



**A CASE STUDY:  
REENGINEERING MINNESOTA'S COURTS**

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## **Executive Summary**

Fundamental demographic shifts in the population present a long-term challenge for Minnesota courts. Beginning in 2008 and extending well into the next decade, Minnesota will see a 30% jump in workers reaching the average retirement age of 62. Seniors over the age of 65 will exceed the number of school age children. The cost for government-funded social security, medical care, and public employee pensions will put unprecedented financial pressures on local, state, and federal governments. These pressures will shift government spending priorities to issues of aging and health and away from other state services, including the courts. Thus, even in relatively strong economic times, the courts will face greater competition for tax dollars.<sup>1</sup>

These forecasted financial constraints coupled with the reality that the Minnesota Judicial Branch (Judiciary) had been underfunded for years motivated the Judicial Council, the Judiciary governance and policy making body, to form the Access and Service Delivery (ASD) Committee to develop short and long term strategies for providing appropriate levels of access and service at the lowest cost. The ASD Committee explored options for restructuring delivery systems, redesigning business processes and expanding the use of technology from a statewide perspective. The Committee considered options from a variety of sources and they evaluated the proposed options using four criteria: cost impact, feasibility, service impact and time impact.

The Judiciary over the past four years has succeeded in identifying, redesigning and implementing improvements to the efficiency and effectiveness of its business processes. This case study describes some of those very effective efforts.

It is thanks to more than 30 years of transition and transformation that the Judiciary now finds itself able to not only identify how best to redesign its processes but is also in a position of making the changes needed to improve service for its citizens throughout the state. Over this time period, Minnesota's Judicial Branch systematically moved from a largely county funded and focused confederation of trial courts to a unified, co-equal branch of state government operating under a single umbrella of state funding, and it has created a governance structure to match the new unitary enterprise.

The foundations that made reengineering a possibility and a reality in Minnesota were:

- A strong central, unified administrative structure
- State funding of the trial courts
- A single personnel plan
- A single statewide case management system

This case study describes the steps taken and the time invested in making that transformation.

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<sup>1</sup>Implementation of the Minnesota Court Payment Center, April, 2012. Sue Dosal, Kay Pedretti

Central to the transformation was the creation of a well-defined governance structure for policy formulation and administration for the entire court system.<sup>2</sup> In Minnesota, that governance structure is in the hands of an effective Judicial Council.

Since July, 2005, the Minnesota Judicial Council has governed the Judiciary, responsible for policy formulation and administration for the entire court system. Administrative policies promulgated and decisions made by the Judicial Council are binding on all judicial branch judges and employees. Members of the Judicial Council, in all of their deliberations and decisions, are charged with placing the welfare of the public and the judicial branch as a whole above the individual interests of a judicial district, court organization, or class of judge or employee.

The Judicial Council has clearly and appropriately delegated responsibility for implementation of Council policies and for day to day operations to the State Court Administrator's Office.

The Case Study describes the work of Minnesota's Access and Service Delivery Committees in identifying processes that would benefit from reengineering. It also describes in some detail some of the processes implemented in recent years to improve service, effectiveness and efficiency through centralization, automation and consolidation.

- The Court Payment Center
- Centralized Collections
- The Centralized Self-Help Center
- Centralized Filing, Monitoring and Auditing of Conservator Accounts
- Centralized Jury Management
- Centralized Bail Bond Program
- Centralized Guardian ad Litem Services
- Consolidation of Court Administrator Positions

This case study provides a road map for state court systems throughout the country illustrating how judicial leaders can take steps to establish an effective governance model that enables the delivery of services to those seeking justice in their state's courts.

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<sup>2</sup> See Principles for Judicial Administration, July, 2012, Governance Principle 1. National Center for State Courts. <http://www.ncsc.org/Information-and-Resources/Budget-Resource-Center/Principles-of-Judicial-Administration.aspx>

## I. INTRODUCTION—REENGINEERING THE STATE'S COURTS

Business process reengineering is an approach for redesigning the way work is done to better support the organization's mission and reduce costs. It starts with a high-level assessment of the organization's mission, strategic goals and customer needs. Its focus is on improvements that elevate efficiency and effectiveness of the business processes and dramatically improve customer service and cut operational costs. A key stimulus for reengineering has been the continuing development and deployment of sophisticated information systems. Reengineering serves as an inspiration to "achieve dramatic improvements in critical contemporary measures of performance, such as cost, quality, service and speed."<sup>3</sup>

Many court systems are working with business processes based on assumptions developed years ago about technology, people, geography and structure. To address how best to achieve the courts' goals in today's environment, many states are analyzing, redesigning and reorganizing their court processes. These states have boldly taken a comprehensive "enterprise" perspective with the main goal of decreasing costs and increasing quality – this is the very definition of reengineering. Information technology is a key catalyst of this radical change.

Presumably, most court leaders want a court that is flexible enough to respond to changing demands, lean enough to be as efficient as possible, innovative enough to keep its judicial services technologically fresh, with a staff dedicated to improving judicial services. However, most court systems work within organizational structures designed over a century ago, with constitutional and statutory constraints written to address a different era. Many of the provisions lock courts into managing an organizational structure that is geographically disparate with decentralized administrative controls that prevent the most efficient use of resources. Moreover, jurisdictional overlap or inconsistencies may confuse the public as they attempt to access the courts.

State courts that have undertaken reengineering efforts have found it important to have principles of governance and administration in place to evaluate the various options and to identify and analyze potential solutions. The principles are not goals but are operational and organizational values.

Successful reengineering strategies developed by state court systems include staffing efficiencies, electronic solutions, jurisdiction and venue changes, legislative and policy changes, and governance and structural changes.<sup>4</sup>

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<sup>3</sup> Michael Hammer and James Champy, *Reengineering the Corporation*, 2003.

<sup>4</sup> Daniel Hall and Lee Suskin, *Reengineering Lessons from the Field*.

