



Judicial Council Minutes

February 17, 2022

Via Zoom

The Judicial Council met on Thursday, February 17, 2022, via Zoom.

Hans Holland, Olmsted County Court Administrator, was introduced as the court administrator representative on the Judicial Council, replacing Annette Fritz, who retired.

Chief Judge Susan Segal, Court of Appeals, was not in attendance.

1. Approval of Draft January 20, 2022, Meeting Minutes

A motion was made and seconded to approve the draft January 20, 2022, Meeting Minutes as submitted. The motion prevailed.

Council Action

The Judicial Council approved the January 20, 2022, Meeting Minutes, as submitted.

2. Decision Item: HR/EOD Recommendations on Senior Judge Compensation and Proposed Amendments to Judicial Council Policy 210; Senior Judge Policy

Chief Judge Tamara Yon, Ninth Judicial District, and Chair, HR/EOD Committee, reviewed the proposed policy, and the definitional amendments added to the draft policy as a result of the January Judicial Council discussion.

A discussion ensued on the definition of “half-day rate” and whether it included working time and windshield time. It was noted that windshield time is not currently included in the rate paid to senior judges. It was noted that the Committee did not include a definition, relying on the current practice that a senior judge is compensated for time spent on the bench, writing, researching, and signing orders. It was noted that each district is responsible for monitoring the time spent by senior judges and will be responsible for adjusting the rate applied as needed.

An amendment was suggested to the definition of Half-Day Rate: **Half-Day Rate.** Pay rate that applies when the time is worked is 4 hours or less in a day. There being no objection, the amendment was incorporated into the proposal

A motion was made and seconded to approve proposed amendments, as amended, to Judicial Council Policy 220; Senior Judge Pay. The motion prevailed.

Council Action

The Judicial Council approved proposed amendments to Judicial Council Policy 220, Senior Judge Pay.

3. Discussion Item: Current COVID – 19 Data

It was noted that the Executive Committee continues to review COVID data on a weekly basis. At its last meeting, the Committee determined that the COVID data as of February 17 should be reviewed before a decision was made on whether to move from COVID Mitigation Strategies Level 3, back to Level 2.

Jennifer Super, Emergency Management Analyst, State Court Administration, presented information on the most current COVID-19 data. The Judicial Branch COVID Mitigation Strategies were also reviewed. It was noted that not all indicators have been met to transition from Level 3 to Level 2 mitigation strategies. There being no objection, it was agreed that the Executive Committee will continue to monitor COVID-19 data and will make recommendations to the Judicial Council on an as needed basis.

4. Discussion Item: JAD Recommendations on Prioritization of Workload

It was noted that, at the January Judicial Council Meeting, Sarah Lindahl-Pfeiffer, Fourth Judicial District Administrator, presented a JAD request that the employee Quality Court Workplace campaigns be temporarily put on hold. Ms. Lindahl-Pfeiffer also reported that additional recommendations on the prioritization of current Judicial Branch initiatives, aimed at freeing time for district court staff to concentrate on addressing the backlog of cases resulting from the pandemic, would be presented at a later date.

Shelley Ellefson, Third Judicial District Administrator, reviewed the recommendations:

1. Resume the Quality Court Workplace employee centered campaign in June 2022.
2. Extend deadlines on work in the FY22 Operational Plan into the FY23 Operational Plan.

Pausing these initiatives will enable JAD to look at all activities in the Operational Plan, consider the OneCourtMN Hearing Initiative (OHI) activities that will need to be incorporated, and identify what remains a priority for incorporation into the FY23 Operational Plan. Any recommended changes will be presented to the Judicial Council as part of its review of the FY23 Operational Plan.

There being no objection to the recommendations, JAD was authorized to conduct the review and to return at a later date with recommendations.

5. Discussion Item: FY22 Quarterly Financial Update

Dan Ostdiek, Finance Director, State Court Administration, presented the FY22 Quarterly Financial Update.

It was reported that the supplemental budget request documentation will be submitted to Minnesota Management and Budget (MMB) on February 22. The request includes the items approved by the Judicial Council at the January Meeting:

- 6% compensation increases for judges in FY23;
- 6% compensation pool for employees in FY23;
- Funds to continue the Contract Interpreter Payment Rate increase funded by the 2021 Legislature;
- Funds for the Cybersecurity Program; and
- Funds to address the budget deficit in the Mandated Services Psychological Services Budget

A discussion ensued on the American Rescue Plan (ARP) funds available. It was noted that MMB has requested that the Branch submit a request for funds on Tuesday, February 22. It was also noted that distribution of the current funds is a legislative decision.

It was reported that JAD is identifying the items to be requested. There being no objection, the State Court Administrator was authorized to work with JAD to identify the items to be requested and to submit the request to the appropriate entity(s) within deadlines provided.

6. Discussion Item: Legislative Update

Chief Justice Gildea reviewed meetings with legislative leadership and the presentation Jeff Shorba gave to the House Judiciary Finance and Civil Law Committee. Chief Judge Hiljus reported on a recent meeting with legislators and staff to discuss the use of dispositional departures in criminal matters.

Jeff Shorba reported on legislation introduced, to-date, to address the access fee for documents on MCRO. He noted that MCRO Phase 3 development has been divided into two parts. The first will permit searches of hearings on court calendars and monetary judgments. The second will implement the access fee for downloading documents more than one page long.

The access fee has generated significant interest at the Legislature. To-date two bills have been introduced to address the access fee:

1. One bill would eliminate the fee for accessing documents in a remote fashion and retain the fee for courthouse access.

2. The second bill eliminates the statutory fee for accessing documents, both at the courthouse and remotely.

A discussion ensued. It was noted that the Minnesota Legislature has the authority to clarify or change the fee to purchase copies of court documents. It was also noted that consistency in the approach is preferred by the Judicial Branch, and that development on the access fee has been put on pause.

7. Discussion Item: Other Business

- a. It was reported that the State Court Administrator's Office has purchased masks and distribution to the districts is underway.

8. Executive Session – Personnel Matters

A motion was made and seconded to go into Executive Session to discuss personnel matters. The motion carried.

Following discussion, a motion was made and seconded to exit Executive Session. The motion carried.

It was announced that the March Judicial Council meeting will be held remotely and will be a one-day meeting.

There being no further business the meeting adjourned.