

STATE OF MINNESOTA
BOARD ON JUDICIAL STANDARDS



2023 ANNUAL REPORT

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MEMBERS AND STAFF*

Judge Members

Hon. Shereen M. Askalani
Fourth Judicial District
Minneapolis, Minnesota

Hon. Charlene Hatcher
Fourth Judicial District
Minneapolis, Minnesota

Hon. Louise Dovre Bjorkman, Chair
Minnesota Court of Appeals
St. Paul, Minnesota

Hon. Theresa M. Neo
Sixth Judicial District
Duluth, Minnesota

Attorney Members

Theresa Harris
Minneapolis, Minnesota

Timothy O'Brien
Edina, Minnesota

Public Members

Dr. Scott A. Fischer
Saint Paul, Minnesota

Debbie Toberman
Plymouth, Minnesota

Scott Sakaguchi
Edina, Minnesota

Nhia Vang
Woodbury, MN

Staff

Thomas M. Sipkins
Executive Secretary

Sara P. Boeshans
Staff Attorney

Mary Pat Maher
Executive Assistant

*Brief biographies are appended at the end of this report.

FOREWORD FROM THE CHAIR

On behalf of the board members and staff of the Board on Judicial Standards, it is our pleasure to present this 2023 Annual Report of the Board on Judicial Standards to the citizens of Minnesota, Governor, Legislature, and the Minnesota Judiciary.

The board members take great pride in their diligent efforts to provide education, ensure compliance with the Code of Judicial Conduct, review and investigate complaints, and recommend discipline of judges.

The Minnesota Board on Judicial Standards (Board) is charged with enforcing the Minnesota Code of Judicial Conduct and with interpreting the Code for the education of judges and others. The Minnesota Legislature created the Board in 1971 and provides its operational funds. The Governor appoints all Board members, including four judges, four public members, and two lawyers. The public members and the lawyers are subject to Senate confirmation. All board members serve in a volunteer capacity. The Minnesota Supreme Court adopts rules of the Code of Judicial Conduct and adopts rules governing Board procedures.

The Judicial Code establishes a high standard for judicial conduct in the State of Minnesota. The Preamble to the Code states:

An independent, fair, and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.

The members of the Board take these principles to heart in carrying out their duties and make every effort to fulfill the Board's mission.

The Board's primary function is to receive, investigate, and evaluate complaints of judicial misconduct. Complaints that do not allege conduct that violates the Code are dismissed. If the Board finds that a judge has violated the Code, the Board may issue private discipline or a public reprimand. In cases involving more serious misconduct, the Board may seek public discipline by filing a formal complaint against the judge with the Minnesota Supreme Court. After a public hearing, potential discipline imposed by the

Supreme Court may include a reprimand, suspension, or removal from office. In addition to cases involving misconduct, the Board has jurisdiction to consider allegations that a judge has a physical or mental disability.

Education is also an important Board function. The Board and the Executive Secretary respond to judges' requests for informal advisory opinions. The Board also issues formal opinions on subjects of importance. The Board's website provides a wealth of information, including links to the Code of Judicial Conduct, the Board's procedural rules, Board opinions, public discipline cases, annual reports, and other judicial conduct resources. In addition, the Executive Secretary gives presentations on current ethics topics to newly appointed judges, at meetings of district court judges, and at state-wide judicial seminars. Finally, the Executive Secretary endeavors to maintain open and cordial relationships with the Minnesota Supreme Court, the Court of Appeals, and the Minnesota District Court Judges in an effort to maintain confidence in Board decisions and compliance with the Code.

In 2023, the Board received a total of 890 complaints. This represents a 17% increase compared to 2022, when the Board received 760 complaints, and substantially exceeds the number of complaints received in 2021 (237) and 2020 (158). The increase is likely due, in part, to the fact the new online complaint system was in place during all of 2023. Of the 890 complaints received in 2023, the Board summarily dismissed 845, reviewed 43 at board meetings,* authorized investigations of 23, and issued discipline against three judges. The Board also issued letters of caution to seven judges regarding their conduct to point out areas in need of improvement. In addition, the Executive Secretary issued nearly 100 informal advisory opinions to individual judges at their request.

