



## Judicial Council Minutes December 17, 2020

The Judicial Council met on Thursday, December 17, 2020, via WebEx.

### 1. **Approval of Draft November 19, 2020 Meeting Minutes**

A motion was made and seconded to approve the draft November 19, 2020 Meeting Minutes as submitted. The motion prevailed.

**Council Action**

The Judicial Council approved the November 19, 2020, Meeting Minutes, as submitted.

### 2. **Decision Item: Proposed Amendments to Judicial Council Policy 604; Qualifications for Attorneys Appointed by the Court to Represent Parents, Guardians, and Legal Custodians in Juvenile Protection Matters**

Associate Justice Anne McKeig and Rebecca Vanden Haden, Court Services Division, State Court Administration, reviewed proposed amendments to Judicial Council Policy 604; Qualifications for Attorneys Appointed by the Court to Represent Parents, Guardians, and Legal Custodians in Juvenile Protection Matters. The amendments modify the required training for attorneys who represent parents, guardians, and legal custodians in juvenile protection (“CHIPS”) matters. The amendments are aimed at growing the pool of qualified attorneys in these matters.

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

**Council Action**

The Judicial Council approved the amendments to Judicial Council Policy 604.

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

Judge Krista Martin, Other Side Workgroup Committee Chair, and Grant Hoheisel, Court Services Division, State Court Administration, presented the Workgroup report. Progress on the major criminal clearance rate goals and data on remote hearings were reviewed. It was noted that the Other Side Workgroup recommends that no new clearance rate goals be established at this time.

**4. Decision Item: Creation of New Judicial Council Policy Series 1100; Internal Control and Accountability**

It was noted that the purpose of the proposed amendments is to group all internal audit policies under the same umbrella. It was noted that the policies apply to both judicial officers and employees and that the proposed amendment to Policy 1102 is aimed at making the policies consistent with current practice.

A motion was made and seconded to approve the creation of the new Judicial Council Policy Series 1100; Internal Control and Accountability, and the amendment to proposed Policy 1102, to clarify that the policy also applies to judicial officers. The motion prevailed.

**Council Action**

The Judicial Council approved the creation of the new Judicial Council Policy Series 1100; Internal Control and Accountability, and the amendment to proposed Policy 1102, to clarify that the policy also applies to judicial officers.

**5. Discussion Item: Review Budget Principles and Guidelines**

Dan Ostdiek, Finance Director, State Court Administration, reviewed the State November Budget and Economic Forecast which was released on December 1. The current Judicial Branch Budget Principles and Guidelines were reviewed.

It was noted that JAD discussed options on whether to retain the 95% implied need threshold, raise the threshold from 95% to 98%, or repeal the threshold. A discussion ensued. It was noted that if a district is at or over the 98% Implied Need FTE and has a 5% escrow account, the escrow account can be spent. A suggestion was made to delegate the exception process authority to the chief judge of each district. The need for statewide uniformity was also discussed.

A motion was made and seconded to:

- move the implied need target to 98%;
- provide that if a district/appellate court is over 98% Implied Need FTE and does not have a 5% escrow account, the hiring request would go through the hiring freeze committee;
- evaluate the target at the March Judicial Council meeting; and
- authorize districts to spend their 5% escrow account if the implied need is at 98%.

The motion prevailed.

**Council Action**

The Judicial Council amended the Budget Principles and Guidelines to

- move the implied need target to 98%;
- provide that if a district/appellate court is over 98% Implied Need FTE and does not have a 5% escrow account, the hiring request would go through the hiring freeze committee;

- evaluate the target at the March Judicial Council meeting; and
- authorize districts to spend their 5% escrow account if the implied need is at 98%.

A motion was made and seconded to abolish the 4 month vacancy requirement, subject to evaluation in March. The motion prevailed.

**Council Action**

The Judicial Council abolished the 4 month vacancy requirement, subject to evaluation in March.

A motion was made and seconded to suspend the Overtime Freeze for the remainder of FY21, subject to evaluation in June. The motion prevailed.

**Council Action**

The Judicial Council suspend the Overtime Freeze for the remainder of FY21, subject to evaluation in June.

It was agreed that use of temporary employees, as provided in the Budget Principles and Guidelines will continue.

It was agreed that the Voluntary Separation Incentive Program (VSIP) will not be used at this time.

A motion was made and seconded to allow discretionary spending, as provided in the Budget Principles and Guidelines, through FY21. The motion prevailed.

**Council Action**

The Judicial Council voted to allow discretionary spending, as provided in the Budget Principles and Guidelines, through FY21.

It was agreed that no additional changes to the Budget Guidelines are necessary at this time.

Dan Ostdiek, gave an update on CARES Act funding received by the Judicial Branch. He reported that the Branch requested, and received CARES Act funding on three occasions:

- The first request was for \$636,000 and \$518,000 was received. The funds were spent on PPE and courtroom improvements to accommodate social distancing requirements and to improve technological capabilities.
- The second request was for \$2,112,516 and the entire amount was received. These funds were for Senior Judges and support staff to address case backlogs. When it became necessary in November to restrict in-person proceedings, the need for senior judges was not as critical. \$1,473,416 was

returned for re-purposing. The modified appropriation is \$639,100 and expected expenditures are \$639,100.

- The third request was for \$5,261,000 and all funds were received. The money will be spent for remote hearing technology, teleworking technology, PPE and past COVID19 expenses that were not reimbursed to date.

It was noted that the Judicial Branch will be audited for CARES Act funding received.

## **6. Discussion Item: FY21 Operational Plan Update**

Katie Schurrer, Strategic Planning and Projects Office, State Court Administration, reviewed proposed changes to the FY21 Operational Plan. It was noted that the purpose of the changes is to re-frame and re-focus the activities, primarily as a result of the pandemic.

There being no objection to acting on the recommendations at the current meeting, a motion was made and seconded to approve the proposed changes to the FY21 Operational Plan. The motion prevailed.

### **Council Action**

The Judicial Council approved proposed changes to the FY21 Operational Plan.

## **7. Discussion Item: FY22-23 Strategic Planning Committee Recommendations – Chief Judge Jay Carlson, Strategic Planning Committee Chair**

Chief Judge Jay Carlson, Strategic Planning Committee Chair, presented the proposed FY22-23 Strategic Plan.

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

- a. It was announced that Judge Leslie Beiers will replace Judge Sheri Schluchter as co-chair of the Committee for Equality and Justice.
- b. 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 designate the Judicial Council Executive Committee, supplemented by Tim Ostby, Judicial District Administrator, 7<sup>th</sup> and 8<sup>th</sup> Judicial Districts, to begin the COVID vaccine roll out planning for the Minnesota Judicial Branch. The motion prevailed.

### **Council Action**

The Judicial Council designated the Judicial Council Executive Committee, supplemented by Tim Ostby, Judicial District Administrator, 7<sup>th</sup> and 8<sup>th</sup> Judicial

Districts, to begin the COVID vaccine roll out planning for the Minnesota Judicial Branch.

There being no further business the meeting adjourned.