

BOARD ON JUDICIAL STANDARDS

Executive Secretary Sara Boeshans
Executive Assistant Mary Pat Maher

AGENDA



History



Board
Operations



Education



Discipline

1858-1971: IMPEACHMENT

The only disciplinary procedure was impeachment, which was taken from the federal Constitution.

Model Code of JUDICIAL CONDUCT

CALL FOR JUDICIAL
OVERSIGHT



AUTHORIZATION

The 1971 Legislature created the Board on Judicial Standards to assist in this task and authorized the Supreme Court to make rules to implement judicial discipline. See Minn. Stat. §§ 490A.01, 490A.02.

MINNESOTA CONSTITUTION, ARTICLE IV, SECTION 9

The legislature may provide by law for retirement of all judges and for the extension of the term of any judge who becomes eligible for retirement within three years after expiration of the term for which he is selected. The legislature may also 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.

MINNESOTA STATUTES SECTION 490A.01, SUBDIVISION I

Establishment; composition.

The Board on Judicial Standards is established. The board is a continuation of the board established by Laws 1971, chapter 909, sections 1 and 2, as amended.



MINNESOTA COURT RULES

PROFESSIONAL RULES



Code of Judicial Conduct

Code of Judicial Conduct

Adopted effective July 1, 2009

With amendments effective through July 1, 2016

PREAMBLE

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.

MISSION

The Board on Judicial Standards is an independent state agency that receives and acts upon complaints that Minnesota judges have engaged in misconduct. The Board also handles judicial disability matters. In addition, the Board issues advisory opinions and seeks to educate judges and others about judicial ethics.

The Supreme Court has removed, involuntarily retired, and censured a number of judges based on the Board's recommendation. Many more have been privately disciplined by the Board.

