



Judicial Council Minutes

April 14, 2022

9:00 a.m.

Via Zoom

The Judicial Council met on Thursday, April 14, 2022, via Zoom.

Chief Judge Susan Segal, Court of Appeals, was not in attendance.

1. Approval of Draft March 17, 2022, Meeting Minutes

A motion was made and seconded to approve the March 17, 2022, Meeting Minutes as submitted. The motion prevailed.

2. Decision Item: Implementation of In-person and Remote Hearings Recommendations

Jennifer Super, Emergency Management Analyst, State Court Administration, presented information on the most current COVID-19 data.

Judge Kathryn Messerich, Senior Judge, & Heather Kendall, Second Judicial District Administrator, Co-Chairs, OneCourtMN Hearings Initiative Steering Committee presented a report on the Steering Committee activities. It was noted that tools to aid districts in implementation activities have been developed.

The proposed Judicial Council Policy 525, oneCourtMN Hearings Initiative Policy, was reviewed. It was noted that the proposed policy codifies the Judicial Council decisions approved last September. It was noted that the definition of exceptional circumstances will be defined in an accompanying Chief Justice Order and that the Rules Committees will be responsible for considering whether amendments to the rules are necessary to implement the presumptive format for hearings reflected in Judicial Council Policy 525 that are governed by those rules, as well as the exceptional circumstances standards.

A motion was made and seconded to approve the proposed Policy, effective June 6, 2022, with the understanding that any hearings already noticed would not be re-noticed.

A discussion ensued on the presumptive in-person and remote hearing types. Concern was expressed that the policy does not address hybrid hearings, for example, commitment hearings with some participants participating remotely, and the respondent live in the courtroom with a deputy sheriff. Concern was also expressed that some case type hearing presumptions made not be in the best category, e.g., eviction case participants have access to information on services available when participating live. Designating this case type as presumptively remote will make it more difficult to access service information. It was noted that the chart is reflective of decisions made last September. There are exceptional circumstances where judge can make individual decisions on how to conduct the hearing, based on unique case circumstances.

A discussion ensued on hybrid hearings and whether a definition should be added to the policy. It was suggested that an amendment be made to include the following definition of a hybrid hearing: F. Hybrid Hearing – A hearing at which some parties/participants appear in person and others appear remotely. The presiding judge may authorize a hybrid hearing for exceptional circumstances. The motion authors accepted the suggestion.

A discussion ensued on the criminal grid and whether the June 6 effective date is feasible. It was noted that the date the grid becomes effective is district specific. The Policy provides flexibility to permit districts to provide that specific hearing presumptions are effective at a later date.

A discussion ensued on considerations for the long term. It was noted that the Steering Committee will monitor the impact of plan implementation on judge and staff need, especially given that case filings will likely increase. The Weighted Caseload Committee will be consulted. It was also noted that it is anticipated that policy amendments may be needed after the criminal backlog is addressed. Lastly, it was noted that part of the Steering Committee’s responsibility is to evaluate implementation and make recommendations for improvement.

The main motion was amended to approve JC Policy 525, as amended to include a definition of hybrid hearing, effective June 6, 2022, with the understanding that any hearings already noticed would not be re-noticed.

The motion prevailed.

Council Action

The Judicial Council approved proposed Judicial Council Policy 525; oneCourtMN Hearings Initiative Policy, as amended, effective June 6, 2022, with the understanding that any hearings already noticed would not be re-noticed.

3. Discussion Item: Minnesota Court Records On-line Initiative (MCRO) Quarterly Report

Judge Peter Cahill, MCRO Steering Committee Chair, and Mark Ford, Project Manager, provided the quarterly update. It was noted that, in response to pending legislative actions, the MCRO Steering Committee directed the project to split the scope of Phase 3:

- Phase 3A-Hearings Search and Monetary Judgments (Target Delivery Summer 2022)
- Phase3B-Access Fee (Delivery TBD based on legislative action)

An update on Phase 3A (Hearings Search & Monetary Judgments) was provided:

- Development and Business Team Testing has been completed.
- User Acceptance Testing is underway.
- A Pilot is planned in Spring.
- On track for general release in Summer, 2022.

Current data on MCRO usage was also presented:

- The MCRO site is being actively used for document downloads since we went live on March 17th, 2021, and Case Searches & viewing Register of Actions since 12/7/2021. As-of 4/5/2022:
 - Average 780 downloads per hour
 - Over 5 million documents have been downloaded to date
 - Over 760K Cases Searched
 - Over 485K Registers of Actions viewed
- No major performance or technical concerns have been reported

It was noted that the project remains within budget.

4. Discussion Item: Proposed Amendments to Judicial Council Policy 505.1; Timing Objectives for Case Dispositions and Permanency Orders

Judge Jessica Maher, First Judicial District and Judge Theresa Neo, Sixth Judicial District, Childrens Justice Initiative Lead Judges, presented a proposed amendment to Judicial Council Policy 505.1; Timing Objectives for Case Dispositions and Permanency Orders. It was noted that the proposed amendment brings the Policy more in line with federal standards and state statutory definitions of permanency. The inconsistency between definitions used by Judicial Council and as defined by statute causes difficulty in interpreting the Length of Time to Permanency (LOTP) performance results. It was noted that the proposed change will not impact MNCIS timing.

The specific problem identified is the inclusion of “protective supervision with a parent after the child was removed from the parent” and “trial home visit” as permanency dispositions in the current Judicial Council Policy definition of “permanency orders.” Protective supervision and trial home visit are interim dispositions when a child is adjudicated in need of protection or services. The proposal removes these terms from the definition of permanency dispositions in the Policy.

