



# **Reengineering Rural Justice in Minnesota's Eighth Judicial District**

**A Case Study: Improving Efficiencies, Reducing Costs,  
and Enhancing Operations in Rural Courts**

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# Reengineering Rural Justice Minnesota’s Eighth Judicial District

## A Case Study: Improving Efficiencies, Reducing Costs and Enhancing Operations in Rural Courts

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## **CHAPTER I. INTRODUCTION**

This Report analyzes the issues facing the Minnesota's Eighth Judicial District, issues common to other judicial districts with declining population and workload, diffusion of resources over a number of counties and court facilities, special problems of access, and challenges in providing clerical and administrative services.

This report presents recommendations on "Reengineering Rural Justice in Minnesota's Eighth District." By reengineering, we mean "reinventing and improving dramatically" the court processes in the District, identifying any that have become inefficient, and asking questions such as "Can this process be done better? Should we do it at all?" The NCSC consultants followed the typical reengineering approach, which Olson defines as:<sup>1</sup>

- Combine jobs
- Eliminate steps
- Optimize the process across boundaries
- Perform work in a central location
- Do steps in a logical order
- Eliminate wasted steps
- Save money
- Use technology

The Eighth Judicial District, a 13-county trial court service area in west central Minnesota with a total district population of 125,000, is the most rural of the state's ten judicial districts. It stretches nearly 150 miles from Meeker County on the east (50 miles from the Twin Cities) to four, sparsely populated, contiguous counties on the west - Wilkin, Traverse, Big Stone and Yellow Medicine – all abutting the Dakotas. Traverse County's population of 3,530 is the sparsest of Minnesota's 87 counties. The entire District is largely an agricultural region. Chapter IV provides an overview of the District and its special characteristics.

To provide context for the analysis of the Eighth District and for our recommendations, we have included in our report a description of the governance and management structure of the Minnesota Judicial Branch, along with a number of recent statewide initiatives, many of which have already been implemented in the Eighth District.

The NCSC consultants wish to thank State Court Administrator Sue Dosal, Court Services Manager Peggy Kuisle and other members of Ms. Dosal's staff, and the Ad Hoc Project Advisory Committee for their guidance and recommendations on how to proceed with the study. The NCSC consultants also wish to thank the many members of the court community in the

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<sup>1</sup> *The Agile Manager's Guide to Cutting Costs* by Jeff Olson. Velocity Business Publishing, Bristol, VT 1997.

Eighth District who provided valuable insight into this study: Nine of the District's Judges, one of the Child Support Magistrates, all court administrators, the senior court clerks in all of the District's 13 counties, court reporters and law clerks, and a number of those who regularly interact with the District's Courts--county attorneys, public defenders, probation officers, sheriffs, legal aid attorneys, and presidents of the local Bar Associations. The NCSC consultants also met with and wish to take this opportunity to thank District Administrator Tim Ostby and Deputy Administrator Becky Dolen for their insight, guidance and support throughout this study.

This report contains a number of recommendations to change the governance and management structure and the business processes of the Eighth District in ways that will enable the District to provide quality services at less cost. The NCSC consultants believe that the recommended productivity improvements will enhance access and the quality of judicial services provided to the court's customers and its justice system partners. To test our belief, we recommend that the District monitor the impact of any changes implemented by tracking customer satisfaction regarding both procedural justice and trouble-free entrée to services through surveys, questionnaires, and focus groups.

## **CHAPTER II. RURAL JUSTICE: SHRINKING COMMUNITIES STRAIN TRADITIONAL SERVICES**

Downward demographic trends have been evidenced for 50 years in many rural Minnesota counties holding serious implications for the future of justice services. Much of rural Minnesota is losing young adults, leaving behind an aging, older, poorer population.<sup>2</sup> Economic opportunity has consequently dwindled in all but a few scattered “sponge” cities, traffic and trade nodes in otherwise pastoral communities. Court filings and workload, largely driven by population and economic activity, show continual declines in many smaller, outlying counties.

As rural vibrancy fades, trial courts serving those areas struggle to provide traditional functions to fewer people through fewer lawyers with fewer judges. Budget cuts spurred by tax revenue declines have left rural courthouses short-staffed at isolated county seats great distances from each other. Technology provided by a recently unified statewide Judicial Branch has helped to modernize and standardize many court business practices as well as remotely connect to customers and outside court staff/programs through digitized data, voice and video communication networks. Yet, even with new technology-sparked ways of performing court work, many long-established, costly operations predominate that can be streamlined.

### **A. Declining/Aging Population, Rising Costs, and Slimmer Budgets**

As discussed in the July 2008, *Access and Service Delivery Report* to the Minnesota Judicial Council, Minnesota will see a jump in workers reaching the average age of retirement, resulting in declining tax revenue and growing pressures to shift government spending to health care and away from traditional state services, including the courts. This will be more pronounced in rural areas given the continuing out-migration of young people and the resulting decrease in economic opportunities. The State Demographic Center estimates the elderly dependency ratio (the number of people 65 and older for every 100 people ages 15 to 64 – the working age population) will dramatically rise across the state beginning in 2010 from 18 or 19

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<sup>2</sup> In the interest of full disclosure, it should be noted that a 2009 study by the University of Minnesota has offered evidence that the commonplace rural out-migration trend of young people, dubbed the “brain drain,” may be counterbalanced in some rural counties by the in-migration of higher educated middle-aged adults (30-44 year old cohort) with families/children in search of a simpler pace of life, safety and security, and low housing costs. Although this finding offers a glimmer of hope for some shrinking rural counties, it is a faint, limited occurrence in the midst of a long-term, mega trend. The study site, interestingly, was Grant County which showed a net gain of 279 adults and children from 1990 to 2000 based on census tract data. However, in many other rural counties data showed in-migration is less or about equal to the out-migration. The ultimate question for rural community leaders wishing to increase such a trend – as slight as it may be – would seem not to be “how do they get these newcomers to move into their community?” but “how do they keep them?” The factors relating to staying in a rural county are much more difficult to promote, including job opportunities, job security, good schools and health care, feelings of belonging, suitable housing, and opportunities to join local organizations according to the researcher. (*Ben Winchester, Research Fellow, University of Minnesota, Extension Center for Community Vitality, monograph on “Rural Migration: The Brain Gain of the Newcomers,” December 10, 2009.*)

to more than 31 by 2025 as baby boomers leave the workforce. Rural counties with high elderly dependency ratios to begin with will feel the effects more severely causing more reduced demand for goods and services, decreased tax revenue and higher living costs. Rural population growth in Minnesota is projected to be concentrated in a corridor of counties from Olmstead (Rochester) in the southeast, northward through Hennepin and Ramsey (Twin Cities) to Bemidj (Beltrami) in the north and to Clay (Fargo/Moorhead) in the northwest. Lake country amenities will continue to spur growth in those areas due largely to an influx of retired people.<sup>3</sup>

With the effects of the recession lingering for some years to come, Minnesota State Government continues to cut budgets and downsize services. During FY08-09, the Judicial Branch experienced a \$19M budget shortfall, mandating a nine percent staff vacancy rate in the courts and work furloughs which caused some districts to close one-half day per week. In FY10-11, the courts received an across-the-board three percent cut that translated to a \$14.7 million budget reduction. As a result, backlogs and delays have grown throughout the state; as of March 2010, nearly 25 percent of serious felony cases are taking longer than one year to dispose, and waits for hearings and trials have more than doubled since the prior year in many locations. Over 250 positions have been lost since 2008 and public counter hours have been reduced in six of the ten judicial districts. Looking forward, a \$5.8 to \$7.2 Billion state deficit is projected in FY12-13—equal to 18.5 percent of the entire state budget.

## **B. Falling Caseloads; Fewer Lawyers**

Annual district court caseloads in major criminal and juvenile filings have dropped statewide from 2007 to CY2009. Reductions in major criminal filings fell 13 percent and juvenile filings fell 20 percent in that two year period.

Caseload and workload declines in low volume counties also result in a decrease in resident lawyers. The number of lawyers practicing in rural areas is steadily declining according to an American Bar Association survey and may drop faster in the coming years. Although historical data on the number of attorneys in rural Minnesota districts is unavailable, it most likely parallels the ABA findings that only 20 percent of America's lawyers live in areas of less than 50,000 people. Since only 19 (22%) Minnesota counties have populations in excess of 50,000, and ten of those are outside the four metro districts,<sup>4</sup> it is speculated that the remaining 68 (78%) counties is home to less than two out of ten Minnesota lawyers.<sup>5</sup>

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<sup>3</sup> Minnesota State Demographic Center.

<sup>4</sup> In order of population magnitude: St. Louis, Stearns, Olmstead, Rice, Crow Wing, Blue Earth, Otter Tail, Clay, Chisago and Winona.

<sup>5</sup> See Legal Services Corporation, "A Report on Rural Issues and Delivery and the LSC-Sponsored Symposium" (April 2003), American Bar Association. Chicago, IL.



**C. Isolated Courthouses and Limited Staffing**

Courthouses in rural regions of Minnesota are often at great distances from each other which complicate staffing and support services. In some instances, a jail holding facility may not be near the courthouse or staff may live miles away from their normal work location. Since staffing has been substantially reduced throughout many of the sparsely populated districts, substitution or fill-in clerks for absent employees may spend more than an hour commuting one way to a distant courthouse. The Sixth and Ninth Districts are the largest geographically and home to the biggest counties with significant stretches between county seats making distance problems more pronounced in that part of the state.

Travel distance between courthouses in the Eighth Judicial District, as an example, range from 14 miles to 142 miles (see Chart 1). Although court leaders normally partner neighboring counties together for staff coverage, travel between courthouses can be daunting as the chart below indicates. In some instances, courthouses in neighboring districts (i.e., Seventh District) may be closer.

**Chart 1: Travel Distance between Courthouses**

|               | BENSON | BRECKENRIDGE | ELBOW LAKE | GLENWOOD | GRANITE FALLS | LITCHFIELD | MADISON | MONTEVIDEO | MORRIS | OLIVIA | ORTONVILLE | WHEATON | WILLMAR |
|---------------|--------|--------------|------------|----------|---------------|------------|---------|------------|--------|--------|------------|---------|---------|
| BENSON        | 0      | 83           | 56         | 32       | 47            | 60         | 45      | 33         | 25     | 58     | 53         | 62      | 32      |
| BRECKENRIDGE  | 83     | 0            | 40         | 80       | 125           | 142        | 99      | 112        | 59     | 140    | 72         | 35      | 115     |
| ELBOW LAKE    | 56     | 40           | 0          | 40       | 98            | 103        | 81      | 85         | 32     | 113    | 76         | 39      | 88      |
| GLENWOOD      | 32     | 80           | 40         | 0        | 78            | 64         | 76      | 65         | 29     | 78     | 74         | 61      | 52      |
| GRANITE FALLS | 47     | 125          | 98         | 78       | 0             | 69         | 42      | 14         | 67     | 28     | 61         | 97      | 42      |
| LITCHFIELD    | 60     | 142          | 103        | 64       | 69            | 0          | 92      | 67         | 84     | 53     | 102        | 121     | 28      |
| MADISON       | 45     | 99           | 81         | 76       | 42            | 92         | 0       | 29         | 50     | 70     | 27         | 64      | 65      |
| MONTEVIDEO    | 33     | 112          | 85         | 65       | 14            | 67         | 29      | 0          | 54     | 42     | 47         | 84      | 39      |
| MORRIS        | 25     | 59           | 32         | 29       | 67            | 84         | 50      | 54         | 0      | 82     | 45         | 37      | 57      |
| OLIVIA        | 58     | 140          | 113        | 78       | 28            | 53         | 70      | 42         | 82     | 0      | 88         | 119     | 26      |
| ORTONVILLE    | 53     | 72           | 76         | 74       | 61            | 102        | 27      | 47         | 45     | 88     | 0          | 37      | 74      |
| WHEATON       | 62     | 35           | 39         | 61       | 97            | 121        | 64      | 84         | 37     | 119    | 37         | 0       | 93      |
| WILLMAR       | 32     | 115          | 88         | 52       | 42            | 28         | 65      | 39         | 57     | 26     | 74         | 93      | 0       |

#### **D. Parochial Operations and County Boundaries**

Many Minnesota rural courts not only face physical isolation, but organizational disconnection from other justice system agencies, too. In spite of the move toward unified courts and new state funding, trial courts continue to essentially exist and work within a local array of county or city focused justice system officials (i.e., county sheriff, county attorney, county board, municipal police departments) who rarely have a statewide viewpoint. State justice systems were created as local instruments. Where administrative court districts or regions have been developed and encompass more than one local unit of government, as they do throughout rural Minnesota, community justice practices still often prevail over regional ones.

## **CHAPTER III. JUDICIAL BRANCH: LEADING THROUGH GUIDANCE AND SUPPORT**

### **A. Transformation to a Unified Statewide Court System**

In addressing some of the problems in operating trial courts, both rural and urban, Minnesota embarked on a series of fundamental reforms to its operations aimed at decreasing costs while sustaining high quality judicial services. It has been a leader among state courts in doing so.

This analysis is one of many undertaken by Minnesota court staff, in collaboration with outside consultants, to look and re-look at strategies and initiatives in an ongoing effort to modernize the way justice is administered and delivered in what is a very complex, geographically diverse state. It focuses on a common challenge in the Upper Midwest... downsizing rural courts in response to declining demand without overly damaging public access. It is helpful at the outset of this report to place this effort in a broader historical context of how Minnesota has revamped its trial courts.

Minnesota court leaders have been remaking their trial court system for the last 50 years.<sup>6</sup> Beginning in the 1960s and 1970s, legislation permitted the gradual transition of part-time lay judges (justices of the peace) to full-time, lawyer jurists, thus improving judicial competence and averting widespread conflicts of interest. In 1963, the Office of the Administrative Assistant to the Supreme Court was created to assist the Chief Justice in the administration of the courts. It was eventually re-designated as the State Court Administration Office (SCAO) in 1971. In 1972, elected Clerks of Court in each of Minnesota's 87 counties became appointed officials and later were re-titled as Court Administrators in recognition of numerous expanded duties.

In 1977, a Court Modernization Bill was enacted by the Minnesota Legislature with the support and concurrence of the Minnesota Supreme Court. It took a step toward unification and statewide funding by creating a Chief Judge, Associate Chief Judge, and Judicial District Administrator to serve as the top management team in each of Minnesota's ten judicial districts. As the needs dictated, general and limited jurisdiction judges could be assigned to any of the calendars in the district by the Chief Judge. This reform opened the door to the statewide unification of the courts with the passage of the 1982 Trial Court Unification Act, another joint legislative and judicial branch initiative, requiring the merger of Probate, County and Municipal Courts into a Unified District Court by 1987 and the eventual move from county to state funding

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<sup>6</sup> Minnesota became a state in 1858. The modern era of trial court reform began in 1959 when overall administrative responsibility for trial court operations was statutorily vested in the state supreme court. It was in this year, also, that the number of judicial districts which had been in flux since statehood was reduced from 14 to the current 10.

of courts. Statewide funding of all trial courts stretched over a 15 year period from 1990 to 2005.

As with state court systems nationwide during the last 30 years, budgets and resources in Minnesota sporadically increased and decreased as national and local economies adjusted to swings in inflation, recession, growth, and stagnation. Yet in spite of these fluctuations, the Minnesota Judicial Branch extensively transformed its trial courts from isolated local enclaves to a unified statewide system.

## **B. Branch Governance and Policy Direction**

The governance structure of Minnesota's State Court System together with the management of its trial courts has been widely modernized over the last 40 years as the state methodically moved from a two-tiered, county-funded, loosely-coupled trial court system replete with elected clerks of court to a single-tiered, state-funded, unified judicial branch. In 2005, the Chief Justice, with the concurrence of the Supreme Court, created the Judicial Council as the single statewide administrative policy-making body for the judicial branch 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. The Chief Justice and State Court Administrator serve on the Council by nature of their position. The State Court Administrator also serves as the staff and implementing agent of the Judicial Council and serves at its pleasure.<sup>7</sup>

The Council's role is to govern the system, adopting high level policies and identifying the results to be achieved. The State Court Administrator staffs the Judicial Council and is responsible for achieving those results.

Much of the day-to-day operation of the trial courts is left to the districts. Each has a District Administrator and numerous Court Administrators who function as the top supervisors in the counties. The two metropolitan counties, Hennepin and Ramsey, are single county districts. The remaining eight districts contain multiple counties.

The appointment and tenure of District Administrators is a two or multi-step process. First a District Administrator candidate must be nominated by the District's Chief Judge with the advice and consent of the judges of the district. Normally, an ad hoc district judges' selection and screening committee works with the Chief Judge to select a candidate. Secondly, the nominee's name is submitted to the Supreme Court for approval.

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<sup>7</sup> The Judicial Council was developed at the suggestion of a Transformation Workgroup comprised of eleven judges and nine state, district and county administrators appointed by the Chief Justice.

The District Administrator serves at the pleasure of a majority of the judges of the district. This process, embracing the perspectives of both local trial court judges and state central officials, is rare among the appointment processes for top regional court managers among the states. It provides input from numerous sources, diminishes politics in the selection process, and promotes stability and continuity in professional court management.

Court administrators, in turn, are vetted by the district administrator, but appointed by the judges of the district and, by the terms of the Minnesota Constitution; serve at the pleasure of a majority of them. They are supervised by the chief judge and district administrator.

### **C. Determination of Appropriate Staffing Levels for Trial Courts**

The Minnesota Judiciary has for the past decade used a ratio of staff to assessed judge need (AJN) to allocate non-judicial, case-related personnel equitably throughout the state. The judge need was based on studies conducted by the National Center for State Courts. The National Center for State Courts also conducted a study of staff need based on case type and court size.

In 2009, the Judicial Council decided to abandon the use of variable staff norms adjusted for small, medium and large size courts and directed all courts to move toward the lowest norm in a three-year, phased implementation beginning July, 2009. For the most part, the lowest staff to judge ratio was found in Minnesota's largest courts where managers were able to take advantage of economies of scale. For a few case types (parking and probate), there was not much difference in the staff per judge ratio, but for most case types, especially criminal, family and juvenile, staffing to the lowest norm would mean a reduced budget allocation and, therefore, a reduction in future staffing levels.

In 2010, Judicial Branch policymakers revisited their decision and decided to conduct a statewide staff workload assessment apart from any Judicial Weighted Caseload Study. Considering the staff productivity gains resulting from the many technology initiatives being implemented throughout the state, this is a good time to determine staffing levels on a separate clerical workload assessment.

### **D. Use and Deployment of Technology Aid Rural Courts**

Though technology is a tool not an end in itself, its widespread and varied applications in the Minnesota trial courts have proven to be extremely productive in reengineering business practices. It is, in the opinion of NCSC consultants, the single greatest reason rural courts in the state have been able to sustain effective justice services as budgets and staff have been relentlessly decreased.