## **II. THE MINNESOTA JUDICIARY**

### **A. The Minnesota Judiciary Vision, Mission, and Core Values**

#### **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

### **B. The Structure of the Minnesota Courts**

There are three levels of courts in the Minnesota judicial system: the District Court, the Court of Appeals and the Minnesota Supreme Court.

#### The District Court

Minnesota has a single unified trial court—the District Court. In a year, more than 1.5 million cases are heard throughout the state in the District Courts. A court is located in the county seat of each county. A number of counties have satellite courts to handle the large caseload of these urban areas.

In the larger trial courts, different divisions serve different public needs. The divisions of the District Court are: juvenile, probate, criminal, civil, family and the conciliation court.

#### The Court of Appeals

Cases can be appealed from the trial court level to the Minnesota Court of Appeals, which was created as the state's error-correcting court. The Court of Appeals also hears appeals from the Commissioner of Economic Security and administrative agencies. The court has original jurisdiction to issue writs of mandamus and prohibition.



## The Supreme Court

The state Supreme Court hears appeals from the Court of Appeals, the Tax Court, and the Workers Compensation Court of Appeals. The Court has original jurisdiction for first degree murder conviction appeals, legislative election contests, and judicial and attorney discipline.

The seven Justices of the Supreme Court review matters on certiorari, meaning it reviews cases to set precedent, to clarify legal issues, to resolve statutory conflicts, and to answer constitutional questions.

In addition to hearing oral arguments, disposing of cases in special terms and writing an average of 56 opinions per judge each year, members of the Supreme Court are responsible for the regulation of the practice of law for judicial and lawyer discipline and for the rules of practice and procedure for the legal system in the state .

### **C. Administration - Overseeing the State's Court System**

Until the creation of the Judicial Council in 2005, the Supreme Court was responsible for overseeing the administration of the court system in the state. Beginning in the 1970s, significant long term planning for a modern, responsive judicial system began and made possible the dramatic structural and organizational changes which occurred over the next three decades. Today the Judicial Council performs this important function, coordinating the operations of all the courts in the state and developing long-range plans for the future.

#### **1. The Minnesota Judicial Council**

With the completion of the 15 year process of transitioning the judicial branch to full state funding, the Minnesota Judicial Council was created to provide a new governance structure to match the new, unified organization. The Judicial Council is the single statewide administrative policy-making body for the Judiciary binding on all judges and employees. It is comprised of 25 members including 19 judges who serve as voting members and six administrators who serve as non-voting members.

##### **a. Mission Statement of the Judicial Council**

The purpose of the Council is to govern the Judiciary through the establishment and monitoring of administrative policies designed to achieve an accessible, fair and timely system of justice statewide, and to ensure that the Judiciary functions as an independent and accountable branch of government.

In support of this purpose, the Judicial Council exercises administrative policy-making authority for, but not limited to, the following:

- Development and implementation of the Judiciary strategic plan
- Budget priorities, budget requests, and submission of the Judiciary budget requests to the executive and legislative branches
- Collective bargaining
- Human resources
- Technology

- Education and organizational development
- Finance, including budget distribution amongst levels of court and amongst districts
- Programs, including jury, interpreter, expedited child support, and Children's Justice Initiative
- Core services, court performance and accountability

The Judicial Council fulfills its purpose with a commitment to:

- Making decisions based on statewide values, needs, priorities, and goals in concert with the fair allocation of resources
- Deliberating in many voices, but governing in one
- Communicating openly and regularly with all stakeholders
- Measuring achievement of statewide goals and policies
- Focusing on strategies designed to meet future needs
- Involving judges and administrators in implementation of policies
- Recognizing the needs of judicial districts to adopt local policies not inconsistent with Judicial Council policies

**b. Membership on the Judicial Council:**

**Section 1. Voting Members.** The voting members of the Judicial Council are:

- The Chief Justice of the Supreme Court
- An Associate Justice of the Supreme Court – appointed by the Chief Justice
- The Chief Judge of the Court of Appeals;
- The Chief Judges of the Judicial Districts, elected by the Judges of their District
- The President of the Minnesota District Judges Association
- Five At-Large Judges (three of whom must be trial court judges) – appointed by the Chief Justice

**Section 2. Non-Voting Members.** The non-voting members of the Judicial Council are:

- The State Court Administrator
- Three Judicial District Administrators – chosen by the District Administrators
- One Court Administrator – chosen by the Court Administrators
- One At-Large Member – appointed by the Chief Justice from within the Judicial Branch

**c. Standing and Ad Hoc Committees**

The Minnesota Judicial Council has three standing committees:

- Court Operations Policy and Strategy Committee (COPS)

- Human Resources/Education and Organization Development Committee (HR/EOD)
- District Implementation Committee

In addition, there are two statewide committees that report to the Judicial Council:

- Drug Court Initiative (DCI)
- Committee for Equality and Justice

Typically, the committees do not make recommendations to the Council. Instead, they present options to the Council, while outlining the advantages and disadvantages of each option.

## **2. The State Court Administrator's Office**

Working under the direction of the Judicial Council, the State Court Administrator's Office (SCAO) provides leadership and direction for the effective operations of the Judiciary as well as central administrative infrastructure services. This includes finance, human resources, technology, court services support, research and evaluation, public information, education and organizational development, legal counsel, and intergovernmental relations. The State Court Administrator plans for statewide Judicial Branch needs, develops and promotes statewide administrative practices and procedures, oversees the operation of statewide court programs and strategic initiatives, and serves as a liaison with other branches of government.

## **3. Budgeting – Securing Resources and Allocating Resources to the District Courts**

The Minnesota trial and appellate courts are fully state funded. The Judicial Council has established a six month schedule to enable the Council to prepare the Judiciary's biennial budget request to the Legislature. The SCAO begins the process in the month of May when it asks the Council to set budget guidelines and timelines and to identify potential request items in need of cost analysis. The Council then reviews its own strategic plan initiatives. The SCAO prepares, and in August presents, preliminary budget requests and cost data for additional feedback and direction from the Council. At its September meeting, the Council reviews and approves the Judiciary's biennial budget request. The request is submitted to the Executive Branch in October.