It was also noted that the CJI Lead Judges Workgroup recommends that the standard reporting used by State Court Administration for performance measures be adjusted in conformity with this change of definition.

5. Discussion Item: Proposed Amendments to Judicial Council Policy 513; Court Interpreter Policy

Kim Larson, Court Services Division, State Court Administration, presented proposed amendments to Judicial Council Policy 513; Court Interpreter Policy. It was noted that the amendments reflect and support pending revisions to State Court Administrator Policy and Procedures 513(a), Court Interpreter Payment Policy. It was noted that the amendments address issues identified in a 2021 Court Interpreter Program Audit.

6. Discussion Item: Internal Audit Reports

Jamie Majerus, Internal Audit Division Manager presented the results of the audits performed on Statewide Mandated Services – Psychological Examiner Program and the 4th Judicial District Regional Psychological Services.

Ms. Majerus also reported on follow-up activities from the 2020 State Court Administration MNCIS/SWIFT/SEMA4 Audit and the 2018 Fifth Judicial District Audit.

7. Decision Item: HR/EOD Report on 2021 Quality Court Workplace Recommendations for Judges and Justices

Chief Judge Tamara Yon, Ninth Judicial District, HR/EOD Chair, reviewed the activities underway and the recommendations for future activities to address the Quality Court Workplace survey results for judges and justices.

District Strategies to be considered for action:

- Better support remote hearings to reduce technological challenges
 - Expand remote hearing kiosks
 - Dedicated staff to address IT issues/ensure litigant’s technology is working
- Better support judiciary in addressing case backlog
 - Adjust hearing scheduling to provide adequate dedicated chamber time
- Promote wellness and address isolation
 - Hold in person conference/retreat for personal development and socializing
 - Regularly hold virtual “coffee talks” or “brown bag lunch” opportunities for personal connections among colleagues

- Promote and incentivize personal wellness and self-care

Statewide Strategies to be considered for action:

- Better support judiciary in addressing case backlog
 - Hire more judges and senior judges
 - Expand use of referees
- Promote wellness and address isolation
 - Creation of judicial statewide affinity groups for professional development and networking (e.g., by tenure, racial identity, gender identity, etc.).
- Develop campaign for future Branch-wide surveys to promote importance of collecting race and gender demographic data
 - Work with Diversity Equity and Inclusion specialists to develop campaign to inform and invite dialogue on the purpose of collecting this data and the intended benefits of having accurate race and gender data for surveys like the Quality Court Workplace Survey.

A motion was made and seconded to approve the District and Statewide Strategies for addressing the Quality Court Workplace Survey Results for Judges and Justices. The motion prevailed.

Council Action

The Judicial Council approved the District and Statewide Strategies for addressing the Quality Court Workplace Survey Results for Judges and Justices.

8. Discussion Item: Development of Judicial Branch FY24/25 Judicial Branch Budget Request

Dan Ostdiek, Finance Director, State Court Administration, introduced the process for development of the FY24/25 budget request:

April 2022	Judicial Council reviews the biennial budget development
May 2022	Judicial Council sets request guidelines and timelines
May-July 2022	Analyze costs associated with potential requests
June-July 2022	Judicial Council reviews strategic plan initiatives
July 2022	Preliminary FY2024/25 budget requests presented to JAD
August 2022	Preliminary FY2024/25 budget requests presented to the Judicial Council
September 2022	Judicial Council gives final approval to FY2024/25 Budget Request
October 2022	Budget is submitted to Minnesota Management and Budget (MMB)
Oct 2022 - May 2023	Judges and Judicial Council members meet with legislators and the Governor to introduce Judicial Branch needs
January 2023	Governor submits request to the legislature on behalf of the Judicial Branch
January – May 2023	2023 Legislative Session

9. Discussion Item: Legislative Update

a. Budget Bills

- i. House of Representatives – It was noted that the Judiciary Budget bill contains the entire Judicial Branch supplemental request. The language relating to compensation increases was discussed. Efforts are being made to ensure that judges receive a 6% compensation increase.
- ii. Senate – The Senate Judiciary and Public Safety Bill provides a 6% compensation increase for judges and a 6% compensation pool for employees.

b. Uncertified copies of documents

- i. Both the Senate and House of Representatives funding bills contain language to eliminate the fee for uncertified copies, both on-line and in-person.

10. Discussion Item: Other Business

- a. Recruitment and retention of law clerks – It was noted that issues pertaining to law clerks, including recruitment / retention challenges, the feasibility of sharing law clerks, and whether the concept of career law clerks were discussed at the March meeting and HR managers were asked to explore the issues. The HR/EOD Committee has expressed an interest in spearheading these efforts. There was no objection to referring the issues to the HR/EOD Committee.

- b.** Collective Bargaining – It was noted that the court reporter, the public defender attorney, and the public defender administrative bargaining units have all approved tentative contracts.
- c.** Juneteenth – It was noted that June 19 is recognized as a day to celebrate the freedom of enslaved people in the United States. The federal government recognizes it as a paid employee holiday. Although Minnesota has not officially designated this day as a government holiday, several bargaining units throughout the state have been negotiating June 19 as a paid holiday, including the guardian ad litem and the public defender bargaining units. Discussions are under way with both groups to determine what impact, if any, there will be on court calendars on June 20, the day Juneteenth will be celebrated this year.
- d.** Judicial Council Policy 404; Judicial Benchmark Policy – It was agreed to refer the policy to the HR/EOD Committee to address concerns about the confidentiality of email conversations between mentor judges and subject judges.

There being no further business the meeting adjourned.