

## oneCourtMN Hearings Initiative Justice Partner Meeting Agenda

### CHIPS Case Type

April 17, 2023

12:00 pm to 1:00 pm

#### Attendees

**Justice Partner Attendees:** Jillian Dease (Hennepin County Attorney's Office), Cresston Gackle (Minnesota State Bar Association), Anne Gueinzius (Children's Law Center of Minnesota), Erin Johnson (Minnesota County Attorneys Association), Brenda Mahoney (Minnesota Association of County Social Service Administrators), Lisa McNaughton (Hennepin County Public Defender's Office), Janet Reiter (Minnesota County Attorneys Association), Rachelle Stratton (Hennepin County Adult Representation Services), William Ward (Minnesota Board of Public Defense), David Yates (Guardian Ad Litem)

**MJB Attendees:** Beau Berentson, Heather Kendall, Aaron Lauer, Kirsten Maiko, Suzanne Mateffy, Judge Kathryn Messerich, Jennifer O'Leary, Abby Peterson, Jeff Shorba, Dawn Torgerson

#### Welcome and Introductions

Jeff Shorba, State Court Administrator, welcomed the justice partners and thanked them for attending the meeting focused on the oneCourtMN Hearings Initiative. The initiative provides strategic direction and helps implement the Minnesota Judicial Branch's strategy related to remote and in-person hearings. It also assists district courts to resolve issues that might arise during implementation. This effort continues the Branch's commitment to innovation and increasing access to justice for all Minnesotans.

#### OHI's Response to Fall Justice Partner Feedback

##### *Flexible Courtroom Concept*

Last December, OHI launched the Flexible Courtroom Concept in Becker and Ramsey counties. The pilot provides hearing participants the ability to choose to appear remotely or in-person for their hearing. In February, a select set of judicial officers and criminal and juvenile delinquency hearing types began holding these new flexible hearings. The Flexible Courtroom Concept is an attempt at increasing access and providing parties and attorneys the ability to choose to appear in person at the courthouse or remotely via Zoom. The pilot runs through December 2023.

##### *Decorum Video and Written Materials*

OHI developed a series of decorum resources last fall to set clear behavior expectations for hearing participants to improve hearing decorum and experiences. Districts have been using these resources in preparing hearing participants and the decorum video has already been viewed over 2,200 times. Translated versions of the written decorum guide were recently added to the Branch's website in Hmong, Karen, Somali, and Spanish.

Feedback from our justice partner meetings also suggested that an attorney decorum guide was needed as well to provide reminders about decorum expectations and resources for attorneys and their clients. OHI partnered

with the Minnesota State Bar Association in developing that document and it is now available on the Branch's website.

### *Improving Hearing Management*

OHI is working to understand the effect of hearing-related practices and resources to increase hearing access, timeliness, and effectiveness. This work is taking place through two related projects: the Remote Hearing Facilitation Report and the Resources and Practices Study.

The Remote Hearing Facilitation Report provides information and training resources to equip those facilitating remote hearings in fulfilling the essential duties related to remote hearing facilitation. It also shares information about innovative hearing support models developed by local courts to better share information across the state and spark new ideas.

The Resources and Practices Study hopes to identify and promote those hearing practices that lead to better outcomes around access, timeliness, and effectiveness. The study will examine the time used for remote and in-person hearing practices in different settings. This information will be analyzed alongside hearing outcome data to identify and promote effective hearing practices across a variety of hearing settings and types.

### *Legal Kiosk Project Promotion*

OHI worked with the Legal Kiosk Project to develop a new promotional flyer and bookmarks to distribute at local courthouses. These materials have been sent to courts across the state. OHI will also showcasing the Legal Kiosk Project at Branch conferences this spring for court staff.

### **Review of Recent and Proposed Changes to Policy 525**

Based on internal and external stakeholder feedback and hearing data, the following changes to Policy 525 took effect in January.

- The presumption of Family Pretrials, Civil Pretrials, Civil Settlement Conferences, Civil Temporary Restraining Orders hearings from remote to in person.
- Additionally, Guardianship/Conservatorship Order to Show Cause hearings changed from in person to remote
- The largest change was Juvenile Delinquency hearings no longer using a statewide framework and instead being held based on local district and county hearing plans. The local plans are available on the Branch's website.

Later this spring, OHI will recommend that contempt be removed from the chart and a footnote be added to clarify that ExPro includes matters in Support, Paternity, Family-Other, and Dissolution with Child case types as well as contempt matters.

