

MINNESOTA SUPREME COURT ASSOCIATE JUSTICE

QUESTION 1:

Please provide a brief description of the judicial office you are seeking, including a brief description of the duties of the office.

CANDIDATE NATALIE HUDSON:

The Minnesota Supreme Court is responsible for establishing legal policy statewide, resolving the most pressing constitutional issues, and setting precedent in complex civil and criminal controversies. The Supreme Court generally hears oral arguments during the first two weeks of every month on cases involving multiple, complex legal issues, and the Court is often asked to either clarify the law, extend the law, apply existing law to a new, often unforeseen scenario, or resolve a split within the lower courts. Many times, there are significant policy issues at stake as well. The gravity of the issues and the knowledge that the Court is the court of last resort colors and influences each setting. Although we don't always agree with one another, the discussions among the Justices are always collegial. Given that the seven of us work together day in and day out, the respect we accord one another is critical to the proper functioning of the court and the administration of justice.

During the second half of the month, we have two settings of Special Term where we consider petitions for review and handle other administrative matters that arise as part of the Court's obligation to regulate the legal profession. Finally, and probably less obvious to the casual observer, are the many statewide committee and liaison assignments for which each justice is responsible.

CANDIDATE MICHELLE MACDONALD:

I am seeking a seat on the Minnesota Supreme Court, the final arbitrator of our constitutional rights. Justices reject or accept petitions from lower courts, usually by majority vote. After hearing from the attorneys or litigants in writing and oral argument, the Justices research and write opinions that can be precedent. The Supreme Court is suppose to judge the judges, their decisions, and the constitutionality of our laws. I will add that the Justices are not effectively doing their fundamental job for the people of the State of Minnesota, and instead are caught up in court culture and bureaucracy which, as an officer of the court for 29 years, I intend to transform. I am a Justice for the people, not the establishment.

QUESTION 2:

Please provide a personal statement describing your past work and life experience and why you are seeking this office.

CANDIDATE NATALIE HUDSON:

I attended Mounds View High School; received my B.A. in English from Arizona State University; and my J.D. from the University of Minnesota Law School. I am married to the Reverend Willie Hudson, a retired Pastor and former St. Paul Police Officer. My son, Kobie, is an attorney working at the Bureau of Criminal Apprehension.

I practiced law for over 20 years before joining the bench. I started as an attorney at Southern Minnesota Regional Legal Services, which provides free civil legal aid to low-income people. I later joined a firm practicing in employment law and civil litigation. I then worked at Hamline University School of Law as the Assistant Dean of Student Affairs, and was later appointed to serve as the Saint Paul City Attorney. I then worked at the Minnesota Attorney General's office in the Criminal Appellate Division. Governor Ventura appointed me to the Minnesota Court of Appeals in 2002, where I served for 13 years. I was appointed by Governor Dayton to the Supreme Court in August 2015.

I am seeking election to continue to serve on the Court because I believe in public service and working to ensure equal access to justice for all. I have demonstrated my commitment to these values throughout my career. If I am privileged to retain my seat, I will continue to give every case my full attention and strive to resolve each case in a thoughtful manner, according to the rule of law and the evidence in the case.

CANDIDATE MICHELLE MACDONALD:

Justice matters. I am a working wife, mother and grandmother, from a large Christian family, with all of the life experiences that come with it. For 29 years, I have helped thousands of you as an attorney in the trenches with legal challenges before hundreds of Judges in county courts across the state. I have argued countless appeals to the Appellate and Minnesota Supreme Court, and Petitions to the United States Supreme Court.
www.MacDonaldLawFirm.com

My legal experience includes judicial experience. For 22 of those years, I served part-time as small claims court Judge and Adjunct Referee in family and civil court.

I have asserted violations of civil rights, and experienced a shocking violation of my civil rights when I was made to participate as an attorney in Sandra Grazzini-Rucki's child custody trial ---in handcuffs, a wheelchair, with no shoes, no glasses, no paper, no pen, no files, missing children --- and no client, after asking the Judge to remove himself from her case because we filed a Federal court action against him for civil rights violations he inflicted on a family with his court orders.

