

STATE OF MINNESOTA

IN SUPREME COURT

File No. _____

Inquiry into the Conduct of the
Honorable Jennifer Kurud Fischer

**ANSWER TO FORMAL COMPLAINT OF
BOARD OF JUDICIAL STANDARDS**

Pursuant to Rule 8(a)(3) of the Rules of Board on Judicial Standards, The Honorable Jennifer Kurud Fischer (“Judge Fischer”) submits this Answer to the Formal Complaint of the Board on Judicial Standards (“Board”). Judge Fischer previously entered into a Deferred Disposition Agreement (“DDA”) with the Board on January 17, 2023.

Judge Fischer asserts that the Code of Judicial Conduct and the Board’s governing rules supersede any contractual provisions of the DDA, particularly where constitutional and statutory protections are implicated.

GENERAL DENIAL OF ALLEGATIONS

Judge Fischer denies each allegation set forth in the Complaint unless expressly admitted herein.

1. Judge Fischer denies that she engaged in any conduct constituting judicial misconduct as defined by the Minnesota Code of Judicial Conduct regarding the execution of her duties in cases In re I.S., In re A.M., State v. Fleming, In re C.A.W., Rusch v. Rusch, State v. Williams, In the Matter of Ciriaco Lira or any other case.
2. Judge Fischer denies that she violated any ethical or professional standards in her interactions with court staff, including her court reporter and court personnel, since signing the Deferred Disposition Agreement on January 17, 2023. Judge Fischer has not failed to execute her duties and has not failed to cooperate.
3. Judge Fischer denies that she acted in a manner that would warrant disciplinary action by the Board, including the period of her disability leave in 2022 and subsequent return to a full judicial calendar. Judge Fischer denies she engaged in retaliation.
4. Judge Fischer denies she engaged in a pattern of non-responsiveness, or that she failed to cooperate with her duties at any time during her service as District Court Judge.
5. Judge Fischer admits she was licensed to practice law in the State of Minnesota in 1993 and appointed to the bench in the Eighth Judicial District in 2013, was elected in 2014

and 2020 and has served continuously since that time with an exception, explained in detail herein.

6. Judge Fischer has always served the people of the Eighth Judicial District with integrity, fairness and an unwavering commitment to upholding the rule of law. Throughout her judicial career, Judge Fischer has been guided by the principles of justice and the duty to protect and defend the Constitution so that its protections are available to all people coming before her court.
7. In 2017, Judge Fischer agreed to develop and manage a Child Protection (CHIPS) Specialization Pilot Project at the request of Chief Justice Gildea. The 2018 Weighted Case Load (WCL) study showed Judge Fischer was managing upwards of a 1.5 WCL in 2018 and 2019, significantly increasing her caseload and contributing to overwork and emotional exhaustion that affected her into 2022 and was resolved through treatment received during inpatient hospitalization that year.
8. During the pandemic, Judge Fischer and her team worked at the Kandiyohi Courthouse because she did not have reliable internet at her home to work remotely. Judge Fischer relied heavily on this courthouse “Pod” for social interaction and emotional support, which inadvertently resulted in overly familiar interactions with her coworkers.
9. On or before September 2021, Judge Fischer’s court reporter made an inappropriate sexual joke directed at Judge Fischer in front of staff. Judge Fischer immediately voiced displeasure at the remark, apologized to staff and reported the incident to Court Operations Supervisor Diane Gerhardson.
10. Judge Fischer took immediate steps in 2021 to correct the atmosphere in her courtroom, reinforcing the need for professionalism and establishing clear boundaries with her court reporter and other staff.
11. In September of 2021, Judge Fischer began looking into the diagnostic process to treat her depression and PTSD. In March 2022, Judge Fischer sought and obtained a formal diagnosis from Mayo Clinic of Adjustment Disorder, PTSD and depression. Judge Fischer did weekly therapy from early Spring 2022 until July 26, 2022, on an outpatient basis and was making excellent progress. Judge Fischer was working full-time successfully.
12. Judge Fischer kept judicial leadership in her district, Chief Judge Stephanie Beckman (“Chief Judge Beckman”) and Assistant Chief Judge Rodney Hanson (“Judge Hanson”) informed of diagnostic process and treatment progress.
13. Judge Fischer received the 2022 Board inquiry materials on July 24, 2022, without any attempt by Chief Judge Beckman or Judge Hanson to meet with Judge Fischer to resolve the issues in abdication of their duties under Judicial Council Policy 108. This highly unethical start to this process caused Judge Fischer’s depression and PTSD symptoms to instantly become unmanageable and causing her to qualify for inpatient admission.