### **Hearing Participant Survey – Halfway Point Update**

OHI's Hearing Participant Survey was launched last December. It will run through the end of June 2023. The survey gathers input from litigants, attorneys, justice partners, media, and other hearing participants on their

most recent remote or in-person hearing. As of March 8, OHI had received over 1,500 responses to the Hearing Participant Survey, regarding hearings in 87 of Minnesota's 89 counties.

Some of the preliminary findings of the survey include:

- Most Hearing Participants would prefer to attend a future hearing remotely.
- Most hearing participants said it was not difficult to attend their hearing.

Justice Partners were encouraged to complete the survey themselves if they have recently participated in a hearing, and to encourage others to complete the survey. The survey can be accessed on the public website home page, in your browser following a remote hearing, and soon will be available by poster and bookmarks within courthouses statewide. Justice partners can access the survey at: <https://tinyurl.com/hearings-feedback>.

## **Input from Justice Partners**

### *Hearing Participant Survey*

A justice partner was not surprised by OHI's midpoint survey results. It would be helpful if the results were separated out by case type because the context of the hearing is important in interpreting the results. Kirsten Maiko responded that we will be able to divide the results between criminal, parking/traffic, and other hearings. OHI did not get more specific with their results because we didn't want to complicate filling out the survey to get more responses.

Another partner wondered how many non-English responses OHI received and did the results differ. Kirsten said that OHI has received 30 non-English responses so far. OHI is hoping to have enough non-English responses to compare by the end of the survey.

One justice partner also asked if OHI received responses from people who are in custody. Kirsten responded that OHI is not currently collecting data from in-custody hearing participants, however it has been working to find a way to gather their feedback. Justice partners should let OHI know if they have ideas on how to gather feedback from people who are in custody.

### *Long-term OHI Considerations*

A partner shared feedback from attorneys working in child protection. They appreciate the ease of access in attending remote hearings. There is also a shortage of attorneys across the state and remote hearings allow people to get representation outside of their area. However, there is a lost opportunity to have a meaningful face-to-face exchange in some types of child protection hearings and the ability to connect with services more easily.

One external stakeholder said that remote hearings are generally going well in Hennepin County. EPC and Admit/Deny hearings and trials are generally in person. Admit/Deny hearings are especially important to be held in person because it is an opportunity to meet with a social worker. Remote hearings are helpful to both clients and social workers because they can avoid travel, childcare, and parking costs. Social workers carry a heavy caseload and are making lots of house calls. Most social workers in Hennepin County are working remotely. Remote hearings allow them to appear in their car between client meetings without having to travel and wait at court.

Another justice partner agreed that it was better to have first appearances and EPC hearings in person and have the youth hearing participants present. Early in-person hearings build trust and give attorneys and service providers a chance to have a first conversation with the parents and children. Having subsequent hearings remotely helps kids not have to miss school and more easily participate in hearings.

A partner agreed that it was very important to have the first hearings in person to build relationships with the family. However, there should be flexibility if the parents cannot attend in person to allow for a hybrid hearing. It will be interesting to hearing about the results of the Flexible Courtroom Concept and if it has lessons for CHIPS hearings in other jurisdictions.

A justice partner echoed the other comments. It is important for public defenders when they represent kids to be able to build trust during that first appearance.

One partner stated that it is critical allow counties to have the flexibility to hold hearings based on the circumstances of the hearing. Holding Admit/Deny hearings in person is important because it allows parents, kids, and attorneys to have more meaningful conversations.

Heather Kendall wondered how we create statewide consistency and still allow for local flexibility. A partner stated that many justice partners have not recovered yet from the pandemic and do not have the human resources to respond to a long-term change to how hearings are held at this time. For instance, the 9<sup>th</sup> District is down 40% of its public defender staff. Before long-term recommendations take effect, we should allow justice partners to get back to their pre-pandemic status quo. Jeff Shorba responded that long-term recommendations are not happening anytime soon. When the Branch is ready to issues its long-term changes to hearings, it will give justice partners as much information as possible so that they can plan.

### **Next Steps**

Jeff Shorba thanked the justice partners for sharing their time and expertise during the meeting. Following the meeting OHI will be sharing a meeting summary which can help spark discussions with your organization and constituents. Justice Partners will also receive a short survey to provide additional feedback. The Branch hopes that justice partners will join us for future OHI justice partner meetings to discuss OHI work efforts and lessons learned from the remote and in-person hearing plans.