



# Judicial Council Minutes

## November 19, 2020

### 9:00 a.m.

### Via WebEx

The Judicial Council met on Thursday, November 19, 2020, via WebEx.

#### 1. Approval of Draft September 17, 2020 Meeting Minutes

Two technical amendments were offered to the draft minutes:

Page 7, agenda item 7:

There being no ~~objectives~~ objections to acting on the amendment at the current meeting, a motion was made and seconded to extend the deadline for judicial officers required to complete the tour by December 31, 2020 to December 31, 2021.

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It was noted that the goal of the motion is to include in the Judicial Branch budget for FY2021, 2022, and 2023, a specific plan to address the pandemic overload with a priority on judicial caseload management, to be presented and approved by the Judicial Council.

A motion was made to approve the draft September 17, 2020 Meeting Minutes as amended. The motion prevailed.

#### Council Action

The Judicial Council approved the September 17, 2020, Meeting Minutes, as amended.

#### 2. Discussion 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

Justice Anne McKeig and Becca Vanden Haden, CJI Program, State Court Administration, presented proposed changes to Judicial Council Policy 604, which amend 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.

Justice McKeig explained that Mitchell Hamline Law School has been instrumental in developing future training and is willing to take the lead to provide the training. The Law School will pursue legislation during the 2021 legislative session to amend applicable statutes to transfer training responsibility.

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

Judge Krista Martin, Other Side Workgroup Committee Chair, presented updated Workgroup recommendations. A discussion ensued on whether jury trials should continue. It was acknowledged that the court's constitutional obligation to insure access to justice and protection and safety of judges, staff, justice partners, and the people served by the courts must be considered.

It was suggested that jury trials be suspended for 60 days, with emergency exceptions, to be developed by the Judicial Council Executive Committee. A discussion ensued. It was noted that suspension of clearance rate goals should also be considered. It was recommended that the clearance goal discussion be postponed until the December meeting.

A motion was made and seconded to provide that, effective Nov 30, 2020, all proceedings will be conducted via remote technology unless impossible to do so or constitutes an emergency and is approved by the Chief Judge, in consultation with the Chief Justice. The Judicial Council Executive Committee will be responsible for development of the emergency criteria.

A discussion ensued on how to process trials currently in progress and trials for which a speedy trial demand has already been made. The issue of whether in-custody offenders should be given priority was also discussed.

The main motion was amended to accommodate the issues identified in the discussion:

Effective November 30, 2020, all proceedings will be conducted remotely unless it is impossible to do so, there is an emergency, or the chief judge of the district, in consultation with the Chief Justice, has granted an exception for an in-person hearing. In reviewing exceptions, the chief judge shall adhere to the exception criteria that the Judicial Council's executive committee develops.

Effective November 30, 2020, other than for jury trials in progress, no new jury trials will commence until February 1, 2020 unless the chief judge of the district, in consultation with the Chief Justice, has granted an exception for a criminal jury trial to commence. Exceptions shall be granted for defendants who have demanded a speedy trial prior to the date of this Order and priority in scheduling a jury trial shall be given to in-custody defendants who have demanded a speedy trial. In reviewing exceptions, the chief judge shall adhere to the exception criteria that the Judicial Council's executive committee develops.

Effective November 30, 2020, other than for grand juries trials in progress, no new grand juries will be impaneled until February 1, 2020 unless the chief judge of the district, in consultation with the Chief Justice, has granted an exception. In reviewing exceptions, the chief judge shall adhere to the exception criteria that the Judicial Council's executive committee develops.

A vote was taken on the motion, as amended, and prevailed.

**Council Action**

The Judicial Council approved changes in case processing procedures, effective November 30, 2020.

A discussion ensued on whether to change the hours of operation of public counters. It was noted that a recent Chief Justice order was promulgated to provide for changes to public counter hours, as approved by the State Court Administrator. It was agreed that at least one public counter in each county and at the appellate level will be accessible to court customers during the hours of 8:00 – 4:30, excluding court holidays. The district administrator or clerk of appellate courts, in consultation with the Chief Judge or Chief Justice as applicable, and the State Court Administrator, will determine how counter accessibility will be accomplished. Counter accessibility may be accomplished by providing services remotely, in person as necessary and or/by appointment.

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

Jamie Majerus, Internal Audit Manager, State Court Administration, presented a proposal to create a new Judicial Council Policy Series, aimed at housing all internal audit related policies in one location. A discussion ensued on whether the internal audit policies apply to judicial officers. It was noted that the existing policies include judicial officers and that re-numbering will not change an underlying policy.

**5. Discussion Item: MN Court Records Online Initiative (MCRO - formerly MPA Remote with Documents) Quarterly Report**

Judge Peter Cahill, MN Court Records Online Initiative (MCRO) Steering Committee Chair, and Ann Peterson, State Court Administration, presented the quarterly report on the Court Records On-line Initiative. It was noted that the project is in-budget and on time, with a proposed implementation date of April 2022.

A discussion ensued. It was noted that operation of MCRO should not impact MNCIS operations.

**6. Discussion Item: Proposed Amendments to Judicial Council Policy 317; Use of The Internet and Other Electronic Communications Tools**

Judge Peter Cahill, Cyber Security Steering Committee Chair, presented an amendment to Judicial Council Policy 317. The amendment would require judicial officers and court

staff to obtain advance approval from the Cyber Security Unit before leaving the country with Branch-owned devices. This amendment addresses cyber security concerns and will enable cyber security staff to consult on the unique rules in some foreign countries related to possession of “encrypted devices.”

There being no objection to acting on the recommendation at the present meeting, a motion was made and seconded to approve the amendments to Policy 317.

**Council Action**

The Judicial Council approved amendments to Judicial Council Policy 317; Use of The Internet and Other Electronic Communications Tools.

**7. Discussion Item: FY22-23 Strategic Planning Committee update**

Chief Judge Jay Carlson, Strategic Planning Committee Chair, presented an update on development of the FY22-23 Strategic Plan. The draft plan will be submitted to the Judicial Council in December.

**8. Decision Item: 2021 Payables Lists**

Chief Judge Kathryn Messerich, COPS Chair, noted that the proposed lists were posted for public comment and that no comments were received. She also noted that efforts are underway to improve notices relating to the collateral consequences of paying a fine.

A motion was made and seconded to approve the proposed Traffic/Criminal 2021 Payables List. The motion prevailed.

**Council Action**

The Judicial Council approved the proposed Traffic/Criminal 2021 Payables List.

A motion was made and seconded to approve the proposed Natural Resources 2021 Payables List. The motion prevailed.

**Council Action**

The Judicial Council approved the proposed Natural Resources 2021 Payables List.

A motion was made and seconded to approve the proposed Trucks and Common Carriers 2021 Payables List. The motion prevailed.

**Council Action**

The Judicial Council approved the proposed Trucks and Common Carriers 2021 Payables List.

**9. Discussion Item: FY2020 Closing Report**

Dan Ostdiek, Finance Director, State Court Administration, presented the FY2020 Closing Financial Report.

**10. Discussion Item: FY2021 First Quarter Financial Projection**

Dan Ostdiek, Finance Director, State Court Administration, reviewed the FY2021 First Quarter Financial Projections. It was noted that FTE and financial savings have been realized through adherence with the hiring freeze.

**11. Discussion Item: Other Business**

- a. 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 future business the meeting adjourned.