



# Judicial Council Minutes

## December 19, 2019

### Room 230, MN Judicial Center

The Judicial Council met on Thursday, December 19, 2019, at the Minnesota Judicial Center, Saint Paul.

Judge Lucinda Jesson was not in attendance. Sarah Lindahl-Pfieffer began her service on the Judicial Council.

#### 1. Approval of Draft November 14, 2019, Meeting Minutes

A motion was made and seconded to approve the draft November 14, 2019 Meeting Minutes, as submitted. The motion prevailed.

##### Council Action

The Judicial Council approved the November 14, 2019, Meeting Minutes, as submitted.

#### 2. Discussion Item: Information Technology Division Quarterly Report

Cory Ehlebracht, Information Technology Division, Sarah Novak, Legal Counsel Division, and Ann Peterson, Strategic Planning and Projects Office; State Court Administration, presented information on the MPA Remote with Documents Project. The project scope was reviewed: 1) Replace the current MPA Remote application; 2) Add Public1 documents; and 3) Charge for downloading Public1 documents.

A discussion ensued on the feasibility of Judicial Branch internal development of the application. Cory Ehlebracht noted that, at present, 59% of active EPM projects include technical development (programming) efforts. Mr. Ehlebracht reviewed successful internal development projects. Examples include: Benchworks; MyMNConservator; MyMNGuardian; the Interpreter Resource Management Application; Statewide eReminders; and the Business Expense System. The strengths of the internal development team were also noted. Lastly, it was noted that some previous concerns with development requirements have been addressed.

The time line for internal development and the estimated funding needs were presented. The overall timeline is 24 months. One approach would be to do the project in phases. If done in phases, pieces of development could be released as available. The current MPA

Remote application will remain live during the project. The public can continue to use the current application to locate case information and view the Register of Actions. The project will take into account when the current application should sunset.

A discussion ensued on the possible impact on other projects if the Branch were to internally develop the new product. It was noted that the future development on the Examiner Resource Application (ERA) Phase 2; the Interpreter Resource Management Application (IRMA) Phase 2, the Provider Availability Scheduling System (PASS), and operation updates to MyMN Conservator (MMC) will be impacted. The length of the impact is dependent on the scope of each project. The delays could be reduced or eliminated with additional staff.

Staff was instructed to explore grant opportunities and to consult with the Cyber Security Steering Committee. Information was also requested about the timeline and costs for other internal projects. The discussion will continue at the January Judicial Council meeting.

Katie Schurrer Manager, Strategic Planning and Projects Office, State Court Administration, provided an overview of projects at the Branch. The purpose of the Strategic Planning and Projects Office was also presented.

Ms. Schurrer reported on projects included in 2018 and 2019. Examples include:

- Court eReminders
- Interpreter and Psychological Services Application pilots;
- eCitation in new MGA;
- Self-Represented Litigants Electronic Tools;
- Jury Management System Upgrade;
- Court Payment Center Call Technology upgrades;
- Early Neutral Evaluation Scheduling Application;
- Human Resources Integrated Performance and Learning Management System;

Newly approved projects were also reviewed.

### **3. Decision Item: Legislative Advisory Workgroup Recommendations on 2020 Judicial Branch Legislation**

Jeff Shorba, State Court Administrator, presented the Legislative Advisory Workgroup recommendations for policy language to be advanced during the 2020 legislative session:

- Jury Service - Amend Minn. Stat. §593.50 to clarify that even though a court session occurs during the regular 8-5 day, the employer has a duty to release the employee from his or her regular work schedule for that day regardless of when during the day the employee would have worked. It further clarifies that if the employee would have ordinarily worked an 8-5 day, the employer cannot force the employee to work an alternate work schedule to make up the lost hours. The goal is to clarify employer obligations to ensure jurors can adequately serve as jurors and to maintain as diverse a jury pool.

It was noted that Fourth Judicial District representatives have begun discussion with the business community and that the Fourth District is committed to working with employer stakeholders to amend the proposal to address questions as appropriate.

A motion was made and seconded to advance the proposal for consideration during the 2020 legislative session. The motion prevailed.

**Council Action**

The Judicial Council approved the Juror Service proposal for advancement during the 2020 Legislative Session.

- Amend the definition of “qualified newspaper” in either 645 and/or 311A to permit court-generated notices to be served by publication by posting to the Minnesota Judicial Branch webpage.  
Alternatively: amending the harassment restraining order statute to permit published notice by “alternative means as determined by the Court.”

No action was taken on the proposal.

- Remove the statutory requirement for a civil commitment treatment facility to endorse receipt of an original warrant or acknowledge receipt of the commitment order and file the endorsed receipt or acknowledgement with the court of commitment.

A motion was made and seconded to advance the proposal for consideration during the 2020 legislative session. The motion prevailed.

**Council Action**

The Judicial Council approved the civil commitment treatment facility proposal for advancement during the 2020 Legislative Session.

- Clarify what the court should consider in determining whether a name change applicant has a criminal history and clarifies who is responsible for seeking and paying for a national records search.

A motion was made and seconded to advance the proposal for consideration during the 2020 legislative session. The motion prevailed.

**Council Action**

The Judicial Council approved the name change proposal for advancement during the 2020 Legislative Session.

- Rent Escrow Filing Fee

- Change “may” to ‘shall” in rent escrow statute. The current statute provides that the court administrator may charge a filing fee in the amount set for complaints and counterclaims in conciliation court, subject to the filing of an inability to pay affidavit. The use of “may” instead of “shall” is confusing.
- The language “subject to the filing of an inability to pay affidavit” should be stricken. The Inability to Pay Affidavit is for use in Conciliation Court. The language is not necessary to establish or identify the filing fee.