The Judicial Council has also established a formula and an open process for allocating available resources in ways designed to reduce disparities from district to district. Using judicial and staff weighted caseload studies and other sources of information, the Council determines the estimated need for personnel and operating expenses for each district. The Council then approves the allocation—of available funds to the districts. District Chief Judges and Administrators are given a great amount of discretion on how best to spend their allocated resources.

#### **4. Administration of the District Courts**

Much of the day-to-day operation of the trial courts is left to the districts. The judges of each district court elect a Chief Judge and an Assistant Chief Judge. The Chief Judge and the Assistant serve terms of two years. State statutes specifically exclude seniority and rotation of the position as criteria for their election.

The Chief Judge exercises general administrative authority over the courts within the judicial district. The Chief Judge makes assignments of judges to serve on the courts of the district.<sup>5</sup>

The appointment and tenure of district administrators is a two-step process. First, the Chief Judge nominates, with the advice and consent of the judges of the district. Secondly, the nominee's name is submitted to the Judicial Council for approval. The district administrator serves at the pleasure of a majority of the judges of the district.

In addition to assisting the Chief Judge perform administrative duties, the district administrator:

- Manages the administrative affairs of the courts of the judicial district;
- Supervises the court administrators and other support personnel who serve in the courts of the judicial district;
- Provides statistical or other information requested by the state court administrator;
- Determines the resources needed by the judges of the district; and
- Performs additional administrative duties.<sup>6</sup>

Court administrators are vetted by the district administrator, but appointed by the judges of the district and serve at the pleasure of a majority of them. They are supervised by the district administrator.

#### **5. Accountability Through Performance Measures**

Judicial independence comes from maximum accountability. The Judicial Council has established core performance goals and monitors progress toward meeting those goals in order to ensure accountability of the Judiciary, improve overall operations of the court, and enhance the public's trust and confidence in the judiciary.

The six core judicial branch goals are:

- Access to Justice – the Judiciary will be open, affordable and understandable.
- Timeliness – the Judiciary will resolve cases in a timely and expeditious way.
- Integrity and Accountability – the Judiciary will maintain an accurate, complete and timely record system.
- Excellence – the Judiciary will make decisions that are fair, reasonable, understandable, and that resolve the controversy at issue.

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<sup>5</sup> Minnesota Statutes, Chapter 484. Section 484.69.

<sup>6</sup> Minnesota Statutes, Chapter 484. Section 484.68.

- Fairness and Equity – the Judiciary will provide due process and equal protection of the law, and will ensure that individuals called for jury duty are representative.
- Quality Court Workplace Environment – the Judiciary will ensure that judicial officers, court personnel and jurors are qualified and have the materials, motivation, direction, sense of mission, and commitment to do quality justice.

In July 2006, the Judicial Council adopted Timing Objectives for Case Dispositions, the percentage of each case type to be disposed of within a set time. All courts report their results twice per year to the Judicial Council. These reports are prepared using data warehouse “stoplight reports” which highlight whether courts are on target to meet the case disposition goals. The SCAO produces and posts on its website an annual report that contains results for the Key Results and Measures of the Judicial Council’s Policies.<sup>7</sup>

## **6. Minnesota’s Statewide Case Management System**

The Minnesota Courts have one case management system (MNCIS) shared by all trial courts. Business processes have been standardized, updated and simplified enabling work to be shared across county and district lines. With appropriate permissions, case information can be viewed and entered for any court from any other remote court location. A single case management system opens up numerous possibilities for greater integration with other justice system partners and for improved access to information by the public.

MNCIS enables the courts to fully integrate a single statewide electronic filing system and electronic document management system into the state court’s case management system. Criminal cases are already being electronically charged in many counties. Electronic filing and service in civil and family cases has started as voluntary pilots. It became mandatory in two counties on September 1, 2012 and will be phased in statewide over the next several years.

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<sup>7</sup>[http://www.mncourts.gov/Documents/0/Public/Court\\_Information\\_Office/Annual\\_Report\\_2011\\_Perf\\_Measures\\_Approved\\_JC\\_Nov\\_2011.pdf](http://www.mncourts.gov/Documents/0/Public/Court_Information_Office/Annual_Report_2011_Perf_Measures_Approved_JC_Nov_2011.pdf)

### **III. Foundations for Reengineering the Minnesota Courts**

Minnesota's trial court system prior to 1971 consisted of a district court with statewide general jurisdiction and a plethora of limited jurisdiction courts.

Over a 35-year period, Minnesota's Judiciary systematically moved from a court system of multiple county-funded low level courts with elected clerks to a unified, co-equal branch of state government operating under a single umbrella of state funding, and it has created a governance structure to match the new unitary enterprise.<sup>8</sup>

The foundations that made reengineering a possibility and a reality in Minnesota were:

- A strong central, unified administrative structure
- State funding of the trial courts
- A single personnel plan
- A single statewide case management system

The achievement of a unified judicial branch budget has provided the Minnesota Judiciary with the opportunity to articulate its goals in all aspects of its operation and to allocate its resources to achieve those goals. A new, streamlined, yet inclusive, governance structure is making that possibility a reality.

#### **A. The Seeds of Reform – 1972 - 1989**

The seeds of this reform lay in the substantial changes in the organization and administration of Minnesota's trial courts, which occurred in the 1970's and 1980's. Legislative changes during this time included:

- The organization of the general jurisdiction court serving 87 counties into ten judicial districts.
- The consolidation of municipal, probate, and justice of the peace courts into a single limited jurisdiction county court system.
- The transition from elected clerks of the district courts in each of the 87 counties to appointive positions as clerks of the district and the county courts, hired by and serving at the pleasure of the district judges.
- The merger of the county courts into the district court.
- The Chief Justice's transition from being solely the presiding justice of the state's highest court to being the administrative head of the Judiciary with superintending authority over the chief judges of the trial courts who were made the administrative heads of all courts within their districts
- Greater authority of the state court administrator and regional district administrators over the clerks of court, who became the county court administrators.

