

MINNESOTA BOARD ON JUDICIAL STANDARDS



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HON. KURT J. MARBEN
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March 22, 2019

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Mr. Chris Steller
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Legislative Reference Library
645 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Dear Mr. Steller:

In accordance with Minnesota Statutes section 3.195, please find enclosed copy of the Annual Report of the Board on Judicial Standards for 2018. An electronic copy of the report also has been sent to your email address.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas M. Sipkins".

Thomas M. Sipkins
Executive Secretary

Encl.

STATE OF MINNESOTA

BOARD ON JUDICIAL STANDARDS



2018 ANNUAL REPORT

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MEMBERS AND STAFF*

Judge Members

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

Hon. Ellen L. Maas
Tenth Judicial District
Stillwater, Minnesota

Hon. David L. Knutson, Chair
First Judicial District
Hastings, Minnesota

Hon. Kurt J. Marben
Ninth Judicial District
Thief River Falls, Minnesota

Attorney Members

Cindy K. Telstad, Vice-Chair
Winona, Minnesota

William J. Wernz
Minneapolis, Minnesota

Public Members

Carol E. Cummins, M.B.A.
Golden Valley, Minnesota

Gerald T. Kaplan, M.A., L.P.
Wayzata, Minnesota

Timothy Gephart
Minneapolis, Minnesota

Terry Saario, Ph.D.
Minneapolis, Minnesota

Staff

Thomas M. Sipkins
Executive Secretary

Sara P. Boeshans
Staff Attorney

John H. Fuller
Executive Assistant

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

FOREWORD FROM THE CHAIR

The Minnesota Board on Judicial Standards (“Board”) is charged with enforcing the Minnesota Code of Judicial Conduct (“Code”) and with interpreting the Code for the education of judges and others. The Minnesota Legislature created the Board and funds it. The Governor appoints the Board members: four judges, four public members, and two lawyers. The Minnesota Supreme Court adopts procedural rules for the Board and adopts the Code for judges.

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

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 of 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. As it has since its inception in 1971, the Board continues to make every effort to fulfill its 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 seeks public discipline by filing a formal complaint against the judge with the Supreme Court. After a public hearing, potential disciplines include 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 its 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 links to the Code, the Board’s procedural rules, Board opinions, public discipline cases, annual reports, and other resources. In addition, the Executive Secretary makes presentations on current ethics topics to newly appointed judges, to 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 District Judges Association, the Minnesota Supreme Court, the Court of Appeals, the State Legislature, and the Governor.

The Board accomplished many important goals in 2018. These include:

- On March 13, 2018, the Minnesota Supreme Court granted the Board’s petition to amend Rule 63 of the Rules of Civil Procedure. Order Promulgating Amendments to the Rules of Civil Procedure, File No. ADM04-8001 (Minn. 2018). The revised language incorporates the disqualification standard in Judicial Code Rule 2.11(A)(2)(c) and provides guidance to judges, lawyers, and the public when disqualification issues arise.
- Board staff issued a record number of informal advisory opinions to judges.
- Board members provided in-person guidance and advice to certain judges experiencing difficulties.
- The Board engaged in outreach and education for judges at bench meetings, seminars, and conferences. Executive Secretary Sipkins visited four of the State’s ten judicial districts, and provided education regarding judicial ethics. Staff Attorney Boeshans accompanied him to two of these presentations, and at a training for law clerks of a judicial district.
- Executive Secretary Sipkins and Board Member Judge David Knutson gave presentations at two training sessions for new judges.
- Executive Secretary Sipkins, Board Member Judge Ellen Maas, and Staff Attorney Boeshans gave a presentation at the Minnesota District Judges Association Fall Judicial Conference.
- On June 22, 2018, the Board presented a half-day seminar on judicial election law for candidates for judicial office, including judges who were seeking re-election, challengers, and candidates for open seats.
- The Board updated “Minnesota Judicial Ethics Outline” on the Board’s website. The Outline addresses a wide variety of subjects, such as the history of judicial discipline in Minnesota, case law interpreting the Code, and summaries of the Board’s ethics opinions.
- Board Member William J. Wernz and Staff Attorney Boeshans authored the article, *Who Will Judge the Judges?*, Bench & Bar of Minn. (Dec. 2018).
- Executive Secretary Sipkins authored the article, *Practicing Pro Bono as a Judge*, Hennepin Law. (Sept./Oct. 2018).
- The Board elected new officers for the 2019-2021 term as follows: Chair: Judge David Knutson, Vice-Chair: Cindy Telstad, Third Exec. Comm. Member: Gerald Kaplan.