## **1. Current Technology Initiatives**

As funding levels for the courts have declined, the Minnesota Judiciary has embraced an “E-Everything” approach to processing the business of the courts. Its vision is a court system with all cases being filed electronically and all records and documents being stored electronically. The Branch has developed, piloted and implemented numerous technological initiatives that have greatly enhanced the ability of rural courts to perform day-to-day operations quicker and better. Resultantly, case delay is reduced through new adjudication methods, and court clerical work is accomplished with greater accuracy in less time with fewer resources. These initiatives include:

- **MNCIS: Minnesota’s Statewide Case Management System**

With the implementation of MNCIS, Minnesota now has one case management system that is 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 information system opens up numerous possibilities for greater integration with other justice system partners and the public as well.

- **In-Court Updating**

In-court updating is the real-time capture of case information in the courtroom during court proceedings. In criminal cases, it includes the creation of the uniform sentencing order, with links to MNCIS, that has recently been adopted statewide. Recording events, rulings and actions in the courtroom at the time of their occurrence is proven to improve the timeliness of data entry in MNCIS, increase the accuracy of the data in the case management system, facilitate the electronic real-time delivery of case information to other criminal justice agencies (via electronic integration), and produce a sentencing order that is handed to criminal defendants before they leave the courtroom. It is a very productive and highly time, cost and error saving reform.

- **Centralized Payables Citation Processing**

A major service delivery redesign currently underway is the creation of the Court Payment Center (CPC) to centrally process payable citation work across the state. Of the 1.7 million cases handled each year by Minnesota courts, 1.1 million are payable citations. This project is transferring the clerical processing of these cases from the 87 counties to a centralized, virtual payment center which has staff around the state working from their home to process paper and electronic citations and support a centralized call center. Payments are made by mail, phone or on-line with this process overseen by a small accounting staff working in Willmar. Overdue debt is automatically referred to the courts’ collections vendor. This project has many components including:

- **E-Citation Processing**

Many districts and counties throughout Minnesota have implemented e-Citation, enabling the batch entry of citations via an interface from law enforcement agencies to MNCIS. E-Citations, Batch Citations, E-Filing and Ticketwriter are all names used to describe the process whereby law enforcement citation data is passed electronically into the court's information system (MNCIS Odyssey).

E-citation is not currently implemented in the Eighth District due to law enforcement agencies not having the resources to obtain the necessary hardware and software. There are no plans to implement it in any of the counties in the Eighth District in the near future. Instead, paper citations received from law enforcement are scanned by the local courts and sent to Court Payment Center (CPC) staff for entry. CPC staff doing this work repetitively, without interruptions common at the courthouse, are able to process citations more efficiently. CPC staff have a production goal of 200 citations per worker per day.

- **Auto Assess**

Through Auto Assess, MNCIS automatically calculates payable fines, fees and fine/fee splits based on the offence, prosecutor, law enforcement agency, and the fine and bail schedule. Auto Assess is also able to add fees to fines imposed on mandatory cases. Manually making these determinations is complicated, time consuming and often leads to mistakes. Through Auto Assess, the determination is made robotically, reducing clerical time and cost while increasing accuracy of the fine assessment.

- **Auto Referral**

Auto Referral permits delinquent debt to automatically be referred for collection, reducing clerical workload, utilizing consistent effective practices and enhancing the collection of fines due. Auto Referral is completed and operational in all of the Eighth District's counties. Delinquent debt from all counties will be electronically referred to the Department of Revenue for collection.

- **E-Charging**

E-Charging enables prosecutors to enter data into their case management systems or the e-charging user interface, and then, after obtaining electronic signatures from appropriate public lawyers and law enforcement officers, submit the e-Charging data to the court. Once the court reviews and accepts the complaint for filing, it is electronically transmitted to the judge for review, and, if accepted, for electronic signature. E-Charging eliminates the triple-redundant data entry in the current charging practice. A September, 2009 Report from the Minnesota Bureau of Criminal Apprehension concludes e-Charging saves time, increases data accuracy, and improves data integration.

- **Civil e-Filing**

A pilot project to assess and implement e-filing in civil cases is currently underway in the Fourth District. Civil e-filing enables attorneys and litigants to electronically file documents and filing fees related to civil cases. E-filed documents are accepted into the electronic case file and filing fees are paid via the e-filing application. MNCIS is automatically updated. It is anticipated that e-filing, once implemented, will reduce court data entry, reduce case file maintenance, reduce case data errors and more efficiently, economically and accurately process new cases.

- **Imaging**

The Minnesota Judiciary is developing foundational processes to maintain electronic images either using MNCIS as the processing and storage medium or contracting with a third-party EDMS vendor to use or purchase proprietary software. "Paper on demand" court records will have a dramatic impact on the workload of all trial court staff who will gain from its improved workflow and its capacity to reduce time handling paper files. The Second and Fourth Districts are currently using active case imaging. For other districts, central image storage is required and lack of present bandwidth is a problem. Needed additional funding has currently put plans on hold.

- **Conservator Account Monitoring Preparation and Electronic Reporting (CAMPER)**

This computerized web based system for submission of required annual financial reports by court appointed conservators was developed and deployed by the Second Judicial District. The system provides edits to ensure that required information is included and ensures the report balances to the schedule of assets. When the financial support is submitted online, it is mapped to a relational database so that the data can be accessed by court personnel. The system is reducing court data entry and improving the court's oversight of conservatorships while making the reporting process easier for conservators and court users.

- **Interactive Video Television (ITV)**

Pursuant to Minn. R. Crim. P.1.05, Interactive Video Television is permitted in criminal cases when no judge is available in the courthouse, when the defendant is in custody and is being held in a location other than the venue county, and when in the interests of justice. Upon the consent and location of the parties, ITV can be used in felony, gross misdemeanor and misdemeanor matters to conduct numerous types of hearings, including Rule 5 and 6 initial appearances, Rule 8 arraignments and changes of plea, sentencing hearings and probation revocation hearings. For all appearances other than Rule 5 and Rule 6 hearings, the defendant, defense attorney, prosecutor and judge must consent to holding the hearing by ITV. It may not be used to conduct trials or contested omnibus or



pretrial hearings or to conduct any other evidentiary matter. It can be used for all hearings, including trials, in Petty Misdemeanor matters.

ITV has been successfully used in Minnesota for In-Custody Rule 5 appearances in particular, with the defendant, the prosecutor and the defense attorney gathered in one courtroom while the judge conducts the hearing via ITV from a courtroom elsewhere in the district. Unlike some other states, the defendant and defense attorney must be at the same site except in unusual or emergency circumstances. The Minnesota Judiciary strongly believes in the importance of the defendant and the defense attorney being in the same location in order to assure true communication and the right to counsel.

ITV is successfully used for a number of other types of matters, including child support hearings (see ASD2 Report) and in standard motion and other non-dispositive hearings in civil cases. It saves costs for private-pay clients as well as travel time for ITV participants. Local and state bar associations are supportive of the use of ITV.

- **Juror Qualification and Summoning**

In July 2008, the Judicial Branch began an effort to reduce operating costs and improve juror experience by centralizing the juror summoning process. The project called for consolidating 89 disparate jury management databases into a single statewide database; implementing a Web-based service that allows prospective jurors to complete and return their qualification questionnaires online; automating juror payment; and outsourcing summons printing, processing, and mailing.

## **2. New Technology Projects on the Horizon**

Additional technology improvements that have been successfully implemented in other states could also reduce clerical time, and lower budgetary expenses in Minnesota. With Minnesota's track record at implementing proven high-tech best practices, it looks to be just a matter of timing and funding before these initiatives are realized.

- **Protective Orders**

Orders for Protection and Harassment Restraining Orders are targeted to be incorporated into MNCIS and interfaced/integrated with the state CJIS system. In keeping with high tech approaches, some states have developed on-line victim data entry protocols to save staff time preparation time. Data must be verified by court officials before an order is printed, conformed and signed by a judicial officer, but the systems have shortened and streamlined processes in many jurisdictions.

- **High Tech/High Touch Internet Services**

Many courts are expanding Internet access to court services and marketing it heavily among specific customers and the public in general. Self-help consumer legal

services and juror information systems are prime illustrations for special users. Text messaging to minors about juvenile court hearings has proven helpful in reducing failure to appear rates. Public access to on-line court records, docket information, and frequently asked questions are becoming commonplace saving clerical time and reducing congestion in courthouses. The Los Angeles Superior Court has begun to widely market Internet access to their data services at the courts 50 plus courthouses with posters saying “*Why Stand in Line When You Can Go On-line at www.lasuperiorcourt.gov?*” As Peter Drucker, the internationally renowned management consultant once said, “There are only two things necessary to be successful as an organization: innovation and marketing.” The courts are beginning to do a good job at digitized innovation; they need to do a better job at selling it.

Minnesota courts may wish to consider developing a concerted marketing plan to motivate more people to do business with trial courts over the Internet rather than physically visit the courthouse. It is, indeed, the strategic direction the Judicial Branch is dedicated to with an “e-everything” objective. In moving this way, much can be gained by aggressively marketing and promoting a public mindset that implants the impulse to “*grab the ‘mouse’ instead of the car keys.*” Although such a shift is an advantage to both urban and rural courts, it would be especially welcome to rural customers because of the inconvenience distance presents.

Customer survey data collected in September, 2010, in the Eighth District measuring front-counter staff activity during *non-court days* (days when no court or hearing sessions were scheduled in the courthouse) substantiates that much of the business transacted through personal visits to the courthouse could be easily done over the Internet (see Sections VI. and VII). An average of six front-counter contacts per day in each courthouse ranging from a low of three in Grant County to a high of ten in Pope County occurred which primarily involved either accessing or filing records.<sup>8</sup> The majority of visitors were either litigants involved in a case or self-represented parties not currently a litigant followed by attorneys (most often the prosecutor; sometimes a private lawyer; and never the public defender) or representatives of attorneys (i.e., secretaries, paralegals, runners, etc.) to review or pick up court orders and other documents.<sup>9</sup> The fourth largest category was law enforcement officers (predominately the sheriff followed to a lesser extent by the local police; but never the Highway Patrol) filing citations, picking up orders, and the like. Rarely (ten percent or less) did the front-counter transaction require the attention of a judge. Most front-counter interactions took less than five minutes of staff time. Those that took longer averaged between ten-12 minutes. The business conducted largely centered on filing papers, paying fines, seeking general court information or inquiring about directions in and around the courthouse.

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<sup>8</sup> Only ten counties out of thirteen counties were measured in the Eighth District since three counties (Kandiyohi, Renville and Meeker) held court on every day during the survey period.

<sup>9</sup> Attorneys were defined as both public and private lawyers.

## **E. Innovative Programmatic Initiatives Benefit Rural Courts**

Beyond high-tech changes, project pursuits that employ technology but craft it together with new public services in an entrepreneurial approach to enhance the courts products and access to them are improving the quality of justice in specific areas. The Judicial Branch has embarked on a variety of impactful programs. Some are in the early stages of development and hold great promise as they become perfected and spread more widely into rural districts.

- **Providing Assistance to Self-Represented Litigants**

Minnesota is a national leader in developing successful innovative approaches to providing assistance to self-represented litigants throughout the state. Building on programs developed in Hennepin County, court officials and state court administration staff have collaborated to provide Internet-based self-help, do-it-yourself, easy-read legal information, forms and instructions on civil case processes and procedures for common consumer related matters. Hennepin County's Pro Se Services Group coordinates statewide services, including staff training, website content, and helpline support.

In 2009, over 10,000 calls were made to the Statewide Self Help Center in Minneapolis: 285 calls came from the Eighth District, 2.8 percent of the total calls.

Providing self-represented litigants with assistance at the courthouse has been a challenge in some of the counties. Some court staff in the Eighth District report that they are not comfortable with distinguishing between how to help self-represented litigants without giving legal advice. Staff are taxed with other duties and may not readily be able to help a litigant when needed, private work space is lacking, and the processes to print and file the proper forms are overly confusing and complicated to the uninitiated. Staff often print a complete set of forms for litigants (reportedly 50 pages in divorce matters) when, depending on the nature of the case, only partial sections of the forms packet are needed. Minnesota self-help leaders are committed to improving problem areas and have endeavored to provide the needed training of staff, while continuing to principally rely on a web-based, cyber-space self-help approach for remote rural populations.

A new direction that has great potential is to leverage non-traditional partners – primarily public libraries – to assist in Do it Yourself (DIY) court-supported legal services by placing hardware, forms and instructions at nearby libraries willing to help litigants. The State Law Library employs a circuit riding law librarian to provide training to librarians about how to access the court web site, the Self Help Center and the State Law Library web site where forms can be downloaded.

- **Making Greater Use of Subordinate Judicial Officers**

Many courts nationwide heavily use subordinate judicial officers appointed by and serving at the pleasure of the judges or chief judge in a jurisdiction to handle limited portions of a court's caseload or specific case types. The July 2008 Access and

Service Delivery Committee Report recommended the expanded use of subordinate judicial officers, including using hearing officers for all fine mitigation hearings and ITV where appropriate, and using pro tem attorneys for conciliation, housing and some mental health hearings.

In Hennepin and Ramsey Counties referees, subordinate officers have conducted hearings and resolved cases in conciliation court and in family, juvenile, probate/mental health, housing courts for many years. Metro counties have also utilized non-lawyer traffic hearing officers to hear and decide fine mitigation issues.

The Access and Service Delivery 2 Committee reviewed the use of subordinate officers in other states, the Second and Fourth Districts, and in Minnesota's Child Support Magistrate Program. The Committee included in its December 2009 Report to the Judicial Council a recommendation that the Branch offer regionalized services using pro bono attorneys to hear cases in conciliation court via ITV and to also use subordinate officers in housing court.

- **Promoting More Robust Use of Alternative Dispute Resolution**

Court-referred or court-annexed alternative dispute resolution (ADR) programs offer numerous ways to boost court performance and trim work processes. Rule 114 of the Minnesota General Rules of Practice mandates the court to provide information on ADR to the parties in all civil and family court filings. Parties are required to discuss the use of ADR and affirm to the court they have done so. The court may on its own motion order parties into any number of ADR programs, but usually does not.

The Education and Organizational Development Division of the State Court Administrator's Office maintains a list of Rule 114 Qualified Neutrals that is posted on the Judicial Branch website. The State Supreme Court has established a Code of Ethics for Qualified Neutrals and handles complaints about them. Parties are free to choose a neutral from the list or find their own.

Many courts have found the stumbling block to more pervasive use of ADR is not the absence of programs or trained neutrals, but the lack of awareness on the part of the public that such programs exist, how to access them, their reasonable costs, and proven success rates. Here, again, a better marketing effort would pay dividends not only in more satisfied litigants, but in better dispute resolution outcomes, fewer protracted trials, and a greater likelihood of long-lasting solutions.

- **Expanding Early Neutral Evaluation**

Early Case Management (ECM) is a five-pronged model for resolving family cases more effectively and efficiently, especially marital dissolution and child custody proceedings. The cornerstone of the model is judicial management within just weeks after case filing and neutral evaluation of the case by a male and female team of experienced family law lawyers, custody evaluator or mediators. The use of Early Neutral Evaluation (ENE) is a particularly effective form of alternative dispute

resolution utilized in many cases, in conjunction with the ECM model. The ECM/ENE initiative empowers families to resolve disputes with less long-term intervention by the court. Parents are empowered to craft outcomes which will serve their children's best interests, while conserving economic resources and reducing the time to case completion. During 2009, the initiative expanded significantly. Pilots now are operating in seven of the ten judicial districts, and plans are underway for pilots in the remaining districts. The Eighth District has adopted a plan and will begin implementation on January 1, 2011.

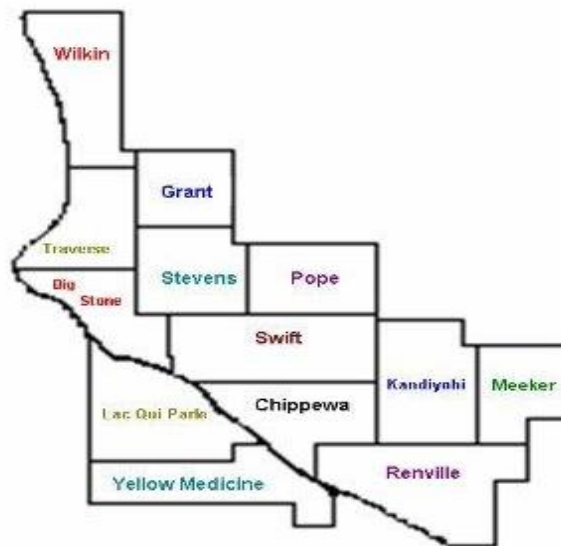
## CHAPTER IV. EIGHTH DISTRICT: PIONEERING WAYS TO RIGHTSIZE<sup>10</sup>

The District has a history of spearheading new and better ways of doing business. It was the first of the state's ten judicial districts to unify its two-tiered trial court system in the early 1980s as well as move toward state funding a decade later. Additionally, the District's leadership has consistently volunteered to experiment with new technology, systematize calendars, and reorganize operations toward greater economies of scale.

### A. Facts about the District's Thirteen Counties

The Eighth Judicial District encompasses 13 counties in west central Minnesota with a total district population of 125,000. It is the most rural of the state's ten judicial districts.<sup>11</sup> It stretches nearly 150 miles from Meeker County<sup>12</sup> on the east (50 miles from the Twin Cities) to four, sparsely populated, contiguous counties on the west - Wilkin, Traverse, Big Stone and Yellow Medicine – all abutting the Dakotas. Traverse County has the sparsest population of Minnesota's 87 counties. The entire District is largely an agricultural region.

**Chart 2: Counties in the Eighth Judicial District**



<sup>10</sup> “Rightsizing” is a recent management term occasioned in the last 10-15 years as organizations have restructured themselves by cutting costs and improving effectiveness without ruthlessly downsizing.

<sup>11</sup> Population estimates are based on calendar year 2009 data gathered from various Internet sites.

<sup>12</sup> Meeker County is a second ring, collar community for the Greater Minneapolis area. It is one of only two counties in the district that exhibited a credible population gain over the last decade. The other is Kandiyohi County (Willmar: County Seat).

## **1. Population and Economic Opportunity**

Population is a common indicator of community well-being, especially an increasing population that is diverse and vibrant. Many counties in the Eighth District have dwindled in size as a steady stream of job hunters move to more urbanized areas where employment opportunities are better. Outmigration or population loss, essentially more people leaving than moving into an area, and the continuing recession are two of the most crucial mega-trends sparking the need to reengineer trial court services in the Eighth District. (See Appendix B for Population Forecasts for the Eighth District.)

