



# Judicial Council Minutes

September 19, 2019

## Sherburne County Judicial Services Building Jury Assembly Room

The Judicial Council met on Thursday, September 19, 2019, in the Sherburne County Judicial Services Building Jury Assembly Room. Tenth District Assistant Chief Judge Stoney Hiljus attended for Chief Judge Douglas Meslow. Judges Jamie Anderson and Krista Martin were not in attendance.

### 1. Approval of Draft August 15, 2019, Meeting Minutes

Technical corrections were suggested to the draft August 15, 2019, Meeting Minutes. A motion was made and seconded to approve the Minutes as amended. The motion prevailed.

#### Council Action

The Judicial Council approved the August 15, 2019, Meeting Minutes, as amended.

### 2. Decision Item: Judicial Weighted Caseload Recommendations

Judge Tracy Warner, Chair, Weighted Caseload Committee, and Judge Charles Glasrud, Eighth District Representative, Weighted Caseload Committee, reviewed the Judicial Weighted Caseload Study decision items. It was noted that there are differences between this weighted caseload study and the one performed in 2009, for example, improvements in technology which resulted in better data collection, and the ability to separately track time in treatment courts. It was acknowledged that the judicial weighted caseload study is a snapshot in time which is then annualized and divided by the number of annual filings to produce the case weights. Case weights represent statewide averages for the time it takes to resolve each case type.

The decision items include:

- Judge Year Value
  - Work days per year: The Committee recommends that the current 215 work days per year be retained.
  - Hours worked per day – The Committee recommends that hours worked per day be set at 8 hours.
  - Judge Year Value groupings – The Committee recommends that two judge year value groupings be maintained:
    - All districts except the Eighth District – 78,000 minutes
    - Eighth District – 72,300 minutes

- **Case Categories and Case Weights**  
A discussion ensued on the proposed case weights. Concern was expressed that the case weight for murder and sex crimes is set too low. It was noted that the Committee believed that the 2009 murder case weight may be too high and that the number of hearings on murder cases held during the survey period in 2018 might have been low. As a result, the Committee recommends that a case weight of 2,441 minutes, reflecting a slight upward adjustment, be adopted for murder cases.
- **Mass Tort Adjustment** – The Committee recommends continuation of the .5 FTE mass tort adjustment for the Second Judicial District and that the issue be referred to a Standing Committee for further discussion.
- **Establishment of a standing committee for ongoing efforts** – The Committee recommends that the Judicial Council establish a standing committee to address issues needing further consideration and additional areas for improvement at the direction of the Judicial Council.
- **Judicial Complement** – A discussion ensued on adjunct judicial officers, specifically in terms of when and which adjunct judicial officer time data is included in the calculations of judge need and judicial compliment. Staff was instructed to prepare options for consideration at the October Judicial Council meeting.

A motion was made and seconded to approve the work days per year at 215 days. The motion prevailed.

    | **Council Action**

    | The Judicial Council approved the work days per year at 215 days.

A motion was made and seconded to set the hours in a work day at 8 hours per day. The motion prevailed.

    | **Council Action**

    | The Judicial Council set the hours in a work day at 8 hours per day.

A motion was made and seconded to approve two judge year value groupings:

- All districts except the Eighth District – 78,000 minutes
- Eighth District – 72,300 minutes

The motion prevailed.

    | **Council Action**

    | The Judicial Council approved two judge year value groupings:

- All districts except the Eighth District – 78,000 minutes

- Eighth District – 72,300 minutes

A motion was made and seconded to establish a standing Judicial Weighted Caseload Committee to address weighted caseload issues, as identified by the Judicial Council. The motion prevailed.

**Council Action**

The Judicial Council approved the establishment of a standing Judicial Weighted Caseload Committee to address weighted caseload issues, as identified by the Judicial Council.

A motion was made and seconded to approve the case category recommendations:

- Increase from 55 categories in 2009 to 60 categories in 2019;
- Add 5 new case categories:
  - Treatment Court
  - Felony Weapon
  - Gross Misdemeanor Drug
  - Reduced Mortgage Redemption
  - Assisted Reproductive Technology
- Include case types that had been previously excluded:
  - Appeals from Administrative Agencies
  - Expungements of Non-MNCIS records

The motion prevailed.

**Council Action**

The Judicial Council approved the case category recommendations:

- Increase from 55 categories in 2009 to 60 categories in 2019;
- Add 5 new case categories:
  - Treatment Court
  - Felony Weapon
  - Gross Misdemeanor Drug
  - Reduced Mortgage Redemption
  - Assisted Reproductive Technology
- Include case types that had been previously excluded:
  - Appeals from Administrative Agencies
  - Expungements of Non-MNCIS records



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**a. Presentation**

**3. Decision Item: Proposed 2020 Payables List out for public comment**

Chief Judge Kathryn Messerich, Chair, COPS Committee, presented the Committee recommendations for the preliminary 2020 Payables Lists. A discussion ensued on the

Minneapolis City Attorney's recommendation that the misdemeanor charge of marijuana in a motor vehicle (§ 152.027, subd. 3) and petty misdemeanor charge of possession/sale of small amounts of marijuana (§ 152.027, subd. 4(a)) be removed from the Traffic/Criminal Payables List. It was noted that city and county attorneys can charge these violations by filing a formal complaint. A motion was made and seconded to retain the misdemeanor charge of marijuana in a motor vehicle (§ 152.027, subd. 3) and petty misdemeanor charge of possession/sale of small amounts of marijuana (§ 152.027, subd. 4(a)), on the preliminary 2020 Traffic/Criminal Payables list. The motion prevailed.