In 2011, I founded Family Innocence, a nonprofit dedicated to keeping families out of court: resolving conflicts and injustices peacefully. www.FamilyInnocence.com

I will restore faith in the fairness of our justice system by restoring adherence to our Constitution. The Constitution does not exist to give us rights, but to uphold the fundamental rights we have by being born into this world.

QUESTION 3:

What do you believe is the mission and role of a judge in the community?

CANDIDATE NATALIE HUDSON:

Marion Wright Edelman said that “service is the rent we pay for living.” We must do our part to improve our communities. I take seriously the responsibility that Justices on the Minnesota Supreme Court have to be ambassadors of the law in our communities. I enjoy interacting with the citizens of Minnesota and I value each opportunity to educate Minnesotans about their judicial system. Thus, I regularly speak at schools, colleges, service clubs, and other community groups about the judicial system and their role in it. I honor the opportunity I have been given as a judge by working every day to serve all Minnesotans.

CANDIDATE MICHELLE MACDONALD:

The mission and role of a judge in the community is to connect with compassion to the humanity of the people in the community. We belong to a variety of communities ---- families, homes, churches, schools, workplaces, to name a few. Judges should be authentic, approachable, transparent, diligent and accountable. As Minnesota Supreme Court Justice, I will continue to reach out, listen, engage and understand with compassion the people in the community where they live, and not get caught up in the legal “system,” or ignore their concerns. When do you ever see a Judge do this?
www.MacDonaldforJustice.com My direct line is 612-554-0932. Feel free to call me.

QUESTION 4:

It is important for candidates to engage, reach out, and listen to all communities, especially underrepresented communities. How are you currently accomplishing this and what is your plan to continue if elected?

CANDIDATE NATALIE HUDSON:

I regularly speak to diverse community groups around the state which gives me the opportunity to hear their concerns and to talk with them about the judicial system. This past year, for example, I have participated in a round-table discussion on building self-esteem with middle school girls of color (and their teachers) in connection with the Twin Cities-based “Lovin’ The Skin You’re In” program; I’ve had lunch with the Hutchinson Rotary Club; dinner with the Range Bar Association, and spent the day at the Blue Earth County District Court in Mankato talking with citizens at an “Open House” event designed to listen to community concerns and help local residents get to know their courthouse and learn about the judicial system and its players. I am committed to continuing this type of outreach if I am elected to continue in my position as an Associate Justice on the Minnesota Supreme Court.

CANDIDATE MICHELLE MACDONALD:

After 25 years as a family law attorney, I recognized that the way our laws, attorneys and courts regulate and break up families is beyond a reasonable doubt objectionable. In 2011, I had an epiphany: Abolish Family Court in One Year. Alongside my clients, other attorneys and mediators, I founded Family Innocence, a nonprofit dedicated to keeping families out of the court adversary process and resolving injustices peacefully. Within a year, we developed the Family Innocence Process (“FIP”), a model that can eliminate court for families altogether. With FIP, separated or separating family members (or anyone) can choose not to sue each other in court (or to suspend an existing lawsuit), inviting court jurisdiction only when absolutely necessary. Our courts are regularly allowed to deprive us of liberties with our children, property and resources, to one degree or another, when we seek assistance. I will continue to educate the people and those in positions of authority, like lawmakers, law enforcement, attorneys and Judges on the Family Innocence Process, Restorative Justice (family) Circles, mediation and alternative dispute resolution. I plan to continue my work with families and Family Innocence after I get elected. www.FamilyInnocence.com

QUESTION 5: CANDIDATE NATALIE HUDSON: See Question 6 below.

Do you believe the composition of juries adequately and fairly reflects society at large? Why or why not? If not, what can we do to change this?

