



Judicial Council Minutes

August 18, 2022

9:00 a.m.

The Judicial Council met in Saint Paul, Minnesota, and via Zoom on Thursday, August 18, 2022.

Sixth District Assistant Chief Judge Rachel Sullivan attended for Chief Judge Leslie Beiers. Judge James Cunningham, Tenth District, was not in attendance.

1. Approval of Draft July 14, 2022, Meeting Minutes

Technical amendments were suggested to the draft July 14, 2022, Meeting Minutes.

A motion was made and seconded to approve the draft Minutes, as amended. The motion prevailed.

Council Action

The Judicial Council approved the July 14, 2022, Meeting Minutes, as amended.

2. Discussion Item: Current COVID-19 Data

Jennifer Super, Emergency Management Analyst, State Court Administration, provided up-to-date information on Minnesota's COVID data.

3. Discussion Item: Proposed Sunset of Judicial Council Policy 326; COVID-19 Vaccination and Testing Policy

Dana Bartocci, Human Resources and Development Division Director, State Court Administration, presented a proposal to sunset Judicial Council Policy 326; COVID-19 Vaccination and Testing Policy. It was noted that Policy 326 was issued in response to the Occupational Safety and Health Administration's (OSHA) Vaccination and Testing Emergency Temporary Standards (ETS) which required the Minnesota Judicial Branch to ensure that employees be fully vaccinated against COVID-19 or tested weekly by specified deadlines in early 2022. The ETS also required employers to develop,

implement, and enforce a written policy on these requirements. The ETS was subsequently withdrawn by OSHA, eliminating the need for the Policy.

There being no objection to acting on the proposal at the current meeting, a motion was made and seconded to sunset Judicial Council Policy 326; COVID-19 Vaccination and Testing Policy. The motion prevailed.

Council Action

The Judicial Council sunsetted Judicial Council Policy 326; COVID-19 Vaccination and Testing Policy, effective August 18, 2022.

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

Dan Ostdiek, Finance Director, State Court Administration, reviewed the options identified to-date for inclusion in the FY24-25 Judicial Branch Budget Request. It was noted that new options were added since the July Judicial Council Meeting:

- One-time funding to allow the Branch to leverage the expertise of senior judges and temporary Referees to address the criminal backlog and cover other related staffing needs;
- OneCourt MN Hearings Initiative Efforts: One-time funding to hire additional temporary staff to assist with the work necessary to evaluate and implement the ongoing necessary changes to remote hearings;
- Courtroom Technology Enhancements: one-time funding to integrate courtrooms throughout the State and upgrade technology to meet the needs of remote courtroom processes; and
- Remote Hearing Facilitators: Permanent staff to assist with the administration of remote hearings.

A discussion ensued on the options under consideration. It was noted that the HR/EOD Committee is exploring the issue of law clerk compensation and expects to report to the Council at the September meeting. The issue of whether a new Weighted Caseload Study should be performed was discussed. It was noted that the National Center for State Courts is performing research on this topic and that, given current efforts to address the backlog, requiring participation in a Weighted Caseload Study might not be prudent at this time.

A discussion ensued on the salary increase options. It was noted that it is important to request an amount that recognizes the lack of a salary appropriation for FY23, keeps the Branch within the competitive corridor, and recognizes the extraordinary efforts of judges and staff over the past two years.

Staff was instructed to prepare funding request options for discussion at the September Judicial Council Meeting when a final decision on the proposed FY24-25 Biennial Budget Request will be made.

5. Discussion Item: IFP Transcript Pilot Project Status Report

Dawn Torgerson, Deputy State Court Administrator, provided a status report on the IFP Transcript Pilot Project. It was noted that the data gathered during the pilot raises outstanding questions about the most efficient and effective way to process the preparation of IFP transcripts. It was suggested that more time is needed for further observation and analysis before an informed decision can be made on whether to make the pilot permanent.

