

## **MSBA Questionnaire for Judicial Candidates in Contested Races**

1. *What is your full name?*

Michelle Lowney MacDonald

2. *Does your campaign have a website or facebook page? If so, please list it.*

[www.MacDonaldforJustice.com](http://www.MacDonaldforJustice.com)

[facebook.com\MacDonaldforJustice](https://facebook.com/MacDonaldforJustice)

[twitter.com\forMNjustice](https://twitter.com/forMNjustice)

3. *List the colleges and law schools you have attended, including your dates of attendance and degrees awarded.*

➤ Suffolk University Law School, Boston, MA., J.D 1986

Moot Court Award; Editor, Suffolk University Law Journal; Founder, Suffolk University Law Family Advocacy Clinic f/k/a *Battered Women's Advocacy Project*.

➤ Boston College, Chestnut Hill, MA., B.A. 1983, cum laude

➤ Harvard Law School, Boston, MA., Program of Instruction for Lawyers, 1994

➤ Continuing Legal Education for 33 years, wide variety of areas

4. *List where you have been employed since graduation from law school, including dates employed, your position and the nature of your employment responsibilities.*

➤ Managing Attorney & Owner, MacDonald Law Firm, LLC (2007 – present)

[www.MacDonaldLawFirm.com](http://www.MacDonaldLawFirm.com)

➤ Judge, Conciliation/Small Claims Court, Hennepin County (1999 to 2014)

➤ Adjunct Referee/Arbitrator, family and civil, Hennepin County (1992-2011)

➤ Founder, Volunteer President, Restorative Circle Facilitator & Mediator, Family Innocence, a nonprofit dedicated to keeping families out of court: resolving conflicts and injustices peacefully (2011- present)  
[www.FamilyInnocence.com](http://www.FamilyInnocence.com)

- Attorney and Shareholder, Kallas & MacDonald (1994 – 2006)
- Law Clerk and Attorney, Steffens, Wilkerson & Lang (1986-1994),

5. *Have you ever been convicted of a crime or publicly disciplined by a lawyer or judicial standards board? If so, feel free to provide an explanation.*

In 2013, I sued a judge on behalf of a client for civil rights violations. See Sandra Grazzini-Rucki, et al v. David Knutson, et al, United States District Court no. 0:13-CV-02477-SRN; Eighth Circuit Court of Appeals no. 14-2569; and *Petition for Writ* to the United States Supreme Court, docket no. 15-220. The Judge reported me to the Lawyer's Board, after I reported him for having me participate in a child custody trial while in handcuffs, and I was subsequently disciplined. See Disciplinary Action against Michelle Lowney MacDonald, Minnesota Supreme Court, case no. A-16-1282, filed January 17, 2018.

My Petition for Writ of Certiorari to the US Supreme Court involved reclaiming the first amendment rights of lawyers around the country who are disciplined for criticizing judges. (Supreme Court of the United States, Case no. 17-1457 – Michelle MacDonald v. Lawyers Board of Professional Responsibility)

In 2014, I was acquitted by a jury of DUI, upon producing a blood test with zero alcohol. I was convicted of misdemeanor Obstruction of a Legal Process after I asserted my statutory rights to see a Judge immediately. See Minn. Stat. 169.91 (1) (2012). Also see appeal, case no. A14-1981.

6. *What is/was the general nature of your practice? Indicate any areas of practice in which you concentrate or concentrated.*

Since 1987, I am an attorney in private practice, owning and managing a general practice law firm. 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.

I have been counsel on over 60 appeals, researching and writing memorandums and briefs, which include appearances before the Supreme Court, Petitions to the United States Supreme Court, and amici curiae briefs, asserting constitutional challenges to our laws.

Since joining the Supreme Court Rule 114 ADR neutral roster in 1997, I have maintained a mediation/dispute resolution division of the law firm, bringing countless cases to resolution.

In 2011, I founded Family Innocence, where I developed and taught restorative justice courses, including a 46 hour Restorative Circle Mediation Training certified by the ADR judicial branch.

7. *What percentage of your practice is/was litigation? 50%*

8. *Why do you want to be an appellate judge?*

I have witnessed an unprecedented display of courts abusing their discretion and authority, damaging people and families by their orders. I desire to effect change by holding Judges accountable.

Due process of law requires clear rules, government adherence to those rules, speedy trials, adequate legal representation for all parties, impartial decision makers, and an appellate process. See eg. *MLB v. SLJ*, 519 US 102 (1996); *Stanley v. Illinois*, 405 US 645 (1972); *Armstrong v. Manzo*, 380 US 545 (1965); *Mullanne v. Cent. Hanover Bank & Trust Co.* 339 US 306 (1950) In practice, judges regularly disregard these elements.

Ask any attorney who has experienced injustices in our courts, and considers an appeal. Appellate courts are not doing their job in holding lower court judges accountable to equal justice, the Rule of Law, the Constitution and due process, and that can change. Court decisions at every level are harming the people.

9. *What qualities do you believe are most important in an appellate judge? Explain how you have demonstrated that you possess those qualities:*

What comes to mind as an important quality in an appellate court judge is the ability to listen with patience, and to set aside judgments, so that people can be heard and understood.

Being heard is so close to being loved that to the average person they are almost indistinguishable.

While raising a family, I worked as an attorney, a mediator and restorative circle facilitator. I managed a law firm and mediation division, and contributed my time to legal and community activities. I've been a judge in small claims court, and a family court referee.

I have dedicated my career to listening to people so that I can either advocate for them as their attorney, or be an impartial decisionmaker as a judge. In both roles, I am listening to discern the facts, so that I can locate pertinent cases, statutes, and rules governing the situation.

In my role as a restorative circle facilitator, I listen to facilitate communication in a process designed to restore relationships of all kinds, where circle participants can speak to each other until they are fully heard, not just the words, but the meaning.

10. *Why do you believe you are the best candidate for the appellate judge seat?*

My experiences as an attorney have led me to believe that ensuring judicial integrity and restoring our rights to access to the courts, due process and a fair trial as required under the Constitution and the Rule of Law should be the highest priority for an elected official.

At the same time, 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 urge the Minnesota Supreme Court to 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.

Thank you for this opportunity.

Keep the faith,

Michelle MacDonald

[www.MacDonaldforJustice](http://www.MacDonaldforJustice)

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