The Board accomplished many important goals in 2023. These include:

- The Board engaged in an open and competitive hiring process to appoint a new Executive Secretary.
- Board staff issued a high number of written informal advisory opinions to judges.
- Board members provided in-person and virtual guidance and advice to judges experiencing difficulties.
- The Board engaged in outreach and education for judges at bench meetings, seminars, and conferences. The Executive Secretary and Staff Attorney gave in person and virtual presentations to judges across Minnesota, providing information about the Board and education regarding judicial ethics. The Executive Secretary has made presentations to judges in all of the ten judicial districts.
- The Executive Secretary and Staff Attorney presented at several judicial branch meetings, including a presentation at the 2023 Annual Conference of Judges.
- The Board Chair and Staff Attorney presented at a Minnesota Office of Attorney General continuing legal education seminar.

* Two complaints received in 2023 were reviewed at the January 2024 Board meeting.

- The Board updated the “Minnesota Judicial Ethics Outline” on the Board’s website. The Outline addresses a wide variety of subjects, including the history of judicial discipline in Minnesota, case law interpreting the Code, and summaries of the Board’s ethics opinions. The Board also updated its website with recent news and summaries of its recent disciplinary action.

In 2023, Public Member Nhia Vang and Attorney Member Tim O’Brien were re-appointed to serve another four-year term on the Board. The Board’s Executive Secretary, Thomas M. Sipkins, retired from the Board on January 2, 2024. After an open and competitive search process, the Board appointed Staff Attorney Sara P. Boeshans as the new Executive Secretary effective January 3, 2024.

It has been a pleasure to work with such dedicated and committed staff and board members to fulfill the Board’s important mission.

Hon. Louise Dovre Bjorkman
Chair of the Board on Judicial Standard (January 2022-January 2024)

INTRODUCTION

A society cannot function without an effective, fair, and impartial procedure to resolve disputes. In Minnesota, the Constitution and laws provide a system designed to fit these essential criteria. The preservation of the rule of law, as well as the continued acceptance of judicial rulings, depends on unshakeable public recognition that the judiciary and the court system are worthy of respect and trust.

Unlike the executive and legislative branches of government, the judiciary “has no influence over either the sword or the purse.” The Federalist No. 78, at 465 (Alexander Hamilton). “The legal system depends on public confidence in judges, whose power rests in large measure on the ability to command respect for judicial decisions. Whether or not directly related to judicial duties, misconduct by a judge brings the office into disrepute and thereby prejudices the administration of justice.” *In re Miera*, 426 N.W.2d 851, 858 (Minn. 1988).

It is the Board’s mission to promote and preserve public confidence in the independence, integrity, and impartiality of our judicial system by enforcing the Judicial Code and by educating judges and others regarding proper judicial conduct.

AUTHORIZATION

The 1971 Legislature approved an amendment to the Minnesota Constitution authorizing the Legislature to “provide for the retirement, removal or other discipline of any judge who is disabled, incompetent or guilty of conduct prejudicial to the administration of justice.” The 1971 Legislature also created the “Commission” (now “Board”) on Judicial Standards and authorized the Supreme Court to make rules to implement the legislation. (Current version at Minn. Stat. §§ 490A.01-.03.) In 1972, Minnesota voters approved the constitutional amendment (Minn. Const. Art. VI, § 9), and the Minnesota Supreme Court adopted the Code.*

ORGANIZATION

The Board has ten members: one Court of Appeals judge, three district court judges, two lawyers, and four citizens who are not judges or lawyers. The Board members are

* Until 1972, Minnesota appellate and district court judges could be removed or suspended from office for misconduct only by the rarely used impeachment process, which involves impeachment by the Minnesota House of Representatives and conviction by the Minnesota Senate. Since 1996, judges have also been subject to recall by the voters, although this has never happened. Minn. Const. Art. VIII, § 6.

appointed by the Governor and, except for the judges, are subject to confirmation by the Senate. Members' terms are four years and may be extended for an additional four years.

The Board meets approximately eight times annually and more often if necessary. Non-judge members of the Board may claim standard State per diems as well as reimbursement for expenses such as mileage. Judge members are not paid per diems.

The Board is supported by a staff consisting of the Executive Secretary, an executive assistant, and a part-time staff attorney. At the direction of the Board, the staff is responsible for reviewing and investigating complaints, providing informal opinions to judges on the application of the Code, maintaining records concerning the operation of the office, preparing the budget, administering the Board funds, and making regular reports to the Board, the Supreme Court, the Legislature, and the public.

