

oneCourtMN Hearings Initiative Justice Partner Meeting Agenda

Civil Legal Services

April 24, 2023

12:00 pm to 1:00 pm

Attendees

Justice Partner Attendees: Ann Cofell (Mid-Minnesota Legal Aid), Jennifer Dickinson (Tubman), Karen Fairbairn Nath (Legal Assistance of Olmsted County), Luke Grundman (Mid-Minnesota Legal Aid), Anne Hoefgen (Legal Services of Northwest Minnesota), Sharon Jones (Legal Assistance of Dakota County), Jessie Nicholson (Southern Minnesota Regional Legal Services), Lara Otsuka (Southern Minnesota Regional Legal Services), Dori Rapaport (Legal Aid Service of Northeastern Minnesota), Heidi Uecker (Legal Services of Northwest Minnesota), Tom Walsh (Volunteer Lawyers Network)

MJB Attendees: Beau Berentson, Bridget Gernander, Heather Kendall, Heather Kendall, Aaron Lauer, Kirsten Maiko, Kate Malmon, Suzanne Mateffy, Judge Kathryn Messerich, Jennifer O’Leary, Abby Peterson

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 asked if there are steps to increase survey participation of people of color and non-English speakers. Kirsten Maiko responded that more recent survey demographic data is more representative than what is captured during the presentation. Our current survey responses are more diverse than Minnesota overall. OHI will also be gathering more in-person responses resulting from recent promotion in courthouses across the state. OHI has taken measures to increase non-English responses as well by making it clearer that the survey is available in Spanish, Somali, and Hmong.

Policy 525 Changes

One justice partner has found the recent pretrial shift from remote to in-person hearings to be difficult for litigants, especially for Family Pretrial hearings. Hearing Participants must take time off work, find childcare, and pay for transportation reducing hearing access. Often it is a lot to ask hearing participants to come into the courthouse for a short hearing that could be conducted remotely. This is especially true when one or more sides are self-represented and the benefits of pre-hearing negotiations while awaiting an in-person hearing is very low. For justice partners, in-person hearings mean that they are less able to serve the community when they must spend time traveling to and from hearings instead. For example, there recently was an in-person pretrial hearing that required a hearing participant to take time off work and find childcare. The hearing was part of a mass calendar and so they had to spend the day at the courthouse. The opposing party was incarcerated and had to be transported from the facility they were in. The hearing only lasted three minutes and did not settle. Another partner had a similar experience with a client that was incarcerated and had to be transported for a brief in-person pretrial hearing only for there not to be a settlement.

Alternatively, a partner has seen value in the return to in-person pretrial hearings. In-person hearings provide a better opportunity to resolve issues and they have seen good outcomes for low-income folks.

A justice partner said that in Greater Minnesota it can be a big burden to travel to a hearing. Hearing participants experiences with remote hearings during the pandemic make the return to in-person hearings feel like more of a burden than they used to be. In-person hearings make sense for trials and where there is an opportunity for mediation and negotiation.

Judge Messerich agreed that depending on the purpose of the hearing that traveling does not make sense for a hearing that will be essentially scheduling the next phases of the case. She urged the justice partners that if they know that attending a short hearing will involve extensive travel that they should let the judicial officer or court clerk know about the issue and a deviation can be granted. Parties can request a deviation using a form found on the [Branch's website](#).

One partner shared that people have made requests for deviations only for them to not be approved or denied by the judicial officer. Judicial officers should have to acknowledge the request through a motion or some other way. Heather Kendall responded that a non-response from a judicial officer is not acceptable. OHI will work with districts to increase awareness and educate around the problem.

Miscellaneous

A justice partner wondered if OHI was tracking requests for deviations. Heather stated that OHI has been tracking when deviations are granted. OHI has not been tracking when they are requested and denied, although it potentially may start gathering that data following an upcoming change to the method for how judicial officer can respond to requests for deviations.

One justice partner stated that in Hennepin County, that minor civil hearings that should be presumptively remote are not being held that way. Practitioners do not think that these hearings should be in-person and make for a more chaotic hearing environment. Remote hearings are a better way to make eviction hearings more accessible for court customers and get through the hearings. If similar types of changes occur in the future justice partners would like an opportunity to share their feedback on the potential change. Judge Messerich responded that the hearing setting change has occurred because of the case backlog and that it is not meant to be a permanent solution.

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.