CANDIDATE MICHELLE MACDONALD:

The composition of juries could adequately and fairly reflect society at large, but there is an inherent obstruction by the system. 99% of cases are settled short of a jury trial. Our system tolerates the engineering of cases by law enforcement, lawyers, prosecutors and Judges in their prosecution and “advocacy”, including depriving juries of making a decision by instilling fear in the litigants, some of whom do not have attorneys, at great expense to their resources, liberties and emotional wellbeing. The engineering continues in the selection of the jury from a jury pool, if it ever gets to that. May I add that Judges and juries often base their decisions on argument and not on the particularized facts of the situation, or the law. In practice, juries rely on those in the system, and fail to understand their awesome power and duty to dispense justice as decision-makers. Juries often concentrate on proof of innocence beyond a *shadow* of a doubt, and not by reasonable doubt, which is wrong thinking. Jurors are not inherently bias, but the lawyers in our adversary system regularly pick jurors that they hope are bias to the arguments of the prosecution or defense.

QUESTION 6: CANDIDATE NATALIE HUDSON:

Do you believe there is under-representation of women or people of color in the court system? If so, how would you work to correct the problem?

Question 5 (regarding juries) and Question 6 (regarding the representation of women and people of color in the court system), both go to a similar question: ensuring that the judicial system—whether that be juries, judges, attorneys, or court staff—reflect the society that we live in. Diversity in the entire court system promotes the public’s trust. Our system must be representative of the diverse communities that we serve so that everyone feels confident that they will be heard and their cases will be decided fairly. It is a shared responsibility of all attorneys and judges to help ensure that the legal profession is open to all and that it is a system that engenders the public’s trust. To fulfill that responsibility, we must reach back into the early educational pipeline—elementary and middle school—with the message that the legal profession has rewarding opportunities for women and people of color and that the profession wants and needs their presence.

As an African-American attorney, my personal and professional experiences include having received anonymous racist hate mail when I was the St. Paul City Attorney. And like many women attorneys, I experienced my share of slights and rejection as a practicing attorney simply because I was a woman. One result of these experiences is the realization that various forms of discrimination still exist. Every member of the judicial system must be ever-vigilant to ensure that anyone who enters a courtroom is treated in a fair, respectful manner.

Judges are also interpreters of the law and we are tasked with applying the law evenly and fairly to every party. We are aided greatly in these tasks by ensuring that our decision-makers represent the broad spectrum of our community. We are all products of our life experiences; none of us comes to the practice of law or the bench a blank slate. And it is the diversity of our backgrounds that brings a richness and depth to the decision-making process. Particularly on an appellate court, where decision-making is collaborative, that diversity of experience leads to a fuller debate, helps to ensure that all perspectives are explored, and allows arguments and rationales to be filtered through many different lenses. This, in turn, leads to better, more informed decisions.

CANDIDATE MICHELLE MACDONALD:

Women and minorities are not underrepresented. We are all human beings, and need to avoid dividing ourselves by race, gender and, most importantly, our judgments about others. To correct the problem, we need to set aside our judgements, be open to communication and forgiveness, and see the humanity in others and their behaviors. We also need to educate the people on the Rule of Law and the Constitution.

QUESTION 7.

What do you believe are the causes of the high rates of minority incarceration?

CANDIDATE NATALIE HUDSON:

Some research suggests that the aggressive, more punitive criminal justice policies of the 1980s and 1990s has had a disproportionate effect on racial minorities, the poor, and immigrant communities. This serious issue is multi-faceted, involving complex political, economic, racial, and class considerations. This question is not easily answered and does not lend itself to being addressed in a few short paragraphs. That said, Minnesotans are people of good will and it will require people of good will to join hands and hearts and engage in honest, open, and undoubtedly difficult discussions about personal responsibility, as well as political, economic, and racial inequality. When that discussion begins in earnest, it will reveal not only the root causes of high minority incarceration rates, but solutions, as well.