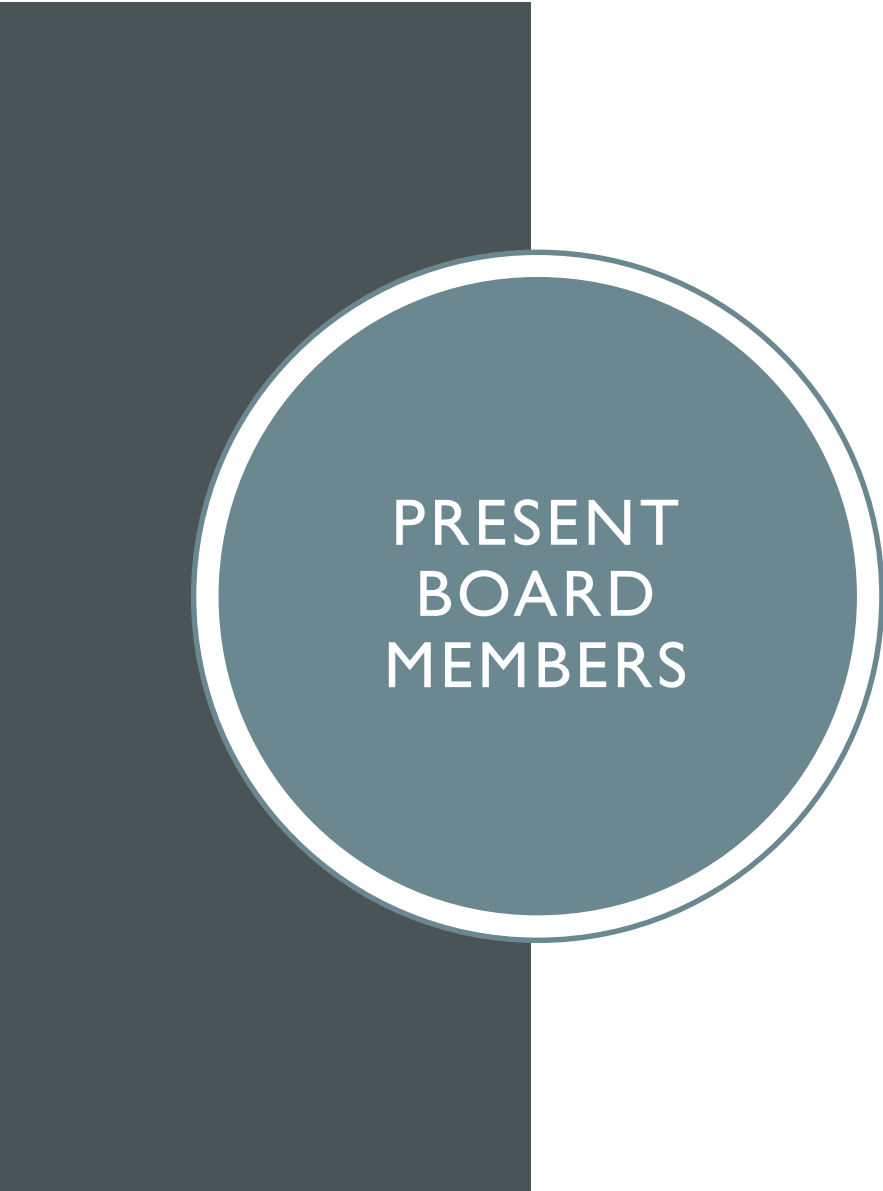
COMPOSITION

All members are appointed by the Governor and, except for the judges, require confirmation by the Senate.

Members' terms are for four years and may be extended for an additional four years.

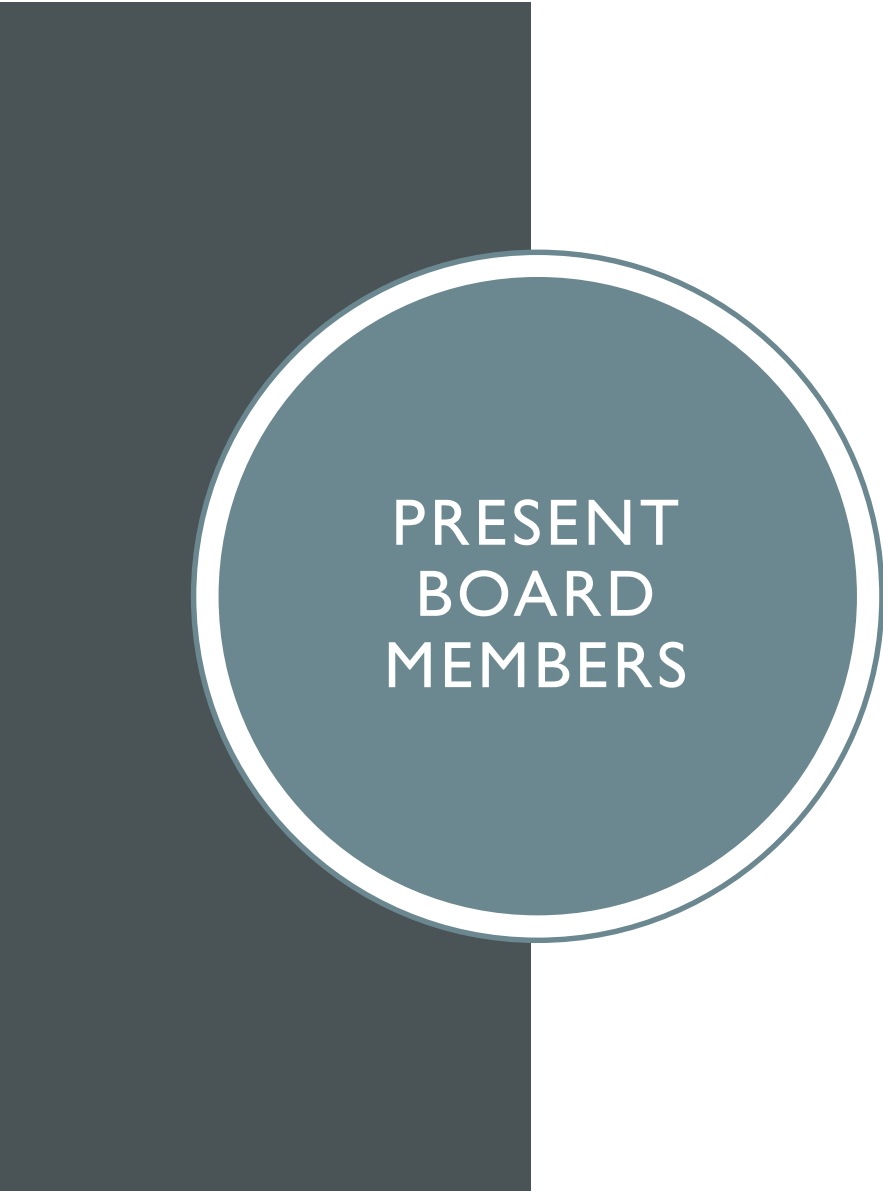
BOARD MEMBERS

- 1 Court of Appeals judge
- 3 trial judges
- 2 lawyers (practiced in MN at least 10 years)
- 4 citizens