CODE OF JUDICIAL CONDUCT

The Minnesota Supreme Court has adopted the Code of Judicial Conduct to govern judicial ethics. Intrinsic to the Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system.

The Board considers only complaints involving the professional or personal conduct of judges. The Code is not construed so as to impinge on the essential independence of judges in making judicial decisions. Complaints about the merits of decisions by judges may be considered through the appellate process.

RULES AND PROCEDURES

The Rules of the Board on Judicial Standards are issued by the Minnesota Supreme Court. Under its Rules, the Board has the authority to investigate complaints concerning a judge's conduct or physical or mental condition. If a complaint provides information that furnishes a reasonable basis to believe there might be a disciplinary violation, the Board may direct the Executive Secretary to conduct an investigation.

Under the Rules, the Board may take several types of actions regarding complaints. It may dismiss a complaint if there is not reasonable cause to believe that the Code was violated. A dismissal may be accompanied by a letter of caution to the judge. If the Board finds reasonable cause, it may issue a private admonition, a public reprimand, or a formal complaint. The Board may also defer a disposition or impose conditions on a judge's conduct, such as obtaining professional counseling or treatment.

The Board affords judges a full and fair opportunity to defend against allegations of improper conduct. If the Board issues a formal complaint or a judge appeals a public reprimand, a public hearing will be held. Hearings are conducted by a three-person panel appointed by the Supreme Court. After the hearing, the panel may dismiss the complaint, issue a public reprimand, or recommend that the Supreme Court impose more serious discipline, such as censure, suspension, or removal from office. If the panel recommends that the Court impose discipline or if the judge or the Board appeals the panel's action, the final decision is made by the Court.

If a judge appeals a private admonition, a private hearing will be held. Hearings are conducted by a three-person panel appointed by the Supreme Court. After the hearing, the panel may dismiss the complaint, affirm the admonition, or recommend that the Board issue a public reprimand or a formal complaint. If the judge appeals the panel's affirmance of an admonition, the Court makes the final decision.

All proceedings of the Board are confidential unless a public reprimand is issued, or a formal complaint has been filed with the Supreme Court. The Board notifies complainants of its actions, including dismissals and private dispositions, and provides brief explanations.

An absolute privilege attaches to any information or testimony submitted to the Board, and no civil action against a complainant, witness, or his or her counsel may be based on such information.

AUTHORITY AND JURISDICTION

The Minnesota Board on Judicial Standards has jurisdiction over complaints concerning the following judicial officials:

- State court judges, including judges of the District Courts, Court of Appeals and Supreme Court. There are 296 district court judge positions and 26 appellate judge positions.
- Approximately 106 retired judges in "senior" status, who at times serve as active judges.
- Judicial branch employees who perform judicial functions, including referees, magistrates, and other judicial officers.
- Judges of the Minnesota Tax Court (3) and the Workers' Compensation Court of Appeals (5) and the Chief Judge of the Office of Administrative Hearings (1).*

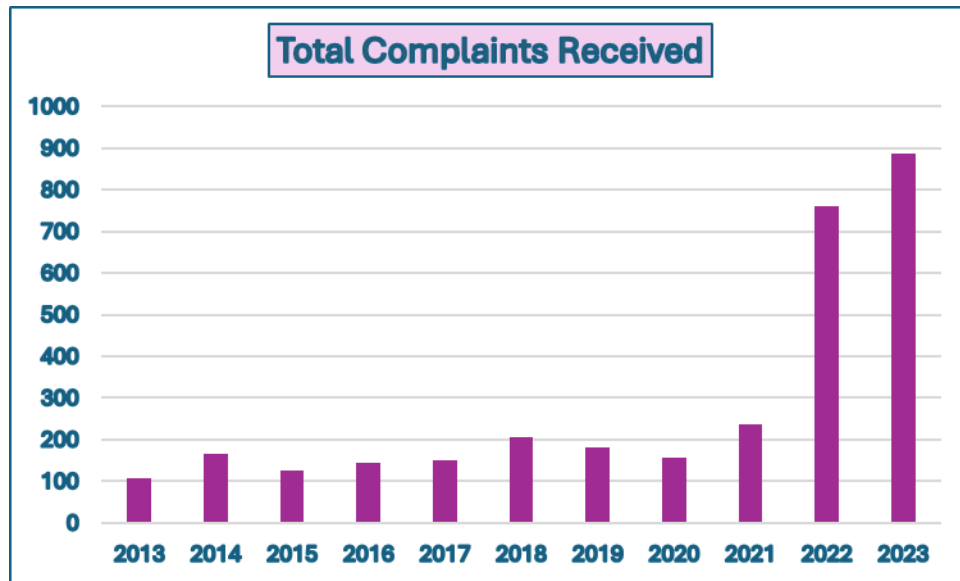
* See Rule 2, Rules of Board on Judicial Standards; Code of Judicial Conduct, "Application"; Minn. Stat. §§ 14.48, subds. 2 and 3(d), 175A.01, subd. 4, 271.01, subd. 1, 490A.03.