**Council Action**

The Judicial Council retained the misdemeanor charge of marijuana in a motor vehicle (§ 152.027, subd. 3) and petty misdemeanor charge of possession/sale of small amounts of marijuana (§ 152.027, subd. 4(a)), on the preliminary 2020 Traffic/Criminal Payables list.

A motion was made and seconded to give preliminary approval to the 2020 Traffic/Criminal Payables List and that the preliminary list be put out for a 30 day public notice and comment period. The motion prevailed.

**Council Action**

The Judicial Council gave preliminary approval to the 2020 Traffic/Criminal Payables List and directed that the preliminary list be put out for a 30 day public notice and comment period.

A motion was made and seconded to give preliminary approval to the 2020 Natural Resources Payables List and that the preliminary list be put out for a 30 day public notice and comment period. The motion prevailed.

**Council Action**

The Judicial Council gave preliminary approval to the 2020 Natural Resources Payables List and directed that the preliminary list be put out for a 30 day public notice and comment period.

A motion was made and seconded to give preliminary approval to the 2020 Trucks and Common Carriers Payables List and that the preliminary list be put out for a 30 day public notice and comment period. The motion prevailed.

**Council Action**

The Judicial Council gave preliminary approval to the 2020 Trucks and Common Carriers Payables List and directed that the preliminary list be put out for a 30 day public notice and comment period.



**a. Memorandum**



**b. Proposed Changes to Traffic/Criminal Payables List**



**c. Proposed Changes to Natural Resources Payables List**

**4. Discussion Item: Treatment Court Initiative (TCI) Advisory Committee Proposed Plan to Address Treatment Courts with Low Census Numbers**

Chief Judge Kathryn Messerich, Treatment Court Initiative Advisory Committee, reviewed the plan to address treatment courts with low census numbers and efforts under way to address this issue.

She noted that the three courts will not be able to increase census numbers unless combined with a treatment court in a neighboring county or within the same county. She also reported that, in response, the Wabasha County Treatment Court will be combined with the Winona County Treatment Court and that the Clay/Becker Treatment Court will be combined with the Clay/Becker Drug Court and will be called the Clay/Becker Treatment Court.

A discussion ensued on the need to discuss and establish a “focal point” by which all treatment courts will review census numbers and address known issues before the end of each biennium. It was suggested that treatment courts review the census numbers on a quarterly basis. The issue of increased funding the second year of the biennium was also discussed. The Treatment Court Initiative Advisory Committee was asked to prepare recommendations in these areas.

Proposed amendments to Judicial Council Policy 511.5; Treatment Court Funding, were also reviewed. Staff was instructed to make amendments to the proposal for review at the October Judicial Council meeting.

**5. Discussion Item: Other Business**

- a. The Judicial Council asked the Legislative Advisory Workgroup to consider whether courthouse security grants funds should be sought during the 2020 Session and make recommendations back to the Council.
- b. Chief Justice Gildea and Chief Judge Williamson reported on the upcoming House of Representatives Mini Session at the Winona County Courthouse.
- c. Members were reminded that the deadline for installing MDM on smart phones and mobile devices is November 1. A reminder email will be sent out.

**6. Discussion Item: Quarterly Technology Report**

Jeff Shorba, State Court Administrator; Dean Buker, Information Technology Division; Dan Ostdiek, Finance Division, presented the quarterly technology report. The report concentrated on Information Technology Division, including the number of employees, the functions of the Division, current technology projects, and the spending for Judicial Branch technology.

**7. Discussion Item: FY2019 – Final Financial Report**

Dan Ostdiek, Finance Division, provided the FY2019 Final Financial Report.

**8. Discussion Item: Statewide Performance Measures Report**

Nancy Nystuen, Court Services Division, State Court Administration, gave statewide highlights of whether courts are handling cases in a timely manner, including clearance rates, time to disposition, age of pending cases, length of time to permanency, time to adoption, and Court of Appeals and Supreme Court cases within Time Standards. She also reviewed highlights of the Access and Fairness Survey; efforts to ensure that the electronic record is accurate, complete and timely; juror representativeness; and race data collection rates.

Each judicial district and the appellate courts gave district/appellate court specific reports on performance measures results, and practices that have been implemented to improve performance.

**9. Discussion Item: Other Business**

- a. Judge Tracy Warner was recognized for her service on the Judicial Council.

There being no further business the meeting adjourned.