Many families in sparsely populated rural Minnesota regions still depend heavily on commodity agriculture and a phalanx of factories for their income. This is largely true in the Eighth District. These regions are likely to see continued agri-business and industry consolidations, which point to further declines in the future. Per capita income in the Minnesota's rural counties, principally in the south and western portions of the state, steadily eroded from 86 to 82 percent over the last two decades relative to the rest of the state. Much is attributed to outmigration of younger more skilled workers.<sup>13</sup>

## **2. Distance between Courthouses**

Distance has played a continual role in the development and operation of the District. As with many counties in Minnesota, those in the District were configured during territorial and early statehood days as administrative arms of the state. Many are 500 to 700 square miles in size to limit travel time for residents in the late 1800s to a day's journey or less by horse and wagon to the county seat.

The district has regionalized into three, multi-county administrative assignment areas. Court staffing levels have been reduced in recent years because of budget shortfalls and the judicial branch movement to the lowest norm. Resultantly, coverage for staff absences have been challenging at times. This is especially true among the six sparsely-populated counties in the north assignment region. They are isolated and must contend with limited staffing due to low caseload volumes. Personnel absences merely compound their existing staff shortages.

Distance is a factor in adequately covering various rural courthouses when staff is limited. During a ten-day job activities survey conducted in the Eighth District by the National Center for State Courts from April 26 through May 7, 2010, ten senior court clerks averaged nearly two hours (114 minutes) on each trip to a different work site. The shortest commute to a different work site was 50 minutes from Kandiyohi to Swift.

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<sup>13</sup> *Rural Minnesota Economic Opportunities Report* (Fall 2008), Center for Regional Competitiveness, Minnesota State University (Mankato, MN).

Court administrators are expected to travel to their assigned counties. Over the ten-day survey period, the five administrators each logged 7.4 hours traveling. The Chippewa-based administrator traveled the most at over 13 hours on the road. (Note: The Wilkin-based administrator was on vacation for one week of the two week survey period. An assumption was made that she would have traveled approximately the same amount of time during the week she was absent as she did during the week she was working in the District.)

### **3. Caseload and Case Management**

As with many trial courts nationwide, as well as Minnesota, caseloads in the Eighth District have declined. The reduction is roughly 18 percent from 2006 to 2009. Recent 12-month figures comparing 2008 Q4 to 2009 Q4 show a decrease in filings of four percent. Although no one knows for sure, conventional wisdom blames the drop on a persistently sluggish economy causing widespread retrenchment in government, business and consumer activities, including case filings.

There is a substantial range in case filings among the District's 13 counties. In the year ending March 2010, two counties, Traverse and Big Stone, had approximately 700 cases filed. In contrast, Kandiyohi had approximately 8,700 cases filed and Renville had 3,500 cases filed. Among four of the counties (Wilkin, Stevens, Grant, and Lac qui Parle) had 1,200 to 1,500 case filings; four other counties (Meeker, Swift, Chippewa, Yellow Medicine, and Pope) had 1,900 to 2,800 cases filed.

Minnesota has a rich collection of case processing data via the Minnesota Court Information System (MNCIS); the Judicial Branch's automated case management system.<sup>14</sup>

- **Clearance rates for the Eighth District during a recent 12-month period (April 2009 to March 2010) show minimal trial court delay.**<sup>15</sup> The district-wide average was 100 percent extending from a low of approximately 97 percent in Meeker and Stevens Counties to the highest resolution rate of 105 percent in Grant County. Admittedly, different case types exhibited a mixture of clearance levels throughout the counties.
- **The Eighth District is doing well at time to disposition, another fundamental case management statistic.** This performance measure assesses the length of time it takes a court to resolve a case compared to specific time standards set by the Judicial

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<sup>14</sup> The Minnesota Court Information System (MNCIS) is a person-based, statewide, proprietary electronic system (Odyssey®) developed by Tyler Technologies Courts and Justice Solutions Group (Texas) and modified specially for Minnesota courts. It provides real-time integration services between courts and various criminal justice business partners. All 87 counties are using the system.

<sup>15</sup> Clearance rate is the number of dispositions divided by the number of filings times 100. It represents a trial court's capacity to keep pace with the incoming workload by resolving in a given period as many cases as filed. It is one of the National Center's ten basic CourTool Measures indicating responsible court performance.



- Council. Specifically, Minnesota performance objectives call for 99 percent of the cases under the control of the court to be resolved within the following time periods:
- Felonies and gross misdemeanors within one year (97.7 percent have been resolved within one year).
  - Major civil cases within two years (95.5 percent have been resolved within two years).
  - Dissolution cases within two years (100 percent have been resolved within two years).
  - Domestic abuse cases within four months (100 percent have been resolved within four months).
  - Delinquency (major juvenile) within six months (95.7 percent have been resolved within six months).
  - Minor criminal within nine months (99.5 percent have been resolved within nine months).
- **The age of the active pending calendar, a third critical measure of trial court performance, also demonstrates that the entire District is doing quite well.** This measure documents the number of days that the court has actually had control of the pace of adjudication.

Overall, as of June 2010, only two percent of the pending cases were beyond the 99<sup>th</sup> percentile. During the 12-month period ending in March 2010, 99 percent of all cases were disposed within the allotted time periods. Grant County recorded the lowest compliance at six percent of its pending cases beyond the 99<sup>th</sup> percentile, Chippewa, Kandiyohi, Renville, and Swift Counties had only one percent of their pending cases beyond the 99<sup>th</sup> percentile. Yellow Medicine County has no pending cases beyond the 99<sup>th</sup> percentile. During the reporting period, it appears Grant had a series of major criminal cases that languished, skewing its relatively modest workload.

- **Time Certainty is a fourth measure of trial court performance.** It gauges the extent to which cases are heard when scheduled, in other words, the reliability and consistency of the court's calendar. It is an efficiency indicator. Since almost 99 percent settle without a formal trial, the more the parties and their lawyers are prepared for meaningful events scheduled by the court, the more likely the case will settle early in the process. As the adage goes: lawyers prepare for meaningful events. When they do so in earnest, cases settle at higher levels. Where calendars are uncertain and continuances rampant, lawyers frequently opt not to prepare causing more time to elapse before a case is resolved. Litigant and/or lawyer unpreparedness is a pathway toward trial court delay and rising backlogs.

The Minnesota SCAO has identified the development of time certainty performance measures as an important next step in monitoring case management. We encourage the SCAO to move forward with their plan.

#### 4. Courthouse Facilities

The courthouse facility itself is a factor in effectively providing the necessary array of services and their efficient operation. For the most part, the courthouses throughout the district are in amazingly good repair given their ages and numerous remodeling. County governments have noticeably taken pride in their upkeep and have updated local infrastructures to accommodate the Judicial Branch's high tech video, voice, data and image needs. See Appendix D for an assessment of each courthouse in the Eighth District.

Courthouse working space for pro se parties to use court-provided desktop computers and telephones to access the state's virtual self-help services and talk to Hennepin County Self-Help staff is located in the courthouse law libraries, conference rooms and in hallways. Court administrators and senior court clerks report that the pro se litigants find the set up at the courthouse less than satisfying, particularly the locations in hallways on busy court days. The following chart describes the locations of self-help public terminals and phones in each of the District's courthouses. It argues for a better approach. (See Chapter VII on working with public libraries to supplement the court's delivery of self-help services.)

**Chart 3: Self-Help Centers in the Eighth District**

| <i>County / County Seat</i>            | <i>Self-Help Center Location</i>                    |
|--|---|
| <b>Big Stone   Ortonville</b>          | Law Library   |
| <b>Chippewa   Montevideo</b>           | Law Library, across hall from court administration  |
| <b>Grant   Elbow Lake</b>              | Room; across hall from court administration         |
| <b>Kandiyohi   Willmar</b>             | Hallway; across from court administration reception |
| <b>Lac qui Parle   Madison</b>         | Hallway   |
| <b>Meeker   Litchfield</b>             | Law Library; floor below court administration       |
| <b>Pope   Glenwood</b>                 | Room; across hall from court administration         |
| <b>Renville   Olivia</b>               | Hallway   |
| <b>Stevens   Morris</b>                | Law Library   |
| <b>Swift   Benson</b>                  | Hallway   |
| <b>Traverse   Wheaton</b>              | Conference room; across from court administration   |
| <b>Wilkin   Breckenridge</b>           | Law Library   |
| <b>Yellow Medicine   Granite Falls</b> | Hallway   |

#### B. Governance and Management Structure

The District governance, management and leadership structure has matured from a county-based system to a regional one largely as a consequence of state funding, district-wide judicial elections, and court unification. It likely may not have advanced to that more sophisticated level without those foundational organizational changes. For the most part as a result, problems are analyzed and options developed on a district-wide basis. En banc judges'

discussions focus on uniformity and the best interests of the 13 counties, not narrow single county issues.

### **1. Staff Coverage of District Counties**

In 1990, when state funding started in the Eighth District, the District operated with 13 court administrators and a total of 72 persons working in court administration. In 2005, staffing levels were at 52 positions, including ten court administrators. Today, as a result of effective governance, management, leadership and implementation of innovative programs in the Eighth District, some of which are identified below, the District has reduced staffing levels to 47 positions, including five court administrators and for budget reasons has reduced the hours worked per week from 40 to 37.5 hours.

A striking example of a regional mindset is the “workshare” program developed in the mid-1990s. The genesis of the program was instituted by the District Administrator using administrative weights for the various case types filed with the Court. The rolling 12 month quarterly case filings report was used to measure the workload in each county office. From that workload measure, the District Administrator made a “workshare adjustment” by either sending work from one county to another or sending a person to work a certain number of staff days per week from one county to another. This was a short term solution for equalizing workload. When a vacancy occurred, the District Administrator, after analysis, transferred vacant positions when needed.

In 2005, as three multi-county judge assignment areas were created in the Eighth District (see Section B.2 below), workshare evolved into a new system for assigning staff to other counties. Clerical staffs are now hired by a court administrator to work in an assignment area, not in a particular county. Employees are expected to, and in fact do travel within all or part of the assignment area as the work requires and are responsible for handling work within the entire assignment area.

Some counties have very few FTE's; Big Stone as an example has only one staff person; five counties have only two staff positions.<sup>16</sup> Given the limited number of staff and frequent need for employees in sparsely populated communities to work in more than one county, assignment areas that have established common policies, procedures and form orders can operate with greater productivity. Business process uniformity and standardization is an integral component of high performing, efficient trial courts.

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<sup>16</sup> Coverage for absences and court days, where both the office and courtroom must be staffed, is provided from neighboring counties. Normally, one day a week an additional clerk travels to Big Stone County to assist regardless of an absence or court day.

The movement of staff among sparsely populated neighboring counties in the North Assignment Area (Grant↔Pope and Traverse↔Big Stone) to cover workloads has stimulated some basic standardization and uniformity. Work process mapping (essentially creating more orderly and efficient workflows) within the more populous counties in the Central Assignment Area (Kandiyohi↔Meeker↔Swift) has been applied as well. Here, high volume tasks have been organized, regimented and assigned to specially trained staff to economize and speed work. The court administrator in the Central Area is extremely accomplished in doing so.

## **2. Multi-County Assignment Areas**

There are numerous additional, unique management approaches practiced in the Eighth District that are slowly finding support in other multi-county districts. The District operates with three multi-county assignment areas:

- The Central Assignment Area, comprising Kandiyohi, Meeker and Swift Counties, has five judges and is administered by a single court administrator.
- The Southern Assignment Area, encompassing Chippewa, Lac qui Parle, Yellow Medicine and Renville Counties, has three judges. The assignment area has one court administrator who manages Renville County and a second court administrator who oversees the three other counties.
- The Northern Assignment Area, covering Big Stone, Grant, Pope, Stevens, Traverse and Wilkin Counties has three judges and two court administrators each serving three of the area's six counties.

## **3. Multi-County Court Administrators**

The Eighth District currently has five court administrators managing the District's thirteen counties. The Eighth District Strategic Plan foresees moving, through attrition, to three court administrators for the District, one for each assignment area.

Although travel requirements increase in overseeing multiple counties, observations and interviews by NCSC consultants do not lead us to conclude this flatter management structure so far implemented or the even flatter management structure planned for the future has diminished or will diminish supervisory capacity or overall administrative effectiveness. Much of the reason undoubtedly lies in the fact that a large number of court administration employees are seasoned staff; highly skilled, experienced, and empowered to perform independently.

## **4. Judge Unit Staffing Levels**

The judge unit has historically consisted of a judge, court reporter and law clerk. Both the law clerk and court reporter are appointed by the judge and serve as his/her confidential employees. Under the Judicial Council budget allocation formula, the judge unit is funded at 100 percent of its full staffing level. The remainder of the appropriation is allocated to court

administration. When the judge unit is fully funded at 100 percent, court administration's budget must be reduced to make up any budget shortfall.

The Access and Service Delivery 2 Committee looked at this issue in December, 2009 and, while strongly favoring that each judge have two confidential employees, nevertheless recommended that the Judicial Council maintain a judge unit that includes a minimum of one confidential employee (law clerk or court reporter) who serves at the pleasure of the judge.

The judges in the Eighth District voluntarily reduced the collective number of confidential employees in their judge unit. Judges share court reporters and law clerks resulting in the lowest judicial unit staffing in the state; 73 percent of the allowable level. The judges have done so to limit harmful reductions in court administration positions which would have been required to accommodate reduced state funding.

The District presently has nine court reporters. One of the court reporters is a stenographic reporter. He does stenographic reporting for trials and some other hearings; for many other hearings, he monitors the digital recording equipment. The other court reporters monitor the digital recording equipment.

There are currently seven law clerks for 11 judges in the District. Two clerks share offices in Kandiyohi; five others office throughout the District. Most law clerks have been at the court for a number of years. Since the digitized audio record is available via the Branch's computer network, law clerks can listen to any recorded proceeding remotely which substantially reduces travel to personally assist judges at a live proceeding. NCSC consultants did not identify any problems in the District caused by the reduced number of court reporters or law clerks.

### **5. Interactive Video Television (ITV)**

Interactive video television is used by some judges and subordinate judicial officers to hear some matters in the Eighth District. It is successfully used for In-Custody proceedings and is used by some judges to hear civil motion hearings. One Child Support Magistrate routinely uses ITV to hear child support matters in the district.

The 2005 Eighth District Strategic Plan recommended the exploration of ITV to "more systematically address conciliation court, OFP and commitment calendars." NCSC consultants also endorse this direction.

### **6. Joint Eighth and Seventh District Administration**

The Eighth Judicial District shares a District Administrator with the Seventh District, the only two districts in the state that do so. As such, the District Administrator, along with the Chief Judges in the two districts, supervises the court administrators and staff in 23 counties having a total of 41 judges. The joint District Administration Office has 9.65 FTE staff. This

arrangement has spawned a number of collaborations between the two districts to reduce costs through economies of scale while simultaneously ensuring stable or better customer service. Examples include human resources, finance, information technology support, and emergency office coverage across district lines. Additional functions that remain district centered but may eventually be merged in the future include jury management, GAL coordination, and court interpreter scheduling. Such successful joint ventures are instructive for other districts; epitomizing sound reengineering principles.

Some Eighth District county seats are closer to the county seats in the Seventh District than to other county courthouses in their own district. For efficiency sake, it stands to reason that in such instances there should be no management reticence to expanding the practice of staff coverage between districts to assist in staffing shortages.

Similarly, where judicial assignments or justice system agency (i.e., law enforcement officers obtaining search warrants or emergency orders) access to neighboring districts benefit the public good and do not substantially diminish productivity in the resident district or county, it should be encouraged. Based on the configuration of judicial districts, there is little doubt that efficiencies can be gained in crossing district boundaries to facilitate the overall work of the court. There is precedent nationwide for sharing resources among jurisdictions when judges in one jurisdiction routinely work in another to assist in caseload processing.

The December 2009 Access and Service Delivery 2 Committee recommended that the Judicial Council consider extending the practice in the joint Seventh and Eighth District Administrative Office to other districts. NCSC consultants concur.

## **CHAPTER V. STRATEGY ONE: ADVANCE CURRENT ADMINISTRATIVE IMPROVEMENTS**

The Eighth District is positioned well as a model for other rural districts and to push the boundaries further to economize, raise productivity, and profile more efficient practices to a statewide audience. Too often court leaders focus on crisis management and short-term efforts at addressing adverse economic conditions in the hope that things will eventually drift back to “times past.” Certainly, short range solutions (i.e., hiring freezes, lay-offs, mandatory furloughs, vacancy savings, etc.), although limited in their long term impacts, are effective in many respects. They often are unavoidable when abrupt systemic disruptions occur as they did in the recent recession.

Solid, long-term transformational reforms, not quick fixes, are needed to reposition trial courts for a challenging, high-tech, more austere future. Three reasons argue for shifting focus from stop-gap measures to long-term solutions. First, they foster rapid and long-lasting productivity growth, a central factor in doing more with less. Second, they provide strong incentives for business process reengineering, a key advantage in modernizing court operations. Third, they offer broader, more convenient ways to access court services in high-tech, cost-effective ways. The strategies outlined below capture these directions.

### **A. Streamline Court Administrator Reporting Structure**

Although the process for appointing and overseeing court administrators has historically proven workable in most instances, it is structurally unsound. Modern management practices argue against such bi-furcated appointment and supervisory patterns to limit divisiveness in command and control processes (unity in management, decisions, goals and intent), reduce conflicting roles, responsibilities and relationships, and promote clearer accountability. The Minnesota Constitution provides that the District Court Clerk serves at the pleasure of the majority of the judges of the district court in each district. Pursuant to M.S. 484.68, Subd. 4, however, the District Administrator is given authority to supervise the Court Administrators of the district. We believe that the District would be better governed and managed if the District Judges delegate to the District Administrator complete authority to hire, direct, supervise and manage the performance of the District's Court Administrators.

**Recommendation 1:** *Court administrators should be professionals who are appointed by the District Administrator, are responsible to the District Administrator and who serve at the pleasure of the District Administrator.*

## **B. Expand Court Reporters' Courtroom Responsibilities**

The District presently has nine court reporters. One of the court reporters is a stenographic reporter. He does stenographic reporting for trials and some other hearings; for many other hearings, he monitors the digital recording equipment. The other court reporters monitor the digital recording equipment.

On numerous occasions, for many different types of hearings, a judge will take the bench without a court reporter. In those situations, the senior court clerk who is in the courtroom to perform the in-court updating functions monitors the digital recording equipment to preserve the record. The senior clerk also marks exhibits and prepares the newly established uniform sentencing orders for the judge to sign on the bench before the litigant leaves the courtroom. From all accounts, this works well. The senior clerks have not experienced any problems keeping the record nor producing an accurate transcript when ordered. As a result, a single person has been able to perform the courtroom duties traditionally done by a court reporter and senior court clerk.