CANDIDATE MICHELLE MACDONALD:

Land of the free? America incarcerates more people than any other country. Jails are privatized and big business. If the name of the game is “break a rule --- you pay”, why is it that those in the system can break rule after rule and not be accountable to the people they pursue or society as a whole? High rates of minority incarceration is caused by the failure of our government officials use appropriate discretion and to follow the our rules and laws.

Then, there is poverty. By poverty I mean most individuals met with legal challenges do not have “extra” money, including resources from family and supporters, to fix the problem, or to pay fines, bail or attorneys. They are often vulnerable and taken advantage of. The burden is inappropriately placed on them, when they are presumptively innocent, with law enforcement and prosecutors inflicting fear and coercion through argument, and failing to take the necessary time to discern the particularized facts of the i situation and why the person did what he/she did. They create a narrative or “story” around facts. The chosen narrative around the facts are then conflated as “fact,” which is not truth. Blackstone’s formulation is a principal that it’s better that 10 guilty persons escape, than one innocent suffer. Our criminal court culture fails to error on the side of liberties, operating on the premise that it’s better that innocents suffer, to capture the guilty. Unfortunately, our criminal justice systems is almost purely punitive.

QUESTION 8:

Do you believe that all citizens have adequate access to legal help and the legal system? If not, what can be done to provide wider and better access?

CANDIDATE NATALIE HUDSON:

Access to justice is a critical issue because Minnesota citizens must be able to have their claims resolved in a fair and prompt manner, regardless of their financial circumstances. I value the trust I have been given as a judge, and it requires, among other things, that I use my voice to stress that access to justice is a right of every Minnesotan. I was privileged to begin my practice at Southern Minnesota Regional Legal Services. That experience brought home the reality that there was, and is, a persistent justice gap in Minnesota. Approximately 26% of Minnesotans live at or below 200% of poverty – \$47,700 per year for a family of four. In 2014, Civil Legal Services could still only meet the need of one out of every three eligible clients. This is a fundamental access issue, and as a profession we must continuously fight the lull of indifference. Minnesota’s judiciary has been deeply committed to the issue of access to justice for years and Minnesotans can be proud of the programs in place that ensure access to our courts. But there is always more that can be done.

If I am elected, I will continue to advocate for adequate funding for Civil Legal Services and the Public Defender system so that those without the means to pay for an attorney are not blocked from access to our judicial system and competent legal representation. Likewise, I will continue to encourage the private bar to provide pro bono legal services.

CANDIDATE MICHELLE MACDONALD:

Our citizens do not have adequate access to legal help and the legal system, particularly in terms of having lawyers that have become necessary to maneuver through the maze created by policy, rules and laws. Attorneys are expensive. There is an inherent failure to adhere to the Rule of Law and uphold the Constitution. Together, we can create a system where justice is free, and the people --- or the judges---do not have to rely on lawyers. We have wrongly made the laws and our system complex, and our citizens incompetent, without a lawyer. Our lawyers and Judges often cater to the system as officers of the court, when in reality they are our public servants, employed by us. We can only get a court appointed (free) lawyer if we are impoverished, and it is a criminal matter. Law enforcement, the courts and court officers (attorneys) have forgotten that they are our public servants.

QUESTION 9:

What have been the most effective methods for improving court procedures and efficiency? What other methods would you suggest?

CANDIDATE NATALIE HUDSON:

Advancing technology will continue to be a benefit and a challenge for the judiciary. Technology will always outpace the law, but we have made great strides over the last few years to move the court system from a paper-based institution to one based on electronic case records. As part of the broader eCourtMN initiative, eFiling and eService of court documents is now available in all 87 district courts, as well as the state's appellate courts. We must continue these efforts in order to better serve not only the public, but the practicing bar, the law enforcement community, and other justice partners.

