



Judicial Council Minutes

December 19, 2024

9:00 a.m.

Via Zoom

The Judicial Council met on Thursday December 19, 2024, via Zoom. Sixth Judicial District Assistant Chief Judge Rachel Sullivan attended for Chief Judge Beiers.

1. Decision Item: Approval of Draft November 14, 2024, Meeting Minutes

A motion was made and seconded to approve the draft November 14, 2024, Meeting Minutes, as submitted. The motion prevailed.

Council Action

The Judicial Council approved the November 14, 2024, Meeting Minutes, as submitted.

2. Decision Item: Approval of Consent Agenda

At the July 2024 Judicial Council meeting, the Council adopted statewide default hearing settings for all criminal and non-criminal hearings. The Council also adopted a deviation process that starts with a local deviation proposal, followed by review and approval by the Chief Judge and District Administrator, then by the Executive Committee with representation from all ten judicial districts, and then by the Judicial Council through a Consent Agenda.

The December 2024 Consent Agenda contained two deviation recommendations from the Executive Committee, which were listed on Appendix A of the Judicial Council Agenda.

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

Council Action

The Judicial Council approved the Consent Agenda.

3. Decision Item: Judicial Council Policy 520, ECM-ENE, and Policy 520.1, ECM-ENE Statewide Best Practices

Sarah Novak, Legal Counsel Division, State Court Administration, and Kirsten Stockwell, Legal Counsel Division, State Court Administration, returned for a decision on proposed revisions to Judicial Council Policy 520, ECM-ENE, and Policy 520.1, ECM-ENE Statewide Best Practices. Proposed revisions incorporate amendments made to Rule 114 of the Minnesota General Rules of Practice, aim to balance statewide standards and consistency with flexibility for judicial officers and local practices, and make the policies easier to read and understand. Additional information was also presented on Initial Case Management Conferences (ICMCs) presumptively remote hearing classification.

A discussion ensued. A suggestion was made to add a temporal definition to the “as soon as possible” ICMC scheduling best practice in Best Practice Two of Judicial Council Policy 520.1, ECM-ENE Statewide Best Practices. There was general agreement that the language should be amended to say ICMCs should be scheduled “as soon as possible and no later than 45 days.” A question was raised regarding what event triggers the 45 days. There was general agreement that the 45 days is triggered upon the first filing in district court or transfer to district court from the expedited process.

Concern was expressed around including paternity actions in the exceptions to scheduling ICMCs in Best Practice Two of Judicial Council Policy 520.1, ECM-ENE Statewide Best Practices. A suggestion was made to remove the paternity action reference and use generic language of “expedited process proceeding.”

A motion was made and seconded to approve proposed revisions to Judicial Council Policy 520, ECM-ENE, and Policy 520.1, ECM-ENE Statewide Best Practices with the modifications of referencing the expedited process and for the ICMCs to occur as soon as possible and no later than 45 days of after the first filing in district court or transfer to district court from the expedited process. The motion prevailed.

Council Action

The Judicial Council approved proposed revisions to Judicial Council Policy 520, ECM-ENE, and Policy 520.1, ECM-ENE Statewide Best Practices with the modifications of referencing the expedited process and for the ICMCs to occur as soon as possible and no later than 45 days after the first filing in district court or transfer to district court from the expedited process.

4. Decision Item: Legislative Advisory Workgroup (LAW) Recommendations

Judge David Knutson, Chair of the Legislative Advisory Workgroup, returned for a decision on legislative recommendations. The Competency Examination/Definition of Risk Law proposal and the Reentry Barrier Reduction Law proposal were withdrawn from Judicial Council consideration.

A motion was made and seconded to support the Increase in the Jurisdictional Limit for No Fault Arbitration proposal in the 2025 Legislative Session. The motion prevailed.

Council Action

The Judicial Council approved supporting the Increase in the Jurisdictional Limit for No Fault Arbitration proposal in the 2025 Legislative Session.

A motion was made and seconded to support the Filing Reciprocity in St. Louis County proposal in the 2025 Legislative Session. The motion prevailed.

Council Action

The Judicial Council approved supporting the Filing Reciprocity in St. Louis County proposal in the 2025 Legislative Session.

A motion was made and seconded support the Removing the Two Page Limit on Appendix A proposal in the 2025 Legislative Session. The motion prevailed.

Council Action

The Judicial Council approved supporting the Removing the Two Page Limit on Appendix A proposal in the 2025 Legislative Session.

A motion was made and seconded to support the Real Estate Amendments to the Judicial and Court Staff Safety and Privacy Act proposal in the 2025 Legislative Session. The motion prevailed.