14. Judge Fischer took a formal disability leave from August 2, 2022, until September 19, 2022. Judge Fischer received excellent care and made lasting substantial cognitive changes. Judge Fischer took all appropriate steps under the Judicial Leave Policy and provided all requested documentation to Chief Judge Beckman. Judge Fischer attended the courthouse from 8:00 to 4:30 each day but would not receive a calendar until Beckman authorized it on October 31, 2022.
15. In January 2023, Judge Fischer learned the Board wished to enter into a Deferred Disposition Agreement (DDA) wherein the matter would remain private and ultimately a private admonition would be entered upon successful completion of the deferral period. To maintain privacy, Judge Fischer was required to admit that certain statements she made on the record during her cases or written in her orders amounted to misconduct.
16. Very soon after Judge Fischer signed the DDA, Board Executive Secretary Thomas Sipkins violated the privacy agreement by sending letters to the Meeker County Attorney and Litchfield City Attorney disclosing that Judge Fischer had been at inpatient mental health treatment and misstating that the Board had found “serious misconduct”. This was violative of the Board’s rules on disclosure. One of the cases listed in the DDA was State v. Torgerson, which was before the Minnesota Supreme Court, and would be decided later that year. This created an ethical quagmire for Judge Fischer in Meeker County.

Duty of Recusal

17. Rule 2.11 (A) of the Code of Judicial Conduct requires a judge to disqualify themselves when a judge has a “personal bias or prejudice” concerning a party or a party’s lawyer. Judge Fischer’s recusals on January 21, 2025, were made in good faith considering the violation of Judge Fischer’s privacy and the knowledge that these lawyers had of private details of Judge Fischer’s personal life. Judge Fischer committed no ethical violations in recusing herself from cases involving the Meeker County Attorney and the Litchfield City Attorney.
18. The duties of cooperation in Rule 2.5 do not take priority over a judge’s duty to disqualify under Rule 2.11.
19. A judge is not required to recuse based on the lawyer’s personal bias or animus toward the judge. Judge Fischer does not take personal offense to any lawyer’s actions and assumes all counsel will act with integrity, regardless of personal opinion.
20. Judge Fischer issued two recusals with comments in the cases In Re A.M. and In Re C.A.W. Recusals were issued upon the realization that Attorney Carter Greiner was in Chief Judge Beckman’s courtroom claiming Judge Fischer was racist, and that his Affidavit of Prejudice was not being summarily dismissed by Chief Judge Beckman. Judge Fischer asserts that her comments in these recusals were, in her judgment, necessary to preserve the integrity and independence of the judiciary.

Requirement for Reporting Unethical Conduct.

21. Rule 2.15 (B) requires a judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority. This was the case regarding Attorney Greiner's actions on May 9, 2024. Judge Fischer has committed no ethical violations regarding her report.
22. Rule 2.15 (A) requires a judge having knowledge that another judge has committed a violation of the Code that raises a substantial question regarding the judge's honesty, trustworthiness, or fitness as a judge in other respects, shall inform the appropriate authority.
23. In the I.S. case, Judge Fischer issued an order and amended order finding serious police misconduct and an unlawful detention of a juvenile. In March 2024, Chief Judge Beckman entertained ex parte communications with local law enforcement about Judge Fischer's court and decisions. Judge Fischer sent materials to State Court Administration (SCAO) to ask for assistance in rehabilitating the situation. Judge Fischer provided the same materials to the Board. Judge Fischer did not make any public comment and did not share the communications with anyone besides the Board and SCAO. Judge Fischer committed no ethical violations in seeking help with a troubling situation.