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 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 294 district court judge positions and 26 appellate judge positions.
- Approximately 104 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)*

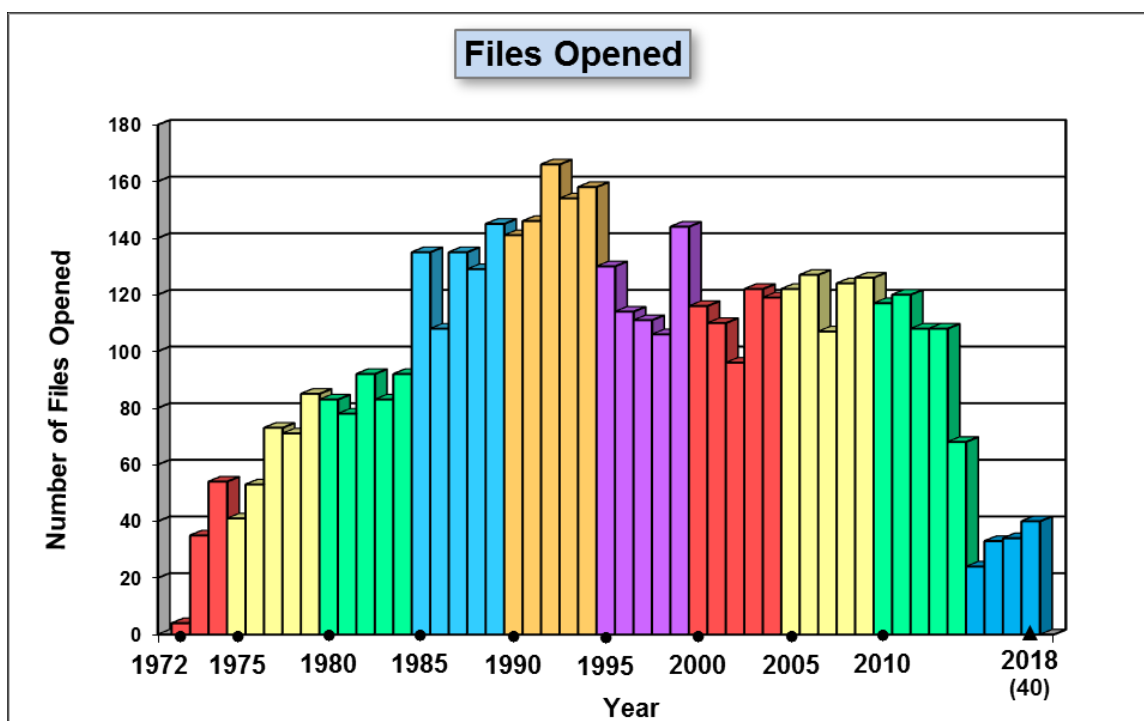
* See Rule 2, Rules of Board on Judicial Standards; Code of Judicial Conduct, "Application"; Minn. Stat. §§ 14.48, subds. 2 and 3(d), 175A.01, subd. 4, 271.01, subd. 1, 490A.03.

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.

