

2020 ELECTION QUESTIONS – SUPREME COURT / Michelle MacDonald

Do you support the judicial retention election system as recommended by the Quie Commission?

No. Judicial retention is a process where a judge is subject to referendum held at the same time as the general election, and removed if majority votes are cast against keeping that judge.

We have a constitutional right to vote for judges, which has deteriorated with the customary practice of judges who leave office (for whatever reason) vacating their seats to allow the Governor to appoint someone in their place, rather than leaving the seat open for others to compete.

In this election, only 4 of the 128 judges on your ballots have opponents. Judges appointed by the governor run as incumbents, even though they were not elected.

<https://candidates.sos.state.mn.us/CandidateFilingResults.aspx?county=0&municipality=0& schooldistrict=0&hospitaldistrict=0&level=1&party=0&federal=False&judicial=True&executive=False&senate=False&representative=False&title=&office=0&candidateid=0>

A judicial retention election system would further diminish our right to vote for Judges.

Should political parties endorse judicial candidates?

The short answer is “no.” I was endorsed by the Republican Party of Minnesota in the past, but I just as easily could have been endorsed by the democratic or independent party, if they endorsed judicial candidates. I did not view the endorsement as taking sides.

An impartial decision-maker is a critical part of due process. A judge’s role is to determine *relevant* facts, apply those facts to *relevant* law, reach a legal conclusion and make a decision that is just in the particular case. Politics is not part of being a judge.

Should political endorsements be identified on the election ballot? No.

Should the rules be relaxed in terms of candidates speaking about issues that are pending or may come before the court?

The rules have been relaxed for years. Judicial candidates are allowed to speak about issues that are pending or may become pending before the court. Republican Party of Minnesota v. White, 536 US 765 (2002) was a decision of the United States Supreme Court that upheld the First Amendment and free speech rights of candidates for judicial office, ruling that Minnesota’s Announcement Clause, which forbade candidates for judicial office from announcing their views on disputed legal and political issues, was unconstitutional.

Have you accepted or do you intend to seek endorsement and/or financial contributions from advocacy and lobbying groups? No.

Why do you want to be a judge? What are your personal priorities?

I have witnessed an unprecedented display of courts abusing their discretion and authority and damaging people and families by their court orders. I want to be a Judge in the Court of Appeals to effect change and to hold our Judges accountable to equal justice, the Rule of Law, the Constitution and due process.

I advocate a unitive system--- a model of justice that is equal and voluntary, where those in conflict meet in a safe space, hear each other out, and decide what to do about their conflict. All individuals and members of the community are empowered to address conflict using various communication tools.

As a seasoned restorative practitioner, I am in a unique position to implement processes of community and restorative justice throughout Minnesota by re-framing the role of judges to act as supporters of restorative justice practices.

As an associate justice, I would require more community and restorative justice practices at all levels of Minnesota's court system. This includes the responsibility for bringing concerned parties together to participate, with the goal to not only resolve conflicts and heal harms, but to contribute to the public safety and achieve social benefit.

Briefly summarize your personal background and qualifications.

For 33 years, I have been helping thousands of people with legal challenges before hundreds of judges. My practice areas include matters of all kinds including civil rights, constitutional issues, family law, child custody, support, property, child protection, adoption, juvenile, wills, trust & probate, traffic & criminal defense, business, real estate, injury, appeals, dispute resolution, and restorative services

While raising a family, I work as an attorney, mediator and restorative justice circle facilitator and trainer. I've managed a law firm and other businesses, and contributed my time to legal and community activities.

I founded Family Innocence, a non-profit dedicated to keeping families out of court: resolving conflicts and injustices peacefully. I developed and teach a Restorative Circle Mediation Training certified by the alternative dispute resolution, judicial branch. I've been a judge in small claims court, and a family court referee in Hennepin County. I've filed dozens of appeals for clients, researching and writing briefs for the Minnesota Supreme Court, with appearances before the appellate court, the Supreme Court and petitions to United States Supreme Court in Washington, DC.

Keep the Faith.

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