



# Judicial Council Minutes

## February 16, 2023

### Via Zoom

First District Chief Judge Caroline Lennon was welcomed to the Judicial Council.

Assistant Chief Judge Rachel Sullivan attended for Chief Judge Leslie Beiers. Assistant Chief Judge Michael Fritz attended for Chief Judge Sarah Hennesy.

Judge James Cunningham was not in attendance.

#### 1. Approval of Draft January 19, 2023, Meeting Minutes

A motion was made and seconded to approve the draft January 19, 2023, Meeting Minutes, as submitted. The motion prevailed.

    | **Council Action**

    | The Judicial Council approved the January 19, 2023, Meeting Minutes, as submitted.

#### 2. Discussion Item: Current COVID-19 Data

Jennifer Super, Emergency Management Analyst, State Court Administration, presented current COVID data.

#### 3. Discussion Item: Proposed Amendments to Judicial Council Policy 801; Electronic Communications

Paul Regan, Senior Staff Attorney, State Court Administration, presented proposed amendments to Judicial Council Policy 801; Electronic Communications. It was explained that the Policy establishes retention periods for electronic communications such as emails and messages sent using Lync/Skype for Business. Under Policy 801, messages sent using Lync/Skype for Business are deleted after sixty days. Microsoft is sunsetting Lync/Skype for Business and the Minnesota Judicial Branch is replacing that tool with Microsoft Teams. The proposal substitutes the term “Teams” for the term “Lync” throughout the policy.

There being no objection to acting on the proposal at the current meeting, a motion was made and seconded to approve amendments to Judicial Council Policy 801. The motion prevailed.

**Council Action**

The Judicial Council approved amendments to Judicial Council Policy 801; Electronic Communications.

**4. Discussion Issue: oneCourtMN Hearings Initiative (OHI) Quarterly Report**

Judge Kathryn Messerich and Heather Kendall, Co-Chairs, OHI Steering Committee, provided the OHI Quarterly Report. The first-year efforts were reviewed:

**Complete**

- Implementation and support of statewide non-criminal framework and district hearing plans for criminal and juvenile delinquency hearings.

**In Progress**

- Evaluation and recommendations around Policy 525 presumptive chart.

- Resources and Practices Study.

- Analysis and proposed changes to court rules to support Policy 525 and the continuation of remote hearings.

It was noted that the purpose of the Resources and Practices Study is to understand the effects of hearing-related practices and resources on OHI's outcomes (access, timeliness, effectiveness) to guide future OHI work in improving hearings. Next steps include a limited time study of hearing duration and in-session support time in sample counties, and an analysis of promising practices: Which hearing practices lead to better outcomes? This time study is not a judicial or staff weighted caseload study.

The purpose of the court rules review was to determine if rule changes were needed to support the long-term implementation of remote hearings. Proposed Rules changes include General Rules of Practice 2 –Decorum; General Rules of Practice 4 –Visual and Audio Recording; and General Rules of Practice 14.03(f) –Court Notices.

It was noted that a decorum video and written materials have been developed. At present efforts are underway to develop Judicial Council Policy 525 support videos for posting on the public web site and the Steering Committee is undertaking an analysis of possible improvements to hearing notices.

Efforts to gain input from those impacted by implementation of Rule 525 was reviewed. Extensive internal and external engagement and communication has occurred. At present efforts include:

- Hearing Participants Survey;

- Judicial officer, staff, and litigant focus groups;

- Judicial Officer and Staff Survey; and
- Continued internal and external engagement and communication.

Efforts to promote iteration and continuous development were reviewed. Development of an evaluation framework and submission of a proposal to the Legislative Advisory Workgroup (LAW) to permit electronic service for OFP/HRO orders have been completed. Present efforts include advancing the use of simultaneous interpretation in remote hearings and improving scheduling remote appearances with the Department of Corrections (DOC).

Efforts to provide solutions that meet the needs of court customers, judicial officers, and staff include creation of a video for judicial officers on how to verbally order deviations from Policy 525, promotion of legal kiosks, investigation and documentation of remote hearing facilitation considerations, and piloting a Flexible Courtroom Concept in Becker and Ramsey Counties, which allows parties and their attorneys to choose how to appear.

The presentation concluded with a review of remaining OHI work efforts:

- Continue to monitor hearing data and gather stakeholder feedback.
- Continue to evaluate the non-criminal hearing chart to determine whether changes are needed.

## **5. Discussion Item: FY23 2<sup>nd</sup> Quarter Financial Report**

Dan Ostdiek, Finance Director, State Court Administration presented the FY23 2<sup>nd</sup> Quarter Financial Report.

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

### **a. Legislative Update**

#### **i. March 16 Activities**

Chief Justice Gildea reviewed preliminary plans for the Justice Day at the Capitol. It was noted that Judicial Council members should arrange meeting with legislators that day and that an Open House at the Supreme Court Chamber will be held from 1:00 – 3:30 that day.

#### **ii. House Judiciary Committee Budget Request presentation**

Jeff Shorba reported on his presentation to the House Judiciary Finance and Civil Law Committee.

#### **iii. Judgeship for Ninth District**

Chief Justice Gildea reported that a bill moving through the Legislature will provide earned sick and safe leave for employees who do not currently have such benefits. Appeals from denial of the benefits will be appealed to the district court, starting in FY25. The fiscal note prepared predicted the need for one judge unit to process the appeals. It is necessary for the bill to include the location of the judgeship. A review of the Weighted Caseload 3 Year Rolling Average data indicates that the Ninth Judicial District is closest in need and that information was provided to the Legislature.

There being no other business the meeting adjourned.