



# Judicial Council Minutes

## April 15, 2021

The Judicial Council met on Thursday, April 15, 2021 via Zoom. Judge James Cunningham was not in attendance.

### 1. Approval of Draft March 18, 2021 Meeting Minutes

The following suggested amendments were made to the March Judicial Council Meeting Minutes:

1. Page 1, last sentence: The COVID-19 Emergency Rental Assistance Program (CERA) will provide assistance to benefit renter households that have experienced or are at risk of financial hardship due to the COVID-19 pandemic.
2. Pages 3 and 4: In the Other Side Workgroup Report and subsequent motion, clarify that the Chief Judge will consult with the Chief Justice in determining whether the exception criteria is met for a civil jury trial:
  - Civil Jury Trials – exception process should continue; District Chief Judge, after consultation with Chief Justice, to determine whether the exception criteria is met for a particular trial

A motion was made and seconded to approve the draft minutes, as amended.

The motion prevailed.

#### Council Action

The Judicial Council approved the March 8, 2021, Meeting Minutes, as amended.

### 2. Minnesota Court Records Online (MCRO) Initiative Quarterly Report

Judge David Knutson, MCRO Steering Committee Interim Chair, and Ann Peterson, Project Manager, provided the Minnesota Court Records Initiative Quarterly Report.

It was noted that general availability of Phase 1 went live for the public on March 17 and is going well. The project is now in Phase 2 which includes the development, design and testing of the following functions:

- Person Searches (Party, Business, and Attorney)
- Number Searches (Case, Citation, and Attorney Bar Number)
- Search Results page; and
- Register of Actions

It was also noted that the schedule for completion of Phases 2 and 3 have been adjusted to enable more time between development, testing, and conducting pilots. The overall initiative timeline has not changed.

### **3. Discussion Item: Other Side Workgroup Report**

Judge Michelle Lawson, Workgroup Chair; Krysta Reuter, Emergency Management Analyst; and Sarah Welter, Court Services Division provided the monthly report.

Judge Edward Wahl, Fourth Judicial District, reported on the Civil ZOOM Jury Trial Pilot. The mechanics of the Pilot included:

- a. Civil mock trial.
- b. Large volunteer team.
- c. Two counties (Hennepin and Ramsey)—two jury formats.
- d. All participants worked remotely.
- e. All aspects of trial were recorded.
- f. All participants were surveyed.

The results included:

- a. All participants embraced the trial.
- b. Attorneys presented effectively.
- c. Jurors engaged and understood the evidence.
- d. Technology worked well.
- e. Deliberations were robust; verdict was just.

Next steps include:

- a. Analyze surveys.
- b. Work with Court leadership for approval and expansion.
- c. Train judges, staff and lawyers: develop CJE and CLE presentations.
- d. Expand and enhance technology.
- e. Find some willing lawyers and try real cases.

He noted that the challenge is making sure the juries have adequate technology to participate. Service interruptions have been a concern. As the use of remote civil jury trials becomes an expanded resource, technology will need to be improved.

Judge Lawson reported that the Workgroup recommends no changes to the most recent Chief Justice Order. The Workgroup also recommends that if the situation changes in an emergent or urgent way, the Executive Committee should advise the Chief Justice.

Judge Lawson also reported that the Workgroup is not recommending new case processing goals at this time. The Workgroup is reviewing different data and potential performance measures.

A discussion ensued on whether treatment courts can conduct in-person hearings. A suggestion was made that, if the presiding judge follows the pandemic safety protocols and goes through the exception process, treatment courts can meet in-person. Concern was expressed with the need for state-wide consistency. It was suggested that additional

discussions with the chief judges take place to develop criteria for in-person treatment court hearings.

Judge Lawson also reported that the Workgroup has begun exploration of case processing on the “other side.” A discussion ensued on the need to gather information from a wide variety of sources, including judges, staff, litigants, attorneys, and justice partners.

**4. Discussion Item: Minnesota Housing Finance Agency Eviction Relief Efforts**

Kristen Trebil, Director, Court Services Division, updated the Council on cooperative efforts between MN Housing Finance Agency and State Court Administration to make information available on the rental assistance program. State Court Administration will communicate information on the rental assistance program both internally (promote referral to the program by judicial officers, court and Self-Help Center staff) and externally (public web site, Landlord and Tenant Help Topics, public facing filing applications, and statewide eviction summons and local “inserts”). State Court Administration will continue discussions with the MN Housing Finance Agency on ways to collaborate.

**5. Discussion Item: Microsoft 365 Migration**

Shay Cleary, Information Technology Division and Kim Larson, Court Services Division, reported on the Microsoft 365 migration. The differences between Microsoft 365 and Outlook, the benefits of migrating to Microsoft 365 and the timeline for migration were discussed.

A discussion ensued on training opportunities. A request was made to offer both on-line, one-on-one remote and live training sessions.

**6. Discussion Item: American Rescue Plan Funding Distribution**

Dan Ostdiek, Finance Division Director, reviewed the funds received from the CARES Act, and the money applied for through the American Rescue Plan funding process. The Judicial Branch requested \$27 million to cover costs to address the backlog and increased customer need due to the pandemic, and to assist with technology needs as a result of the pandemic.

It was noted that the timeline for decisions on funding requests is not known.

**7. Discussion Item: CARES Act Audit Report**

Jamie Majerus, Internal Audit Manager, reviewed the CARES Act Audit, conducted by the Minnesota State Auditor’s Office.

**8. Discussion Item: Proposed Amendments to Judicial Council Policy 309; Judicial Leave**

Chief Justice Lorie S. Gildea and Dana Bartocci, Human Resources and Development Director, presented proposed amendments to Judicial Council Policy 309; Judicial Leave, aimed at permitting judges to carry over FY21 vacation time in excess of 90 days until June 30, 2023. The proposal recognizes the limitations the pandemic poses on a judge's ability to use vacation time.

There being no objection to acting on this item at the current meeting, a motion was made and seconded to approve the amendments to JC Policy 309. The motion prevailed.

**Council Action**

The Judicial Council approved amendments to Judicial Council Policy 309; Judicial Leave, effective immediately.

**9. Discussion Item: Other Business**

a. Legislative Update

The status of the Judicial Branch FY22-23 Biennial Budget Request bill was reported. A discussion ensued on the new trial court judge unit created in both the Senate and House of Representatives bills. The need for the judge unit is a result of the fiscal note prepared on the sections of the bill that address criminal sexual conduct statutory changes. Given the time constraints, the decision of where the new judge unit would be placed was made by the Executive Committee, based on the three year average Weighted Caseload Need. No objection was made to the Executive Committee's decision to recommend placement of the judge unit in the Fifth Judicial District.

b. Executive Session

A motion was made and seconded to go into Executive Session to discuss personnel and security 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.