The Board does not have jurisdiction over complaints that concern the following persons:

- Court administrators or personnel, court reporters, law enforcement personnel, and other non-judicial persons.
- Federal judges. Complaints against federal judges may be filed with the Eighth Circuit Court of Appeals.
- Lawyers (except, in some circumstances, those who become judges or who were judges). Complaints against lawyers may be filed with the Office of Lawyers Professional Responsibility.

COMPLAINTS RECEIVED IN 2023

In 2023, the Board received and reviewed 890 complaints, the highest number of complaints ever received by the Board since its inception. In March 2022 the Board implemented an online complaint process which was intended to increase accessibility. As the table below indicates, the number of complaints received by the Board increased exponentially after the online complaint system was in place.

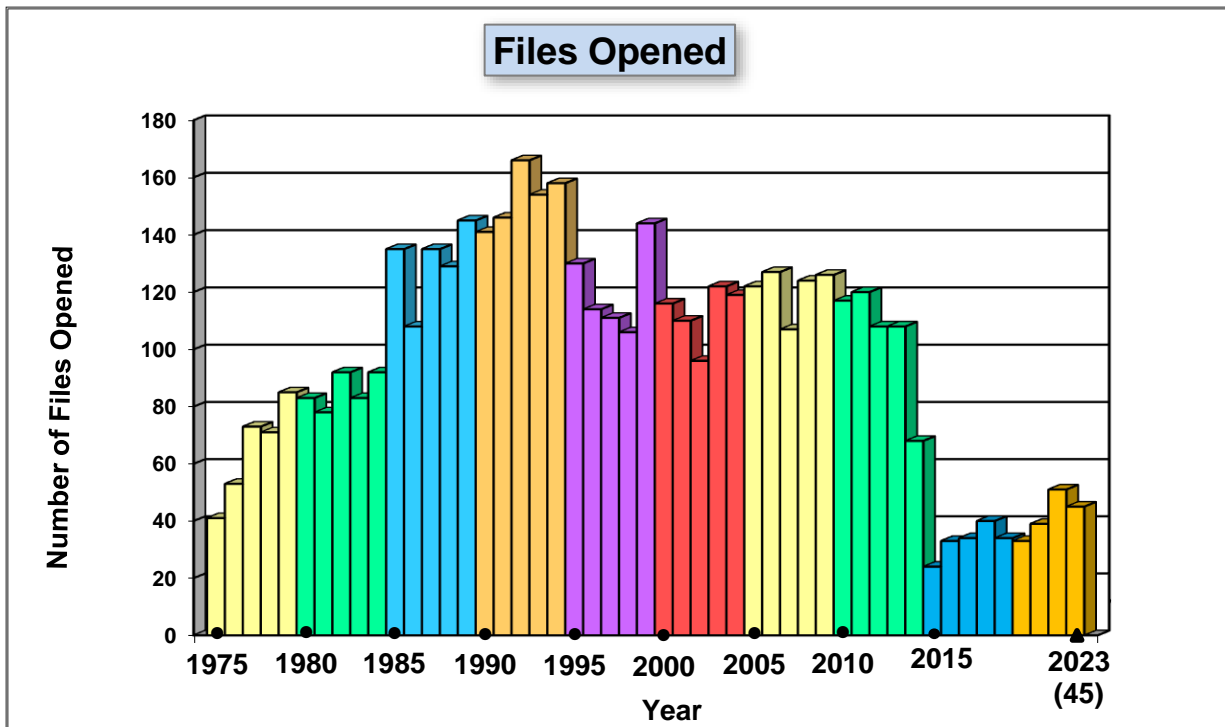


Complaints can be submitted online, via email, U.S. mail, fax, or through personal delivery. If the person has a disability that prevents them from submitting a complaint in writing, a complaint can be submitted over the phone. Below is a table which summarizes the methods by which complaints were received in 2023.

