



# Judicial Council Minutes

April 24, 2020

9:00 a.m.

Via WebEx

The Judicial Council met on April 24, 2020, via WebEx.

**1. Decision Item: Expansion of Judicial Branch Budget Principles and Guidelines, as approved on April 16, 2020**

**a. Current Budget Situation** – Dan Ostdiek, Finance Director, State Court Administration, reported that new budget projections will be released by Minnesota Management and Budget during the week of May 4. He noted that there is increased discussion on the possible need for budget reductions in the current biennium. For purposes of example, the impact of reducing the Judicial Branch Budget by 5% is \$18.7M per year (200 employees), and a 0% reduction is \$37.2M per year (400 employees).

**b. Hiring Freeze** – Dana Bartocci, Human Resources and Development Director, State Court Administration, presented the proposed hiring freeze criteria, noting that the criteria is modeled after criteria used in 2008 – 2009. The freeze would go into effect on Monday, April 27, 2020, will only apply to new hires, and will include an exception request process. Factors that will be considered for an exception requests include:

- Whether the position directly provides critical administrative or operational support for the Branch;
- Whether or not the work can be otherwise accomplished through reassignment or redeployment of existing staff or shared services within or across Court Operational Units (COUs);
- Overall staffing levels in the Court Operational Unit (COU) or District or County Bench;
- Whether business process reengineering or enhancement opportunities may alleviate the need to fill the position;
- Whether critical job duties would go undone if the position was not filled; and
- Short and long term consequences of not filling the position.

Exceptions may be made to the hiring freeze by completing a Hiring Freeze Exception Request Form. Requests shall be subject to approval of the following:

1. District/Appellate Administrator in consultation with the Chief Judge of the District/ Appellate Court/SCAO;

2. The Hiring Freeze Subcommittee of HR-EOD (Chair: Judge Williamson)
3. The Chief Justice.

It was suggested that a greater Minnesota District Administrator and a Court of Appeals judge be added to the Hiring Freeze Subcommittee.

A discussion on the proposal ensued. It was noted that:

- Staff funded by grants must also go through the exception process.
- Positions can be filled by promotion and that the position open as a result of the promotion is subject to the exception process.
- If it is unknown if the position will be offered internally or by an external candidate, the position is subject to the exception process.
- The exception process applies to judicial staff.

A discussion ensued on possible budget reductions. It was noted that:

- Districts should have the ability to internally determine how to accommodate budget reductions, subject to review by JAD.
- JAD will discuss the 25% contribution to unfunded needs initiative and will report to the Judicial Council.

A motion was made and seconded to:

- Approve the Hiring Freeze Criteria, effective April 27, 2020, subject to the review by the Judicial Council at the July 2020 meeting; and
- Approve membership of the Hiring Freeze Subcommittee to include: Judge Williamson, Chair. Members: Judge Jesson, Judge Schluchter, Sarah Lindahl-Pfieffer, Tim Ostby, Jeff Shorba and Dana Bartocci as HRD Director.

A discussion ensued on the appropriate timing of the Hiring Freeze review. It was suggested that the review take place at the June meeting because of the large turnover in Judicial Council membership on July 1. The motion author agreed to the friendly amendment.

The motion, as amended, prevailed.

**Council Action**

The Judicial Council:

- Approved the Hiring Freeze Criteria, effective April 27, 2020, subject to the review by the Judicial Council at the June 2020 meeting; and
- Approved membership of the Hiring Freeze Subcommittee to include: Judge Williamson, Chair. Members: Judge Jesson, Judge Schluchter, Sarah Lindahl-Pfieffer, Tim Ostby, Jeff Shorba and Dana Bartocci as HRD Director.

**c. Consideration of Reinstitution of Judge Four Month Open Vacancy Requirement – Chief Justice Lorie S. Gildea**

A discussion ensued on the judge four month open vacancy requirement and its contribution to possible budget reductions. Implementation would “share the pain across district lines” and “share the pain” with court staff. It was noted that the requirement will not apply to judicial positions already certified to the Governor’s Office. It was noted that, in the past, the process was to wait three months to certify open positions to the Governor. Combined with the approximately month to nominate a successor, results in an approximately four month delay.

A discussion ensued on the use of senior judges to assist during the vacancy. It was noted that, when the 4 month vacancy requirement was in place in the past, senior judge reimbursement was reduced to 50% of the salary of a sitting judge. It was suggested that this topic be discussed at a later meeting. It was also suggested that an exception request process be explored.

It was noted that acute shortages of judicial resources can be addressed through remote technology. It was noted that the Branch will work closely with the Governor’s staff to calculate the four month delay.

A motion was made and seconded to:

- Approve the Judge Four Month Open Vacancy Requirement, effective April 27, 2020, subject to review at the June 2020 Judicial Council meeting; and
- Discuss an exception process and use of senior judges at the June 2020 Judicial Council meeting.

The motion prevailed.

**Council Action**

The Judicial Council:

- Approved the Judge Four Month Open Vacancy Requirement, effective April 27, 2020, subject to review at the June 2020 Judicial Council meeting; and
- Committed to discussing an exception process and use of senior judges at the June 2020 Judicial Council meeting.

**2. Other Business**

- a. Jury Trial Pilots – Chief Justice Gildea reported that 6 Judicial Districts (1, 2, 3, 4, 5, and 9) have volunteered to conduct pilot jury trials during the Peacetime Emergency Transition Stage. It was noted that criminal jury trials, with speedy trial demands, would commence no sooner than 14 days following the end of the Governor’s Peacetime Emergency Order.
- b. Executive Session – a motion was made and seconded to go into Executive Session to discuss a personnel matter. The motion prevailed. Following

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

There being no further business eth meeting adjourned.