

oneCourtMN Hearings Initiative Justice Partner Meeting Agenda

Probate/Mental Health Case Type

June 1, 2022

9:30 am to 10:30 am

Attendees

Justice Partner Attendees: Colt Blunt (Minnesota Department of Human Services), Kathleen Carlson (Volunteers of America), Steven Collins (Minnesota Department of Human Services), Jessica Geil (Minnesota Department of Human Services), Soniya Hirachan (Minnesota Department of Human Services), Eric Jonsgaard (Minnesota Association of Guardianship & Conservatorship), Kelli Lassig (Minnesota Department of Human Services), Doug McGuire (Hennepin County Commitment Court), Marit Peterson (Working Interdisciplinary Networks of Guardianship Stakeholders Minnesota), Anita Raymond (Working Interdisciplinary Networks of Guardianship Stakeholders Minnesota), Robert Small (Minnesota County Attorneys Association), Carli Stark (Association of Minnesota Counties), William Ward (Minnesota Board of Public Defense)

MJB Attendees: Chief Justice Lorie Gildea, Lisa Haas, Heather Kendall, Aaron Lauer, Kirsten Maiko, Kate Malmon, Suzanne Mateffy, Judge Kathryn Messerich, Dawn Torgerson, Jennifer O'Leary

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

Remote Hearing Benefits

Justice partners said that although defense attorneys were fearful at the outset of the pandemic that they have been impressed with how remote hearings have occurred. Some attorneys even prefer remote hearings now. Many clients prefer remote hearings because they no longer have to travel.

Justice partners stated that remote hearings have been very beneficial for many of their clients. For litigants in long-term care facility, COVID-19 continues to be an issue. Remote hearings have enabled them to be better protected from exposure. Additionally, there have been cost savings from conducting remote evaluation and avoiding transporting patients to in person hearings. Some patients are also less anxious during remote hearings because they can participate from a familiar environment. Remote hearings have worked well even for contested hearings, and justice partners hoped that the Branch would continue to use remote hearings when appropriate into the future.

Remote Hearing Challenges

Justice partners cautioned that some older adults can be intimidated during remote hearings due to unfamiliarity with technology and hearing issues. Often, they are also not appearing remotely with their attorney in the same location as them, which can negatively impact the ability for the attorney and client to discuss issues that arise during the hearing. Additionally, there can be a lack of dignity for litigants that appear remotely from a hospital room and dressed in a hospital gown. Judge Messerich responded that the Branch needs to figure out strategies to ensure litigant's dignity when appearing from a health care setting. We also need to ensure the remote hearing process is simple enough for people feel comfortable with it. Heather Kendall added that under Policy 525 exceptional circumstances will allow for changes in whether a hearing is in person or remote based on the needs of the litigants.

Justice partners raised the issue of the loss of decorum during remote hearings.

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.