Method by Which Complaint Was Received	Number Received	% of Total
Online Complaint System	694	78%
Mail	132	15 %
Email	37	4%
Fax	23	3%
Phone	4	<1%
Total:	890	100%

2023 COMPLAINT STATISTICS

In 2023, the Board opened 45 files based on written complaints alleging matters within the Board’s jurisdiction. The number of files opened annually by the Board since 1975 are set forth below:



This chart shows a decline in the number of files opened beginning in 2014. The decline appears to be due to at least two factors.

First, in 2014, the Legislature transferred primary responsibility for enforcing the “90-day rule” from the Board to the chief judges of the judicial districts. The 90-day rule generally requires a judge to rule within 90 days after a case is submitted. Minn. Stat. § 546.27. Judicial Branch case-tracking reports of possible violations are now sent to the chief judges rather than to the Board.

Second, the chart reflects only matters that were reviewed by the full Board and does not reflect complaints that were summarily dismissed. If a complaint does not fall within the Board’s jurisdiction, the complaint may be summarily dismissed by the Executive Secretary, subject to the approval of a single Board member. This procedure avoids the inefficiency of requiring the full Board to review complaints that are not within its jurisdiction.

For example, complaints that merely express dissatisfaction with a judge's decision are summarily dismissed under Board Rule 4(c). In recent years, larger numbers of complaints have been summarily dismissed, as shown in the next table:

<u>SUMMARY DISMISSALS</u> (BY YEAR)	
2014	99
2015	102
2016	112
2017	117
2018	167
2019	147
2020	125
2021	198
2022	709
2023	845

As reflected in the following table, most complaints that were reviewed by the Board were filed by litigants:

<u>SOURCES OF COMPLAINTS</u> <u>AND REPORTS – 2023</u>	
Litigants	21
Attorneys	7
Judge	6
Other	3
Prosecutor	2
Self-Report	2
Citizen	2
Victim	2
TOTAL	45

The next table outlines the judges who were the subject of complaints in 2023. The majority of the complaints filed and opened in 2023 were against district court judges.

<u>JUDGES SUBJECT TO COMPLAINTS AND REPORTS – 2023</u>	
District Court Judge	37
Other Judicial Officer	5
Conciliation Court Referee	2
Tax Court Judge	<u>1</u>
TOTAL	45

The types of allegations are set forth below. The total exceeds 45 because many complaints contained more than one allegation.

<u>ALLEGATIONS REPORTED – 2023</u>	
Bias, discrimination, or partiality	27
General demeanor or decorum	22
Failure to follow law or procedure	15
Conflict of interest	11
Ex parte communication	7
Abuse of authority or prestige	7
Failure to perform duties	5
Improper conduct on the bench	4
Incompetence as a judge	3
Loss of temper	2
Practicing law; giving legal advice	2
Improper influence, ticket fixing	2
Delay in handling court business	2
Administrative irregularity	1
Nepotism; improper appointments	1
Public comment on pending case	1
Willful misconduct in office	1

Of the 45 new complaints opened in 2023, 43 of them were considered by the Board in 2023. Two complaint files were opened in late 2023 and were considered by the Board at the January 2024 board meeting. Of the 43 new complaints considered in 2023, the Board determined that 23 of the matters warranted formal investigation. A formal investigation includes asking the judge to submit a written response to the Board. In addition, a formal investigation typically includes review of court records and interviews with court participants and may include reviewing audio recordings of the hearings. A judge or the Board may request the judge appear before the Board to discuss the allegations of judicial misconduct.

The majority of the complaints and Board-initiated investigations (29) were dismissed in 2023. Many complaints are dismissed because they concern a judge's rulings or other discretionary decisions that are generally outside the Board's purview. The reasons for dismissal are set forth below. The total count of dismissal reasons differs from the number of complaints dismissed in 2023 because some complaints are dismissed for more than one reason. Also, in 2023, the Board considered two complaints that were opened in 2022, and still under investigation in 2023. And, at the end of 2023, nine complaints were still under investigation and thus, remained open.