Currently, when a court reporter is available and is in the courtroom to monitor the digital recording equipment and mark exhibits, the court reporter does not perform the in-court updating nor prepare the standard courtroom orders for the judge to sign on the bench. The NCSC consultants believe that with adequate training, the highly skilled court reporter would be able to perform the multiple tasks as well as the senior court clerk. This would enable the senior court clerk to perform necessary duties in the clerk's office, including assisting persons who appear at the counter as a result of the court hearings in progress.

Implementing this change will be a challenge for the judges, court reporters, court administrators and senior court clerks in the Eighth District. Court reporters would be asked to perform work traditionally the responsibility of court administration. Many court reporters do not have the knowledge of MNCIS to perform the necessary data entry and to print the necessary orders in the courtroom. Responsibility for training the court reporters and for the quality of their work would need to be delegated by the judges to the court administrators.

The Access and Service Delivery 2 Committee has estimated, assuming the court reporter using digital recording technology is able to serve as sole courtroom coverage, the return on investment (ROI) would be workload savings to court administration, EPDQ data estimates an approximate range of 114-133 case related FTEs currently engaged in this work (statewide), which has a rough value of \$6,384,000-\$7,448,000 based on average salary of \$56,000.



**Recommendation 2:** *One person, either the court reporter or senior court clerk, should be assigned to the courtroom to monitor the digital recording equipment, perform the in-court updating tasks, mark exhibits and otherwise assist the judge as needed. To effectively implement this recommendation, the following must be accomplished.*

- *Court reporters should be fully trained on MNCIS, court procedures, and specific in-court updating processes.*
- *The court reporter's supervising judge should establish the expectation that the court reporter perform the in-court updating tasks at the direction of and to the satisfaction of the court administrator and delegate responsibility for training and performance of in-court updating procedures to the court administrator.*
- *The senior court clerk's job description should be reviewed to ensure that it contains the required skill set and characteristics necessary to perform the multiple tasks set forth in the 2007 Final Report on the In-Court Updating Pilot Project.*
- *District leaders should explore remote monitoring of the digital recording equipment to enable a court reporter or senior court clerk working in another county in the District to monitor the recording equipment when neither a court reporter nor senior court clerk can perform that task on-site.*

### **C. Manage by Multi-County Assignment Areas within the District**

There is logic to the three region management model as currently structured. Filings within the regions are somewhat balanced, court size and problem sets are interconnected, and assigned judges and court administrators not only live within the regions but often grew up and worked there locally before employed by the court system. The regions are closely intertwined with District strategies and directions, receive universal organization needs such as human resources, information technology, and budget/expenditure oversight from the central Judicial District Office, and conceptualize themselves as part of a district wide structure. Furthermore, judges are appointed and elected district wide.

Based on observations, interviews and a review of policies, memos and operational procedures, NCSC consultants conclude the three multi-county assignment areas are not functioning as active management sub-units as originally intended by the District's Strategic Plan. While the three judges assigned to Kandiyohi County work with the county's court administrator to develop scheduling practices in the county, they do not work with the other judges in the Central Assignment Area to develop practices for the entire sub-unit. The judges in the six-county North Assignment Area do not appear to engage in collective decision-making nor promote common operational and calendaring policies for that management region.

While some of the judges in the assignment areas do use common forms and practices, others have established their calendaring and scheduling practices. Statement of Rights forms and routine form orders may also be different. This makes it difficult and time consuming for

court administrators and senior court clerks to prepare, provide and keep track of what notices, statements and form orders to provide, depending on what judge they are assisting on that day. Attorneys practicing within the assignment area must similarly adjust. These individual practices work against the consolidated shared court administrator approach. The courts should review their current practices, procedures and forms in the assignment areas and work at standardizing practices.

NCSC consultants believe that the assignment areas within the Eighth District would best provide quality services at less cost by establishing a new management structure consisting of one presiding judge and, over time and through attrition, one court administrator for each assignment area responsible for developing consistent effective practices throughout the assignment area. The presiding judge would be designated by the chief judge and serve as a leader of the other judges in the area to develop consistent scheduling practices and to agree on uniform practices and procedures and form orders.

The presiding judge would take a lead in working with the Coordinating Council for the assignment area to encourage attorneys, law enforcement, probation and others involved in the court system to develop uniform practices that achieve the best outcomes at the least expense. See Section V.F. below.

The presiding judge would also work with the area judges and court administrator to develop procedures that achieve case management goals, including but not limited to clearance rates, time to disposition, age of the pending calendar and time certainty, monitor that achievement and report to the chief judge on the results.

**Recommendation 3:** *To enhance efficiency of court staff and court users, each assignment area should function as a single unit with uniform policies and procedures designed to enable the assignment area to hear and dispose of cases, manage its records and provide services to court users in ways consistent with state policies and appropriate to the counties within the assignment area. To accomplish this, we recommend that the chief judge designate a presiding judge of the assignment area to work with the court administrators to manage the work: to establish formal calendaring and assignment policies that optimize the deployment of judicial officers consistent with the region's adjudication needs and an annual set of operational strategies and priorities to improve productivity, lower costs and improve access to justice in the region. Through attrition, each assignment area will in the future have one court administrator to work with the presiding judge. The chief judge and district administrator should oversee, promote and coordinate regional plans in the best interests of the public, District and Judicial Branch.*

#### **D. Expand Use of Interactive Video Television (ITV)**

As discussed earlier in this report, interactive video television is used by various judges and subordinate judicial officers to hear some matters in the Eighth District, but not all. Uniformity by judicial officers in adjudication methods, practices and options is an extremely important ingredient in developing a district-wide system that is efficient and consistent. See Section III. D. 1 (page 12) for a discussion of the use of interactive video television in Minnesota.

**Recommendation 4:** *ITV should be utilized more than it is currently used in the District. Judges should routinely use ITV for standard motion and non-dispositive hearings in civil cases. In addition, judges who must travel to another courthouse to be in the courtroom with the litigants and attorneys should consider conducting that hearing via ITV consistent with the ITV rules from their chambered courthouse.*

#### **E. Intensify Joint Administration of the Seventh and Eighth Districts**

There are numerous instances where court employees cross district boundaries to assist one another. It is largely ad hoc when emergencies and coverage problems arise unexpectedly. It is somewhat inconclusive how much inter-district judge worksharing takes place. Most jurisdictions nationwide require special state Supreme Court orders for pro tem judges to assist another jurisdiction. It would seem reasonable, since district lines have historically been subject to change, and all district judges in Minnesota possess statewide jurisdiction, that standard operational plans could be crafted for regular inter-district judicial and staff worksharing between the Seventh and Eighth Districts.

While Minnesota now has a fairly simple process to obtain Supreme Court authorization to enable judges to hear matters across District lines, the NCSC consultants believe that new procedures can be developed to change the culture and the practice of establishing more regular court assignments. Leadership in the Seventh and Eighth Districts should examine volume of work and distance when developing calendars and assignments with the goal of sharing judicial resources in productive ways.

As stated elsewhere in the report, some counties in the Eighth District border counties in the Seventh District. NCSC consultants learned from a Sheriff in one of these border counties that, because of jurisdictional restrictions, his deputies must often make longer prisoner transports to an Eighth District courthouse than if they could transport a defendant to a closer Seventh District courthouse for an appearance on a short cause matter. An analysis of the Seventh District was not included in this project. However, based on interviews conducted, the NCSC consultants believe the Sheriff's concern is justifiable and one example of the need and benefit to making it routine for judges to hear certain matters across District lines. Admittedly,

there are logistic complications for other justice system agencies and representatives (i.e., county attorney, public defender, witnesses or victims) that may be required at such events. In spite of this, and with the effective use of ITV and other appropriate technologies, the NCSC consultants feel such inter-district appearances should be encouraged to promote more efficient, economical, timely case processing.

**Recommendation 5:** *The Seventh/Eighth District Administrator and a select group of court administrators should advance plans to the judicial leadership and judges en banc of the Seventh and Eighth Judicial Districts for:*

- *Consistent work sharing among the staff of the two districts where efficiencies, travel distance, and resources warrant.*
- *Regular assignments of judges of the two districts where volume and distance warrant.*
- *Subordinate judicial officer work sharing.*

## **F. Work Beyond Court Boundaries through Coordinating Councils**

In spite of a District orientation on the part of the trial court, most justice system agencies that work with the court on a daily basis are not organized around the same geographic concept in either theory or practice. Public lawyers, sheriffs, police departments and even private lawyers and defense attorneys who are more mobile and practice in numerous counties are predominantly locally driven. Consequently, county or municipal justice attitudes, values and beliefs generally prevail over district ones. In such a situation, the balance between decentralized and centralized management is not an either/or solution, but a blend of each to maximize their strengths and minimize their disadvantages.

Most current initiatives to streamline work and technology practices in the District target the judicial system alone.<sup>17</sup> There is limited integration with other justice system partners and no

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<sup>17</sup> Statewide justice system collaboration has been an active pursuit by the Chief Justice and SCAO through three collaborative bodies developed in the last few years to address overlapping budget issues and core criminal and civil justice functions. A *Criminal Justice Forum* reviewed statutes, court rules, practices, and policies to identify ways to better coordinate and prioritize case processing and improve Minnesota's justice system. It included representatives from the Association of Minnesota Counties, the Minnesota Department of Corrections, the Minnesota County Attorneys Association, the Minnesota City Attorneys Association, the Minnesota Association of Community Corrections Act Counties, the Metropolitan Inter-County Association, the Minnesota Bar Association Criminal Section, the Minnesota Public Defenders, the Minnesota Department of Public Safety, the Minnesota Sheriffs Association, and the Minnesota Chiefs of Police Association. In 2009, a *Civil Justice Forum* was created for the purpose of examining civil justice practices in search of new efficiencies and potential cost savings. Its membership included the Minnesota State Bar Association, the American Board of Trial Advocates, the Minnesota Association for Justice, the Minnesota Defense Lawyers Association, Civil Legal Services, the Minnesota City Attorneys Association, and the Minnesota County Attorneys Association. A *Coalition to Preserve Minnesota's Justice System* was also established by the Chief Justice to advocate for adequate funding for Minnesota's justice system. Coalition members included the Minnesota State Bar Association, the Hennepin County Bar Association, the Ramsey County Bar Association, the Minnesota Board of Public Defense, the Minnesota City Attorneys Association, AFSCME, the Teamsters, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police

apparent broad-scoped, multi-agency, viable coordinating body. The NCSC consultants conjecture is that it stems partly from the fact that many justice agencies are local government based (i.e., sheriffs, police, and prosecutors), and those that are not, such as the public defender, look to be ardently independent, or part of larger, insulated state bureaucracies (i.e., probation, state crime bureau, highway patrol) having objectives and priorities different from the Judicial Branch; although not necessarily at odds with the Branch.

One notable exception to this lack of integration with the other justice system partners is the very successful Tri-County System in operation for 17 years:

### **The Tri-County Calendar**

Under the leadership of now retired Judge Christopherson and former Chief Judge Nelson, the judges and stakeholders in Chippewa, Lac qui Parle and Yellow Medicine Counties developed a collaborative, regional caseflow process for scheduling and disposing of criminal cases among those three counties. The Tri-County System, developed 17 years ago has proven to speed case resolution, reduce travel (windshield) time, and embrace the basic elements of sound case management.

The individual counties have few major criminal cases filed each year. In 2009, approximately 100 criminal cases were filed in Chippewa, 50 were filed in Lac qui Parle, and 110 in Yellow Medicine. By operating the three courts in effect as one, they gain the critical mass to make the time of the prosecutors, defense attorneys, and the judges much more productive.

While the processes being used are important, the key to success, as related to the NCSC consultants by an assembly of stakeholders, is the “spirit of collegiality and professionalism among all participants. Everyone helps to make it work for themselves and everyone else.”

Initial appearances for cases filed in Yellow Medicine are held every other week in the morning in that county. Initial appearances for cases filed in Chippewa and Lac Qui Parle are held in the afternoon in Chippewa. The judges take private attorney and in-custody cases first to accommodate private counsel and sheriff transport officers who are on tight schedules.

The prosecutors – all county and city attorneys – deliver all discovery to defense counsel at the first appearance. This enables public defenders and private lawyers to

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Association, the Minnesota Association of Verbatim Reporters and Captioners, the Legal Services Coalition, and the League of Women Voters of Minnesota.

meet with prosecutors and get to the bottom line quickly; “bypassing the huffing and puffing,” as some public lawyers noted, “that is all too common in other jurisdictions.”

Settlement conferences are scheduled according to the nature of the case, additional discovery, complexity or other issues on the following week or as soon as can be scheduled, prior to a judge being assigned to the case. This enables the settlement judge to preside over and engage in the discussions without prejudicing anyone’s rights. Settlement conferences are held prior to the omnibus hearing. Two-thirds of the cases come to settlement at this point. Consequently, there are fewer motions filed and heard, fewer hearings per case, and fewer cases exceeding the time standards.

Community Corrections conducts a pre-sentence investigation analyzing criminal history and severity of the offense to arrive at a sentencing recommendation based on Minnesota’s sentencing guidelines. All information, including the sentencing grid points, is provided to the court and lawyers prior to the sentencing conference. This reinforces the transparency of the process.

The Tri-County System has enabled the three low-volume courts in the South Assignment Area to collaborate to resolve cases promptly with fewer resources. Renville County, the fourth county in the South Assignment Area, is not part of this consolidated calendaring approach. It is a higher volume court with one full-time chambered judge.

While the Eighth District as a whole conducts 3.46 hearings per major criminal case, the courts in the Tri-County System resolve cases with an average of 2.96 hearings per case.

In 2008 and again in 2009, approximately one percent of the major criminal cases in the Tri-County System were disposed of beyond the one year time standard. In the Eighth District as a whole, approximately three percent were disposed of beyond the standard. Statewide approximately eight percent of the major criminal cases were disposed of beyond the one year standard.

The keys to making the Tri-County System successful are:

- The three counties share a single court administrator and the same probation officers and use the same uniform sentencing forms.
- All stakeholders participate in developing and refining the caseflow process.
- All stakeholders are concerned with making the process efficient for all other stakeholders. Everyone wants predictability. No one wants to prepare the same case multiple times for the same event.

The process establishes a norm under which everyone has clear expectations and works according to the norm.

NCSC consultants are fully aware that attempts to replicate the Tri-County System to other courts in the District have been frustrating and unsuccessful.

We also know that the three probation delivery systems in the Eighth District also create problems in developing coordinated uniform practices outside of the Tri-County System. The mixture of judge appointed probation agents for misdemeanor and juvenile offenders, state probation agents for felony offenses, with agents paid by the county is problematic. Adding in the separate Community Corrections system and the system that has local probation agents who are state employees contracting with the counties for all level of probation makes progress in developing effective uniform practices extremely challenging.

These are just two examples of the numerous problems and difficulties that judges and court administrators have experience in their attempt to develop effective coordinating councils.

However, we feel that this is the time to renew efforts to bring all parties to the table to develop new processes that work for the betterment of the clients and make the best use of the time and resources of all the players.

It will be difficult and may need to be approached in a phased way. The reality is that not only the courts, but all publicly funded agencies need to operate under a "new normal." Current funding of all components of the criminal justice system is not sustainable. Policy makers and those funding the criminal justice system may need to get involved to encourage all components of the system to look at new ways of reaching fair outcomes for all at less expense to all and, if necessary, to create new structures, funding controls, and/or rules of procedure to encourage full and fruitful participation in the process.

The coordinating councils will need to work towards developing uniform best practices that provide justice to the clients at the least expense to the taxpayers. They need to establish practices that make every hearing a meaningful event that moves the case to a just resolution. All parties should be expected to be prepared for every hearing, continuances should be rare and only for just cause, parties should be able to waive rights not to proceed to the next event only after being able to articulate how insisting on the delay is in the interests of their client and is needed to protect the rights of their client.

Courts may need to identify new data to help to identify how the criminal justice system is functioning in order to encourage participants to develop more effective practices. Examples of data that could be tracked include: continuances and the reasons therefore, non-waivers by attorney and the reasons therefore, the number of hearings per case and the outcomes of each

hearing (i.e., did it advance the case to disposition). The results of the tracking should be brought to the coordination councils for discussion on how to improve on the effectiveness of court events and how changes can be made to make the best use of everyone's time.

**Recommendation 6:** *The multi-county judicial districts are tasked with coordinating efficiencies among a vast array of justice system agencies and officials. The Eighth District is at an advantage based on their three administrative assignment districts. Here, there is an opportunity to lead the way for other rural districts by directing the newly created single presiding judge and the court administrators in each assignment area to meet periodically with law enforcement, public lawyers, corrections, county, city and state officials to coordinate local and statewide initiatives directed at reducing data entry and procedural redundancies in the movement of information and cases to, through, and from the court. Such efforts must be in harmony with District and Judicial Branch initiatives and priorities. District or state based pilot projects are useful and effective ways to stimulate cooperation, engage participants, and generate timely results.*

*In developing these justice system procedures and policies, the presiding judge and court administrators of the assignment areas should be guided by the approach used by those who developed the Tri-County System in handling criminal matters. Each Area should develop and implement case management practices that work for all stakeholders in the Area and result in quality dispute resolution within established time standards. All hearings scheduled and heard should be meaningful events that move the case to disposition.*

## **G. Adopt Statewide Technology at a Heightened Pace**

Technology solutions hold great productivity enhancement capacity for trial courts given their high dependence on paper records and routine business processes. The statewide Branch high-tech plans are proven answers to simplify many work intensive procedures. The District would be wise to incorporate as many of them as soon as practical given the available resources.

Pursuant to the current statewide rollout, all counties are scheduled for implementation of the Payment Center initiatives by June, 2011, except for the e-Citation component.

At this time, only Meeker is scheduled for roll out of e-Citations. We expect that implementation of e-Citation will dramatically reduce the workload in the courts. While we acknowledge that roll-out will require law enforcement to take on additional expense in the short-term to purchase and install the necessary software, the leadership in the Eighth District should continue to work with them to promote the advantages of e-Citation and to help search for grants and other sources of revenue to advance this initiative.



E-Charging has been implemented in Kandiyohi County, where prosecutors are now filing criminal complaints electronically. Two additional counties in the Eighth District were scheduled to implement e-Charging in July 2010. The Eighth District leadership should develop a plan with a short timetable to implement e-Charging and Civil e-Filing in all counties.

The state plans to develop an electronic document management system. An EDMS is a crucial element of the state's e-everything approach to the filing, management and retention of court records. Until the state and the Eighth District can create an electronic file, with paper produced only on demand, many of the personnel savings anticipated from electronic filing cannot be achieved.