2018 COMPLAINT STATISTICS

In 2018, the Board opened 40 files based on written complaints alleging matters within the Board's jurisdiction. The number of files opened annually by the Board since 1972 is 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 nonjurisdictional complaints have been summarily dismissed, as shown in the next table:

SUMMARY DISMISSALS
(BY YEAR)

| | |
|------|-----|
| 2009 | 76 |
| 2010 | 83 |
| 2011 | 56 |
| 2012 | 78 |
| 2013 | 60 |
| 2014 | 99 |
| 2015 | 102 |
| 2016 | 112 |
| 2017 | 117 |
| 2018 | 167 |

As reflected in the following two tables, most complaints were filed by litigants against district court judges:

SOURCES OF COMPLAINTS
AND REPORTS – 2018

| | |
|--------------|-----------|
| Litigants | 18 |
| Attorneys | 6 |
| Judge | 6 |
| Self-Report | 4 |
| News report | 2 |
| Citizen | 1 |
| Prosecutor | 1 |
| Victim | 1 |
| Other | 1 |
| TOTAL | 40 |

**JUDGES SUBJECT TO COMPLAINTS
AND REPORTS – 2018**

| | |
|--|-----------|
| District Court Judges | 34 |
| Court of Appeals Judges | 0 |
| Supreme Court Justices | 0 |
| Referees/Magistrates/Judicial Officers | 3 |
| Other judicial officer | 2 |
| Judicial candidate | 1 |
| TOTAL | 40 |

The types of allegations are set forth below. The total exceeds 40 because many complaints contained more than one allegation.

ALLEGATIONS REPORTED – 2018

| | |
|-------------------------------------|----|
| General demeanor and decorum | 19 |
| Abuse of authority or prestige | 10 |
| Bias, discrimination, or partiality | 9 |
| Ex parte communication | 4 |
| Failure to follow law or procedure | 4 |
| Criminal Behavior | 3 |
| Practicing law; giving legal advice | 3 |
| Failure to perform duties | 2 |
| Incompetence as a judge | 2 |
| Reputation of judicial office | 2 |
| Conflict of interest | 1 |
| Delay in handling of court business | 1 |
| Election or campaign violation | 1 |
| Improper Conduct on the Bench | 1 |

Of the 40 files opened in 2018, 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.

The majority of complaints and Board-initiated investigations (23) were dismissed in 2018. 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 count of dismissal reasons differs from the number of complaints opened in 2018 because some were dismissed in 2018 but opened in earlier years and because some complaints are dismissed for more than one reason.

DISMISSAL REASONS – 2018

| | |
|-------------------------------------|----|
| No misconduct; no violation | 18 |
| Insufficient evidence | 9 |
| Frivolous or no grounds | 6 |
| Lack of jurisdiction | 4 |
| Legal or appellate issues | 4 |
| Unsubstantiated after investigation | 2 |
| Within discretion of judge | 2 |
| Corrective action by judge | 1 |

As indicated below, in 2018, five matters resulted in discipline and nine matters were resolved with a letter of caution to the judge.

DISPOSITIONS – BY YEAR ISSUED

| Year | Letter of Caution | Admonition | Deferred Disposition Agreement | Public Reprimand | Supreme Court Discipline |
|------|-------------------------|------------|--------------------------------------|---------------------|--------------------------------|
| 2009 | 0 | 4 | 2 | 1 | 1 |
| 2010 | 1 | 11 | 0 | 2 | 0 |
| 2011 | 0 | 2 | 0 | 1 | 1 |
| 2012 | 2 | 5 | 0 | 1 | 0 |
| 2013 | 4 | 2 | 0 | 1 | 0 |
| 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 |

PUBLIC DISPOSITIONS

Public dispositions are posted on the Board's website at <http://www.bjs.state.mn.us/board-and-panel-public-reprimands>. There was one public disposition in 2018, described below.

Judge G. Tony Atwal

On January 1, 2018, Judge Atwal was arrested for Driving While Impaired. He submitted to a breath test within two hours of his arrest. Judge Atwal did not contest the accuracy of the test, which registered an alcohol concentration of 0.17.

Prior to his arrest, Judge Atwal stated to the officer: "So, I live right there. I'm Judge Atwal from Ramsey County." At least three times Judge Atwal asked to be let go and to walk home. In fact, he was arrested near his residence.