#### **B. The Transition to State Funding - 1989-2005**

As a result of these legislative changes, the state and the judicial district, rather than the county, emerged as the key administrative units of the court system. This led to conflicts between county officials who felt as if they no longer had control of court budgets and yet were forced to

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<sup>8</sup> Transition and Transformation: The Minnesota State Funding Project. Sue Dosal. [www.ncamnet.org](http://www.ncamnet.org).

bear the public criticism for cost increases necessitated by judicial and legislative mandates. In addition, this conflict led to confusion about who controlled court employees.

The courts were dependent upon multiple budgetary mechanisms for their financing, resulting in numerous problems. With funding from 87 counties, the courts had 87 policy makers.

In 1989, the Supreme Court established a broad-based task force to study the control and financing of the trial court system. The task force recommended the phased transfer to a state general fund of all trial court operation costs. The legislature approved the first of several phase transfers to the state in 1989 and then, in 2001, scheduled the final stage of transition for completion in 2005. The programs and judicial district budgets transferred to the state were funded primarily by an offsetting reduction of state aid to county governments, less the transferred county share of fine and other court fee revenue.

### **C. The Challenge of Change – A Governance Model: The Judicial Council – 2005-Present**

Unified funding required a new governance model. The Chief Justice established a transformation workgroup to conduct the study. The solution selected was the creation of a Judicial Council as a single statewide administrative policy-making body for the Judiciary, binding on all judges and employees.

In December, 2004, the Chief Justice by Administrative Order established the Judicial Council, effective July, 2005, and declared that administrative policies promulgated and decisions made by the Judicial Council shall be binding on all Judiciary judges and employees. The Administrative Order in particular directs members of the Judicial Council, in all of their deliberations and decisions, to place the welfare of the public and the Judiciary as a whole above the individual interests of a judicial district, court organization, or class of judge or employee.

The Judicial Council is described in Section II. C. 1. above.

## **IV. Reengineering the Minnesota Courts**

### **A. The Access and Service Delivery Committee, 2008**

In January, 2008, the Judicial Council authorized the formation of a committee to take a global look at the operations and structure of the judicial branch and develop recommendations related to:

- The number of court locations
- Services to be provided in each court location
- The hours of operation
- The appropriate use of Interactive Television
- Cost containment or reduction through technology and efficiencies to be gained in the way court business processes are handled
- Consideration of out-sourcing

The Committee initially decided to evaluate proposed options using four criteria:

- **Cost Impact** – the net savings to the court system after deducting implementation and operational costs from cost savings.
- **Feasibility** – an assessment of possible constraints to implementation from all sources, including political resistance from key stakeholders.
- **Service Impact** – any improvements or reductions in service levels to court stakeholders.
- **Time Impact** – how long it will take to implement the option and gain any benefits.

The Committee clearly saw that a more fundamental long-term redesign of the court system was necessary. Recent initiatives, such as state funding and the new statewide case management system, provided opportunities for increased efficiencies through centralization and greater public access to the courts through electronic service delivery. To take full advantage of the opportunities presented by these innovations, the court will need to re-invent itself: change the way it delivers services and provides access.

The Committee issued its Report to the Judicial Council in July, 2008.<sup>9</sup> The Committee identified four major initiatives or strategies that will help shape the court of the future. The strategies are:

- **Staff to the most efficient norm**  
This over-arching strategy consists of multiple initiatives over a number of years including centralization of services, increased electronic access to the court, and remote case processing. The strategy is based on the 2004 Minnesota Court Staff Workload Assessment that clearly demonstrated the economies of scale that occur with size; larger courts are able to deploy staff more efficiently due to staff specialization and through the ability to assign staff to perform similar tasks repeatedly.

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<sup>9</sup> Access and Service Delivery Committee, Report to Minnesota Judicial Council, July 17, 2008.



- **Re-engineer workflow in an electronic environment**

To achieve the access and service goals of the court in the future with increasingly limited resources, significant business process redesign is needed. Old, traditional processes cannot be maintained with just a window dressing of new technology overlaid. New technologies offer access to all of the court's services from every location, or, in some cases, from non-court locations via the internet, telephone or other electronic means. Centralizing or regionalizing the provision of these services will free up local court staff to focus on those services that cannot be entirely automated.

Re-engineering in the electronic environment will also need to include an objective examination of business processes in the courtroom. Capabilities like electronic minutes, electronic orders, in-court updating, digital audio recording, and virtual witnesses via videoconferencing should compel a reconsideration of who does what and how during hearings.

- **Legislative and court policy reform**

The court will need to help the legislative branch prioritize the work of the court and shift those disputes that are administrative in nature to an executive agency for resolution. Adjudicatory priorities must be identified and alternative adjudicatory processes for non criminal cases must be considered.

- **Structural and governance change**

The court should continue to redesign itself in the model of a single enterprise. The Committee agreed that ten judicial districts are probably not needed. The Committee also listened to ideas for multi-county administrative management units and to move to multi-county court administrators. If future service delivery is provided from both centralized as well as local facilities, then a new management structure will be required.

## **B. The Access and Service Delivery 2 Committee, 2009**

In its July, 2008 report to the Judicial Council, the ASD Committee recommended creation of a committee to study longer term service delivery topics. In response, the Judicial Council created the ASD-2 Committee, comprised of over 40 members representing trial court judges and a broad range of Judiciary employees, as well as court justice partners. Members included district court judges, district administrators, court administrators, court reporters, law clerks, court administration staff and both union and non-union employees. Representatives of court justice partners including the County Attorney Association, the State Public Defender, the Bar Association and the District Judges Association were invited to attend meetings and provide input.