**Recommendation 7:** *All counties in the Eighth District should fully implement all of Minnesota's current technology initiatives, as described in Chapter III of this Report, as soon as possible.*

## **H. Specialize District Work Functions at Various Courthouses**

The Minnesota Judicial Branch has discussed establishing offices where court staff will specialize in processing functional case types for the entire district or for multiple districts in the state. Staff specializing in processing these cases without interruption from other types of cases, will be able to use their expertise to handle these cases with greater accuracy and in less time.

Minnesota is moving to transition all court payables processing to the virtual Court Payment Center, and to provide centralized assistance to litigants without lawyers statewide through the state Self-Help website with staff support from the Self-Help Center in Hennepin County. The NCSC consultants recommend a continuing review of what additional functions can and should be centralized. However, until all technology initiatives envisioned for the next few years are fully implemented, and until a staffing study which takes into account the workload required to operationalize an e-everything world, it is too early to tell how such specialized functional offices should be staffed or how many would be needed in the districts or at the state level.

To be clear, centralization of process does not necessarily mean centralization in one location. As technology initiatives are implemented and as certain data entry and records management workload is reduced, we expect that the work that now justifies full time staff in some courthouses will no longer so justify. District leaders should explore whether the staff in those courthouses can take on certain centralized functions when court is not in session and when the office is closed to the public or only open for limited hours. Such centralized functions could include, but are not limited to:

- Answering Telephone and E-Mail Queries as a Call Center

- Processing Probate Annual Reports
- Taking Self-Help Center Calls, as an annex to the statewide center in Hennepin County
- Jury Management
- Docketing Civil Judgments
- Preparing Default Judgments
- Accepting E-Filing Data into MNCIS
- Performing Necessary MNCIS Updating and Control Functions

## **CHAPTER VI. STRATEGY TWO: PINPOINT ECONOMIES IN COURTHOUSE STAFF WORK**

In an effort to collect current data about the duties and work of non-judicial employees in the 13 courthouses of the Eighth District, the NCSC consultants, in concert with District leaders, conducted two separate ten-day workload surveys. One in May/April 2010 (hereinafter referred to as Survey 1) and another in September 2010 (hereinafter referred to as Survey 2). Specially constructed confidential Internet surveys were developed to electronically gather, transmit and analyze the data at NCSC's Denver Court Consulting Services Division.

The results are revealing and summarized by county in substantial detail within the Appendices. Survey 1 collected data on the amount of time that court staff spent travelling to other locations, and, also, how much time staff at each courthouse performed what was identified as front office, back office, and judge/courtroom support work in all 13 counties on each day during the survey period regardless of what was calendared.

- ✓ *Front office work* focused on customer service provided at the counter and over the phone. Participants not only broke out the number of instances but recorded the time in minutes related to six common categories of customer, namely potential or actual litigant, attorney, government agency (i.e., sheriff, corrections, etc.), collection agency, self-represented litigant, law library patron.
- ✓ *Back office work* related to MNCIS activities, records management, financial operations, and administrative tasks. Here, staff recorded the number of minutes they spent doing those different tasks.
- ✓ *Judge and courtroom support duties* were recorded under four areas, including case calendaring, courtroom coverage, court reporting duties, and preparing transcripts.

Survey 2 had a much narrower focus, specifically front office work conducted at the courthouses on days when court was not in session. Work-related data was gathered on who came to the counter, and who telephoned or emailed the court, and for what purposes. Collectively, over a ten day period between September 13 and September 24, 2010, there were a total of 59 (45%) out of a possible 130 days among the 13 counties in the District when no court was in session or scheduled at a courthouse. As was expected, the three high volume counties in the District – Kandiyohi, Renville and Meeker – had court activity scheduled every day so no data was collected from them. During the ten day survey period, non-court days in the remaining ten counties ranged from a high of nine to a low of two days as listed in the parentheses (n) behind each county name... Big Stone (9), Traverse (9), Lac qui Parle (8), Stevens (7), Wilkin (7), Grant (5), Pope (4), Yellow Medicine (4), Chippewa (3), and Swift (3).

## **A. Survey of Overall Clerk's Office Operations**

In measuring the overall work of court administration staff in the District's 13 courthouses during ten days in April/May, collectively they spent an average of 75 percent of their working time in back office work, nine percent on judge and courtroom support, and 16 percent in front office work (equally divided between work at the counter and work on the phone).

Back office work included MNCIS activities, records management, financial management and administrative duties. As Minnesota implements e-filing (including e-citation, e-charging, and e-civil) and centralized payables, little of this work would need to be performed at the courthouse. Some of the work, principally entering new filing data into MNCIS, will be eliminated or dramatically reduced as paper documents eventually are transformed to digitized data. Case files, now paper, will also become electronic and many of the records management functions, such as file retrieval and storage, will be eliminated. Other work, such as collecting and depositing fine payments can be done from the centralized payment center. The NCSC consultants recommend the constant monitoring of the amount of work that is or could be eliminated or transferred to other locations as the planned technology initiatives are implemented. Productivity improvement through technology and centralization will be huge.

Modernizing judge and courtroom support work will provide the smallest productivity gains for the District given that it currently requires the least amount of time vis-à-vis all staff work. This will likely be true for many other low volume rural courts throughout Minnesota.

District-wide only an average of 2.5 hours per day, or nine percent of the total courthouse work time, (19,145 minutes out of 218,800 total minutes) is spent on judge and courtroom support. Through In-Court Updating (Section III.D.1.), Minnesota has taken steps to streamline some of the courtroom support work through technology. The creation of an Electronic Document Management System will reduce time spent retrieving and storing files now carried into the courtroom. There may be potential to automate the calendaring and noticing work now being done as a component of courtroom support.

The potential for streamlining courtroom is also discussed in Section V.B.: Expand Court Reporters' Courtroom Responsibilities. The Eighth District is making progress in having one person in the courtroom, a senior court clerk or a court reporter responsible for both monitoring the digital recording equipment and performing in-court updating: entering data into MNCIS and preparing orders for the judge's signature.

**Survey 1 Composite Results (13 counties)**

Eighth Judicial District Staff Time Study  
April 26, 2010 - May 7, 2010

| County Name  | Big Stone     | Chippewa      | Grant         | Kandiyohi     | Lac qui Parle | Meeker        | Pope          | Renville      | Stevens       | Swift         | Traverse      | Wilkin        | Yellow Medicine | District Total |
|--|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-----------------|----------------|
| <b>Minutes taken today for vacation, sick leave, furlough and breaks</b> |               |               |               |               |               |               |               |               |               |               |               |               |                 |                |
| Vacation Time - Total Daily Minutes                                      | 0             | 1020          | 1080          | 1215          | 1710          | 360           | 0             | 965           | 270           | 2280          | 0             | 2400          | 2250            | 13550          |
| Sick Leave - Total Daily Minutes   | 0             | 195           | 0             | 1955          | 0             | 4560          | 615           | 1545          | 90            | 90            | 0             | 2520          | 0               | 11570          |
| LSS - Total Daily Minutes  | 300           | 1080          | 600           | 2070          | 635           | 2700          | 750           | 690           | 600           | 1140          | 650           | 870           | 1170            | 13255          |
| VUSSL - Total Daily Minutes  | 0             | 0             | 0             | 1560          | 0             | 10            | 0             | 450           | 0             | 0             | 0             | 180           | 0               | 2200           |
| Total of AM/PM Breaks - Total Daily Minutes                              | 135           | 0             | 435           | 3780          | 280           | 2760          | 150           | 465           | 135           | 800           | 485           | 555           | 375             | 10355          |
| Lunch Break - Total Daily Minutes  | 450           | 2015          | 435           | 3780          | 500           | 3100          | 1140          | 2370          | 690           | 1200          | 615           | 750           | 915             | 17960          |
| <b>Total Minutes</b>   | <b>885</b>    | <b>4310</b>   | <b>2550</b>   | <b>14360</b>  | <b>3125</b>   | <b>13490</b>  | <b>2655</b>   | <b>6485</b>   | <b>1785</b>   | <b>5510</b>   | <b>1750</b>   | <b>7275</b>   | <b>4710</b>     | <b>68890</b>   |
| <b>Percent of Total Daily Minutes</b>                                    | <b>18.04%</b> | <b>21.45%</b> | <b>23.83%</b> | <b>21.68%</b> | <b>28.40%</b> | <b>23.92%</b> | <b>18.01%</b> | <b>22.15%</b> | <b>17.86%</b> | <b>28.19%</b> | <b>15.91%</b> | <b>36.22%</b> | <b>26.69%</b>   | <b>23.62%</b>  |
| <b>Percent of Total Daily Minutes excluding Vacation/Leave Time</b>      | <b>0.00%</b>  | <b>0.00%</b>  | <b>0.00%</b>  | <b>0.00%</b>  | <b>0.00%</b>  | <b>0.00%</b>  | <b>0.00%</b>  | <b>0.00%</b>  | <b>0.00%</b>  | <b>0.00%</b>  | <b>0.00%</b>  | <b>0.00%</b>  | <b>0.00%</b>    | <b>0.00%</b>   |
| <b>Travel</b>  |               |               |               |               |               |               |               |               |               |               |               |               |                 |                |
| Number of staff traveled to a different county for work today.           | 0             | 0             | 0             | 0             | 2             | 3             | 0             | 7             | 0             | 1             | 1             | 2             | 4               | 20             |
| Counties traveled to:  |               |               |               |               |               |               |               |               |               |               |               |               |                 |                |
| Round Trip Travel Time   | 0             | 200           | 90            | 0             | 165           | 120           | 120           | 140           | 0             | 50            | 150           | 0             | 280             | 1315           |
| <b>Total Minutes</b>   | <b>0</b>      | <b>200</b>    | <b>90</b>     | <b>0</b>      | <b>165</b>    | <b>120</b>    | <b>120</b>    | <b>140</b>    | <b>0</b>      | <b>50</b>     | <b>150</b>    | <b>0</b>      | <b>280</b>      | <b>1315</b>    |
| <b>Percent of Total Daily Minutes</b>                                    | <b>0.00%</b>  | <b>1.00%</b>  | <b>0.84%</b>  | <b>0.00%</b>  | <b>1.50%</b>  | <b>0.21%</b>  | <b>0.81%</b>  | <b>0.48%</b>  | <b>0.00%</b>  | <b>0.26%</b>  | <b>1.36%</b>  | <b>0.00%</b>  | <b>1.59%</b>    | <b>0.45%</b>   |
| <b>Percent of Total Daily Minutes excluding Vacation/Leave Time</b>      | <b>0.00%</b>  | <b>1.27%</b>  | <b>1.10%</b>  | <b>0.00%</b>  | <b>2.09%</b>  | <b>0.28%</b>  | <b>0.99%</b>  | <b>0.61%</b>  | <b>0.00%</b>  | <b>0.36%</b>  | <b>1.62%</b>  | <b>0.00%</b>  | <b>2.16%</b>    | <b>0.59%</b>   |

Eighth Judicial District Staff Time Study

April 26, 2010 - May 7, 2010

| County Name  | Big Stone    | Chippewa     | Grant        | Kandiyohi    | Lac qui Parle | Meeker       | Pope         | Renville     | Stevens      | Swift         | Traverse      | Wilkin       | Yellow Medicine | District Total |
|--|--------------|--------------|--------------|--------------|---------------|--------------|--------------|--------------|--------------|---------------|---------------|--------------|-----------------|----------------|
| <b>Front Office Customer Assistance</b>  |              |              |              |              |               |              |              |              |              |               |               |              |                 |                |
| <b>The Total number of minutes and count of individuals seen at the counter</b>      |              |              |              |              |               |              |              |              |              |               |               |              |                 |                |
| Litigant - Number of Customers   | 22           | 147          | 43           | 512          | 24            | 460          | 55           | 208          | 93           | 155           | 57            | 37           | 100             | 1913           |
| Litigant - Counter Time (minutes)  | 80           | 540          | 200          | 2205         | 265           | 1565         | 210          | 1393         | 245          | 540           | 200           | 95           | 570             | 8108           |
| Attorney - Number of Customers   | 9            | 48           | 27           | 56           | 16            | 91           | 53           | 83           | 23           | 75            | 56            | 24           | 48              | 609            |
| Attorney - Counter Time (minutes)  | 40           | 95           | 95           | 245          | 130           | 320          | 185          | 306          | 65           | 290           | 230           | 95           | 190             | 2286           |
| Government Agency - Number of Customers  | 8            | 27           | 33           | 154          | 30            | 52           | 24           | 7            | 40           | 47            | 72            | 41           | 18              | 553            |
| Government Agency - Counter Time (minutes)   | 45           | 65           | 145          | 445          | 180           | 230          | 110          | 22           | 65           | 165           | 450           | 180          | 160             | 2262           |
| Collection Agency - Number of Customers  | 0            | 0            | 0            | 0            | 0             | 0            | 0            | 0            | 0            | 0             | 0             | 0            | 0               | 0              |
| Collection Agency - Counter Time (minutes)   | 0            | 0            | 0            | 0            | 0             | 0            | 0            | 0            | 0            | 0             | 0             | 0            | 0               | 0              |
| Pro Se Help - Number of Customers  | 4            | 29           | 13           | 121          | 9             | 74           | 27           | 58           | 3            | 25            | 2             | 61           | 16              | 442            |
| Pro Se Help - Counter Time (minutes)   | 40           | 170          | 100          | 520          | 110           | 310          | 205          | 255          | 5            | 285           | 15            | 335          | 255             | 2605           |
| Law Library Help - Number of Customers   | 0            | 0            | 0            | 1            | 0             | 0            | 0            | 0            | 0            | 0             | 1             | 0            | 0               | 2              |
| Law Library Help - Counter Time (minutes)  | 0            | 0            | 0            | 5            | 0             | 0            | 0            | 0            | 0            | 0             | 10            | 0            | 0               | 15             |
| Other - Number of Customers  | 20           | 11           | 5            | 77           | 17            | 22           | 51           | 48           | 13           | 53            | 43            | 4            | 4               | 368            |
| Other - Counter Time (minutes)   | 90           | 55           | 30           | 385          | 115           | 80           | 210          | 237          | 30           | 140           | 215           | 15           | 25              | 1627           |
| <b>Counter Subtotal Total Minutes</b>  | <b>295</b>   | <b>925</b>   | <b>570</b>   | <b>3805</b>  | <b>800</b>    | <b>2505</b>  | <b>920</b>   | <b>2213</b>  | <b>410</b>   | <b>1420</b>   | <b>1120</b>   | <b>720</b>   | <b>1200</b>     | <b>16903</b>   |
| <b>Counter Subtotal Percent of Total Daily Minutes</b>                               | <b>6.01%</b> | <b>4.60%</b> | <b>5.33%</b> | <b>5.74%</b> | <b>7.27%</b>  | <b>4.44%</b> | <b>6.24%</b> | <b>7.56%</b> | <b>4.10%</b> | <b>7.27%</b>  | <b>10.18%</b> | <b>3.58%</b> | <b>6.80%</b>    | <b>5.80%</b>   |
| <b>Counter Subtotal Percent of Total Daily Minutes excluding Vacation/Leave Time</b> | <b>7.34%</b> | <b>5.86%</b> | <b>6.99%</b> | <b>7.33%</b> | <b>10.15%</b> | <b>5.84%</b> | <b>7.61%</b> | <b>9.71%</b> | <b>4.99%</b> | <b>10.12%</b> | <b>12.11%</b> | <b>5.62%</b> | <b>9.27%</b>    | <b>7.59%</b>   |

Eighth Judicial District Staff Time Study  
April 26, 2010 - May 7, 2010

| County Name  | Big Stone     | Chippewa      | Grant         | Kandiyohi     | Lac qui Parle | Meeker        | Pope          | Renville      | Stevens       | Swift         | Traverse      | Wilkin        | Yellow Medicine | District Total |
|--|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-----------------|----------------|
| <b>Front Office Customer Assistance</b>  |               |               |               |               |               |               |               |               |               |               |               |               |                 |                |
| <b>The Total number of minutes and count of individuals assisted on the phone</b>      |               |               |               |               |               |               |               |               |               |               |               |               |                 |                |
| Litigant - Number of Customers   | 13            | 196           | 55            | 534           | 68            | 389           | 43            | 150           | 112           | 109           | 26            | 24            | 132             | 1851           |
| Litigant - Phone Time (minutes)  | 55            | 685           | 245           | 2045          | 280           | 1045          | 135           | 564           | 210           | 330           | 105           | 100           | 615             | 6414           |
| Attorney - Number of Customers   | 24            | 74            | 41            | 256           | 57            | 209           | 98            | 125           | 96            | 70            | 72            | 105           | 36              | 1263           |
| Attorney - Phone Time (minutes)  | 70            | 295           | 180           | 1175          | 210           | 680           | 260           | 483           | 150           | 305           | 270           | 405           | 190             | 4673           |
| Government Agency - Number of Customers  | 23            | 41            | 34            | 82            | 65            | 50            | 76            | 46            | 110           | 36            | 38            | 97            | 25              | 723            |
| Government Agency - Phone Time (minutes)   | 70            | 165           | 150           | 410           | 240           | 180           | 185           | 145           | 160           | 155           | 150           | 345           | 150             | 2505           |
| Collection Agency - Number of Customers  | 0             | 0             | 1             | 8             | 2             | 2             | 0             | 0             | 2             | 0             | 0             | 0             | 0               | 15             |
| Collection Agency - Phone Time (minutes)   | 0             | 0             | 5             | 40            | 10            | 5             | 0             | 0             | 5             | 0             | 0             | 15            | 0               | 80             |
| Pro Se Help - Number of Customers  | 7             | 23            | 6             | 72            | 5             | 101           | 12            | 85            | 1             | 59            | 0             | 93            | 30              | 494            |
| Pro Se Help - Phone Time (minutes)   | 30            | 85            | 50            | 330           | 55            | 340           | 65            | 360           | 5             | 280           | 0             | 345           | 240             | 2185           |
| Law Library Help - Number of Customers   | 5             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 1             | 0               | 6              |
| Law Library Help - Phone Time (minutes)  | 20            | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 10            | 0               | 30             |
| Other - Number of Customers  | 35            | 107           | 24            | 133           | 46            | 68            | 119           | 126           | 29            | 59            | 58            | 11            | 10              | 825            |
| Other - Phone Time (minutes)   | 105           | 260           | 130           | 610           | 165           | 150           | 360           | 520           | 40            | 150           | 195           | 35            | 50              | 2770           |
| <b>Telephone Subtotal Total Minutes</b>  | <b>350</b>    | <b>1490</b>   | <b>760</b>    | <b>4610</b>   | <b>960</b>    | <b>2400</b>   | <b>1005</b>   | <b>2072</b>   | <b>570</b>    | <b>1220</b>   | <b>720</b>    | <b>1255</b>   | <b>1245</b>     | <b>18657</b>   |
| <b>Telephone Subtotal Percent of Total Daily Minutes</b>                               | <b>7.14%</b>  | <b>7.42%</b>  | <b>7.10%</b>  | <b>6.96%</b>  | <b>8.72%</b>  | <b>4.26%</b>  | <b>6.82%</b>  | <b>7.08%</b>  | <b>5.70%</b>  | <b>6.24%</b>  | <b>6.55%</b>  | <b>6.25%</b>  | <b>7.05%</b>    | <b>6.40%</b>   |
| <b>Telephone Subtotal Percent of Total Daily Minutes excluding Vacation/Leave Time</b> | <b>8.71%</b>  | <b>9.44%</b>  | <b>9.33%</b>  | <b>8.89%</b>  | <b>12.18%</b> | <b>5.59%</b>  | <b>8.32%</b>  | <b>9.09%</b>  | <b>6.94%</b>  | <b>8.69%</b>  | <b>7.78%</b>  | <b>9.80%</b>  | <b>9.62%</b>    | <b>8.38%</b>   |
| <b>Total Front Office Customer Assistance Minutes</b>                                  | <b>645</b>    | <b>2415</b>   | <b>1330</b>   | <b>8415</b>   | <b>1760</b>   | <b>4905</b>   | <b>1925</b>   | <b>4285</b>   | <b>980</b>    | <b>2640</b>   | <b>1840</b>   | <b>1975</b>   | <b>2445</b>     | <b>35560</b>   |
| <b>Percent of Total Daily Minutes</b>  | <b>13.15%</b> | <b>12.02%</b> | <b>12.43%</b> | <b>12.70%</b> | <b>15.99%</b> | <b>8.70%</b>  | <b>13.06%</b> | <b>14.63%</b> | <b>9.80%</b>  | <b>13.51%</b> | <b>16.73%</b> | <b>9.83%</b>  | <b>13.85%</b>   | <b>12.19%</b>  |
| <b>Percent of Total Daily Minutes excluding Vacation/Leave Time</b>                    | <b>16.04%</b> | <b>15.30%</b> | <b>16.32%</b> | <b>16.22%</b> | <b>22.34%</b> | <b>11.43%</b> | <b>15.93%</b> | <b>18.80%</b> | <b>11.94%</b> | <b>18.81%</b> | <b>19.89%</b> | <b>15.42%</b> | <b>18.89%</b>   | <b>15.96%</b>  |