On January 2, 2018, Judge Atwal pleaded guilty and was convicted of one count of gross misdemeanor third-degree Driving While Impaired. Judge Atwal was sentenced to 365 days of imprisonment; 345 days were stayed. Judge Atwal will serve two years on supervised probation with conditions.

On January 9, 2018, Judge Atwal, in a telephone call to the Minnesota Board on Judicial Standards, self-reported his arrest and conviction for Driving While Impaired.

The Board found that Judge Atwal violated the following provisions of the Code of Judicial Conduct: Rule 1.1 (Compliance with the Law); Rule 1.2 (Promoting Confidence in the Judiciary); Rule 1.3 (Avoiding Abuse of the Prestige of Judicial Office), and publicly reprimanded Judge Atwal.

PRIVATE DISPOSITIONS

In 2018, the Board issued four private admonitions and issued nine letters of caution. A letter of caution is a non-disciplinary disposition. A sampling of the admonitions and a sampling of the letters of caution are summarized below.

Summaries of the 38 private admonitions 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.

Private Admonitions Issued in 2018

- At a hearing, a judge served as the lawyer for the respondents, who are the judge's relatives. At the hearing, the judge made statements, which at a minimum, vouched for the character of the respondents, and testified about the judge's personal observations related to the facts of the case. The assistant county attorney objected to the testimony, and the presiding judge sustained the objections. The judge was not under subpoena. These actions violated Rule 1.3 (Avoiding Abuse of the Prestige of Judicial Office), Rule 3.3 (Testifying as a Character Witness) and Rule 3.10 (Practice of Law). Although the Board believes the judge's misconduct to be serious, it determined that mitigating factors made a private admonition the more appropriate discipline.
- At a sentencing hearing, a judge, who was not the presiding judge, spoke on behalf of a defendant, vouched for the defendant's character, and stated that the defendant should receive a downward dispositional departure. The judge stated that prison was not in the defendant's best interest even though the sentence the parties had negotiated called for prison time. The Board found a violation of Rule 1.3 (Avoiding Abuse of the Prestige of Judicial Office) and Rule 3.3 (Testifying as a Character Witness).

Letters of Caution Issued in 2018

- The complainant alleged that a judge initiated an ex parte discussion with a juvenile defendant and his attorney; that the judge interrupted their private conversation; that the judge asked them questions about their attorney-client privileged discussion; and that the judge attempted to improperly interject himself into plea negotiations. The Board's investigation did not show that the judge asked questions about attorney-client privileged communications. The Board cautioned the judge that such conduct could have violated Rule 1.2 (Promoting Confidence in the Judiciary), Rule 2.2 (Impartiality and Fairness), Rule 2.6 (Right to Be Heard), and Rule 2.9(A)(4) (Ex Parte Communications) of the Code of Judicial Conduct. The Board also cautioned the judge that involvement in any future plea negotiations should be on the record with both parties and their attorneys present. The judge must be mindful of the Minnesota Supreme Court decision in *Wheeler v. Minnesota*, No. A16-0835 (Minn. Mar. 21, 2018).
- A conciliation court referee admitted to referring to an attorney in court as "that sleazy attorney" and "that blood sucking attorney." The referee intended the comments to be humorous and put people at ease. The Board cautioned the referee that conduct such as this could violate Rule 1.2 (Promoting Confidence in the Judiciary) and Rule 2.8(B) (Demeanor) of the Code of Judicial Conduct. The Board also cautioned the referee to avoid making undignified or discourteous comments in the role of referee in the future.

PUBLIC INQUIRIES

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

The 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 issued one opinion letter in 2018, summarized below.

A judge asked the Board whether, and under what circumstances, a Retired Judge Subject to Recall could commence class-action litigation in United States District Court and represent himself, pro se, as plaintiff and class representative, and also act as co-counsel for the putative class.

The Board opined that the judge may appear pro se in a non-class action seeking declaratory and injunctive relief. He may also be a plaintiff in a class action if he is represented by an attorney who may also be the

attorney for the putative class. In that case, the judge can provide assistance to his lawyer. The judge should define himself exclusively as the client and named plaintiff.