Council Action

The Judicial Council approved supporting the Real Estate Amendments to the Judicial and Court Staff Safety and Privacy Act proposal in the 2025 Legislative Session.

A motion was made and seconded to support the Compensation Council Changes proposal in the 2025 Legislative Session. The motion prevailed.

Council Action

The Judicial Council approved supporting the Compensation Council Changes proposal in the 2025 Legislative Session.

A motion was made and seconded to support the Judicial Review of Parent Attorney Billing Statements proposal in the 2025 Legislative Session. The motion prevailed.

Council Action

The Judicial Council approved supporting the Judicial Review of Parent Attorney Billing Statements proposal in the 2025 Legislative Session.

A motion was made and seconded to support the Service of Conservator Annual Report proposal in the 2025 Legislative Session. The motion prevailed.

Council Action

The Judicial Council approved supporting the Service of Conservator Annual Report proposal in the 2025 Legislative Session.

There was a discussion regarding the Criminal Expungement Service proposal. A suggestion was made to establish a workgroup or refer the issue to Rules Committees to further examine the issue of electronic service.

A motion was made and seconded to table the Criminal Expungement Service proposal and revisit the issue after a workgroup or Rules Committees examine electronic service. The motion prevailed.

Council Action

The Judicial Council tabled the Criminal Expungement Service proposal and will revisit the issue after a workgroup or Rules Committees examine electronic service.

5. Discussion Item: Access and Fairness Survey Update

Kyle Irving, Project Management Office Manager, State Court Administration, and Aaron Lauer, Policy and Planning Consultant, Strategy, Performance, and Projects Office, State Court Administration, shared an update on the Access and Fairness Survey action planning progress.

6. Discussion Item: Judicial Council Policy 1101, Internal Audit Policy and New Judicial Council Policy 1103, Audit Committee Oversight Policy

Jamie Majerus, Branch Audit Manager, State Court Administration, presented proposed revisions to Judicial Council Policy 1101, Internal Audit Policy, and new Judicial Council Policy 1103, Audit Committee Oversight Policy, which are needed to comply with changes to the Professional Practice of Internal Auditing standards.

7. Discussion Item: Jury Task Force

At the November 2024 Judicial Council meeting, the Council discussed creating a Jury Task Force. Paul Patterson, Director, Court Services Division, State Court Administration, presented a Jury Task Force proposal. The purposes of the Task Force are to increase efforts to encourage jury participation and survey targeted communities to identify barriers in jury service. The initial goals of the Task Force to complete in the next six months are to support the jury per diem increase lobbying efforts at the Legislature and to promote jury outreach events. Following the initial goals, the Task Force will identify additional goals based on data from outreach events and from evaluating other state's efforts.

A discussion ensued. There was general agreement from Council members that the Task Force should utilize a holistic approach when examining issues with jury service. A suggestion was made to expand Task Force membership to members outside the Judicial

Branch. It was noted that the Task Force will incorporate Council feedback as the Task Force becomes operational.

8. Discussion Item: In-person Interpreter Needs

Paul Patterson, Director, Court Services Division, State Court Administration, and Shelley Ellefson, District Administrator, Third Judicial District, discussed current issues affecting the Minnesota Interpreter and Scheduling Specialist Team's (MISST) ongoing ability to provide in-person interpreter resources.

It was noted that overall interpreter requests have increased by 69% from 2021 while the number of rostered interpreters have only increased by 24%. The lack of interpreter resources has made scheduling in-person interpreters difficult. To address the lack of interpreter resources, MISST proposed the following recommendations:

- Continue to use the Court Interpreter Infographic to request/schedule in-person interpreter events for trials only
- Implement judge/staff training for simultaneous interpreting per the Operational Plan
- Chief Justice or Chief Judges/JDAs issue consistent communication to their judges and staff
- Evaluate Council Policy 513: Court Interpreter Program
- Explore Options to Expand Pool of Interpreters with Simultaneous Skillset

A discussion ensued. Council members requested that additional information be gathered regarding the legal consequences and constitutional concerns for a defendant if an in-person interpreter is unavailable, information on whether a centralized interpreter calendar could be utilized, and information on how justice partners are utilizing interpreter resources. There was agreement that the Chief Justice would send out a Branch communication detailing the issues around in-person interpreter scheduling.

The topic will be revisited at the January 2025 Judicial Council meeting.

9. Other Business

a. Legislative Update

Jeff Shorba, State Court Administrator, provided a legislative update.

b. Recognize Departing Member

Chief Judge Segal, Court of Appeals, was recognized for her service on Judicial Council.

10. 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.