Disability and Impairment of a Judge

24. Rule 2.14 of the Code of Judicial Conduct requires a "judge having a reasonable belief that the performance of a lawyer or another judge is impaired by drugs or alcohol, or by a mental, emotional or physical condition, shall take appropriate action, which may include a confidential referral to a lawyer or judicial assistance program". Comment [1] indicates "appropriate action" may be "notifying an individual with supervisory responsibility over the impaired person".
25. In personal conversation on April 19, 2024, and a phone call to Judge Hanson on May 10, 2024, Judge Fischer took appropriate action by confiding with Judge Hanson private information provided by Chief Judge Beckman to Judge Fischer about opiate addiction in Chief Judge Beckman's home. Judge Fischer committed no ethical violations. Comment [2] "depending on the gravity" ... "the judge may be required to take other action, such as reporting the impaired judge..."
26. In a phone call to Judge Amy Doll, Judge Fischer took appropriate action under Rule 2.14 because Judge Doll is next in seniority on the Eighth District Bench after Judge Fischer. Chief Judge Beckman does not have any one with supervisory responsibility over her in our District, so Judge Doll was next in line from Judge Hanson to be in a position to help Chief Judge Beckman and to recognize impairment.

27. In the calls to Judges Hanson and Doll, Judge Fischer did not disparage Chief Judge Beckman. Instead, Judge Fischer asked Hanson and Doll if they witnessed the same impaired behavior others witnessed at Hon. Benjamin Wilcox' investiture and at the Minnesota Supreme Court dinner. Judge Fischer disclosed Chief Judge Beckman's previous statements about her husband's drug use to Judges Doll and Hanson as well as Chief Judge Beckman's debilitating migraines.
28. Judge Fischer had genuine concern for Chief Judge Beckman and engaged in appropriate and good faith action to see if Judges Hanson and Doll had the same concerns.

In the Matter of Ciriaco Lira.

29. The Board has not asked Judge Fischer for prior input regarding this case. Judge Fischer committed no ethical offenses during the pendency of her jurisdiction in the case. Judge Fischer's rulings are protected speech and subject to judicial immunity.
30. Judge Fischer's Orders must be placed in proper context considering the expanded role of the District Court Judge in Child Protection matters. See "Setting the Right Tone in Chips Cases—A Guide for Judges" by Judge Jeffrey Kritzer (MJB Sharepoint; Judicial Resource Library; Child Protection (CHIPS) Resources).

AFFIRMATIVE DEFENSE I: Subject Matter Jurisdiction/Procedural Fairness

31. Judge Fischer alleges Chief Judge Beckman failed to follow Judicial Council Policy 108, the Appendix "Chief Judge Authority and Responsibility Document", and Rule 2.9 of the Judicial Code (Ex Parte Communication) in her approach to the Board, and that this is a Jurisdictional issue.
32. The failure of Judge Beckman and the Board to enforce Chief Judge's duties and responsibilities to judges in their district is jurisdictional in nature and subjects the Formal Complaint to summary dismissal. Chief Judge Beckman has an absolute responsibility to follow Judicial Council Rules and the Judicial Code respecting her duties to the Judges in the 8th District. The Board's failure to hold a Chief Judge to the appropriate standards when coming to the Board is a fatal flaw in the Board's screening process.

AFFIRMATIVE DEFENSE II: Coercion.

33. Judge Fischer alleges that Deferred Disposition Agreement of January 17, 2023 was signed under duress, coerced by threats of public exposure and harsher sanctions. Statements subject to judicial immunity were mischaracterized as misconduct, chilling the exercise of judicial independence. Judge Fischer does not withdraw or recant her factual admissions submitted to the Board in 2022; the Board engaged in overreach in classifying courtroom management, and measured statements delivered to defendants upon being sentenced to prison, as misconduct.

AFFIRMATIVE DEFENSE III: Whistleblower Retaliation.