The Board also opined that service as co-counsel for the class or class counsel would violate Rule 3.10 of the Code. Although a judge may serve as his own lawyer in a pro se capacity, he may not represent anyone else, including class members. The judge's suggestion that he might serve as class representative is problematic at best, especially if he is acting in his capacity as a lawyer pro se plaintiff.

The Executive Secretary gave 123 informal opinions to judges in 2018. 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 \$361,000 per year, which is used to pay staff salaries, rent, and other expenses. The staff consists of the Executive Secretary, a part-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: March 6, 2019

Respectfully submitted,

/s/ David L. Knutson

David L. Knutson
Chair, Minnesota Board on Judicial
Standards

/s/ Thomas M. Sipkins

Thomas M. Sipkins
Executive Secretary, Minnesota
Board on Judicial Standards

BOARD AND STAFF BIOGRAPHIES

Honorable Louise Dovre Bjorkman

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.

Carol E. Cummins, M.B.A.

Public member. Ms. Cummins, now retired, has more than 30 years of experience in law firm management. She worked in-house in senior management roles and more recently as an independent consultant. Ms. Cummins served as a public member of the Lawyers Professional Responsibility Board from 2009 to 2015. She is a graduate of Hamline University and holds an MBA from the University of Minnesota. Appointed to the Board on Judicial Standards in 2015; reappointed in 2018.

Timothy Gephart

Public member. Vice President of Claims at Minnesota Lawyers Mutual Insurance Company since 1985. Mr. Gephart is an adjunct professor at the University of Minnesota Law School, where he teaches a course on legal malpractice. He previously served on the Lawyers Professional Responsibility Board and the Board of Legal Certification. Appointed to the Board on Judicial Standards in 2012.

Gerald T. Kaplan, M.A., L.P.

Public member. Licensed psychologist since 1977. Mr. Kaplan is the Executive Director of Alpha Human Services and Alpha Service Industries, which offer inpatient and outpatient programs for sex offenders. He is also a member, and former Chair, of the Board of Medical Practice. Previously he served on the Board of Psychology, including two years as Board Chair. Appointed to the Board on Judicial Standards in 2013; reappointed in 2017.

Honorable David L. Knutson

Chair. Judge of District Court (First District). Appointed to the bench in 2004. Private practice of law from 1986 to 2004. Minnesota State Senator for twelve years serving Apple Valley, Burnsville, Lakeville, and Rosemount, MN. Appointed to the Board on Judicial Standards in 2012; reappointed in 2016.

Honorable Ellen L. Maas

Judge of District Court (Tenth District). Appointed to the bench in 1995. Law clerk for Minnesota Supreme Court Justice Glenn E. Kelley 1981-1982. Private practice of law from 1982 to 1995. Appointed to the Board on Judicial Standards in 2013; reappointed in 2014; reappointed in 2018.

Honorable Kurt J. Marben

Judge of District Court (Ninth District). Appointed to the bench in 2000. Served as Chief Judge of the Ninth Judicial District from 2011 to 2015. Private practice of law from 1977 to 2000. Appointed to the Board on Judicial Standards in 2016.

Terry Saario, Ph.D.

Public member. Former foundation executive and community volunteer. Dr. Saario has more than 26 years of philanthropic experience and extensive nonprofit and corporate board experience. Appointed to the Board on Judicial Standards in 2011; reappointed in 2015.

Cindy K. Telstad

Vice-Chair. Attorney member. Member of Board Executive Committee. Private practice of law in Winona since 1987, primarily in the areas of real estate law, employment law, probate and trust administration, estate planning, and business law. Appointed to the Board on Judicial Standards in 2014; reappointed in 2018.

William J. Wernz

Attorney member. Retired ethics partner, Dorsey & Whitney. Director of the Minnesota Office of Lawyers Professional Responsibility from 1985-1992 and author of *Minnesota Legal Ethics: A Treatise*. Appointed to the Board on Judicial Standards in 2011; reappointed in 2015.

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.