



# Judicial Council Minutes

November 14, 2024

9:00 a.m.

Room 230, MN Judicial Center and via Zoom

The Judicial Council met on Thursday November 14, 2024, in St. Paul, Minnesota and via Zoom. Fourth Judicial District Assistant Chief Judge Mark Kappelhoff attended for Chief Judge Meyer.

## 1. Decision Item: Approval of Draft October 17, 2024, Meeting Minutes

A motion was made and seconded to approve the draft October 17, 2024, Meeting Minutes, as submitted. The motion prevailed.

### Council Action

The Judicial Council approved the October 17, 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 November 2024 Consent Agenda contained six 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. Discussion Item: Annual Weighted Caseload Review, Weighted Caseload Temporary Referees Recommendations, and Proposed Weighted Caseload 2025 Study Methodology**

Judge David Brown, Second Judicial District, Chair of the Judicial Weighted Caseload Advisory Committee, and Grant Hoheisel, Court Research Office, State Court Administration, presented the Annual Weighted Caseload Review, the Weighted Caseload Temporary Referees Recommendations, and the Proposed Weighted Caseload 2025 Study Methodology.

**Annual Weighted Caseload Review**

Judicial Council Policy 501 requires the Judicial Weighted Caseload (WCL) to be reviewed annually by Judicial Council and adjusted when necessary to take into account changes to laws, rules, business practices, and administrative policies that affect case weights, the judge year value, or case types. The State Court Administrator is delegated the responsibility for implementing the policy and is required to seek the advice of an advisory group, which is the Weighted Caseload (WCL) Advisory Committee.

It was noted that extreme risk protection orders were added to the weighted caseload category for Miscellaneous Major Civil which has a case weight of 134 minutes. The WCL Advisory Committee did not recommend any policy adjustments to the current case types, case weights, or the judge year value. The WCL Advisory Committee recommended conducting the next Judicial WCL Study in Spring 2025.

A motion was made and seconded to approve the annual report from the Weighted Caseload Advisory Committee. The motion prevailed.

**Council Action**

The Judicial Council approved the annual report from the Weighted Caseload Advisory Committee.

**Weighted Caseload Temporary Referees Recommendations**

In April 2024, the Judicial Council authorized districts with existing temporary referees to fund the positions from DIS budgets through June 30, 2025. Judicial Council also asked the WCL Advisory Committee to provide a recommendation on how to treat temporary referees in weighted caseload.

The WCL Advisory Committee recommended that temporary referees be included in the quarterly judicial complement updates until funding for the positions expires June 30, 2025.

A motion was made and seconded to include temporary referees in the quarterly judicial complement until funding for the positions expires June 30, 2025. The motion prevailed.

**Council Action**

The Judicial Council approved including temporary referees in the quarterly judicial complement until funding for the positions expires June 30, 2025.

A motion was made and seconded to include temporary referees in the 2025 WCL time study. The motion prevailed.

**Council Action**

The Judicial Council approved including temporary referees in the 2025 WCL time study.

**Proposed Weighted Caseload 2025 Study Methodology**

The WCL Advisory Committee recommended that the 2025 WCL time study be conducted in the Spring of 2025 for six-weeks from March 31 to May 11, 2025.

A motion was made and seconded to approve the time study dates from March 31 to May 11, 2025. The motion prevailed.

**Council Action**

The Judicial Council approved the time study dates from March 31 to May 11, 2025.

**4. Discussion 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, presented 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.

A discussion ensued around Initial Case Management Conferences (ICMCs) presumptively remote hearing classification. A request was made to gather data on whether cases are still resolving without trial with remote ICMCs. It was noted that SCAO staff will gather data to share with Judicial Council at a later date.

The topic will return to Council in December for a decision.