Eighth Judicial District Staff Time Study  
April 26, 2010 - May 7, 2010

| County Name   | Big Stone     | Chippewa      | Grant         | Kandiyohi     | Lac qui Parle | Meeker        | Pope          | Renville      | Stevens       | Swift         | Traverse      | Wilkin        | Yellow Medicine | District Total |
|---|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-----------------|----------------|
| <b>Back Office Staff Time (minutes)</b>                             |               |               |               |               |               |               |               |               |               |               |               |               |                 |                |
| MNICS Activities - Total Daily Minutes                              | 2700          | 5870          | 2750          | 18065         | 1810          | 21650         | 4430          | 10425         | 5340          | 6115          | 3905          | 5660          | 3835            | 92555          |
| Records Management - Total Daily Minutes                            | 200           | 3565          | 2380          | 7650          | 2025          | 5545          | 3020          | 3365          | 305           | 1490          | 510           | 1055          | 3220            | 34330          |
| Financial Management - Total Daily Minutes                          | 205           | 745           | 395           | 5015          | 485           | 2040          | 420           | 845           | 700           | 810           | 435           | 910           | 830             | 13835          |
| Administrative Duties - Total Daily Minutes                         | 195           | 2325          | 685           | 6620          | 975           | 5160          | 1390          | 1745          | 690           | 1235          | 1195          | 2565          | 1520            | 26300          |
| <b>Total Minutes</b>  | <b>3300</b>   | <b>12505</b>  | <b>6210</b>   | <b>37350</b>  | <b>5295</b>   | <b>34395</b>  | <b>9260</b>   | <b>16380</b>  | <b>7035</b>   | <b>9650</b>   | <b>6045</b>   | <b>10190</b>  | <b>9405</b>     | <b>167020</b>  |
| <b>Percent of Total Daily Minutes</b>                               | <b>67.28%</b> | <b>62.24%</b> | <b>58.04%</b> | <b>56.39%</b> | <b>48.11%</b> | <b>60.98%</b> | <b>62.82%</b> | <b>55.94%</b> | <b>70.39%</b> | <b>49.37%</b> | <b>54.95%</b> | <b>50.73%</b> | <b>53.29%</b>   | <b>%</b>       |
| <b>Percent of Total Daily Minutes excluding Vacation/Leave Time</b> | <b>82.09%</b> | <b>79.25%</b> | <b>76.20%</b> | <b>72.00%</b> | <b>67.20%</b> | <b>80.16%</b> | <b>76.62%</b> | <b>71.86%</b> | <b>85.69%</b> | <b>68.76%</b> | <b>65.35%</b> | <b>79.55%</b> | <b>72.68%</b>   | <b>74.98%</b>  |
| <b>Judge/Courtroom Support (minutes)</b>                            |               |               |               |               |               |               |               |               |               |               |               |               |                 |                |
| Case Calendaring  | 15            | 265           | 165           | 1750          | 340           | 360           | 415           | 15            | 155           | 685           | 90            | 395           | 110             | 4760           |
| Courtroom Coverage  | 0             | 50            | 10            | 3515          | 80            | 3030          | 135           | 110           | 25            | 710           | 15            | 0             | 220             | 7900           |
| Court Reporting Duties  | 0             | 0             | 85            | 620           | 0             | 50            | 25            | 140           | 0             | 150           | 5             | 0             | 130             | 1205           |
| BOTH Court Reporting Duties and Courtroom Coverage                  | 60            | 345           | 260           | 225           | 0             | 50            | 205           | 2205          | 15            | 150           | 1105          | 240           | 350             | 5210           |
| Preparing Transcripts   | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 0             | 10            | 0               | 10             |
| <b>Total Minutes</b>  | <b>75</b>     | <b>660</b>    | <b>520</b>    | <b>6110</b>   | <b>420</b>    | <b>3490</b>   | <b>780</b>    | <b>2470</b>   | <b>195</b>    | <b>1695</b>   | <b>1215</b>   | <b>645</b>    | <b>810</b>      | <b>19085</b>   |
| <b>Percent of Total Daily Minutes</b>                               | <b>1.53%</b>  | <b>3.29%</b>  | <b>4.86%</b>  | <b>9.22%</b>  | <b>3.82%</b>  | <b>6.19%</b>  | <b>5.29%</b>  | <b>8.44%</b>  | <b>1.95%</b>  | <b>8.67%</b>  | <b>11.05%</b> | <b>3.21%</b>  | <b>4.59%</b>    | <b>6.54%</b>   |
| <b>Percent of Total Daily Minutes excluding Vacation/Leave Time</b> | <b>1.87%</b>  | <b>4.18%</b>  | <b>6.38%</b>  | <b>11.78%</b> | <b>5.33%</b>  | <b>8.13%</b>  | <b>6.45%</b>  | <b>10.84%</b> | <b>2.38%</b>  | <b>12.08%</b> | <b>13.14%</b> | <b>5.04%</b>  | <b>6.26%</b>    | <b>8.57%</b>   |
| <b>Total Daily Minutes</b>  | <b>4905</b>   | <b>20090</b>  | <b>10700</b>  | <b>66235</b>  | <b>11005</b>  | <b>56400</b>  | <b>14740</b>  | <b>29280</b>  | <b>9995</b>   | <b>19545</b>  | <b>11000</b>  | <b>20085</b>  | <b>17650</b>    | <b>291630</b>  |
| <b>Total Minutes less Vacation/Leave Time</b>                       | <b>4020</b>   | <b>15780</b>  | <b>8150</b>   | <b>51875</b>  | <b>7880</b>   | <b>42910</b>  | <b>12085</b>  | <b>22795</b>  | <b>8210</b>   | <b>14035</b>  | <b>9250</b>   | <b>12810</b>  | <b>12940</b>    | <b>222740</b>  |



## **B. Survey of Customer Contacts on Non-Court Days**

The second survey expanded the information collected in the first review expressly regarding front office work on non-court days when no judicial activity or dockets were scheduled at a courthouse. Here, consultants were interested in probing deeper into customer phone, counter and e-mail traffic; the reasons for it, the time spent doing it, and the work prompted by it. Based on data collected in the first survey, the hypothesis researchers wanted to test was... To what extent is customer/staff interaction different and more amenable to reengineering when no adjudication events are occurring in the courthouse? Based on the first survey, researchers knew the type and volume of work was different on court session days. As one would suspect on court days, counter and back office work is more intense and time sensitive as a result of the stream of work generated from the courtroom (i.e., requirements to promptly enter data, collect fines/fees, schedule further hearings, type orders, and notify parties following judicial decisions). To a certain extent, hectic court days generate much of the work that staff performs on more unhurried non-court days.

Regarding the type of contact on non-court days, an average of six persons per day came to the courthouse for service at the counter, many fewer than on days when court was scheduled. Courts received an average of 15.5 phone calls per day and received approximately five e-mail queries per day. (Note: The charts include 92 e-mail messages to Traverse County during their nine survey days; 66 were from court administration and 13 from the judge. The charts also include a high number of e-mail contacts in Wilkin, Pope and Chippewa from court administration and the District office. The other counties averaged fewer than four e-mail contacts a day.)

Regarding the types of customers, on average 22 percent of the customers who contacted the courts were litigants, ten percent were pro se individuals who were not litigants at the time, 27 percent were attorneys, 16 percent were government agency staff (some of whom were from court administration), and nine percent were law enforcement personnel.

Most of the business interactions at the counter on non-court days pertained to customer information gathering, most of which eventually could be acquired over the Internet or telephone when all statewide technology initiatives are in place. Approximately 21 percent of the customers contacted the courts to look at court records and 16 percent to review the court calendar. Eighteen percent sought general court information. Sixteen percent wanted directional information. Less than two out of ten people (16%) actually transacted business, including eight percent who filed papers six percent who paid fines and two percent who set up payment plans, all of which will be able to be done elsewhere.

Based on both surveys, phone calls are a big part of any court's business day. Survey 1 indicated that court administration clerical staff in the District's 13 courthouses collectively spent an average of 31 hours per day on the telephone with various customers. The majority of those calls (59%) were in-bound; principally initiated by litigants and lawyers. The next largest call volumes in descending order of magnitude related to internal court administration business (15%), government agencies (13%) and self-represented litigants (12%). The results of both surveys demonstrate that most of the calls, whether on court or non-court days, are similarly short in duration – an average of 3.6 minutes each. Most public callers appear to be seeking quick, narrow information about court processes, dockets, and cases. Such call patterns and conversation durations add support to a possible in-bound call center established in one or more courthouses in the District or at a central location to foster increased productivity and efficiency which is suggested in Section V.H. and Chapter VII.

As the Minnesota Judicial Branch implements its planned initiatives, some front office duties, such as eight percent of the work done accepting court case filings, will no longer be performed by court administration staff. As an electronic file is created, and the file and scheduling information is available electronically to attorneys, litigants and the public, people will no longer need to contact the court to check records or the court calendar. People will be able to find and print from the court's website orders and other documents.

Persons wishing to call or e-mail court staff for information will be able to get their questions answered by someone with access to MNCIS working at a centralized location or at another court location. Requests for general information and directional information can also be answered by persons working at other locations.

Pro se litigants seeking assistance on how to file and proceed with their case will be able to contact the statewide Self Help Center or possibly at a Self Help Center annex established in an Eighth District Courthouse where they will be able to find information, forms and instructions and also will be able to speak to a person who can guide them through the completion of the appropriate paperwork which they could then file electronically.

Survey 2 composite data is presented on the following pages. Raw data on each of the ten counties analyzed appears in the Appendices.

**Survey 2 Composite Results (10 counties)**

**Total Number of Customer Interactions on Non-Court (NC) Days (Raw data)**

|   | Big Stone  | Chippewa  | Grant     | Lac qui Parle | Pope       | Stevens    | Swift     | Traverse   | Wilkin     | Yellow<br>Medicine | District<br>Total |
|---|------------|-----------|-----------|---------------|------------|------------|-----------|------------|------------|--------------------|-------------------|
| Number of Non-Court Days in<br>Ten Day Data Collection Period | 9          | 3         | 5         | 8             | 4          | 7          | 3         | 9          | 7          | 4                  | <b>59</b>         |
| <b>Contacts (total for NC days)</b>                           |            |           |           |               |            |            |           |            |            |                    |                   |
| Email   | 7          | 23        | 10        | 31            | 36         | 21         | 2         | 119        | 58         | 4                  | <b>311</b>        |
| At the Counter  | 36         | 17        | 16        | 40            | 41         | 43         | 23        | 53         | 64         | 9                  | <b>342</b>        |
| By Telephone  | 77         | 52        | 55        | 99            | 129        | 123        | 50        | 117        | 124        | 34                 | <b>860</b>        |
| <b>Customer Type (total for NC days)</b>                      |            |           |           |               |            |            |           |            |            |                    |                   |
| Litigant  | 24         | 9         | 28        | 26            | 36         | 23         | 27        | 28         | 61         | 16                 | <b>278</b>        |
| Pro Se (Not currently a litigant)                             | 23         | 16        | 4         | 20            | 7          | 14         | 9         | 21         | 19         | 3                  | <b>136</b>        |
| Collection Agency   | 0          | 0         | 0         | 0             | 0          | 0          | 0         | 0          | 0          | 0                  | <b>0</b>          |
| Guardian Ad Litem   | 4          | 0         | 0         | 1             | 3          | 0          | 0         | 3          | 0          | 0                  | <b>11</b>         |
| Juror   | 2          | 0         | 0         | 1             | 1          | 1          | 0         | 0          | 0          | 0                  | <b>5</b>          |
| CAMPER Inquiry  | 0          | 0         | 0         | 0             | 0          | 0          | 0         | 0          | 0          | 0                  | <b>0</b>          |
| Attorney  | 40         | 19        | 34        | 58            | 37         | 71         | 10        | 48         | 46         | 14                 | <b>377</b>        |
| Law Enforcement   | 9          | 9         | 1         | 14            | 13         | 21         | 6         | 38         | 36         | 3                  | <b>150</b>        |
| Government Agency Staff                                       | 11         | 18        | 5         | 42            | 66         | 46         | 3         | 23         | 69         | 2                  | <b>285</b>        |
| Other Customer Type   | 5          | 20        | 9         | 6             | 41         | 7          | 20        | 127        | 15         | 7                  | <b>257</b>        |
| <b>Total</b>  | <b>118</b> | <b>91</b> | <b>81</b> | <b>168</b>    | <b>204</b> | <b>183</b> | <b>75</b> | <b>288</b> | <b>246</b> | <b>45</b>          | <b>1499</b>       |

Activity Per Non-Court (NC) Day (Normalized data)

| Contacts (average number per NC day)                        | Big Stone | Chippewa | Grant | Lac qui Parle | Pope  | Stevens | Swift | Traverse | Wilkin | Yellow<br>Medicine | District<br>Total |
|---|-----------|----------|-------|---------------|-------|---------|-------|----------|--------|--------------------|-------------------|
| Email   | 0.78      | 7.67     | 2.00  | 3.88          | 9.00  | 3.00    | 0.67  | 13.22    | 8.29   | 1.00               | 4.95              |
| At the Counter  | 4.00      | 5.67     | 3.20  | 5.00          | 10.25 | 6.14    | 7.67  | 5.89     | 9.14   | 2.25               | 5.92              |
| By Telephone  | 8.56      | 17.33    | 11.00 | 12.38         | 32.25 | 17.57   | 16.67 | 13.00    | 17.71  | 8.50               | 15.50             |
| <b>Customer Types (percent of total)</b>                    |           |          |       |               |       |         |       |          |        |                    |                   |
| Litigant  | 20%       | 10%      | 35%   | 15%           | 18%   | 13%     | 36%   | 10%      | 25%    | 36%                | 22%               |
| Pro Se (Not currently a litigant)                           | 19%       | 18%      | 5%    | 12%           | 3%    | 8%      | 12%   | 7%       | 8%     | 7%                 | 10%               |
| Collection Agency   | 0%        | 0%       | 0%    | 0%            | 0%    | 0%      | 0%    | 0%       | 0%     | 0%                 | 0%                |
| Guardian Ad Litem   | 3%        | 0%       | 0%    | 1%            | 1%    | 0%      | 0%    | 1%       | 0%     | 0%                 | 1%                |
| Juror   | 2%        | 0%       | 0%    | 1%            | 0%    | 1%      | 0%    | 0%       | 0%     | 0%                 | 0%                |
| CAMPER Inquiry  | 0%        | 0%       | 0%    | 0%            | 0%    | 0%      | 0%    | 0%       | 0%     | 0%                 | 0%                |
| Attorney  | 34%       | 21%      | 42%   | 35%           | 18%   | 39%     | 13%   | 17%      | 19%    | 31%                | 27%               |
| Law Enforcement   | 8%        | 10%      | 1%    | 8%            | 6%    | 11%     | 8%    | 13%      | 15%    | 7%                 | 9%                |
| Government Agency Staff                                     | 9%        | 20%      | 6%    | 25%           | 32%   | 25%     | 4%    | 8%       | 28%    | 4%                 | 16%               |
| Other Customer Type   | 4%        | 22%      | 11%   | 4%            | 20%   | 4%      | 27%   | 44%      | 6%     | 16%                | 16%               |
| <b>Total</b>  | 100%      | 100%     | 100%  | 100%          | 100%  | 100%    | 100%  | 100%     | 100%   | 100%               | 100%              |
| <b>Business Conducted (percent of total)</b>                |           |          |       |               |       |         |       |          |        |                    |                   |
| Check Court Records   | 18%       | 31%      | 27%   | 10%           | 10%   | 10%     | 30%   | 2%       | 24%    | 44%                | 21%               |
| Check Court Calendar  | 13%       | 35%      | 4%    | 11%           | 9%    | 25%     | 22%   | 6%       | 17%    | 16%                | 16%               |
| File Papers   | 8%        | 10%      | 6%    | 10%           | 7%    | 8%      | 15%   | 7%       | 10%    | 4%                 | 8%                |
| Pay Fines   | 12%       | 2%       | 5%    | 1%            | 6%    | 4%      | 7%    | 1%       | 8%     | 16%                | 6%                |
| Set up Payment Plans  | 2%        | 1%       | 0%    | 1%            | 2%    | 1%      | 3%    | 0%       | 4%     | 11%                | 2%                |
| Refer/ explain to non-jurisdictional payors<br>to/about CPC | 0%        | 0%       | 0%    | 2%            | 0%    | 0%      | 0%    | 0%       | 0%     | 9%                 | 1%                |
| Refer to DOR if in collection status                        | 0%        | 0%       | 0%    | 1%            | 1%    | 1%      | 0%    | 0%       | 1%     | 2%                 | 1%                |
| Judgment Searches   | 1%        | 1%       | 1%    | 1%            | 0%    | 0%      | 3%    | 0%       | 0%     | 0%                 | 1%                |
| Newspaper & Radio (Check for Court News)                    | 2%        | 0%       | 0%    | 2%            | 0%    | 0%      | 0%    | 1%       | 0%     | 2%                 | 1%                |
| Pick-up Court Orders or Other Documents                     | 5%        | 0%       | 9%    | 4%            | 4%    | 6%      | 1%    | 1%       | 2%     | 4%                 | 4%                |
| Review Court Orders or Other Documents                      | 15%       | 1%       | 19%   | 7%            | 4%    | 2%      | 4%    | 1%       | 6%     | 4%                 | 6%                |
| Seeking General Court Information                           | 21%       | 14%      | 20%   | 16%           | 9%    | 8%      | 12%   | 24%      | 21%    | 33%                | 18%               |
| Seeking Directional Information                             | 22%       | 3%       | 20%   | 25%           | 1%    | 22%     | 8%    | 3%       | 19%    | 42%                | 16%               |
| Juror Inquiries   | 2%        | 0%       | 0%    | 1%            | 1%    | 1%      | 0%    | 0%       | 0%     | 0%                 | 0%                |
| CAMPER Inquiries  | 0%        | 0%       | 0%    | 0%            | 1%    | 0%      | 0%    | 0%       | 0%     | 0%                 | 0%                |
| Copy Requests (Plain/Certified)                             | 5%        | 0%       | 4%    | 4%            | 5%    | 2%      | 0%    | 2%       | 5%     | 0%                 | 3%                |
| In-Custody  | 0%        | 5%       | 0%    | 8%            | 5%    | 6%      | 3%    | 7%       | 2%     | 4%                 | 4%                |
| Other (please specify)                                      | 11%       | 20%      | 43%   | 15%           | 60%   | 15%     | 27%   | 51%      | 31%    | 38%                | 31%               |
| <b>Total</b>  | 100%      | 100%     | 100%  | 100%          | 100%  | 100%    | 100%  | 100%     | 100%   | 100%               | 100%              |