**PRESENT
BOARD
MEMBERS**

- **Chair: Tim O'Brien**
Attorney from Minneapolis
- **Vice Chair: Louise Bjorkman**
Court of Appeals Judge
- **Third Exec. Comm. Member: Scott Sakaguchi**
Citizen from Edina, MN
- **Shereen Askalani**
District Court Judge in Minneapolis
- **Dr. Scott A. Fischer**
Citizen from St. Paul, MN

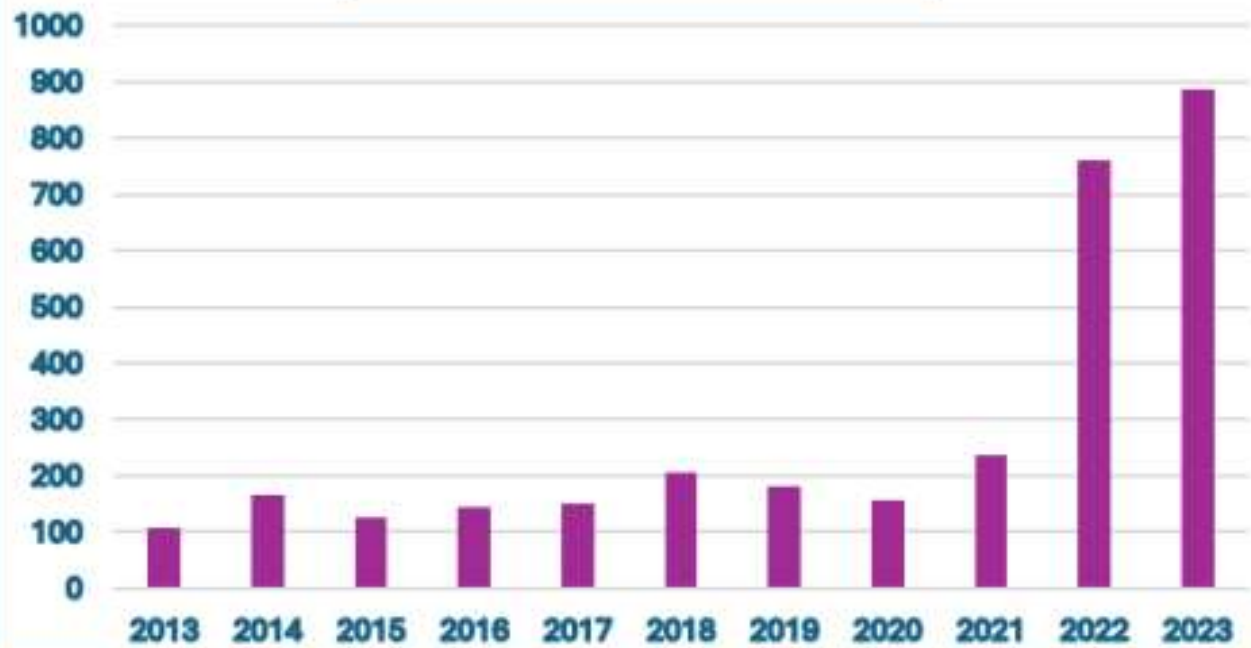


**PRESENT
BOARD
MEMBERS**

- **Theresa M. Harris**
Attorney from Minneapolis, MN
- **Charlene Hatcher**
District Court Judge in Minneapolis
- **Theresa Neo**
District Court Judge in Duluth
- **Nhia Vang**
Citizen from Woodbury, MN
- **Debbie Toberman**
Citizen from Plymouth, MN