The Committee considered and presented its report to the Judicial Council in December, 2009.<sup>10</sup> The Committee organized its report around the following themes:

- Judge Unit Topics, including ways to create balance between the funding and workload of judge unit and court administration staff, models for taking the record and providing courtroom support, and law clerk duties.

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<sup>10</sup> [http://www.mncourts.gov/Documents/0/Public/NewsPostings/ASD\\_2\\_Report\\_Final.pdf](http://www.mncourts.gov/Documents/0/Public/NewsPostings/ASD_2_Report_Final.pdf)organized

The Committee presented options that would enable each district to choose how to address this theme:

- Share law clerks.
  - Require the judge unit to assume some functions of court administration.
  - Implement digital recording with court reporters assuming some court clerking duties to eliminate the need for court administration staff in the courtroom for most hearings.
  - Implement centralized and remote monitoring of court hearings.
  - Have the judge unit assume courtroom duties that are performed by court administration staff.
- Subordinate Judicial Officers, including the role of referees in conciliation court and potential transfer of implied consent hearings to the administrative law process.

The Committee:

- Determined that conciliation court is an area where the Judiciary could offer regionalized services using pro bono attorneys hearing cases via Interactive Television.
- Supported statewide use of software for centralized review of annual conservatorship accounts.
- Recommended transfer of implied consent cases to the executive branch Office of Administrative Hearings.

In response, the Judicial Council created an Adjunct Judicial Officer Workgroup to study innovative ways to meet the workload needs within the Judiciary's current judicial complement. See Section VI.B. of this case study.

- Structure and Governance, including redistricting and restructuring.

The Committee considered ten models for redistricting or restructuring and forwarded to the Council a number of models, along with the pros and cons of each model.

- Workflow Engineering.

The Committee recommends that the State Court Administrator form a work group to conduct a study of court administration workflow following full implementation of ASD-1 initiatives.

- Judicial and legislative policy reform.

The Committee recommends that the Judicial Council should task a committee to specifically review substantive law that impacts the efficient operation of the Judiciary and make recommendations to the Judicial Council for changes as part of the Judiciary's annual legislative proposals.

### **C. District Responses to the ASD-1 and ASD-2 Committee Reports**

Districts have had to make difficult decisions on how to best operate their courts, given budget restraints and the resources made available to the district pursuant to the Judicial Council's allocation formula.

A number of districts have adopted some of the options presented by the ASD-2 Committee. In particular, in order to adequately fund court administration, a number of districts have chosen to reduce spending on the judge unit by reducing the number of court reporters and law clerks available to the judges. Many judges now share law clerks and court reporters. Some districts use digital recording equipment to make the record; a single court reporter can and does monitor hearings occurring in multiple courtrooms. In other districts, court reporters have taken on traditional court administration functions in the courtroom to provide workload relief to that component of the court system.

Two districts have agreed to share a single district administrator. In addition to saving money, this arrangement makes collaborations between multiple districts possible, leading to further reductions of costs through economies of scale.

## **V. Reengineering the Minnesota Courts Through Centralization, Automation, and Consolidation**

The Access and Service Delivery Committees identified a number of areas where the courts could re-engineer workflow in an electronic environment. The Judicial Council and State Court Administrator's Office have acted on the recommendations in those reports and have successfully implemented a number of initiatives that have enhanced service and reduced costs through centralization and automation.

### **A. The Minnesota Court Payment Center (CPC)<sup>11</sup>**

Centralization of the processing of more than one million payable citations<sup>12</sup> each year enables the Judiciary to leverage technology as well as economies of scale to reduce labor costs and improve service to the public. This concept involves a total re-engineering effort by moving work which had been handled from the courthouses in the 87 counties around the state to a new, centralized, virtual center using fewer, less expensive staff working from their home offices. Under the new, centralized operation, cases are initiated more quickly, payment receipted and deposited on the same day received, and citizens receive the same messaging and service levels regardless of which part of the state their citation was issued. The public benefits by having the option to dispose of a single or multiple citations from multiple counties 24 hours a day, seven days a week using a telephone or the internet, and to pay with a credit card.

The scope of payables case processing was defined as beginning when law enforcement files the citation, initiating the case with payable and criminal offenses charged by citation, through the payment/collection and disposition of the case via a central work unit. Implementation impacted not only court employees, but also the Judiciary's business partners such as law enforcement and the Departments of Public Safety, Vehicle Services and Natural Resources. These partnerships led to the creation of a single, standard citation for use by all law enforcement agencies in the state, a citation with standard data elements and instructions for defendants on their rights and on how to pay.

The project also included the re-engineering of the statewide collections process. The case management system was programmed to automate the referral of past due cases to the statewide collections vendor, the Department of Revenue.

With the oversight of eight workgroups, the Center established the rules and processes needed to make the transition:

- Establishing business rules, including the lines of demarcation between what work would remain with the local court and what responsibilities would be transitioned to the CPC.
- Automating the calculation of the correct amount of fines and fees and distribution of revenue.

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<sup>11</sup> Implementation of the Minnesota Court Payment Center (CPC), (Centralized Payables Processing) April, 2012 Sue Dosal, Kay Pedretti; <http://www.mncourts.gov/?page=3779>

<sup>12</sup> Payable citations are lower level offenses (traffic, Department of Natural Resources, ordinance violations)

- Paper Citation Entry, involving local court scanning into the case management system for entry and processing by CPC employees from their home offices.
- Electronic Citation Entry, involving electronic transfer in batch to the case management system for processing by CPC employees from their home offices.
- Electronic payments made by payers through interactive voice response and interactive web response technology.
- Call Center, using automated call distribution software, enabling call center clerks, working from their home offices, to receive and answer calls from defendants who have questions related to their citation and permitting data analysis of call activity.
- Payment Entry, enabling balancing to local bank accounts.
- Referral of Overdue Debt, enabling automatic referral to the collections vendor without additional staff processing.

