

## oneCourtMN Hearings Initiative Justice Partner Meeting Agenda

### CHIPS Case Type

May 20, 2022

11:00 am to 12:00 pm

### Attendees

**Justice Partner Attendees:** Jeanette Boerner (Hennepin County Adult Representative Services), Aimee Gupelli (Assistant Chisago County Attorney), Matt Freeman (Minnesota Association of County Social Service Administrators), Anne Gueinzus (Children’s Law Center of Minnesota), Erin Johnson (Minnesota County Attorneys Association), Rebecca McConkey-Greene (Tribal Court State Court Forum), Sally Tarnowski (Tribal Court State Court Forum)

**MJB Attendees:** Chief Justice Lorie Gildea, Heather Kendall, Aaron Lauer, Haley Leverington, Kirsten Maiko, Kate Malmon, Suzanne Mateffy, Judge Kathryn Messerich, Jennifer O’Leary, Andrew Peterson, Paul Regan, Jeff Shorba, Dawn Torgerson, Rebecca Vanden Hanen, Wally Wallestad-Dax

### Welcome and Introductions

Chief Justice Lorie Gildea welcomed the justice partners and thanked them for attending the meeting focused on the oneCourtMN Hearings Initiative and the upcoming district hearing implementation plans. The oneCourtMN Hearings Initiative will provide strategic direction and help implement the Minnesota Judicial Branch’s strategy related to remote and in-person hearings. It will also help district courts resolve issues that might arise during this implementation. This effort continues the Branch’s commitment to innovation and transformation for the benefit of the people of our state.

### Overview of oneCourtMN Hearings Initiative

#### oneCourtMN Hearings Initiative

Judge Kathryn Messerich and Heather Kendall, District Administrator for the Second Judicial District, serve as the oneCourtMN Hearings Initiative co-chairs and provided an overview of the initiative. The oneCourtMN Hearings Initiative’s work will take place over three phases: take action, evaluate, and recommend and implement. The Branch is currently in the Take Action phase. During this phase, the Branch is working to identify ways to continue to make remote and in-person hearings better. The key work efforts within this phase are:

- implementing criminal and non-criminal hearing plans,
- beginning a phased and continuous approach to improving remote hearings, and
- addressing challenges with in-person hearings.

Our next phase will focus on evaluating the improvements that we have made to court operations to advance continuous improvement within the Branch. Finally, the initiative will culminate in strategic and well-informed recommendations for Judicial Council's consideration.

To create the oneCourtMN Hearings Initiative work plan, the Steering Committee compiled feedback from the Other Side Workgroup listening sessions, issues identified by District Administration, and work currently in progress that could impact hearings. Our work plan includes a wide array of projects that will impact many aspects of court operations going forward. Some of the initiatives include:

- **Solving legal issues.** Such as the service issues we encounter when we in a remote setting
- **Enhancements to our electronic tools.** For example, identifying ways to sign documents while in a remote hearing, implementing an eCheck-In tool, and exploring the possibility of adding remote hearing information to eReminders.
- **Finding solutions to a variety of issues related to remote appearance.** Such as addressing challenges with fingerprinting those in-custody and appearing remotely from another jurisdiction.
- **Addressing scheduling challenges,** like those we are experiencing with the Department of Corrections.

## Hearing Implementation Plans

After June 6th, any new hearings scheduled will need to be scheduled according to the new framework. This framework includes a list of factors that can be considered for judicial officers to rule that exceptional circumstances exist for a hearing to be held in a different way.

For non-criminal cases, the [statewide case-by-case chart](#), found in the April [Judicial Council policy](#), states which hearing and case types will generally be held as remote hearings, and which will generally be held as in-person hearings.

Additionally, each district has been tasked with developing a local plan for when they will use remote and in-person hearings in criminal cases based on their own local needs and conditions. Each district may establish a single criminal hearings plan for all courthouses within the district, or may choose to establish individualized criminal hearings plans for each county within the district. The plans will also specify the factors district courts are to apply when considering requests to conduct a presumptively in-person hearing remotely, or to conduct a presumptively remote hearing in-person.

## Justice Partner Engagement

Critical to the success of the oneCourtMN Hearings Initiative is the continued involvement of justice partners and court customers in its development. OHI will provide opportunities for justice partner input through regular justice partner meetings, surveys, and public presentations. Additionally, the oneCourtMN Hearings Initiative will work with media outlets from across Minnesota to generate awareness, build support, and demonstrate outcomes about the initiative and its related projects.

## **Input from Justice Partners**

### Benefits of Remote Hearings

Justice partners said that remote hearings have been very helpful, especially with child protection and review hearings. Prior to the pandemic child protection hearings involving parties from tribes often occurred over the phone because of the significant distance from the courthouse. Using Zoom to conduct these types of hearings during the pandemic has significantly improved the hearing experience, such as being able to see the judicial officer, attorneys, and litigants. Clients, especially those with mental health issues, are often uncomfortable coming to court but are more willing to participate in remote hearings. Additionally, breakout rooms have provided an opportunity to connect with clients or other parties. Remote hearings have been helpful for clients who work or are in treatment. In person hearings result in lost treatment time and increased costs from transportation.

Justice partners also appreciated the benefits of time certain hearing schedules used with remote hearings. This scheduling practice minimizes the time that families have to take off from their job and education. In addition, schools have been helpful in facilitating remote hearings at school and providing space for truancy cases. There is also much better tribal involvement and engagement with remote hearings compared to in person or phone hearings. Remote hearings allow for more than one person to participate in a hearing unlike phone hearings.

### Challenges of Remote Hearings

Justice partners said that there were some challenges created by remote hearings. They felt that remote hearings do not have the seriousness of in person hearings and there are sometimes decorum issues.

They also expressed that building an attorney-client relationship can be more difficult remotely. For example, the public defender in Chisago County tries to meet with all of their juvenile delinquency clients before their hearing. The public defender has had a hard time connecting with clients remotely. Justice partners also found it hard to build an attorney-client relationship remotely. It is especially difficult for clients with a substance use disorder or mental health challenges.

A justice partner shared a recent experience from a remote child protection hearing where a parent was using the Zoom chat feature to threaten the child seeking protection. The justice partner was not sure how frequently these types of issues occur. Jeff Shorba responded that we are looking into what options the Branch has for Zoom. We have heard similar feedback within harassment and restraining order hearings. Judge Kathryn Messerich added that during some high profile cases that judges have had similar issues with hearing observers adding inappropriate messages to the chat. The oneCourtMN Hearings Initiative is also examining how best to use staff during remote hearings. Potentially creating a role like a remote hearing bailiff might help to better manage the hearing and decorum issues.

A justice partner cautioned that statewide solutions can be difficult for CHIPS cases because of the wide variety of case volumes, geography, and other characteristics of districts across the state.

## **Next Steps**

Chief Justice Gildea thanked the justice partners for sharing their time and expertise during the meeting. Following the meeting we 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.