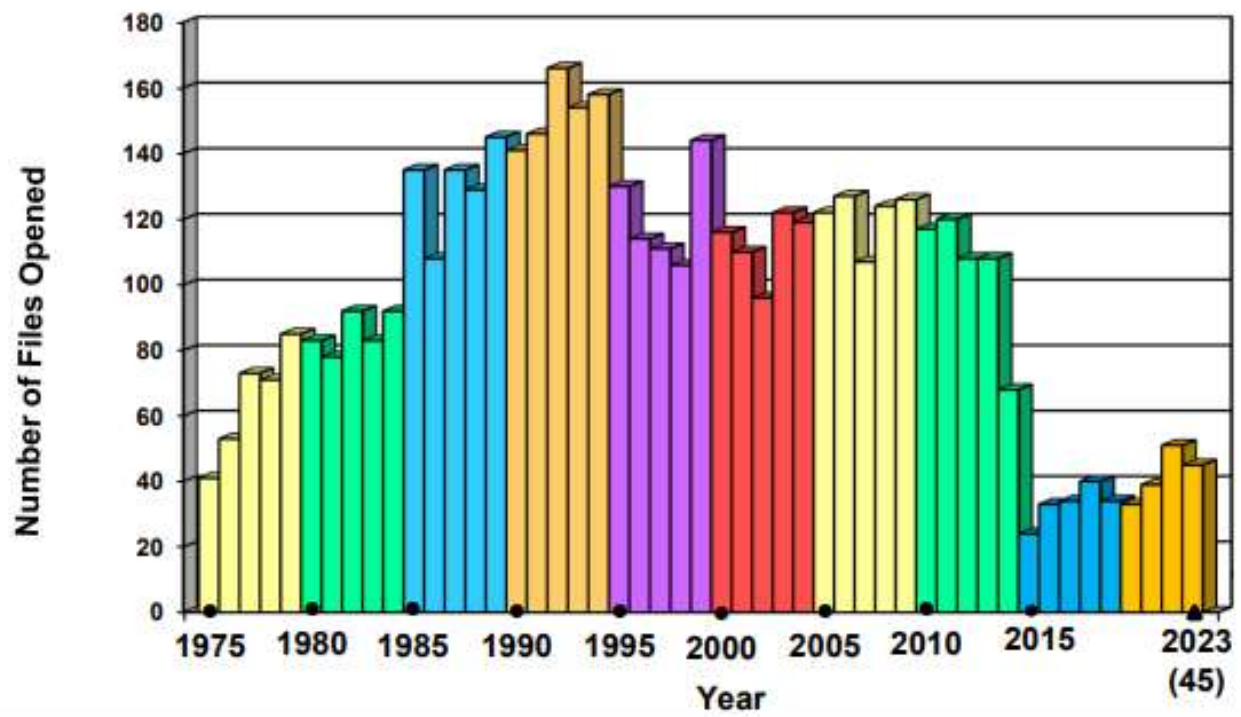
BOARD OPERATIONS

Total Complaints Received



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%

Files Opened



ALLEGATIONS REPORTED – 2023

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

**SOURCES OF COMPLAINTS
AND REPORTS – 2023**

Litigants	21
Attorneys	7
Judge	6
Other	3
Prosecutor	2
Self-Report	2
Citizen	2
Victim	<u>2</u>
TOTAL	45