DISMISSAL REASONS – 2023

No misconduct; no violation	21
Frivolous, no grounds	13
Unsubstantiated after investigation	12
Insufficient evidence	10
Lack of jurisdiction	3
Within discretion of judge	3
Legal or appellate issues	2
Corrective action by judge	2
No issue left to resolve	1

As shown in the table below, in 2023, three matters resulted in discipline and seven matters were resolved with a letter of caution to the judge.

<u>DISPOSITIONS – BY YEAR ISSUED</u>					
Year	Letter of Caution	Admonition	Deferred Disposition Agreement	Public Reprimand	Supreme Court Discipline
2014	2	5	0	2	1
2015	1	2	1	1	1
2016	3	1	3	1	0
2017	5	3	0	0	0
2018	9	4	0	1	0
2019	4	2	1	0	0
2020	7	0	1	1	0
2021	4	4	1	1	0
2022	3	4	0	0	0
2023	7	0	3	0	0

CASE DISPOSITIONS

In 2023, the Board issued three deferred disposition agreements, and seven letters of caution. A letter of caution is a non-disciplinary disposition. A sampling of the disciplinary actions and letters of caution are summarized below.

PUBLIC DISPOSITIONS

Public dispositions are posted on the Board's website at <http://www.bjs.state.mn.us/board-and-panel-public-reprimands>. There were no public dispositions in 2023.

PRIVATE DISCIPLINE

Summaries of the private discipline the Board has issued since 2009 are available on the Board's website at <http://www.bjs.state.mn.us/file/private-discipline/private-discipline-summaries.pdf>. The purpose of providing summaries of the private dispositions is to educate the public and to help judges avoid improper conduct. The Board issued deferred disposition agreements and letters of caution in 2023.

Deferred Disposition Agreements Issued in 2023

- A judge made inappropriate comments to parties and attorneys in multiple cases and spoke with court administrative staff about inappropriate topics. Upon learning of the complaints, the judge sought and completed in-patient mental health treatment, and the judge continues to follow a rigorous treatment plan. The Board found violations of Rules 1.1 (Compliance with the Law), 1.2 (Promoting Confidence in the Judiciary), 2.2 (Impartiality and Fairness), 2.3(A) (Bias, Prejudice, and Harassment), 2.4(B) (External Influences on Judicial Conduct), 2.5(A) (Competence, Diligence, and Cooperation), 2.8(B) (Demeanor), and 2.9(C) (Independent Investigation) of the Code of Judicial Conduct. The Board and the judge entered into a deferred disposition agreement. The judge agreed to consult with a judicial mentor, meet with the Board's Executive Secretary, and continue meeting with a licensed psychologist or psychiatrist. If the Board does not learn of any further violations within five years, the judge will receive a private admonition.
- An investigation concluded that a judge engaged in conduct that constituted harassment and discrimination of the judge's law clerks. The judge also admitted that at times the judge was unprepared to preside over cases, that the judge did not meet internal court deadlines, and that the judge made inappropriate comments in some cases. During this time, the judge was suffering from an undiagnosed medical condition and side effects of medications. The judge took an extended leave to resolve the medical issues. The Board found violations of Rules 1.1 (Compliance with the Law), 1.2 (Promoting Confidence in the Judiciary), 2.2 (Impartiality and Fairness), 2.3(A) (Bias, Prejudice, and Harassment), 2.5 (Competence, Diligence, and Cooperation), and 2.8(B) (Demeanor) of the Code of Judicial Conduct. The Board and the judge entered into a deferred disposition agreement. The judge agreed to meet with the Board's Executive Secretary and agreed to make amends with the judge's colleagues and staff. If the Board does not learn of any further violations within two years, the judge will receive a private admonition.
- An investigation concluded that a judge failed to treat other judges, court administrative staff, attorneys, and probation officers with courtesy and patience; the judge participated in ex parte communications with litigants and an attorney; and the judge engaged in workplace conduct with court administrative staff that made other staff uncomfortable and that was objectively inappropriate for a judge. The Board found violations of Rules 1.1 (Compliance with the Law),

1.2 (Promoting Confidence in the Judiciary), 2.3(A), (B) (Bias, Prejudice, and Harassment), 2.5(A), (B) (Competence, Diligence, and Cooperation), 2.8(B) (Demeanor), and 2.9(A) (Ex Parte Communications), of the Code of Judicial Conduct. The Board and the judge entered into a deferred disposition agreement. The judge agreed to meet with the Board's Executive Secretary; meet with a Board-approved mentor regularly; seek treatment from a Board-approved psychologist; complete a Board-approved course in workplace boundaries; enroll and successfully complete an ethics and boundaries essay examination; and to not preside over any specialty court assignments. If the Board does not learn of any further violations within three years, the judge will receive a private admonition.