Ms. Torgerson noted that the State Court Administrator's Office used data gathered during the pilot, conducted surveys, and solicited feedback from those involved in the process to develop recommendations on the future of the pilot. Results of the analysis include:

- There was time during the workday to complete IFP transcripts.
- The Branch saved money in the Mandated Services Budget.
- The pilot resulted in significant changes for processing and outsourcing IFP transcripts, and some work shifted to court administration and SCAO staff.
- There were some issues with transcript accuracy. Technology (audio equipment used to record hearings) was a contributing factor.
- It took some time for the transcription services to familiarize themselves with court rules.
- Internal Audit found issues in its review of outsourced transcripts, including non-compliance with Policy 523 *Storage of Captured Records of Court Proceedings* and ease of use of audio recordings loaded into OnBase, the secure storage repository for the captured record.

Recommendations for going forward include:

- Extend the Pilot for 12 months to September 30, 2023.
 - Allows for additional data gathering post backlog resolution
- Implement a new process for administering the outsourcing of IFP transcripts to reduce demands on court administration and SCAO staff and address issues raised by the auditor.
 - Hire a temporary transcriptionist/coordinator to monitor requests to outsource IFP transcripts, produce IFP transcripts during the workday, coordinate with the transcription service to produce IFP transcripts, and resolve issues raised by the auditor.
 - Estimated 12-month cost is \$90,000 to be offset with one-time federal funds.

A discussion ensued on the Pilot results and recommendations. It was suggested that efforts to address the backlog take precedence. It was noted that the accuracy of transcripts is important.

The question of how the Pilot could be refined was posed. It was suggested that further audit of outsourced transcripts is needed. It was also suggested that the types of

proceedings included in the Pilot, the estimated length of transcripts included, and the need for temporary staff be reviewed.

Staff was instructed to prepare addition options for review at the September Judicial Council meeting.

6. Discussion Item: oneCourtMN Hearings Initiative (OHI) Status Report

Judge Kathryn Messerich, Senior Judge, and Heather Kendall, Second Judicial District, OHI Initiative Co-chairs, presented an update on the oneCourtMN Hearings Initiative.

Prior to the presentation, OHI members and staff were recognized for their extraordinary efforts to institutionalize best practices learned during the pandemic, specifically those aimed at addressing needs and concerns raised by stakeholders. It was noted that Minnesota is one of three states that is institutionalizing remote hearings for certain case types, another example of Minnesota's leadership on innovative approaches to best practices in court operations.

Judge Messerich reviewed efforts made to-date and efforts underway to implement Judicial Council Policy 525; oneCourtMN Hearings Initiative Policy, including efforts to address remote hearings decorum issues, justice partner engagement sessions, and judicial officer and staff engagement sessions. Two feedback themes have been identified:

- Remote hearing decorum continues to be a significant issue; and
- There is a need for improved judicial officer and frontline staff understanding and buy-in of the impact of the oneCourtMN Hearings Initiative efforts.

Current and future efforts to address the feedback themes and data collection efforts were reviewed. Judges and staff were encouraged to provide feedback on data collection efforts and general observations. It was noted that the evaluation of the implementation of Policy 525 will be reported to the Judicial Council in 2024.

A request was made to provide an update at the November Judicial Council meeting. It was suggested that the Steering Committee not wait until 2024 to present all recommended adjustments to Policy 525. Instead, recommendations should be submitted to the Judicial Council as identified.

7. Decision Item: Strategic Planning Committee Recommendation on Judicial Branch Roadmap

Judge Michelle Lawson, Seventh Judicial District, Strategic Planning Committee Chair, presented the revised Judicial Branch Roadmap.

A motion was made and seconded to approve the Judicial Branch Roadmap. The motion prevailed.

Council Action

The Judicial Council approved the Judicial Branch Roadmap.

8. Discussion Item: Other Business

9. Executive Session

A motion was made and seconded to go into Executive Session to discuss personnel matters. The motion prevailed.

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

A motion was made and seconded to approve the appointment of Sara Gonsalves as 4th Judicial District Administrator. The motion prevailed.

There being no further business the meeting adjourned.