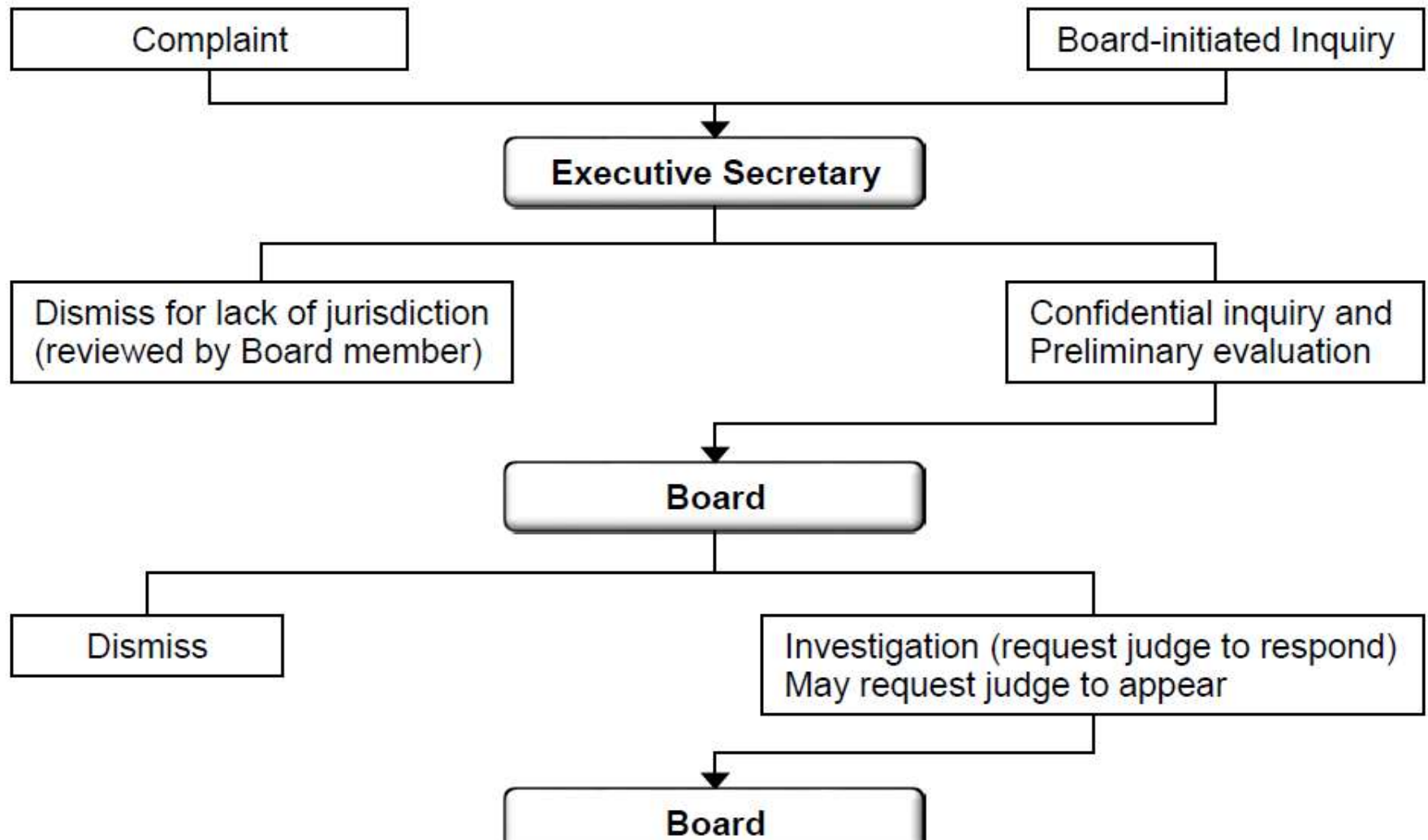
JUDGES SUBJECT TO COMPLAINTS
AND REPORTS – 2023