## **CHAPTER VII. STRATEGY THREE: RESTRUCTURE COURTHOUSE BUSINESS PROCESSES**

Throughout this study, consultants have marveled at how many business processes in the Eighth District have been restructured or reengineered to take advantage of the economies of scale in centralizing, regionalizing, standardizing and digitizing work to address today's problems in operating isolated rural trial courts. The fundamental principle embraced by District leadership in doing so has been to challenge traditional court practices by obliterating many outdated rules, assumptions and processes. Overall, productivity has either held stable or improved as judge and staffing levels have dropped; helped both by a decline in caseloads, and a continuous expansion in Judicial Branch technology along the way.

As the economy continues to stagnate, the District is at a point where it needs to fundamentally rethink further how to do its work more efficiently and at less cost. The ideas offered throughout this report are suggested ways to do so, most of which support and advance reforms currently underway.

This chapter and the next, however, propose some new directions. Many are bold moves that substantially redefine operations and require some customer marketing efforts and skills not normally thought of as part of a court toolkit. Some are successful solutions adopted in other states to reduce costs. Others, are novel and on the cutting edge. All are directed at a more austere future. The recommendations that flow from these ideas are neither mutually exclusive nor prioritized. They are merely grouped under various topical areas to be better understood.

### **A. Pilot a District In-Bound Call Center**

Court administration clerical staffs in the District's 13 courthouses collectively spend an average of 31 hours per day on the phone with court customers. Most of the calls are short – an average of 3.6 minutes each – seeking general court or directional information or specific information about their cases such as the date of the next scheduled hearing or how they can set up a payment plan. Many of those routine calls could be routed to another court location or to a District call center, as happens with payable citation calls at the CPC. Further, given the fact that collectively throughout the District clerical staff is unavailable an average of 121 hours a day due to vacations, breaks, lunch, sick time, and LSS/VUSSL time, the on-duty staff are burdened to a greater extent in phone answering.

As stated earlier, the In-Bound Call Center could be located in a central District location or it could be located at a courthouse on a day when court is not in session. Senior court clerks who otherwise would not have sufficient workload on those days to come to the office could, using MNCIS, answer most calls that would otherwise go to other busy courts in the District.

**Recommendation 8:** *Given the amount and time fielding routine in-bound phone calls by clerical staff in the various courthouses of the District, it is likely that one or more centralized District call centers with real-time computer access to MNCIS and other electronic court databases could save work and time in the counties. It is suggested that District leadership explore the idea as a pilot project. Calls could be routed to a central location or to one or more of the courthouses in the District with sufficient staff to perform the work of the local court and also to respond to phone calls made to other courts.*

## **B. Route Self-Represented Litigant Calls through the In-Bound Call Center**

In a sample of helpline calls to the Minneapolis-based Self Help Center in January and February 2010, 49 persons from the Eighth District contacted SHC. This represents four percent of the 1,177 customers telephoning the Center from Minnesota's eight multi-county districts, the smallest number of any of the Districts.<sup>18</sup> The next highest sources were the Third and Fifth Districts at 108 calls each or nine percent. Based on the fact that the Eighth District has the smallest population among the districts, it is reasonable to assume that fewer residents would likely seek help. It is curious, however, that staff in the Eighth District frequently mentioned that they were having difficulty performing their other duties due to "distractions" caused by numerous pro se litigants seeking help. Survey 1, conducted in all 13 counties of the Eighth District for two weeks revealed that courthouse staff, collectively spent 4,790 minutes (approximately 80 hours) assisting self-represented litigants. As would be expected, more time was spent with walk-in customers at the counter (2,605 minutes or approximately six minutes per contact) than with those who telephoned the court (2,185 minutes or 4.5 minutes per call). Of the total staff work time available (218,800 minutes or 3,647 hours); exclusive of vacation, sick, furlough, breaks and work-related travel time; only two percent was devoted to pro se customers.

Interestingly, this data can prove instructive in improving efficiency among the various counties by providing insights regarding where additional skills training could be useful. As an example, both Yellow Medicine and Lac qui Parle interactions with pro se customers were twice as long on the average as the majority of counties, both on the phone and in person. For the most part, interaction time was not dependent on number of filings (volume) or size of the office staff. There also was no appreciable difference between smaller and bigger population counties. Using Pope County as the population mid-point for the District, the six smaller counties averaged 4.8 minutes per phone encounter and 7.7 minutes with walk-in customers. The six larger counties logged 5.4 minutes and 7.3 minutes, respectively. Not much difference.

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<sup>18</sup> A total of 2108 calls were tallied at the SHC during this two month period. However, to gain a better understanding of the referrals from rural districts, the following sources were excluded: Hennepin = 828; Ramsey = 70; Outside the state = 30; Public libraries = 3.

**Recommendation 9:** *Should the District establish in-bound call centers, it is suggested that pro se calls be routed directly to them by advertising widely a single phone number to call. Call center staff should be given advanced training by Hennepin County self service experts on pro se processes and procedures. A call center that routinely receives calls from pro se clients, would save interruptions on courthouse office staff, allow for better, effective protocols in assisting customers, and permit better client triage in referrals to Hennepin County for advanced help.*

### **C. Pilot Central District MNCIS Data Entry and Response Hubs**

Much of the back office work is related to MNCIS data entry and records management, including initiating files, updating and noticing, scheduling hearings, recording dispositions, preparing judge orders, handling writs, data clean-up tasks, and recording jury data. Based on observations and interviews, NCSC consultants feel it is possible to specialize MNCIS data entry regarding administrative case information (i.e., case creation, party information, etc.) and/or judicial process activities (i.e., hearing outcomes, continuances, scheduling, etc.) in one or only a few spots within the District to capture increased economies of scale through centralizing, simplifying and standardizing. As Judicial Branch computerization expands and various e-applications are integrated with future versions of MNCIS, this data entry strategy becomes more viable. The idea is based on the “flatter world concept” permitting digitized data, voices and images to be entered from multiple spots or just a few depending on the desires of system architects.<sup>19</sup>

This processing hub would handle different tasks than those conducted at the CPC to update payable fines and fees, although both would be able to update MNCIS as the statewide case and cash management system. Its focus is on case and adjudication electronic data updating, control, and management. Both telephonic and email inquiries about case status, appearance dates, documents in the electronic file, and judicial orders/directives/rulings regarding the parties or defendants would be answered by those staffing the hub. They would also control reception and transmission of electronic documents within the court system as well as to and from outside justice agencies, private attorneys, and the public. Separate, well publicized telephone numbers and Internet URLs (uniform resource locators) would act as portal pathways to specialized staff in charge of designated groups of case files.

**Recommendation 10:** *Concurrent with centralizing other District-wide information processing efforts, it is proposed that District leaders investigate the possibility of piloting MNCIS data entry/management/response hubs in one or more locations within the District.*

<sup>19</sup> Thomas Friedman, *The World is Flat: A Brief History of the Twenty-First Century* (2005).

#### **D. Explore Greater Use of Part-time Local Employees**

Many governments and businesses are increasing the use of part-time and temporary staff in lieu of permanent positions to hold costs down and accommodate the desires of many in the workforce that prefer more flexible schedules. A growing number of courts nationwide are following that trend where personnel rules and union contracts permit. In rural communities, where jobs are scarce, the workforce is older, county seats are more populous, and job seekers more numerous, hiring locally is a smart idea. Courts that do so commonly limit duties to providing information, serving walk-in public traffic, handling phone calls, and performing general purpose back office work under supervision rather than doing more skilled data entry or judicial/courtroom functions; unless the employee is a former full-time staffer.

Essentially this is a cost savings measure. It also reduces full-time employee travel complications, increases job opportunities for county seat residents, and permits substantial flexibility in scheduling employment hours. It can quickly be put in place and easily altered as necessary. Customer patterns should be analyzed prior to effectuating such an approach in order to optimize staffing and avoid unproductive time. This alternative would be compatible with centralized in-bound call centers and MNCIS data entry and response hubs.

**Recommendation 11:** *District and Judicial Branch leaders should explore greater use of part-time local court employees to save personnel costs and provide highly flexible staffing.*

#### **E. Partner with Non-traditional Justice System Entities in Creative Ways**

Tough economic times have stimulated some courts throughout the country to give more serious thought to novel, innovative ways to reduce labor costs, improve services, and serve customers in more economical and contemporary ways. Since courts are knowledge-based organizations producing judicial decisions and rulings as opposed to tangible products, much of the innovation in judicial systems has come from adapting technical or business process solutions used by other knowledge-based industries and high tech companies. Pay-by-phone and pay-by-web; digitized/interactive forms preparation using *TeamView*® co-browser software for the Self-Help Center allowing remote control desktop sharing and file transfer; and ITV are examples.

Innovation is not necessarily related to inventing something new; that rarely happens in courts. Innovation in courts generally means creatively adapting processes, systems and technology used by others in new or value added ways in the court environment. Given this perspective, NCSC consultants suggest three ideas that District leaders may wish to consider, all directed at partnering with non-traditional justice system entities to the benefit of both groups.



## **1. Public Libraries as Self-Help Walk-in Sites**

Librarians are remaking their futures in a highly technical world permeated by the Internet and e-books. Court futures are becoming increasingly Internet-based. Libraries are quiet, user-friendly environments in strategically accessible locations. Courts and libraries are core government services commonly located near each other in rural county seats. Librarians get up in the morning just to give out information. The courts have a lot of self-help information to dispense.

An example of where this affinity between libraries and courts in rural Minnesota could materialize is in Elbow Lake, the Grant County seat, between the Thorson Memorial Library and the District Court just down the street. The library has an annual circulation of 42,000 volumes, broadband Internet connections, and serves county residents both inside and outside the city as part of the Viking Library System, a multi-county consortium of libraries in west central Minnesota. Furthermore, the library is open six days a week and in some instances in the evenings until 8:00 p.m.

An increasing number of courts are beginning to work with public libraries to supplement the delivery of self-help legal services. The Superior Court in Phoenix has developed a "Librarians' Academy" to teach the basics about self-help law, judicial process and the difference between legal information and legal advice. Scholarly articles and monographs encouraging court and library collaboration in delivering Do-It-Yourself (DIY) legal services have begun to appear; a sign that the concept is moving beyond a vision to a bona fide solution.<sup>20</sup>

As reported in Chapter III.E, the Minnesota State Law Library employs a circuit riding law librarian to provide training to librarians about how to access the court web site, the Self Help Center and the State Law Library web site where forms can be downloaded.

**Recommendation 12:** *Court officials should work collaboratively with the SCAO and Hennepin County's Self Help Center to explore ways that libraries can supplement the assistance provided at the courthouse or at centralized self-help centers within the Eighth District operating as an annex to the statewide Self Help Center located in Hennepin County.*

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<sup>20</sup> Griller, Gordon, *Chapter 34: Litigants without Lawyers: Going It Alone in the Nation's Courts*, The Improvement of the Administration of Justice, Seventh Edition, edited by Stott, Keith; Griller, Gordon; and Fallahay, John. Judicial Division, American Bar Association: Chicago, IL. (2002) and Zorza, Richard, *Public Libraries and Access to Justice*, Future Trends in State Courts 2010, edited by Flango, C; McDowell, A; Campbell, C; and Kauder, N. National Center for State Courts: Williamsburg, VA. (2010).

## **2. Contract with County Government to Provide Emergency, Unanticipated Services**

A second collaboration with non-traditional partners targets different ways to process routine over-the-counter work inside the courthouse to augment limited court staff in low volume rural operations. If the court administration office in the courthouse is closed to the public, there will be times when unanticipated matters arise that require service on short notice. One example: a defendant who has been arrested needs to have an in-custody appearance before a judge and someone is needed to open the courtroom door and connect the ITV equipment.

It would be helpful to have an arrangement in place by which the court contracts with the county to provide court assistance on short notice.

**Recommendation 13:** *Judicial Branch and District leaders should explore contracting with county governments to provide court assistance in low volume rural courts on an emergency basis.*

## **CHAPTER VIII. STRATEGY FOUR: REDESIGN COURTHOUSE ACCESS RELATIVE TO DEMAND**

Eighth District leaders, as is true with other rural-based court officials, have historically adjusted court administration staffing levels on a daily and weekly basis in response to fluctuating courthouse workloads and judicial schedules. As stated earlier in this report, data entry, records management and counter assistance now being done at the courthouse by senior court clerks will diminish as technology initiatives are fully implemented. District leadership should examine whether centralized District-wide activities can be assigned to these offices in order to maintain a presence in the office. It is possible that this transfer of centralized activities would eventually result in a reduction of court staff with offices at courthouses during certain hours or days when customer traffic is proven to be sparse and there is no court (adjudication) activity in the building. It is a course of action followed by an increasing number of rural courts across the country.

### **A. Reduce Courthouse Hours/Staff**

Reduced customer traffic and work reformation from paper to electronic based systems will push the transition from out-dated, traditional staffing models to newer, high-tech approaches increasingly faster. The Minnesota Judiciary is currently planning a new staffing study to determine the work force levels needed at each of the courthouses. There is little doubt that the technology advances of the last few years will move weighted workload calculations toward fewer staff.

During periods of reduced staffing or closed offices, there undoubtedly will be times when a matter may require the immediate attention of a judge. In those instances, court staff must facilitate the receiving, processing and filing of related paperwork, the scheduling of court appearances, and judicial and courtroom support at any necessary hearings. How can court administration duties be handled if no court staff is present at the courthouse?

Data from Survey 2 shows that much of the interchange between court administration staff and judges on non-court days take place over the telephone or e-mail in discussing procedural questions, matters of law, and issues related to scheduling. There were a very small number of time sensitive, in-custody matters that had to be processed on a non-court day. For the most part, these settings were routinely handled in pre-determined ways whether by video or transporting the defendant to a courthouse having a resident judge. During 100 non-court days throughout ten counties, Survey 2 registered eight matters involving in-custody defendants that

required the attention of a judge; a very small percentage.<sup>21</sup> Additionally, there appear to be various orders, warrants, and other documents that required a judicial officer's review and signature which followed normal, established protocols developed for occasions when no judge was present in the courthouse.

### **1. On Select Non-Court Days in Counties throughout the District**

NCSC consultants anticipate that the staffing study will demonstrate that in some counties, there will be a reduced need for personnel at various courthouses throughout the District on days when court is not in session. Only three counties routinely schedule court every day – Kandiyohi, Renville and Meeker. Two of the counties, Big Stone and Traverse, scheduled court sessions on one of the ten days covered by the survey period. Lac Qui Parle scheduled court on two of the days. Stevens and Wilkins Counties scheduled court on three of the ten days. The time period surveyed was typical of normally scheduled weeks without holidays, school breaks, or judicial conferences.<sup>22</sup>

There is great latitude for District leaders to conscientiously redesign courthouse access relative to public demand on non-court days to optimize yet economize service. Combined with various reengineering options outlined in this report, hours of operation among the ten court offices that routinely experience non-court days can be reduced.

As stated elsewhere in this report, the number of days that an office would need to close could be mitigated by assigning responsibility for centralized District-wide activities to the office when court is not in session.

**Recommendation 14:** *Upon detailed review of the two workforce studies conducted by the National Center for State Courts and the planned Judicial Branch staffing study, Eighth District and Judicial Branch leaders should consider strategically closing court administration offices to the public on non-court days during times of limited customer demand. Currently, all District court offices routinely close at 2:00 p.m. on Fridays without major repercussions. Given the limited caseloads, little walk-in traffic, and high cost of maintaining fully staffed offices 37.5 hours per week; it is sensible and economical to selectively close court offices in the ten counties on some non-court days. As noted in other strategies, phone calls, back office work, and emergency coverage for warrants and orders can be routed to other counties or to a central "duty judge" during closed periods.*

*To mitigate the number of days of closure, NCSC consultants suggest that the District explore assigning responsibility for certain District-wide processes to one or more of these courts when they do not have any scheduled court hearings.*

<sup>21</sup> The actual number may be smaller since there was some confusion by staff in defining a criminal defendant. Although the survey instrument was designed to count persons, some staff recorded charges. As an example, in one instance a defendant who had five charges was recorded as "five contacts."

<sup>22</sup>[1] Non-court days in the ten counties ranged from a high of 9 to a low of 3 days as listed in the parentheses (n) behind each county name... Big Stone (9), Traverse (9), Lac qui Parle (8), Stevens (7), Wilkin (7), Grant (5), Pope (4), Yellow Medicine (4), Chippewa (3), and Swift (3).

