuardian will bring those same benefits to people under guardianship. This new application will make it faster and easier for guardians to submit their well-being reports to the court, and simpler for the court to review and track these reports and identify any concerns.

Again, these are just a handful of the major initiatives you'll see from our court system in the upcoming biennium. Be sure to keep an eye on our website to see a copy of the full FY20-21 Strategic Plan when it is published in the very near future.

As I close my remarks to you this afternoon, I want to return to two essential points.

First, I want to once again commend the work of my fellow judges, our dedicated court staff, the members of the Bar, and Minnesota's entire justice community on working together to build what is truly one of the best and most-respected court systems in the entire country.

This "firmest pillar of good government" is as strong as it's been in our state's history, and it's only going to continue to get stronger as we work together to further expand access to justice, improve court administration, and engage the people we serve.

Second, I want to remind all of us that none of this success happened by accident. It's the result of wise investments, smart strategic planning, strong state and local partnerships, and the commitment of smart, talented people who have dedicated their careers to safeguarding and improving the system of justice we have here in Minnesota.

In my time on the Supreme Court, I've seen what happens when our justice system is neglected: courthouse window closings, staff shortages, and case backlogs threatening timely access to justice.

But I've also seen the power of collaboration – the incredible things that we can achieve when we work together to make the cause of justice a priority in our state.

As we reflect on our recent achievements and look ahead to the great things on the horizon, we can't forget this valuable lesson from our recent past. Access to justice cannot be viewed as a luxury; it is a constitutional right that must be preserved as a core function of government.

I'm proud of the remarkable partnership we have between the Bench and Bar in our state, and look forward to continuing our work to deliver the best possible system of justice to the people of Minnesota.

My final ask of you today is to take one small, symbolic step to demonstrate your commitment to keeping this pillar of good government strong in Minnesota.

As some of you may already know, last year, the Supreme Court reinstated a tradition as old as Minnesota statehood.

For the vast majority of state history, attorneys would sign a roll book when they were sworn in.

I share with you one such page from 1889, with the signature of Frederick McGhee, the state's first African American attorney.

This wonderful tradition was discontinued in 1983 after the state's attorney registration process moved to the digital world. Just one more piece of history lost to the progress of man.

With the help of the State Law Library, our Court decided to reinstate this old-fashioned, paper-and-pen practice last year. We are also making an effort to capture signatures from attorneys who were admitted to the Bar between 1983 and 2018.

State Law Library staff have a table in the exhibit hall and have brought these roll books to the event today. Please take a moment to add your name to this piece of Minnesota history. The books are only here today – if you don't sign them today, you'll need to make a special trip to the State Law Library in St. Paul to add your signature.

And who knows? Maybe one day a century from now, a future Chief Justice will show your roll book signature during her State of the Judiciary address.

Thank you all so much for having me here today. It is truly an honor. I hope you enjoy the rest of your conference.