Letters of Caution Issued in 2023

- A judge held a criminal hearing to address alleged violations of the conditions of release and the arraignment of an amended complaint without counsel present for the defendant even though the defendant had not knowingly, voluntarily, or intelligently waived his right to counsel. The Board cautioned the judge that the conduct could have violated Rules 1.1 (Compliance with the Law), 1.2 (Promoting Confidence in the Judiciary), 2.2) (Impartiality and Fairness), and 2.6(A) (Right to Be Heard) of the Code of Judicial Conduct.
- The Board advised a judge that a respondent to an order for protection is entitled to testify and present evidence; and that failing to provide a respondent with a timely opportunity to be heard does not promote confidence in the judiciary and may call the judge's impartiality into question in violation of Rules 1.1 (Compliance with the Law), 1.2 (Promoting Confidence in the Judiciary), and 2.6(A) (Right to Be Heard) of the Code of Judicial Conduct.
- A judge self-reported that the judge made inappropriate comments about a candidate for political office. The comments were made off-the-record during Zoom calendars. The Board cautioned the judge that the comments could be interpreted to support or oppose a candidate for public office and could erode the public's confidence in the independence and impartiality of the judiciary. The Board also cautioned that in the era of virtual hearings, judges must remain mindful that their comments may easily become public, and that such conduct may violate Rules 1.1 (Compliance with the Law), 1.2 (Promoting Confidence in the Judiciary), 2.8(B) (Demeanor), and 4.1(A)(3) (Political and Campaign Activities of Judges) of the Code of Judicial Conduct.
- A judge self-reported that the judge used profanity while off-the-record during a Zoom calendar. The judge was not muted, and others overheard the judge's comments. The Board cautioned the judge that the use of profanity is not becoming of a judicial officer and may violate Rules 1.1 (Compliance with the Law), 1.2 (Promoting Confidence in the Judiciary), and 2.8(B) (Demeanor) of the Code of Judicial Conduct.

PUBLIC INQUIRIES

The staff receives frequent inquiries about judges' conduct. The inquiries are often from parties involved in court proceedings. Callers are provided information about the Board and how to file a complaint.

Board staff often receives requests for information, complaints that concern persons over whom the Board has no jurisdiction, and complaints that do not allege judicial misconduct. Callers are given appropriate referrals when other resources are available.

ADVISORY OPINIONS

The Board is authorized to issue advisory opinions on proper judicial conduct with respect to the provisions of the Code. The Board encourages judges who have ethical questions to seek its guidance. The Board provides three types of advisory opinions:

- The Board issues *formal opinions* on issues that frequently arise. These opinions are of general applicability to judges.
- A *Board opinion letter* is given to an individual judge on an issue that requires consideration by the full Board.
- The Board's Executive Secretary issues *informal opinions* to judges as delegated by the Board pursuant to Board Rule 1(e)(11). Judges regularly contact the Executive Secretary for informal opinions on ethics questions. Depending on the nature of the request, the Executive Secretary may consult the Board Chair or another Board member.

The Board began issuing formal opinions in 2013. The Board's current practice is to ask for public comments on its proposed formal opinions before the opinions are made final. Formal opinions are sent to the chief judges of the Minnesota courts and are posted on the Board's website at <http://www.bjs.state.mn.us/formal-opinions>. The Board did not issue a formal opinion in 2023.

The Executive Secretary gave nearly 100 informal advisory opinions to judges in 2023. This continues the trend of a significant increase over prior years, reflecting the increased assistance the Board is providing to judges who are faced with ethics issues. The opinions cover a wide range of subjects, including disqualification standards and permissible extrajudicial activities. In many cases, the judge requests the opinion by telephone and the opinion is given orally. Since 2014, however, opinions are usually confirmed by e-mail and include analysis and citation to legal authority.

BUDGET

The Board's current base budget is \$530,000 per year, which is used to pay staff salaries, rent, and other expenses. The staff consists of the Executive Secretary, a three-quarter time staff attorney, and an executive assistant.

In addition, a special account funded at \$125,000 per year is potentially available to the Board to pay the expenses of major cases, which often require the Board to retain private counsel, resulting in significant expenditures for attorney fees.

