

oneCourtMN Hearings Initiative Justice Partner Meeting Agenda

Probate/Mental Health Case Type

April 25, 2023

12:00 pm to 1:00 pm

Attendees

Justice Partner Attendees: Greg Handson (Minnesota State Security Hospital – St. Peter), Patrick Hest (Ramsey County Attorney’s Office), Scott Johnson (Minnesota Sex Offender Program), Eric Jonsgaard (Minnesota Association of Guardianship & Conservatorship), Sarah Knoph (Minnesota Department of Corrections), Kelli Lassig (Minnesota Department of Human Services), Doug McGuire (Hennepin County Commitment Court), Robert McLeod (Minnesota Association of Guardianship & Conservatorship), Anita Raymond (Working Interdisciplinary Networks of Guardianship Stakeholders Minnesota), Robert Small (Minnesota County Attorneys Association)

MJB Attendees: Beau Berentson, Lisa Haas, Aaron Lauer, Kirsten Maiko, Kate Malmon, Suzanne Mateffy, Judge Kathryn Messerich, Jennifer O’Leary, Abby Peterson, Jeff Shorba, Wally Wallestad-Dax

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 OHI has received any negative feedback on remote hearings. They also wondered what percentage of hearing participants the survey is capturing feedback from. Kirsten Maiko responded that so far hearings have received high ratings across hearing participants. OHI has only able to capture feedback from a small portion of hearing participants.

One justice partner cautioned that the survey results are not likely capturing hearing participant feedback from guardianship and conservatorship hearing participants. OHI needs to remember when it is drawing conclusions about those hearing participants that were unable to respond. Another partner added that people involved in commitment cases are often in a hospital and are unlikely to be given the opportunity to fill out a survey.

Judge Messerich urged justice partners to share ideas they have in surveying people subject to a guardianship or conservatorship about their hearing experience with OHI.

Policy 525 Changes

A partner raised that often people appearing for probate/mental health hearings are appearing from a hospital setting and not physically with their attorney. This raises concerns about if attorneys can be zealous advocates for people in facilities or under guardianship. Traditionally, petitioner was responsible for making sure that person subject to a petition was able to attend the hearing. Maybe the MJB could require that petitioner was responsible for the person subject to the petition was able to adequately attend the remote hearing. Jeff Shorba responded that this is an issue that the courts are having with all cases involving a public defender. The Branch is exploring technology solutions that would provide options for private conversations between attorneys and their clients that would function better than Zoom does currently. Additionally, probate/mental health hearings may involve a unique group of people that do not fit with the general non-criminal hearing framework.

One justice partner has found that in Ramsey County defense attorneys are doing a good job of attempting to reach their clients before their hearing. Participation rates are higher for probate/mental health hearings because people do not need to be transported. Although remote hearings may lose something compared to in person hearings, often remote hearings provide an option for people that would have never been able to participate in a hearing otherwise. Another partner had a similar experience in Hennepin County.

Miscellaneous

A justice partner has seen an increase in attorneys getting documentation to clients who are incarcerated to better prepare them for their upcoming hearing. Although it can be difficult to do it helps clients be more prepared.

Another partner said that the shift to remote hearings has seen the loss of judges bringing the parties together before a hearing to facilitate what the focus of the hearing will be and begin discussing a proposal for resolution. Maybe there could be a meeting before the pretrial hearing for the judge and attorneys to meet to talk about the hearing. Jeff responded that the Branch changed the setting of other pretrial hearings from remote to in person. OHI can look at probate/mental health pretrial hearings as well. Judge Messerich stressed that we need to provide more flexibility so that parties can quickly and easily request a deviation if it is needed.

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.