**5. Discussion Item: Legislative Advisory Workgroup (LAW) Recommendations**

Judge David Knutson, Chair, Legislative Advisory Workgroup, reported on the Workgroup's activities and recommendations. Ten proposals were submitted to the State Court Administrator's Office for consideration. LAW held two meetings to hear from the proponents, review the suggestions, and discuss each proposal. Following a vote of the membership, LAW recommended that the following eight proposals be approved by Judicial Council for inclusion in the Judicial Branch 2025 legislative package:

- i. Increasing the jurisdictional limit for no fault arbitration from \$10,000 to \$20,000.
- ii. Allowing court filings to be accepted at any St. Louis County court location.
- iii. Removing the two-page limit on appendix A in Minnesota Statute 518.68 subd. 1.
- iv. Supporting real estate amendments to the Judicial and Court Staff Safety and Privacy Act.
- v. Changing the Compensation Council report date to September 1 of the even-numbered year and allowing ex parte communications with members of the judiciary.
- vi. Clarifying that judicial officers are not responsible for reviewing parent attorney billing statements.
- vii. Requiring conservators to serve the person subject to conservatorship with their annual reporting to the court.
- viii. Allowing expungement petitions to be served electronically if the agency designates an email to receive such service and if agency publishes the email address.

A discussion ensued on the electronic service of expungement petition proposal. There was general agreement that filing expungement petitions is burdensome for self-represented litigants. Concern was expressed that the proposal was not ripe for introduction at the legislature this session. Concern was also expressed that the budget year was not the appropriate time to bring this proposal forward, that there is opposition to the proposal, and that the proposal may be better suited for another group to pursue.

The LAW recommendations will be a decision item at the December 2024 Judicial Council meeting.

## **6. Decision Item: TCI proposed Budget Amendment for Current Treatment Court Appropriations**

Judge Joseph Buelteel, TCI Chair, and Cecilia Bliss, State Treatment Court Coordinator, State Court Administration, returned for a decision on the Proposed Budget Amendment for Current Treatment Court Appropriations. TCI proposed a 10% increase in the base funding formula for formula courts in FY 25 and FY26-27. Funding in FY28-29 and thereafter would be based on a revised funding formula.

A motion was made and seconded that formula courts receive an additional 10% of the base funding formula in FY25 and FY26-27 and funding in FY28-29 will be based on the revised funding formula. The motion prevailed.

**Council Action**

The Judicial Council approved that formula courts receive an additional 10% of the base funding formula in FY25 and FY26-27 and funding in FY28-29 will be based on the revised funding formula.

**7. Decision Item: Third Judicial District Jury Summons Translation Pilot**

Shelley Ellefson, District Administrator, Third Judicial District, returned for a decision on the Third Judicial District Jury Summons Pilot.

A motion was made and seconded to sunset the Third District Pilot Program and to not expand the pilot statewide. The motion prevailed.

**Council Action**

The Judicial Council sunsetted the Third District Pilot Program and did not expand the pilot statewide.

A discussion ensued. There was general agreement that proactive initiatives need to be implemented to increase jury pool diversification. A suggestion was made to create a taskforce to develop initiative options for Council consideration. SCAO staff will return to Council with information on a taskforce at a later date.

**8. Decision Item: COPS Performance Measures Recommendations**

Judge Jennifer Frisch, Chair, COPS Committee, and Jennifer Ogunleye, Research Analyst, Strategy, Performance, and Projects Office, State Court Administration, returned for decisions on the COPS Performances Measures Recommendations.

A motion was made and seconded to amend Judicial Council Policy 505 to revise the Access to Justice goal language and revise the Quality Court Workplace Environment goal language. The motion prevailed.

**Council Action**

The Judicial Council amended Judicial Council Policy 505 to revise the Access to Justice goal language and revise the Quality Court Workplace Environment goal language

A motion was made and seconded to amend Judicial Council Policy 505.2 to add a performance standard for the Access and Fairness Survey. The motion prevailed.

**Council Action**

The Judicial Council amended Judicial Council Policy 505.2 to add a performance standard for the Access and Fairness Survey.

A motion was made and seconded to move Judicial Council Policy 505 as amended, Judicial Council Policy 505.1, and Judicial Council Policy 505.2 as amended, to the 900 series. The motion prevailed.

**Council Action**

The Judicial Council approved moving Judicial Council Policy 505 as amended, Judicial Council Policy 505.1, and Judicial Council Policy 505.2 as amended, to the 900 series.