34. Judge Fischer gave testimony in 1996 about judicial sexual harassment toward her and has faced systemic retaliation since her appointment to the bench in 2013. Judge Fischer found evidence that supports her claim that she has experienced harassment by former district administrator Timothy Ostby (“Ostby”) and judicial leadership (Judges Spilseth, Thompson, Beckman, Hanson) about peremptory removals. Judge Hanson is the protégé of retired Judge Spilseth, and Chief Judge Beckman is the protégé of retired Judge Thompson, and Ostby was district administrator from before my arrival in 1993 until 2021. The May 2, 2024, materials provided to Board and SCAO are absolutely protected reports of continued harassment by judicial leadership and administration toward Judge Fischer.
35. Board and SCAO legal have worked in concert to create a false moral equivalency between Judge Fischer’s boundary issue with staff in 2021 --which she addressed proactively and well before any disciplinary action—and the conduct Judge Fischer reported as a Whistleblower. This mischaracterization undermines the purpose of whistleblower protections and aligns the Board with individuals whose conduct toward Judge Fischer raises serious ethical concerns. While Judge Fischer’s offender in 1996 was allowed to rehabilitate and become Chief Judge in the 8th District, Judge Fischer is being asked to accept public reprimand or leave the bench entirely.

AFFIRMATIVE DEFENSE IV: Disability Retaliation.

36. Under the Americans with Disabilities Act of 1990 and the Minnesota Human Rights Act, Judge Fischer qualifies as a person with a disabling condition: PTSD. Judge Fischer provided medical, psychological and psychiatric verification of fitness for full-time, unrestricted duty to Chief Judge Beckman on or about September 19, 2022. She was discriminated against and subjected to adverse employment actions despite medical clearance. Judge Fischer reported this to the Board because the Board is the appropriate authority to receive the information, to help document Judge Fischer’s efforts to resume a calendar and to ask for assistance in rectifying the situation. Chief Judge Beckman’s modifications of Judge Fischer’s duties have been manipulative, without a legitimate business purpose and have not been in good faith. Chief Judge Beckman’s decisions regarding Judge Fischer’s calendar have been disruptive to the whole district and outside the scope of her authority.

AFFIRMATIVE DEFENSE V: Judicial Immunity/protected speech.

37. Statements of a judge associated with administration of justice and courtroom management are protected by the constitution unless they are violative of the judge’s duties under the Rules of Judicial Conduct. The Board’s concern that the second order in the case In Re I.S. was “superfluous” is not a valid inquiry under the Rules. Any judge’s discretionary bail decisions and whether to issue a release order in a Misdemeanor are not for the Board’s review. There is no allegation that Judge Fischer demeaned or denigrated any party when she denied issuing a release order in State v. Williams.

CONCLUSION.

Judge Fischer respectfully requests that the Board dismiss the Formal Complaint in its entirety. The allegations are not supported by law or fact and constitute retaliation for protected conduct, including whistleblowing, disability leave, and constitutionally protected judicial decision making. Judge Fischer remains committed to serve the public with integrity, courage and fidelity to the law.

Sincerely,

A handwritten signature in black ink, reading "Jennifer Kurud Fischer". The signature is fluid and cursive, with the first name "Jennifer" being more prominent and the last name "Fischer" written in a slightly smaller, more compact script. The signature is positioned over the typed name and title.

Jennifer Kurud Fischer
District Court Judge

**DECLARATION OF SERVICE
VIA FIRST-CLASS MAIL**

Re: *Inquiry into the Conduct of the Honorable Jennifer Kurud Fischer*
Our File No.: 11373.1

The undersigned hereby states and declares that service of the following document:

Answer to Formal Complaint of Board of Judicial Standards

was made on May 20, 2025, upon the attorney named below by mailing, via First-Class Mail, a copy to her last known address by the undersigned on behalf of BASSFORD REMELE, A Professional Association, as attorney of record in the said action.

Ms. Sara P. Boeshans
Minnesota Board on Judicial Standards
1270 Northland Drive
Suite 160
Mendota Heights, MN 55120

I declare under penalty of perjury that everything I have stated in this document is true and correct.

This document was signed in Hennepin County, Minnesota on May 20, 2025.

s/Don Kirkwood
Don Kirkwood