A motion was made and seconded to advance the proposal for consideration during the 2020 legislative session. The motion prevailed.

**Council Action**

The Judicial Council approved the rent escrow filing fee proposal for advancement during the 2020 Legislative Session.

- Amend laws to recognize Court Record Workgroup recommendations, as approved by Judicial Council, and to reflect current practices.

A motion was made and seconded to advance the proposal for consideration during the 2020 legislative session. The motion prevailed.

**Council Action**

The Judicial Council approved the court reporter language clean-up bill for advancement during the 2020 Legislative Session.

The Judicial Council discussed whether to seek funding for three Judicial Branch Initiatives.

- Courthouse Security Grants – seek \$3 million to re-instate the courthouse security grant program. The money would be a one-time appropriation.

A motion was made and seconded to advance the proposal for the 2020 legislation session, contingent on being included in a 2020 Supplemental Budget Request. The motion prevailed.

**Council Action**

The Judicial Council approved the proposal to seek \$3 million for courthouse security grants, contingent on being included in a 2020 Supplemental Budget Request.

- Cyber Security Funds – The proposal would seek \$3.5 million for cyber security efforts. It was noted that the Branch sought \$5 million during the 2019 Session and that \$1.5 million was appropriated. It was also noted that this request includes fiscal year tails of \$3.5 million per biennium.

A motion was made and seconded to advance the proposal for the 2020 legislation session, contingent on being included in a 2020 Supplemental Budget Request. The motion prevailed.

**Council Action**

The Judicial Council approved the proposal to seek \$3.5 million for cyber security efforts, contingent on being included in a 2020 Supplemental Budget Request.

- Additional Judge units – It was noted that two district court judge units were requested during the 2019 legislation session and that funds for one unit were appropriated. A discussion ensued on the timing of a request for new judge units. It was agreed that consideration of a request for new judge units be deferred until the FY22-23 biennial budget request is discussed.

The Judicial Council also reviewed legislation referred by outside groups, including protection of addresses of IV-D participants with safety concerns, re-activation of the \$2 Court Technology Fee, and the Veterans' Restorative Justice Initiative. It was agreed that no action will be taken on the proposals.

**4. Decision Item: Annual Review of Judicial Council Policy 221: Court Reporter Transcript Rates**

Jeff Shorba, State Court Administrator, reviewed the proposals and comments received in support of an increase in the court reporter transcript rates. It was agreed that the proposals will be forwarded, for comment, to Judicial Branch justice partners, the Minnesota Association of Verbatim Reporters and Captioners, and the Minnesota State Bar Association. The proposals will be a decision item at the January Judicial Council meeting.

**5. Decision Item: Access and Fairness Results: Next Steps**

Grant Hoheisel, Strategic Planning and Projects Office, State Court Administration reported on proposed tasks and timelines to address the results of the Access and Fairness Survey:

- Waiting Time – shorter courthouse wait times and improved courthouse service. Three statewide pilot sites, St. Louis County, Dakota County, and Kandiyohi/Meeker/Swift counties, with assistance from State Court Administration, will pilot calendaring and business process adjustments.
- Online Services – improved and increased online services. Increased marketing of Guide and File (helps users create court forms online), creation of instructions for other online forms, and review of help topic content, plain language, and navigation/resource link improvements will be implemented.
- Racial Equity – Districts will review survey results. As the FY21 Operational Plan is drafted, strategies to further racial equity work will be considered. The Committee for Equality and Justice will recommend judicial/staff training and guide for community dialogue sessions.

- Court Payment Center – Review, streamline, and clarify online content and phone prompts and clarify website instructions for online payments. Implementation of a redesigned Court Payment Center webpage is planned for the second half of 2020.
- Website - Coordinate and prioritize website improvements with online services and Court Payment Center Stakeholders. Website search, plain language, content, and navigation modifications will be implemented. Development of ongoing survey feedback from website users.

It was agreed that progress reports will be given every six months, beginning with the July 2020 Judicial Council meeting.

**6. Discussion Item: Judicial District Reports on compliance with implementation of Court Record Management Plan**

Each chief judge reported on compliance with implementation of the Court Record Management Plans. It was noted that all districts have made substantial efforts to be in compliance.

**7. Discussion Item: Audit Matters**

Jamie Majerus, Manager, Internal Audit, State Court Administration, presented the results of the Treatment Courts and on the Court Payment Center audits.

It was noted that the Court Payment Center’s internal controls were adequate to ensure that they safeguarded assets, produced reliable financial information, and complied with finance-related legal requirements and judicial policies.

Ms. Majerus reported that the Judicial Branch’s treatment court internal controls were generally adequate to ensure that they safeguarded assets and complied with legal requirements and judicial policies. There were, however weaknesses and internal control issues found. A discussion ensued on the need to provide additional training on policies and procedures relating to contracts, encumbrances, and gift cards. The Internal Audit Unit will monitor progress of addressing the audit issues and will report back to the Judicial Council at a later date.

**8. Discussion Item: Judicial Branch Financial Planning Options**

Dan Ostdiek, Director, Finance Division, State Court Administration, presented a JAD recommended pilot, aimed at providing a more strategic and deliberate approach to leveraging biennial resources, including accelerating the timeline to address significant statewide technology needs, allowing for the hiring of permanent project staff and reducing reliance on contractors and temporary employees, and maintaining financial flexibility for the district and appellate courts. The proposed pilot will be a decision item at the January 2020 Judicial Council meeting.

**9. Discussion Item: Other Business**

- a. The February Judicial Council Meeting was cancelled.

## **10. Executive Session: Personnel Matters**

A motion was made and seconded to go into Executive Session to discuss personnel matters. The motion prevailed.

Following discussion, a motion was made and seconded to exit Executive Session. The motion prevailed.

There being no further business the meeting adjourned.