



# Judicial Council Minutes

August 17, 2023

9:30 a.m.

Room 230, MN Judicial Center and via Zoom

The Judicial Council met in St. Paul, Minnesota, and via Zoom on Thursday August 17, 2023.

## 1. Approval of Draft July 20, 2023, Meeting Minutes

Two amendments to the July 20, 2023, Meeting Minutes were suggested.

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

### Council Action:

The Judicial Council approved the July 20, 2023, Meeting Minutes, as amended.

- a. July 20, 2023, Meeting Minutes, as approved

## 2. Discussion Item: Governance Follow Up

At the July 20, 2023, Judicial Council meeting, the Council reviewed Judicial Council background principles, bylaws, and governing philosophy. It was agreed that representatives of the Judicial Council would meet with the Minnesota District Judges Association (MDJA) leadership to explore ways to continue collaboration efforts.

Judge Michelle Lawson, Judicial Council Vice Chair, provided an update regarding discussions on continued collaboration efforts with MDJA. Judge Michelle Lawson, Justice Barry Anderson, Chief Judge Leonardo Castro, and Chief Judge Stoney Hiljus met with MDJA President Judge Lois Conroy, Retired Judge John Hoffman, Retired Judge Kevin Mark, and Judge Janet Barke Cain on Thursday August 17, 2023, before the Council meeting began.

It was noted that there are good faith intentions for the Judicial Council and MDJA to work together and move forward. It was also noted that the Judicial Council and MDJA agree on many things. As a result of the discussions, it was requested that MDJA would come back with a two-fold commitment: (1) to govern with one voice, meaning that

MDJA would not take positions that are contrary to, inconsistent with, or undermine what the Judicial Council has determined in terms of administering the Judicial Branch, and (2) to respect the separation of powers principle. MDJA asked for commitments from the Judicial Council that there would be no threats or sanctions on the table so long as MDJA commits to those basic principles. Concern was expressed there were veiled threats related to sanctions that MDJA would be removed from the Judicial Council, they would be defunded, or they would lose funding for their employees after the July Judicial Council meeting. It was noted that the Judicial Council representatives stressed how they value MDJA's voice and that if MDJA can make the commitment the Judicial Council requests, that the Judicial Council would make the commitment MDJA was requesting. It was also noted that the group discussed ways to improve communication moving forward.

MDJA President Judge Lois Conroy expressed that MDJA has not felt supported by the Council and that MDJA would like to have the MDJA president as a voting member on the Legislative Advisory Workgroup (LAW), the MDJA lobbyist as a member of LAW, MDJA represented at the HR/EOD committee, and a MDJA seat amongst district chiefs to talk about important issues. Additionally, Judge Conroy discussed the MDJA Board reviewing Judicial Council Policy 900 which allows MDJA to operate independently as a trade association.

MDJA's commitments will be reviewed at the September Judicial Council meeting.

### **3. Discussion Item: Judicial Weighted Caseload Annual Review**

Judicial Council Policy 501: Determination of Judicial Resources states that the Judicial Weighted Case Load (WCL) will be reviewed annually by the Judicial Council and adjusted when necessary to take into account changes to law, rules, business practices, administrative policies, etc., that affect case weights, judge year value, or case types.

Judge Shari Schluchter, Chair of the Judicial Weighted Caseload Advisory Committee, presented the 2023 Judicial Weighted Case Load Annual Review. The advisory committee recommended not making any policy adjustments to the current 2019 study case weights, case types, or the judge year value. It was noted that the advisory committee would still be monitoring and analyzing legislative changes. It was requested that Chief Judges start the appointment recommendation process for the Judicial Weighted Caseload Advisory Committee.

A discussion ensued. It was noted that Judicial Council Policy 501 requires that weighted caseload analysis take into account changes in business practices. Concern was expressed that the last WCL study from 2019 does not accurately represent the current business practices in 2023 and those business practices are affecting the time and stress on Judges and judicial staff. It was expressed that the current timeline for the 2025 WCL time study means there will not be updated data for the next budget cycle. In response, it was noted that the Judicial Weighted Case Load Advisory Committee considered many factors when

planning for the next time study and there are many other statewide projects that need to conclude before a time study can take place.