## 2. On Select Non-Court Days Only in Counties with No Resident Judge

Four counties – Grant, Lac qui Parle, Big Stone and Traverse – have no resident judge. A large part of the reason is they have neither the number of case filings nor the public traffic to justify a chambered judicial officer. All are located in the far western reaches of the District near the North and South Dakota borders where population levels are scant. An option to reduce District costs would be to close only those court offices on select non-court days, transferring the work to other counties.

Not counting minor criminal case filings, each of the four counties have fewer than 400 cases filed in a year; an average of less than eight filings per week. All four courthouses are within 45 miles (an hour's drive) of a neighboring county courthouse.

It is contended that the return on investment (ROI), the ratio of services, productivity and results (the gain or loss) in the lowest volume courts relative to the time, money and effort (cost) invested to deliver them is marginal.<sup>23</sup> The cost per case is high relative to busier courts that benefit from economies of scale. Judge time spent per case resolved due to travel time and limited calendar settings drive up costs in low volume counties. Impending Judicial Branch technology initiatives such as upgraded versions of MNCIS, e-payables, e-charging, ITV advancements, and expanded network bandwidth to permit e-filing will all further cut clerical work.

**Recommendation 15:** *NCSC consultants suggest that the four lowest volume court administration offices – Grant, Big Stone, Lac qui Parle and Traverse – selectively close up to and including all days when court is not in session, and correspondingly provide, inexpensive alternative ways to provide public access to justice pursuant to the various suggestions in this study.*

*To mitigate the number of days of closure, NCSC consultants suggest that the District explore assigning responsibility for certain District-wide processes to one or more of these courts when they do not have any scheduled court hearings.*

### B. Detailed Data about the Four Lowest Volume Counties

Facts throughout this report provide arguments and insights as to reasons for selective closure and alternative justice system access methods for those county residents in the four low volume courts in the District. Specific issues related to the staffing, caseload, workload, customer service and distances at those sites are outlined below.

<sup>23</sup> ROI (return on investment) is a performance measure normally used in business settings to evaluate the efficiency or benefits obtained from an investment. In government settings, it is usually referred to as a C/B ratio or cost versus benefit comparison, but used for essentially the same purpose.  $ROI \text{ or } C/B = \frac{\text{Gain/Benefit} - \text{Cost}}{\text{Cost}}$

## **Big Stone County**

### *Current Staffing*

- Judicial Assignments: Two judges usually hold court three Wednesdays per month; a total of 59 days per year.
- Senior Court Clerks: Big Stone County has one full-time senior court clerk; the lowest assigned staffing level among the District's 13 counties. The 2009 Q3 implied staff need using lowest norms was 1.2 employees.

### *Caseload*

- Total filings decreased 19 percent from 2005 to 2009, dropping from 904 to 733. Major criminal cases decreased by 31 percent, from 51 to 35.
- Big Stone had 733 cases filed in 2009 and 724 cases in the 12-months ending March, 2010. Of the 2009 filings, 430 cases or 58 percent were minor criminal cases filed by citation. If and when e-citation is implemented in the county, the court will not need to enter those cases into MNCIS. Until then, the citations could be scanned and entered into MNCIS by staff working at home.

### *Workload*

Payments are currently being made to the Court Payment Center in Willmar, reducing the work involved in taking payments or setting payment plans. Big Stone will transition to scanning tickets to the centralized citation entry department in March, 2011.

### *Customer Service*

In the ten-day April/May 2010 survey of senior court clerk activity in the county, there were eight days when court was not in session. On those eight days, few people entered the courthouse for assistance at the counter: 14 litigants, three attorneys, three persons seeking pro se assistance and 14 "other" persons. The litigants appeared primarily to develop payment plans or to make payments on fines due. On average, four persons entered the courthouse each day when court was not in session.

### *Distance to Nearest Higher Volume Courthouse*

The Big Stone County Courthouse in Ortonville is 45 miles from the Stevens County Courthouse in Morris.

## **Grant County**

### *Current Staffing*

- Judicial Assignments: Two judges usually hold court three Mondays a month; a total of 79 days per year. It is the busiest of the four low volume courts.
- Senior Court Clerks: Grant County now has two full-time senior court clerks. The 2009 Q3 implied staff need using lowest norms was 1.9 persons.

### *Caseload*

- Total filings increased four percent from 2005 to 2009, from 1216 to 1265. Major criminal filings decreased by nine percent, from 64 to 58.
- Grant County had 1,265 cases filed in 2009 and 1,201 in the 12-months ending March, 2010. Of the 2009 filings, 881 cases or 69 percent were minor criminal cases filed by citation. If and when e-citation is implemented in the county, the court will not need to enter those cases into MNCIS. Until then, the citations could be scanned and entered into MNCIS by staff working at home.

### *Workload*

Payments are currently being made to the Court Payment Center in Willmar, reducing the work involved in taking payments or setting payment plans. Grant County will transition to scanning tickets to the centralized citation entry department in March, 2011.

### *Customer Service*

In the 10-day survey of senior court clerk activity in the county, there were eight days when court was not in session. On those eight days, few people entered the courthouse for assistance at the counter: 16 litigants, five attorneys, nine persons seeking pro se assistance and 25 "other" persons. The litigants appeared primarily to develop payment plans or to make payments on fines due. On average, seven persons entered the courthouse each day.

### *Distance to Nearest Higher Volume Courthouse*

The Grant County Courthouse in Elbow Lake is 32 miles from the Stevens County Courthouse in Morris.

## **Traverse County**

### *Current Staffing*

- Judicial Assignments: A judge usually holds court two Thursdays per month; a total of 51 days per year.
- Senior Court Clerks: Traverse County now has one full-time senior court clerk and one full-time senior court clerk working 80 percent of the time in the county. The 2009 Q3 implied staff need using lowest norms was 1.2 employees.

### *Caseload*

- Total filings increased 11 percent from 2005 to 2009, from 618 to 686. Major criminal cases increased 31 percent, from 26 to 34.
- Traverse County had 686 cases filed in 2009 and 711 cases in the 12 months ending March, 2010. Of the 2009 filings, 457 cases or 66 percent were minor criminal cases filed by citation. If and when e-citation is implemented in the county, the court will not need to enter those cases into MNCIS. Until then, the citations could be scanned and entered into MNCIS by staff working at home.

### *Workload*

Payments are currently being made to the Court Payment Center in Willmar, reducing the work involved in taking payments or setting payment plans. Traverse County will transition to scanning tickets to the centralized citation entry department in March, 2011.

### *Customer Service*

In the ten-day April/May 2010 workload survey of senior court clerk activity in the county, there were six days when court was not in session. On those six days, few people entered the courthouse for assistance at the counter: ten litigants, 13 attorneys, one person seeking pro se assistance, and 30 "other" persons. The litigants appeared primarily to develop payment plans or to make payments on fines due. On average, eight persons entered the courthouse each day when court was not in session.

### *Distance to Nearest Higher Volume Courthouse*

The Traverse County Courthouse in Wheaton is 37 miles from the Stevens County Courthouse in Morris and 35 miles from the Wilkin County Courthouse in Breckenridge.

## **Lac qui Parle County**

### *Current Staffing*

- Judicial Assignments: 73 days per year.
- Senior Court Clerks: Lac Qui Parle County now has two full-time senior court clerks. The 2009 Q3 implied staff need using lowest norms was 1.3 persons.

### *Caseload*

- Total filings decreased 275 from CY2005 to CY2009, from 1,588 to 1,159. Major criminal cases decreased by 11 percent, from 54 to 48
- Lac Qui Parle County had 1,159 cases filed in 2009 and 1,190 cases in the 12 months ending March, 2010. Of the 2009 filings, 812 cases or 70 percent were minor criminal cases filed by citation. If and when e-citation is implemented in the county, the court will not be required to enter those cases into MNCIS. Until then, the citations could be scanned and entered into MNCIS by staff working at home.

### *Workload*

Payments are currently being made to the Court Payment Center in Willmar, reducing the work involved in taking payments or setting payment plans. Lac Qui Parle County has transitioned to having their tickets scanned to the centralized citation entry department.



*Customer Service*

Court was held on one day in the Lac Qui Parle Courthouse during the ten day study of senior court clerk activity. In addition, in-custody hearings took place on two days, with the judge presiding by videoconference (ITV) from another courthouse. Few people entered the courthouse for assistance at the counter: 16 litigants, 12 attorneys, seven persons seeking pro se assistance and 13 “other” persons. The litigants appeared primarily to develop payment plans or to make payments on fines due. On average, about five persons entered the courthouse each day when court was not in session.

*Distance to Nearest Higher Volume Courthouse*

The Lac Qui Parle County Courthouse in Madison is 29 miles from the Chippewa County Courthouse in Montevideo.

## **CHAPTER IX. THREE YEAR VISION FOR THE EIGHTH JUDICIAL DISTRICT**

Judicial Branch technology initiatives, in particular electronic filing and electronic payments of fines, are well on track to reduce back office work now performed by court staff. The Branch is in a “healthy place” vis-à-vis MNCIS Odyssey as a configured framework system providing flexibility in development rather than a customized code based one that forces courts to bend to the computational needs of the vendor.<sup>24</sup> The state tech staff is highly skilled and the development priorities will continue to be well thought out. ITV should continue to expand its utility and usefulness. A robust website and strong Internet marketing program will provide routine, helpful information to growing numbers of Judicial Branch clients that will use it instead of calling or traveling to the court. Wireless technology will become more pervasive and secure, permitting old courtrooms to be outfitted with high-tech litigation and judicial support systems without significant infrastructure costs. Digital audio and video recording to make the verbatim court record will become more pervasive. Over the next three years it is expected that the Eighth District will be utilizing all available technologies, substantially reducing data entry and duplication of work. Many processes, especially those related to the payment of fines and fees currently performed at individual courthouses will be automated and centralized or performed by staff in neighboring counties.

Programmatic innovations in the next three years are directed at new operational methods in using the resources and ingenuity of the court to achieve more productive, inexpensive and service oriented results. Some court administration offices in low volume counties may be open to the public only when court is in session by 2013, as the economy struggles to rebound and rural population continues to decline.

Administrative innovations are changes in how court organizations prepare themselves to conduct operations or account for their achievements. The NCSC consultants would expect the District’s leadership to reach out to local stakeholders in more intense ways. Effective collaboration with justice system agencies should be a major emphasis, especially regarding law enforcement and community corrections groups. Getting things done jointly in a shared environment depends a great deal on trust beyond agency boundaries and achieving mutual benefits. Help by court leaders to advance e-citation processing is a prime example. Regular meetings and forums to address issues and allow views to be aired are time consuming but important to ensure broad support for group efforts. In some cases, respected neutral organizations and skilled collaboration conveners may prove helpful. We would expect that key leaders in the courts, including but not limited to the chief judge, district administrator, and court administrators, would not only actively support initiatives, but champion them. In the near

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<sup>24</sup> See Matthias, John, “User Requirements for a New Generation of Case Management Systems,” *Future Trends in State Courts 2010*. National Center for State Courts, Williamsburg, VA. (2010)

future it is our hope that the Eighth District will operate with three functioning assignment areas, each with a single presiding judge and a single court administrator accountable to the District's chief judge and district administrator for the development of effective operational and calendaring policies.

Strategic innovations represent fundamental change in the overall philosophy and orientation of the court. They involve important redefinitions of primary objectives, including the range of services and activities supplied by the Judiciary, the means by which judges and court staff achieve their goals and the key internal and external relationships that are developed and maintained by the District and the Branch. More intense interaction by the judges and staff of the Eighth District with neighboring districts to the extent of breaking down district boundaries in handling caseloads, assisting each other in emergency matters, and staff coverage is a significant orientation change that is likely to take place in pilot and experimental ways in the next three years.

The NCSC consultants are encouraged about the capacity and capabilities of the leadership in the Eighth District in particular, and the Judicial Branch as a whole. The NCSC consultants feel its policymakers are committed to jointly and responsibly guiding Minnesota's reengineering efforts in productive and successful ways, continuing their leadership in rightsizing rural courts for a leaner tomorrow.

## CHAPTER X. SUMMARY OF RECOMMENDATIONS

**Recommendation 1:** *Court administrators should be professionals who are appointed by the District Administrator, are responsible to the District Administrator and who serve at the pleasure of the District Administrator.*

**Recommendation 2:** *One person, either the court reporter or senior court clerk, should be assigned to the courtroom to monitor the digital recording equipment, perform the in-court updating tasks, mark exhibits and otherwise assist the judge as needed. To effectively implement this recommendation, the following must be accomplished.*

- *Court reporters should be fully trained on MNCIS, court procedures, and specific in-court updating processes.*
- *The court reporter's supervising judge should establish the expectation that the court reporter perform the in-court updating tasks at the direction of and to the satisfaction of the court administrator and delegate responsibility for training and performance of in-court updating procedures to the court administrator.*
- *The senior court clerk's job description should be reviewed to ensure that it contains the required skill set and characteristics necessary to perform the multiple tasks set forth in the 2007 Final Report on the In-Court Updating Pilot Project.*
- *District leaders should explore remote monitoring of the digital recording equipment to enable a senior court clerk working in another county in the District to monitor the recording equipment when neither a court reporter nor senior court clerk can perform that task on-site.*

**Recommendation 3:** *To enhance efficiency of court staff and court users, each assignment area should function as a single unit with uniform policies and procedures designed to enable the assignment area to hear and dispose of cases, manage its records and provide services to court users in ways consistent with state policies and appropriate to the counties within the assignment area. To accomplish this, the NCSC consultants recommend that the chief judge designate a presiding judge of the assignment area to work with the court administrators to manage the work: to establish formal calendaring and assignment policies that optimize the deployment of judicial officers consistent with the region's adjudication needs and an annual set of operational strategies and priorities to improve productivity, lower costs and improve access to justice in the region. Through attrition, each assignment area will in the future have one court administrator to work with the presiding judge. The chief judge and district administrator should oversee, promote and coordinate regional plans in the best interests of the public, District and Judicial Branch.*

**Recommendation 4:** *ITV should be utilized more than it is currently used in the District. Judges should routinely use ITV for standard motion and non-dispositive hearings in civil cases. In addition, judges who must travel to another courthouse to be in the courtroom with the litigants and attorneys should consider conducting that hearing via ITV consistent with the ITV rules from their chambered courthouse.*

**Recommendation 5:** *The Seventh/Eighth District Administrator and a select group of court administrators should advance plans to the judicial leadership and judges en banc of the Seventh and Eighth Judicial Districts for:*

- *Consistent work sharing among the staff of the two districts where efficiencies, travel distance, and resources warrant.*
- *Regular assignments of judges of the two districts where volume and distance warrant.*
- *Subordinate judicial officer work sharing.*

**Recommendation 6:** *The multi-county judicial districts are tasked with coordinating efficiencies among a vast array of justice system agencies and officials. The Eighth District is at an advantage based on their three administrative assignment districts. Here, there is an opportunity to lead the way for other rural districts by directing the newly created single presiding judge and the court administrators in each assignment area to meet periodically with law enforcement, public lawyers, corrections, county, city and state officials to coordinate local and statewide initiatives directed at reducing data entry and procedural redundancies in the movement of information and cases to, through, and from the court. Such efforts must be in harmony with District and Judicial Branch initiatives and priorities. District or state based pilot projects are useful and effective ways to stimulate cooperation, engage participants, and generate timely results.*

*In developing these justice system procedures and policies, the presiding judge and court administrators of the assignment areas should be guided by the approach used by those who developed the Tri-County System in handling criminal matters. Each Area should develop and implement case management practices that work for all stakeholders in the Area and result in quality dispute resolution within established time standards. All hearings scheduled and heard should be meaningful events that move the case to disposition.*

**Recommendation 7:** *All counties in the Eighth District should fully implement all of Minnesota's current technology initiatives, as described in Chapter III of this Report, as soon as possible.*

**Recommendation 8:** *Given the amount and time fielding routine in-bound phone calls by clerical staff in the various courthouses of the District, it is likely that one or more centralized District call centers with real-time computer access to MNCIS and other electronic court databases could save work and time in the counties. It is suggested that District leadership explore the idea as a pilot project. Calls could be routed to a central location or to one or more of the courthouses in the District with sufficient staff to perform the work of the local court and also to respond to phone calls made to other courts.*

**Recommendation 9:** *Should the District establish in-bound call centers, it is suggested that pro se calls be routed directly to them by widely advertising a single phone number to call. Call center staff should be given advanced training by Hennepin County self service experts on pro se processes and procedures. A call center that routinely receives calls from pro se clients, would save interruptions on courthouse office staff, allow for better, effective protocols in assisting customers, and permit better client triage in referrals to Hennepin County for advanced help.*

**Recommendation 10:** *Concurrent with centralizing other District-wide information processing efforts, it is proposed that District leaders investigate the possibility of piloting MNCIS data entry/management/response hubs in one or more locations within the District.*

**Recommendation 11:** *District and Judicial Branch leaders should explore greater use of part-time local court employees to save personnel costs and provide highly flexible staffing.*

**Recommendation 12:** *Court officials should work collaboratively with the SCAO and Hennepin County's Self Help Center to explore ways that libraries can supplement the assistance provided at the courthouse or at centralized self-help centers within the Eighth District operating as an annex to the statewide Self Help Center located in Hennepin County.*

**Recommendation 13:** *Judicial Branch and District leaders should explore contracting with county governments to provide court assistance in low volume rural courts on an emergency basis.*

**Recommendation 14:** *Upon detailed review of the two workforce studies conducted by the National Center for State Courts and the planned Judicial Branch staffing study, Eighth District and Judicial Branch leaders should consider strategically closing court administration offices to the public on non-court days during times of limited customer demand. Currently, all District court offices routinely close at 2:00 p.m. on Fridays without major repercussions. Given the limited caseloads, little walk-in traffic, and high cost of maintaining fully staffed offices 37.5 hours per week; it is sensible and economical to selectively close court offices in the ten counties on some non-court days. As noted in other strategies, phone calls, back office work, and emergency coverage for warrants and orders can be routed to other counties or to a central "duty judge" during closed periods.*

*To mitigate the number of days of closure, NCSC consultants suggest that the District explore establishing responsibility for certain District-wide processes to one or more of these courts when they do not have any scheduled court hearings.*

**Recommendation 15:** *NCSC consultants suggest that the four lowest volume court administration offices – Grant, Big Stone, Lac qui Parle and Traverse – selectively close up to and including all days when court is not in session, and correspondingly provide, inexpensive alternative ways to provide public access to justice pursuant to the various suggestions in this study.*

*To mitigate the number of days of closure, NCSC consultants suggest that the District explore establishing responsibility for certain District-wide processes to one or more of these courts when they do not have any scheduled court hearings.*

# **APPENDICES**

**[To be Sent Under Separate Cover]**