The transition from local court processing was completed for 85 of the 87 counties in June, 2011. The Judiciary has embarked on a preliminary evaluation of the results achieved in the areas of cost savings, the efficiencies of citation processing, collections, and service to the public. At this point, the following trends have emerged:

- Goal One: Cost Savings
  - Nine fewer FTEs are working on minor criminal cases from the 85 counties.
  - The CPC has three fewer FTE's at the end of 2011 than were originally planned.
  - A greater number of offenses are paid in lieu of an appearance: cases requiring an appearance have dropped from 30% to 13%.
- Goal Two: Faster Citation Processing
  - Initiation of cases is taking place within the CPC goal of five days or less.
  - Citations are entered into the case management system within the goal of five days or less.
- Goal Three: Increased Collections
  - Both current and past due collections have increased.
  - Over \$50 million was receipted in FY11, an increase of \$2.8 million over FY10.
  - Payments on payable citations are arriving more quickly.
  - FY11 overdue debt collected was \$4.8 million, compared to \$0.9 million in FY10.
- Goal Four: Additional Levels of Service
  - A survey of Call Center users showed 80% satisfaction with clear information and 70% satisfaction with the automated features of the system.
  - A survey of the web payment users showed 90% of users reporting that the information was clear, they were satisfied with the automation and the process was easy to follow.
  - 75% of callers were able to "self-serve," while 25% went through agents.

The last two counties will be brought into the CPC in 2014 following needed technology migration.

## **B. Centralization of Collections**

The Judiciary implemented standard processes and statewide policies to enhance collection of outstanding financial obligations. Statewide policies were required for:

- Automating the collection process for referrals and applying payments
- Entering into a statewide collection contract
- Providing equal treatment to the public

The Minnesota Department of Revenue now serves as the single collections agency for the Judiciary. DOR collections actions include collection notices, revenue recapture claims, wage withholding, asset liens and referral to an outside collection agency to make outbound collection calls. The Department of Revenue deposits payments directly into the State Treasury account for each court location and provides a payment report for each county that includes case-level detail.

The automated electronic processing of delinquent account referrals provides significant time savings to the courts, and ensures the accuracy and timeliness of referrals. Automated collection functionality enables the courts to know the current collection status and the current balance due.

Total Collection Revenue increased from

- \$ 4.68 million in FY2009, to
- \$ 6.24 million in FY2010, to
- \$11.99 million in FY2011, to
- \$20.23 million in FY2012.

## **C. Minnesota's Centralized Self-Help Center**

Hennepin County had for years operated a successful Self-Help Center for users of its county's courts. The Access to Justice goal of the strategic plan called for expanding self-represented litigant services statewide to all Minnesotans. To meet this goal, the Branch created a centralized "virtual" self-help center. The concept is that the Center provides assistance to persons statewide, wherever they are located. The goal of the self-help center is to enable every person to get their matter before the court with the information the judge needs to make a decision.

The Statewide Self-Help Center (SHC) consists of a website and staff attorneys to support users of the website. The SHC website<sup>13</sup>:

- Guides people to print and video legal information on the SHC website, District Court websites, and other legal resources on the Internet.
- Helps explain which court forms to choose and how to complete court forms;
- Provides interview-style document assembly tools and tutorials for more complex forms.
- Educates people on the law, court procedures, and court rules.
- Includes referral information and links to educational materials on other select websites and to other government and social service agencies.

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<sup>13</sup> [www.mncourts.gov/selfhelp](http://www.mncourts.gov/selfhelp)

For persons who do not have internet access or who are at the courthouse seeking information, every courthouse has a Pro Se Workstation with internet, printer, and phone that anyone can use to access SHC information. In 2011, the SHC website homepage was accessed 693,000 times, an increase of approximately 18% over the prior year. Leadership and support for the statewide SHC is housed in Hennepin County.

If persons need to learn more than what they see on the web site, the home page provides information on how people can access assistance:

- People can telephone the self-help center or send an email to access one of three staff attorneys for assistance. The staff attorneys do not give legal advice but provide clarification and additional information, and where necessary, can co-browse the web-site by seeing and sharing each other's screens. The average call takes less than five minutes.
- People can walk into a physical location in some counties to receive assistance, most often at the courthouse or law library. Help may include a walk-in Self Help Center, a Legal Advice Clinic with volunteer or legal aid attorneys, law librarian assistance, or help from specially trained court staff.
- People can be referred to bar association or non-profit pro bono resources for free, low fee, or full fee legal assistance

Upon request, SHC staff also review court forms filled out by litigants for completeness and consistency prior to service on the other party. In 2011, SHC staff screened 1,402 forms as part of their efforts to assist self-represented litigants.

In 2011, the three SHC staff attorneys also assisted 17,769 callers and responded to 3,725 e-mails, an increase of about 20% over the prior year.

The Judicial Branch is currently rolling out efilng across the state. The next major initiative with Self Represented Litigants will be to integrate the existing document assembly software (that assists people in creating forms) with the Branch's efilng system, so that efilng will be a simple extension of document creation for pro se litigants.

#### **D. Centralized Filing, Monitoring and Auditing of Conservator Accounts**

The courts of Minnesota are required by law to monitor conservators' accounts and reports. The courts currently are responsible for and provide oversight of more than \$600 million in protected assets in over 5,200 accounts.

Most of Minnesota's courts found it difficult to fulfill their responsibility. There were no established statewide standards or requirements for financial reports. There were no statewide standardized accounting practices. Much of court staff's time was spent reviewing and balancing reports rather than examining the substance of the reports.

To help control this unmanageable paper system, a single county in 2007 developed the Conservator Account Monitoring Preparation and Electronic Reporting system called CAMPER.

CAMPER provides online entry by conservators of account reports in a standardized format that assures accurate calculations.<sup>14</sup>

The Judicial Council, seeing that CAMPER was effective at improving conservatorship oversight and reducing administrative costs, expanded the system for statewide use. Since January 1, 2011, conservators appointed by courts statewide have completed their annual reports to the court online.