A motion was made and seconded to incorporate new statements to measure the Excellence goal in the next Access and Fairness Survey. The motion prevailed.

**Council Action**

The Judicial Council approved incorporating new statements to measure the Excellence goal in the next Access and Fairness Survey.

A motion was made and seconded to incorporate new statements to measure the Quality Court Workplace Environment goal in the next Quality Court Workplace Survey. The motion prevailed.

**Council Action**

The Judicial Council approved incorporating new statements to measure the Quality Court Workplace Environment goal in the next Quality Court Workplace Survey.

A motion was made and seconded to engage in future analysis to develop Major Criminal and Juvenile Delinquency timing objective recommendations. The motion prevailed.

**Council Action**

The Judicial Council approved engaging in future analysis to develop Major Criminal and Juvenile Delinquency timing objective recommendations.

A motion was made and seconded to engage in future analysis to develop Length of Time to Permanency timing objective recommendations. The motion prevailed.

**Council Action**

The Judicial Council approved engaging in future analysis to develop Length of Time to Permanency timing objective recommendations.

**9. Decision Item: Approval of the 2025 Payables List**

Judge Jennifer Frisch, Chair, COPS Committee, returned for approval of the 2025 Payables List following the 30-day public comment period. It was noted that the proposed lists were posted for public comment and that no comments were received.

A motion was made and seconded to approve the 2025 Traffic/Criminal Payables List. The motion prevailed.

**Council Action**

The Judicial Council approved the 2025 Traffic/Criminal Payables List.

A motion was made and seconded to approve the 2025 Natural Resources Payables List. The motion prevailed.

**Council Action**

The Judicial Council approved the 2025 Natural Resources Payables List.

A motion was made and seconded to approve the 2025 Trucks and Common Carriers Payables List. The motion prevailed.

**Council Action**

The Judicial Council approved the 2025 Trucks and Common Carriers Payables List.

## **10. Decision Item: Clean Slate Implementation**

Karen Jaszewski, Legal Counsel Division, State Court Administration, returned for a decision on Clean Slate Implementation.

At the October 2024 Judicial Council meeting, three issues were raised for consideration. Two of the issues, which will be addressed by Supreme Court Order, include whether cases eligible for automatic expungement that have pending proceedings should remain public until the proceedings conclude or be expunged, and whether cases with active warrants and active DANCOs should remain public or be expunged. SCAO recommended that cases with pending proceedings and cases with active warrants and active DANCOs should remain public and not be expunged.

The last issue to be addressed by Judicial Council decision was whether Judicial Council Policy 209, Collection and Distribution of Revenues, should be amended to shorten the 10-year collection period and allow cases with financial balances to be written off earlier to facilitate automatic expungement. It was noted that the amount the Branch received from Department of Revenue Collections after 5 years in collections was \$6 million, and that does not include voluntary payments. Based on the importance of collecting outstanding fine and restitution and the amount the court continues to collect during the last 5 years of the collection period, SCAO staff recommended not changing the 10-year

collection period. SCAO staff also recommended changes to State Court Administrator Policies that allow public defender fees to be written off in cases that result in a dismissal or acquittal to facilitate expungements.

A motion was made and seconded to maintain the 10-year collection period in Judicial Council Policy 209, Collection and Distribution of Revenues. The motion prevailed.

**Council Action**

The Judicial Council approved maintaining the 10-year collection period in Judicial Council Policy 209, Collection and Distribution of Revenues.

A motion was made and seconded to amend State Court Administrator Policies to require that public defender fees be written off upon dismissal or acquittal. The motion prevailed.

**Council Action**

The Judicial Council approved amending State Court Administrator Policies to require that public defender fees be written off upon dismissal or acquittal.

## **11. Other Business**

### **a. Legislative Update**

Jeff Shorba, State Court Administrator, provided a post-election legislative update.

### **b. Recognition**

Carla Heyl, Legal Counsel Director, State Court Administration, was recognized for her service to the Judicial Branch. Craig Gustafson was recognized as the new Legal Counsel Director for the Judicial Branch.

There being no further business the meeting adjourned.