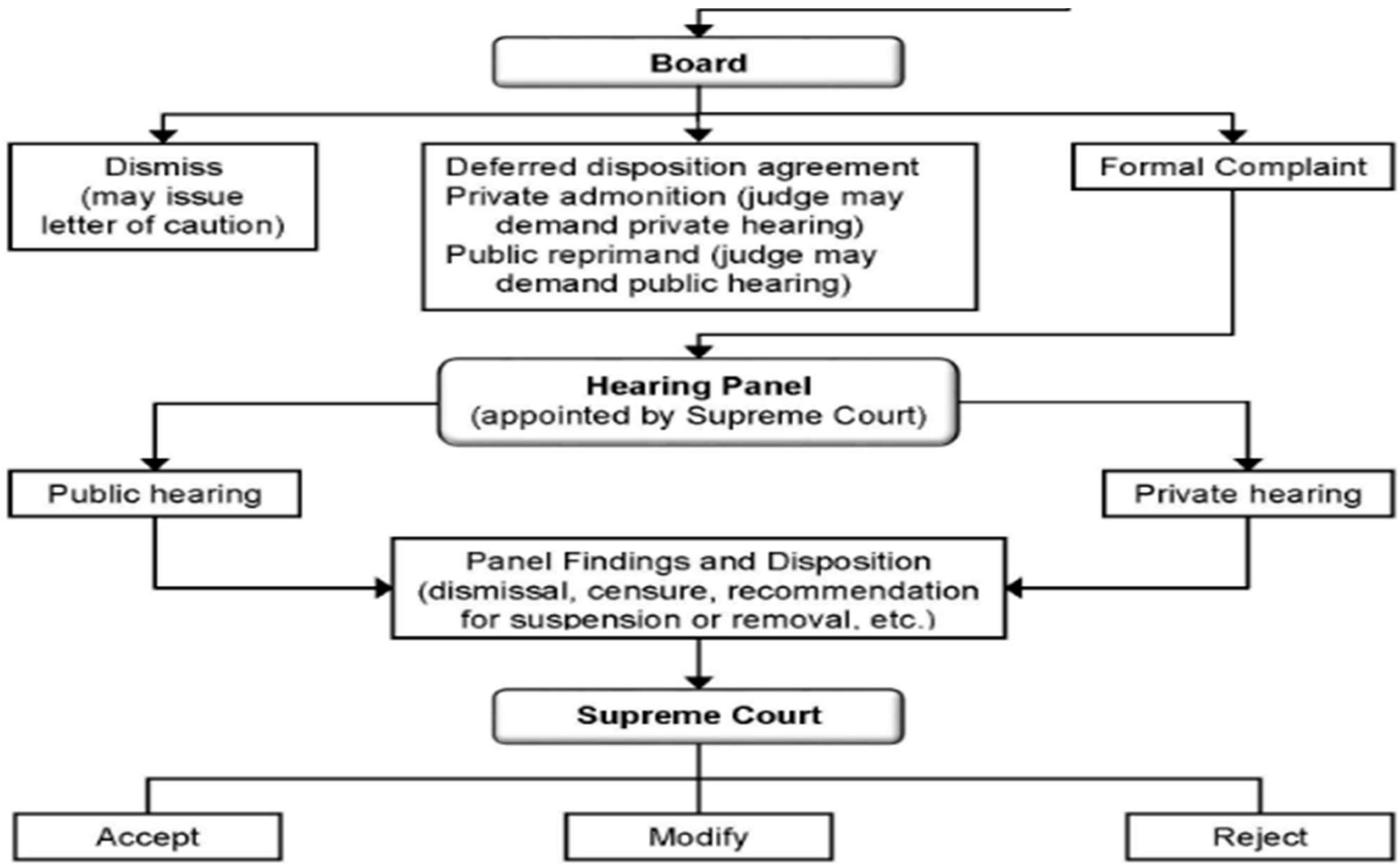
District Court Judge	37
Other Judicial Officer	5
Conciliation Court Referee	2
Tax Court Judge	<u>1</u>
TOTAL	45

DISPOSITIONS – BY YEAR ISSUED

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

Complaint Process







MINNESOTA BOARD ON JUDICIAL STANDARDS

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[Education Materials](#)
[Other Resources](#)

Opinions & Resources

(Note: To view all items in a category, click on the related link on the left.)

The Board issues Advisory Opinions and Formal Opinions on issues of proper judicial conduct under the Code of Judicial Conduct. "The board may issue advisory opinions on proper judicial conduct with respect to the provisions of the Code of Judicial Conduct." Rule 2(a)(2), R. Bd. Jud. Stds. The Board's Opinions are not binding on the Minnesota Supreme Court or on hearing panels appointed by the Court. Rule 2(a)(2), R. Bd. Jud. Stds. The Board and its Executive Secretary also provide other educational resources and materials.

The Board issues Advisory Opinions on request, to judges and judicial candidates, regarding their own contemplated future conduct. Advisory Opinions are usually brief and are limited to particular facts. The Board's website includes a [Summary of Advisory Opinions](#). The Summary is indexed by topic. The full texts of informal opinions have not been posted, to protect confidentiality. However, in 2013, the Board decided that, when an Advisory Opinion includes reasoning and authorities of general applicability and interest, the opinion will be posted in a form that does not disclose the identity of the judge requesting the opinion.

In 2013, the Board began issuing Formal Opinions, in full text form. Formal Opinions normally address issues that frequently arise. Formal Opinions provide authorities, discussion, reasoning, and conclusions.

The Board has authorized its Executive Secretary to respond to informal opinion requests, where the response is readily determinable and not controversial.

EDUCATION



Disqualification



Charitable and Civic
Activities



Gifts /
Reimbursement or
Waiver of Fees



Political Activity



Residence



2024
DISCIPLINE

1 Formal Complaint

3 Public Reprimands

2 Deferred Disposition Agreements

8 Letters of Caution