The CAMPER system provides a number of benefits to courts and conservators, including: deterring errors and possible exploitation, saving conservator and court staff time, reducing paperwork, allowing ready identification of overdue and incomplete reports, allowing ready access to expense and receipt details, allowing analysis across all or selected groups of conservators and conservatorships, and improving the Judiciary's ability to audit accounts.

The Minnesota Judiciary is now engaged in a project to couple implementation of a centralized account auditing process with a redesign of the CAMPER system to better meet the needs of the court supervising conservatorship cases and more effectively safeguard the assets of protected persons. Launched this year was a new, statewide Conservator Account Auditing Program (CAAP), supervised by the Tenth District Judicial Administrator, including a specialized auditing staff to improve oversight of this important area of court work.

CAAP staff will:

- Implement a consistent, statewide review schedule.
- Provide guidance on which accounts to review and how often.
- Create red flags to help identify circumstances that are unusual in nature or vary from the normal activity; a signal that something is out of the ordinary and needs further investigation.
- Train court staff on how and when to review accounts and on how and when to refer accounts to CAAP for further scrutiny.
- Audit accounts in excess of \$3000 and others as identified by local courts.

## **E. Centralized Jury Management**

Prior to 2009, the Minnesota jury management system was loaded on 89 different databases and juror information on each database was maintained by jury staff at each court location. Under the Consolidated Jury Database Project, the Minnesota Judiciary used new automated technologies for summoning and qualifying Minnesota citizens for jury services. The Minnesota Judiciary:

- Centralized and Outsourced the Juror Summons/Questionnaire;
- Developed an On-Line Juror Qualification Questionnaire;
- Eliminated Prepaid Postage on Returned Juror Questionnaires; and
- Centralized, Automated and Outsourced Juror Postcard Notices<sup>15</sup>

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<sup>14</sup> <http://www.mncourts.gov/conservators>

<sup>15</sup> <http://www.mncourts.gov/Jury>



The goals of the Project were (1) reducing jury operating costs, (2) increasing staff efficiency, and (3) improving service for jurors. The Minnesota Judiciary met its goals:

**1) Reducing Jury Operating Costs - Annual Postage Cost Savings In FY12 Were \$103,500.**

Centralizing and outsourcing juror summons and postcard notices, and eliminating prepaid postage for returned juror questionnaires produced significant postage cost savings statewide. With centralized processing and mailing, courts are able to take advantage of discounted postage rates based on volume and zip code matching.

**2) Improved Staff Efficiency – Annual Staff Time Savings: 3.8 FTE Positions**

Court staff in 89 locations no longer needs to generate, print, fold, stuff, seal, apply postage, and mail summons and notices to jurors. County Court Administrators only enter the number of jurors needed. Automated and outsourced processing and mailing of 176,854 jurors' summons and approximately 80,000 juror postcard notices per year eliminates several hours of staff time previously dedicated to these tasks.

In addition, court staff no longer need to process paper qualification questionnaires when jurors complete the online questionnaire. Less staff time is needed to open envelopes, remove completed questionnaires, review the questionnaire, and enter information into the jury management system. Staff time needed to respond to routine juror requests to be excused or postponed to new dates is also reduced.

**3) Improved Juror Service – 45,000 Potential Jurors (26%) Respond On-Line**

Prospective jurors experience the ease and convenience of responding to a summons on-line, 24 hours a day, seven days a week. Over the three years of the project, the number and percentage of jurors responding on-line have more than doubled.

**F. Centralized Bail Bond Program**

Prior to 2005, each Judicial District managed the approval of bail bond agents locally. Since then, the processing of all bail bond applications, suspensions and renewals is conducted through the Minnesota State Court Administrator's Office.<sup>16</sup> The purpose of centralizing the bail bond process was to simplify and standardize the approval process statewide. For practical purposes, this means that applicants no longer have to apply for bonding privileges in each judicial district in the state in which they wish to issue bail bonds. As of July, 2012, there are 470 approved bail bond agents, 44 active bail bond agencies and 33 active surety companies.

State Court Administrator's Office procedures include Standards of Conduct for bonding agencies, agents and surety companies. The procedures also include a Complaint and Investigation Process for complaints alleging violation of the Standards of Conduct.

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<sup>16</sup> <http://www.mncourts.gov/?page=306>

## **G. Centralized Guardian ad Litem Services**

Upon the transfer of the Guardian ad Litem (GAL) function from county to state funding, the Minnesota judiciary inherited a patchwork quilt of 56 different programs in which training, supervision, payment rates and quality varied dramatically across the state. While there had been federal and state laws for a quarter of a century mandating the appointment of a GAL in every case of alleged abuse or neglect of a child, prior to the transfer to state funding, GALs were appointed in only 60% of the mandated cases.

Following the transfer to the state system, this program was comprehensively reformed. Uniform rates of pay and qualifications were implemented. Best practice standards and mandatory training were instituted. A statewide structure of supervision was put into place and budget allocations were based on a workload formula. These steps achieved the judiciary's policy goals of proving well-trained GALs in virtually 100% of mandated cases. In 2010, this program was fully centralized under the governance of a new, statutorily-created independent Guardian ad Litem Board.

## **H. Consolidation of Court Administrator Positions**

For most of Minnesota's history, there was one court administrator (formerly known as clerk of court) for each of its 87 counties. Over the last 15 years, in light of budget pressures, new technology and openness to the benefits of consolidation, many districts have chosen to restructure, reducing the number of court administrators in the district. Instead of maintaining one court administrator per county, districts are operating with court administrators managing the courts of multiple counties. Today, over 60% of Minnesota's counties have a shared court administrator with one or more counties.