**a. Weighted Caseload Annual Review**

**4. Decision Item: Proposed Amendments to Judicial Council Policy 317; Use of the Internet and Other Electronic Communication Tools, to Address Use of Artificial Intelligence**

- a. Policy 317 Revision Memorandum**
- b. 317 Draft Policy**
- c. AI Articles**

At the July 20, 2023, Judicial Council meeting, Dana Bartocci, Director, Human Resources and Development Division, and Jason Betz, Director, Information Technology Division, State Court Administration, presented changes to Policy 317: Use of the Internet and Other Electronic Communication Tools. It was suggested that the policy amendment specifically delineate the State Court Administration Unit to which the request for access to AI should be submitted.

Ms. Bartocci and Mr. Betz presented the policy revisions to require AI requests be made through the Cyber Security Unit.

A discussion ensued. Concern was expressed that the policy was too broad, and that the policy needs to be revisited regularly. It was noted that the policy does not prohibit the use of AI, but it is a cautious approach due to concerns regarding data security, the accuracy of what is produced, and cyber security risks. It was agreed that the Council review the policy with updated information no later than the December 2023 Judicial Council meeting.

It was suggested by the Chief Justice that the Judicial Council devote time for a special topic to discuss AI and she would discuss with the new Chief Justice. It was noted that the AI articles provided to the Council contained helpful information.

A motion was made and seconded to approve the amendments to Judicial Council Policy 317 with the requirement that the topic be brought back to Council with updated information no later than December 2023. The motion prevailed.

**Council Action:**

The Judicial Council approved amendments to Judicial Council Policy 317: Use of the Internet and Other Electronic Communication Tools.

**5. Discussion Item: Review of FY22-23 Strategic Plan and Operational Plan Accomplishments**

**a. FY 23 Operational Plan Accomplishments**

Katie Schurrer, Manager, Strategic Planning & Projects Office presented the FY23 Operational Plan Accomplishments. Highlights include:

1. Implementing remote and in-person hearing framework through the establishment of Judicial Council Policy 535 and the direction of the oneCourtMN Hearings Initiative.
2. Continuing to expand and enhance electronic payment options for Branch services.
3. Continuing the implementation of the CourtNet redesign project.
4. Completing the last phase of Minnesota Court Records Online (MCRO) and transitioned to the customer support phase.
5. Completed the pilot for eCheckIn and the program was approved for statewide expansion.
6. Completing the pilot for the Internal Court Ambassador Program. The program will be offered again later this year.
7. Completing planning, ordering, and shipping of materials for the Access and Fairness Survey. The Survey is live.
8. Developing and implementing judge/justice strategies and district/office employee-centered campaigns to respond to the Quality Court Workplace Survey focus areas.
9. Applying diversity, equity, and inclusion to core Branch values.

Discussion ensued. It was noted that the revised MNCIS Sentencing Order has been well received and there was a request to have a similar order in the juvenile delinquency area which is planned to go live in September 2023.

#### **b. FY 22-23 District and Appellate Court Working Plan Accomplishments**

The ten judicial districts, the Court of Appeals, and the Supreme Court reported on individual results. Common successful strategies reported by the districts include:

1. Increasing wellness efforts for judges and staff
2. Furthering diversity, equity, and inclusion efforts
3. Expanding remote technology use
4. Working with public libraries to access court services
5. Implementing district-wide specialized case processing teams
6. Implementing focus groups and listening sessions to further public trust and accountability
7. Centralized housing courts

#### **6. Discussion Item: Other Business**

##### **a. Recognition**

Judge Lucinda Jesson was recognized for her service on the Judicial Council.

#### **7. Executive Session**

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

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

There being no further business the meeting adjourned.