CANDIDATE MICHELLE MACDONALD:

The most effective methods for improving court procedures and efficiency is appropriately implementing alternative dispute resolution, starting with restorative circles and mediation. There needs to be more education, and the recognition that most of us make mistakes and operate every day in family innocence. We can resort to court assistance if we are wrongfully deprived of our liberties with our resources, property and children. More often than not, the system and court process results in the very deprivation we sought to restore. Other methods for improving court procedures that are critical are education on unitive systems, like restorative justice circles and other consent processes.

QUESTION 10:

What do you perceive as the greatest obstacles to justice, if any?

CANDIDATE NATALIE HUDSON:

The Supreme Court must safeguard the integrity of the judicial process. I strongly believe that justice is not simply a result; it is a process that must embody both the perception and the reality of justice for everyone who sets foot in the courts. As judges, our role is not simply to reach the correct legal result, but to ensure that all parties are treated fairly and respectfully. That means things as simple as calling people by their proper names and truly listening to each party's argument. Over the years, I have found that even unsuccessful litigants are often satisfied with the court system and the legal process if they feel they were "heard" and that the judge seriously considered their position. And thus, as judges, we should never lose sight of the fact that behind each legal issue we encounter are real, human lives—lives that will be greatly impacted by the decisions we make.

CANDIDATE MICHELLE MACDONALD:

The greatest obstacle to justice is fear, including attachment to a particular outcome and "winning," rather than a commitment to a resolution. There is coercion in our justice system at every turn---law enforcement, prosecutors, judges, juries--- inflicted on the people it encounters. There is an inherent failure to discern the facts and recognize the humanity in the act. We have a propensity to be fearful and avoid conflict, rather than move towards communication, a tendency enabled by our culture and system. We see almost every conflict as having to be determined by law enforcement and courts. We should be able to correct injustices as readily as they are inflicted, and there are ways to do this through restorative justice circles, and even the Appellate Court. All of us need to operate in love and not fear, and set aside our judgments to connect to each other and our humanity.

QUESTION 11: CANDIDATE NATALIE HUDSON:

What are the most critical issues facing the criminal justice system in the State of Minnesota?

Record numbers of judges are retiring as they reach the mandatory retirement age of 70. This presents challenges and opportunities. The challenge is the loss of experience and institutional knowledge that are so critical to addressing the complex issues brought into our courtrooms each day. But this challenge also affords the judiciary the opportunity to welcome new, diverse talent to the bench—judges who bring with them fresh ideas, fresh perspectives, and an eagerness to tackle an ever-changing legal landscape.

It is particularly vital that the judiciary remain neutral in order to approach each case independently and resolve each controversy in an open, transparent manner while treating all parties fairly and respectfully. I enjoy wrestling with difficult legal issues and working with my colleagues to reach the correct legal result for each particular case. A court's decision should be accurate, follow the rule of law in accordance with the evidence in the case, and be accessible to all citizens – not just the parties involved. I am committed to being a neutral, impartial decision-maker, who reaches decisions based on a thorough review of the facts and the rule of law.

CANDIDATE MICHELLE MACDONALD:

The most critical issue facing the criminal justice system is that individuals, law enforcement, lawyers and Judges get caught up in a punitive ---not justice--- system, resulting in a failure to dispense true justice. Our adversary system is archaic, lacks unity, and fails to follow the rule of law. Behaviors that should constitute teaching moments for all involved instead become “blame” moments, and reasons to involve law enforcement, lawyers and the courts. Judges regularly fail to recognize the harm, fail to upholding liberty rights, lack diligence, and fail to take the necessary time to discern the facts, apply facts to the law, reach legal conclusions and make orders, which is their primary role. There is a lot of pretending going on, not recognizing bad acts or bad law, getting caught up in bureaucracy, civil rights violations, and making unconstitutional decisions in the name of “justice”. Our justice system is more often cookie-cutter with a “one-size-fits-all” mentality and court culture. The system regularly criminalizes licit behavior and lacks common sense. Law enforcement, attorneys and judges fail to use their broad discretion wisely, instead getting caught up in non-serious matters involving inherently good people who make mistakes, leaving them no time to concentrate on more serious matters.