In addition, two districts comprising 28 counties have agreed to share a single judicial district administrator. In addition to saving money, this arrangement facilitates collaboration between districts, leading to increased business practice consistency and further reductions of costs through economies of scale

## **VI. Achieving an Accessible, Fair and Timely System of Justice**

The Judicial Council and State Court Administrator's Office operate a number of programs providing services to litigants and the public aimed at achieving the Council's goal of an accessible, fair and timely system of justice. These programs include:

### **A. Court Interpreters**

The Judicial Council has made it the policy of the Judiciary to provide accurate interpretation of all court proceedings so that non-English speakers and those disabled in communication are afforded equal access to justice.

The State Court Administrator's Office:

- Maintains a statewide roster of court interpreters;
- Evaluates applicants for inclusion on the roster;
- Develops and administers court interpreter training;
- Coordinates and administers court interpreter ethics and certification training;
- Monitors compliance with the Code of Professional Responsibility;
- Educates judges and attorneys on proper use of court interpreters; and
- Pays court interpreter program costs, including the costs of hiring court interpreters.<sup>17</sup>

### **B. Adjunct Judicial Officers**

The Judicial Council formed an Adjunct Judicial Officer Workgroup and charged it with finding innovative ways to meet workload needs within the Judiciary's current judicial complement. The 2010 Judicial Weighted Caseload study had indicated that the Judiciary required 329.2 judges to adequately cover its workload for all case types. However, the Judiciary has 311.7 judges.

The workgroup considered a number of options and in July, 2011 presented its recommendations to the Council and to the Districts' Chief Judges.<sup>18</sup>

### **C. Early Case Management and Early Neutral Evaluation**

It is the policy of the Judiciary to support and encourage Early Case Management (ECM) and Early Neutral Evaluation (ENE).

- Early Case Management assists parties in reaching resolution of family court cases before significant financial and emotional resources are expended on litigation.
- Early Neutral Evaluation is a confidential, settlement-oriented, accelerated alternative dispute resolution process that moves families through court as quickly, fairly and inexpensively as possible. Sessions address both custody and parenting time issues and also address financial issues.

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<sup>17</sup> <http://www.mncourts.gov/?page=304>

<sup>18</sup> Adjunct Judicial Officer Workgroup, Report to the Judicial Council, July 14, 2011.

The State Court Administrator's Office has developed best practices for ECM and for ENE.<sup>19</sup>

#### **D. Children's Justice Initiative**

It is the policy of the Judiciary that juvenile protection cases receive docket priority and be expedited in conformance with state and federal requirements and with the goal of serving the best interests of children by providing safe, stable and permanent homes for abused and neglected children.

The Children's Justice Initiative was initiated in December, 2000 as a collaboration between the Judiciary and the Minnesota Department of Human Resources.<sup>20</sup> Tremendous progress has been made in the quality and timeliness of child protection case processing.

#### **E. Civil Justice Reform**

In November, 2010, the Minnesota Supreme Court established the Civil Justice Forum Task Force to recommend changes that will facilitate more effective and efficient case processing of civil cases. The task force began its work by identifying the issues – namely excessive cost and delay that affect both administrative efficiency and the accessibility of the civil justice system.

The task force recommendations are designed to bring the legal community back to the court system, to keep costs down and provide the parties with firm trial dates, and finally, to bring effective and efficient judicial management to complex cases.<sup>21</sup>

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<sup>19</sup> <http://www.mncourts.gov/?page=3946>

<sup>20</sup> Footnote: <http://www.mncourts.gov/?page=148>

<sup>21</sup> [http://www.mncourts.gov/Documents/0/Public/Court\\_Information\\_Office/Civil\\_Justice\\_Ref\\_Task\\_Force\\_Dec\\_2011\\_Rpt.pdf](http://www.mncourts.gov/Documents/0/Public/Court_Information_Office/Civil_Justice_Ref_Task_Force_Dec_2011_Rpt.pdf);  
[http://www.mncourts.gov/Documents/0/Public/Court\\_Information\\_Office/Civil\\_Justice\\_Ref\\_Task\\_Force\\_Supp\\_Rpt\\_May\\_2012.pdf](http://www.mncourts.gov/Documents/0/Public/Court_Information_Office/Civil_Justice_Ref_Task_Force_Supp_Rpt_May_2012.pdf)

## **VII. Conclusion**

Over the past 40 years, Minnesota's Judiciary moved from a multiplicity of county-funded trial courts with elected clerks to a unified, co-equal branch of state government operating under a single umbrella of state funding.

The Minnesota Judicial Branch now has a well-defined governance structure for policy formulation and administration for the entire court system. Its Judicial Council serves as a single statewide administrative policy-making body for the Judiciary, binding on all judges and employees. The Branch now has as its foundation a strong central, unified administrative structure, state funding of the trial courts, a single personnel plan and a single statewide case management system and branch-wide technology platform.

The Judiciary has restructured its operations with a single, general jurisdiction trial court serving 87 counties in ten judicial districts. It transitioned from elected clerks of the district courts in each of the 87 counties to appointive court administrators, hired by and serving at the pleasure of the district judges. Many counties now share a court administrator with other counties in the district.

Its strong, transparent and inclusive governance model and strong foundation have made it possible for the Minnesota Judiciary to reengineer its business processes to provide access to justice and to enhance its delivery of court services. The Judiciary has reengineered business processes through regionalization, centralization and automation.

It has centralized and automated the processing of payables cases and the process for collecting outstanding financial obligations. Its centralized self-help center has enhanced access to justice for self-represented litigants statewide. It has enhanced quality by centralizing jury management, the bail bond program, the monitoring of conservators' accounts and reports and the oversight of the guardian ad litem program. And, it has regionalized other administrative services within the districts.

The reengineering of Minnesota's courts has helped the Judicial Council achieve its goal of an accessible, fair and timely system of justice.

The Minnesota Judiciary has demonstrated that a Judicial Branch can transform itself into an organization capable of reengineering its delivery of services to meet the needs of a 21<sup>st</sup> century public.