FURTHER INFORMATION

For additional information regarding the Minnesota Board on Judicial Standards, please feel free to contact the Executive Secretary at (651) 296-3999.

Dated: February 15, 2024

Respectfully submitted,

/s/ Louise Dovre Bjorkman
Judge Louise Dovre Bjorkman
Chair, Minnesota Board on
Judicial Standards

/s/ Sara P. Boeshans
Sara P. Boeshans
Executive Secretary, Minnesota
Board on Judicial Standards

BOARD AND STAFF BIOGRAPHIES

Honorable Shereen M. Askalani

Judge of District Court (Fourth District). Appointed to the bench in 2016. Assistant Ramsey County Attorney from 2002 to 2016. Appointed to the Board on Judicial standards in 2020.

Honorable Louise Dovre Bjorkman

Board Chair. Judge of Minnesota Court of Appeals. Appointed to the Court of Appeals in 2008. Judge, Second Judicial District Court, 1998-2005. Private practice of law, 1985-1998 and 2005-2008. Appointed to the Board on Judicial Standards in 2017.

Scott A. Fischer, PhD., LP, ABPP

Public Member. Dr. Fischer is a forensic psychologist in private practice in Saint Paul. He is the former chair of the Minnesota Board of Psychology. Appointed to the Board on Judicial Standards in 2022.

Theresa M. Harris, ESQ.

Attorney Member. In-house counsel at a corporation providing legal advice regarding complex business contracts, product labeling and advertising claims, marketing-related regulations, and legal compliance. Appointed to the Board on Judicial Standards in 2022.

Honorable Charlene W. Hatcher

Judge of District Court (Fourth District). Appointed to the bench in 2016. Past employment includes Chief Civil Deputy Hennepin County Attorney; Managing Attorney, Human Services Division, Hennepin County Attorney's Office; and Special Assistant Attorney General, Office of the Minnesota Attorney General. Appointed to the Board on Judicial Standards in 2022.

Honorable Theresa M. Neo

Judge of District Court (Sixth District). Appointed to the bench in 2014. Assistant Duluth City Attorney 2010-2014. Staff Attorney Indian Legal Assistance Program 2005-2010, Attorney Safe Haven Shelter 2002-2005. Appointed to the Board on Judicial Standards in 2020.

Timothy O'Brien, ESQ.

Board Vice Chair and Attorney Member. Retired partner, Faegre Baker Daniels LLP. Served as a member of the Lawyers Professional Responsibility Board from 1997-2003, as a member of the Minnesota Client Security Board from 2007-2013, and as a member of the Minnesota Commission on Judicial Selection from 2011-2018. Appointed to the Board on Judicial Standards in 2019.

Dr. Scott Sakaguchi

Public Member. Dr. Sakaguchi was trained as a cardiologist and, in 2019, retired from practice as a Professor of Medicine at the University of Minnesota. Appointed to the Board on Judicial Standards in 2021.

Debbie Toberman

Public Member. Claim Supervisor at Minnesota Lawyers Mutual Insurance Company since 2006. Previously, Ms. Toberman was a Claim Representative at Minnesota Lawyers Mutual from 1986 to 2006, and she served as a public member on the Lawyers Professional Responsibility Board from 2005 - 2011 and the Fourth District Ethics Committee from 1997 - 2009. Appointed to the Board on Judicial Standards in 2020.

Nhia Vang

Executive Committee Member and Public Member. Ms. Vang works for the City of Saint Paul and has more than 20 years' experience in public service in the areas of administration, budget, and policy. Appointed to the Board on Judicial Standards in 2019.

Thomas M. Sipkins

Executive Secretary. Mr. Sipkins was a judge of the Hennepin County District Court from 2009 until September 2017. He was previously in the private practice of law at the Maslon, Edelman, Borman, and Brand law firm in Minneapolis, where he headed the firm's Labor and Employment Group and was a member of its Competitive Practices and Litigation groups.

Sara P. Boeshans

Staff Attorney. Admitted to practice in 2007. Ms. Boeshans clerked for Judge Marybeth Dorn, Second Judicial District, after which she was employed in the Minnesota Attorney General's Office.

Mary Pat Maher

Ms. Maher served as Executive Director of Project Remand - Ramsey County Pretrial Services for 26 years where she collaborated with her justice partners to improve the pretrial justice system in Ramsey County and statewide.