



Judicial Council Minutes

August 15, 2019

Room 230, MN Judicial Center

1. Approval of Draft July 18, 2019, Meeting Minutes

Technical amendments to the draft July 18, 2019 meeting minutes were suggested.

A motion was made and seconded to approve the draft July 18, 2019, meeting minutes as amended. The motion carried.

Council Action

The Judicial Council approved the July 18, 2019, meeting minutes, as amended.

2. Discussion Item: Judicial Weighted Caseload Report and Recommendations

Judge Tracy Warner and Judge Charles Glasrud presented the results of the Judicial Weighted Caseload Analysis and recommendations. It was noted that the groundwork for the project began in January 2017 and that the time study was conducted for four weeks in October 2018.

During the time study all judicial officers recorded on and off bench time, including evenings and weekends. Nearly 100,000 hearings were held and recorded. Over 50,000 entries were captured through off bench reporting. There was 100% participation in the time study.

The WCL Committee recommendations to the Judicial Council include:

- Judge Year Value – the total amount of time in a year a judge has available for doing case related work. The Committee recommends that no changes be made in the work days per year, that a work day consists of 8 hours, and to maintain two Judge Year Value groupings: all districts except Eighth Judicial District, and the Eighth District. The recommended Judge Year Value is 78,000 minutes for all judicial districts except the Eighth District and 72,300 minutes for the Eighth District. The Committee also recommends that a standing Weighted Caseload Committee continue to discuss the topic of travel time allowances.
- Case Categories and Case Weights – A Case Category is a grouping of case types with similar subject matter that take a similar amount of time to resolve, e.g. contracts, drug cases. Case weights are workload standards that represent the average amount of time spent by judicial officers to resolve particular cases. The

WCL Committee recommends that five additional distinct case categories be added:

- Treatment Court
- Felony Weapon
- Gross Misdemeanor Drug
- Reduced Mortgage Redemption; and
- Assisted Reproductive Technology

The Committee further recommends that two case types be included in the category Other Major Civil: Appeals from administrative agencies, and expungements of non-MNCIS records.

It was noted that the WCL Analysis also included six focus groups, broken out by civil, family, probate, juvenile, criminal and Treatment Court. Judges from every district met to review and evaluate the reasonableness of the preliminary case weights from the time study. Preliminary case weights, calculated from the time study and input from the focus groups, were presented.

It was noted that the Treatment Court case weight is based on the number of active participants in Treatment Court.

A discussion ensued on the case weight for murder cases. The WCL Committee recommends a qualitative adjustment to increase the preliminary case weight to 2,441 minutes. It was noted that the 2018 case weight is lower than in 2009. The factors that may contribute to the decrease include the decrease in the annual murder case filings from 2009 and 2018; the decrease in the number of first degree cases and an increase in the number of third degree cases from 2009 to 2018; and the 2009 four week time study had more hearings than in an average 4 week period in 2009.

- Mass Tort Adjustment – Historically adjustments to a district’s judge need for mass tort litigation have been made for breast implant, asbestos, and tobacco cases. The Second Judicial District’s mass tort adjustment is currently .5 FTE. The WCL Committee recommends continuation of the .5 FTE Mass Tort Adjustment for the Second Judicial District. The Committee also recommends that a standing Weighted Caseload Committee further discuss the issue.
- Judicial Complement – The Judicial Complement is the number of judicial officers in each district. The number includes vacancies and some quasi-judicial officers. The judicial complement is used to determine the number of judgeships needed statewide and in each judicial district. The WCL Committee recommends that:
 - referees continue to be counted as .9 FTE;
 - no changes be made to how hearing officers are counted;
 - conciliation court referees be added, based on the method used for counting hearing officers; and

- senior judges continue to be excluded.
- Standing Committee for ongoing efforts – The WCL Committee recommends that the Judicial Council establish a standing committee to address issues needing further consideration and additional areas for improvement:
 - the impact of ICWA;
 - the impact of interpreters;
 - best practice guidelines for juvenile protection cases;
 - the mass tort adjustment;
 - the impact of travel on the judge year value;
 - self-represented litigants;
 - complex civil cases; and
 - child support magistrate weights.

The committee would also be responsible for laying the groundwork for the next weighted caseload study. It was noted that the committee, if established, would report periodically to the Judicial Council. It was also noted that the judges and administrators on the current ad hoc Weighted Caseload Committee have expressed interest in serving on a standing committee. It is proposed that Committee terms be staggered to ensure institutional memory is not lost at the same time.

The WCL recommendations will be a decision item at the September Judicial Council meeting.

3. Decision Item: Proposed FY20-21 Judicial Education Plan

The proposed FY20-21 Judicial Education Plan was presented by Chief Judge Jodi Williamson, Chair, HR/EOD Committee.

A motion was made and seconded to approve the proposed plan. The motion prevailed.

 | **Council Action**
 | The Judicial Council approved the FY20-21 Judicial Education Plan.

4. Decision Item: Treatment Court Initiative (TCI) Advisory Committee Proposed FY20 Activities

Chief Judge John Guthmann presented the TCI proposed FY20 Activities Plan, noting that the additional action items requested at the July Judicial Council meeting were added at pages 2, 4, and 5.

A motion was made and seconded to approve the Treatment Court Advisory Committee FY20 Activities Plan. The motion prevailed.

Council Action

The Judicial Council approved the Treatment Court Advisory Committee FY20 Activities Plan.

5. Decision Item: State Court Administrator FY20 Goals

Jeff Shorba, State Court Administrator, presented his FY20 Goals.

A motion was made and seconded to approve the State Court Administrator's FY20 Goals. The motion prevailed.

Council Action

The Judicial Council approved the State Court Administrator's FY20 Goals.

6. Discussion Item: Other Business

- a. Chief Justice Lorie Gildea reminded Judicial Council members that the September meeting will be held at the Sherburne County Judicial Services Building.
- a. Chief Justice Lorie Gildea announced that the National Judicial College is presenting 2 free educational programs and hosting a reception in Minneapolis on October 3, 2019. The courses include: Pharmacological Effects of Alcohol and Drugs, and Artificial Intelligence – Beyond the Algorithm, followed by a reception for judges and attorneys. Registration information will be sent to chief judges.

7. 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 to exit Executive Session. The motion prevailed.

There being no further business the meeting adjourned.