



## **Judicial Council Minutes**

### **December 16, 2021**

The Judicial Council met on Thursday, December 16, 2021, via Zoom. First Judicial District Assistant Chief Judge Carrie Lennon attended for Chief Judge Kevin Mark. Annette Fritz, Court Administrator, Washington County, was not in attendance.

#### **1. Approval of Draft November 18, 2021, Judicial Council Meeting Minutes**

A clarifying amendment was suggested to the Draft November 2021 Meeting Minutes. A motion was made and seconded to approve the minutes, as amended. The motion prevailed.

#### **2. Discussion Item: COVID – 19 Impacts on Court Operations**

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

Each judicial district provided an update on efforts being made to address COVID restrictions, as well as the unique experiences and challenges each district is facing. Items noted include:

- Prospective juror accommodation is a high priority, with districts offering a 6-month postponement for individuals who are unable or hesitant to serve.
- Jurisdictions are using courtrooms for juror deliberations to accommodate the need for social distancing.
- All districts face challenges in justice partner availability.
- Districts have seen an increase in the interest to participate in and observe Zoom hearings.
- Treatment courts continue to struggle with social distancing and remote hearing requirements.

A discussion ensued on the use of virtual voir dire proceedings; a practice being implemented in other states. Districts were encouraged to consider experimentation in counties or districts in Minnesota.

**3. Discussion Item: Effective Date of Judicial Council Actions Relating to In-Person and Remote Proceedings**

A discussion ensued on the effective date of the In-Person and Remote Proceedings recommendations. It was suggested that the Judicial Council continue to monitor the COVID-19 data, continue to operate under the existing Chief Judge Order, and discuss an implementation date at the January Judicial Council meeting. There was no objection to the continuation of the topic to the January meeting.

**4. Discussion Item: Legislative Advisory Workgroup (LAW) Report on Proposed Legislation**

Judge Lucinda Jesson, LAW Chair, reported on the Workgroup's recommendations on legislation submitted for possible introduction during the 2022 Session.

The first proposal amends the method for serving a respondent with an Order for Protection issued pursuant to the Domestic Abuse Act – Minnesota Statutes § 518B.01, subd. 8; and serving a Respondent with a Harassment Restraining Order issued pursuant to Minnesota Statutes § 609.748, subd. 5(c). The proposal would permit service by mail. LAW recommends that the proposal be further refined, specifically that the proposal be vetted with justice partners, that challenges posed by service by mail be explored, and consideration be given to whether alternative service methods should be applied to additional case types.

The second proposal update statutes pertaining to court reporters. This proposal has been put forward in the past. LAW recommends that the proposal not go forward in 2022.

The third proposal reconciles service requirements for forfeiture actions heard in Conciliation Court in Minn. Stat. § 169A.63, subd. 8 and Minn. Stat. § 609.5314, subd. 3. At present the two statutes provide conflicting direction. LAW recommends that the proposal be pursued in the 2022 Legislative Session.

The LAW recommendations will be a decision item at the January Judicial Council meeting.

A discussion ensued on legislative initiatives, being proposed by 2 interest groups, that change current competency laws. It was agreed that LAW will review the proposals and will report to the Judicial Council at the January meeting.

**5. Discussion Item: Other Business**

- a. Recognition of Service** – Rita DeMeules, Supreme Court Commissioner, was recognized for her contributions to the Judicial System.
- b. Supplemental Budget Request** – It was noted that a supplemental budget request to address recruitment and retention issues at the Judicial Branch and justice partner agencies is under consideration.

**6. Executive Session – Personnel Matters**

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.

There being no further business the meeting adjourned.