



Judicial Council Minutes

July 14, 2022

Room 230 Minnesota Judicial Center and Zoom

The Judicial Council met in Saint Paul, Minnesota on Thursday, July 14, 2022.

Fifth Judicial District Assistant Chief Judge Darci Bentz attended for Chief Judge Greg Anderson. Judge David Knutson, First Judicial District, was introduced as the new Judicial Council at-large member. Judges Jamie Anderson, Fourth Judicial District, and Lucinda Jesson, Court of Appeals, were not in attendance.

1. Approval of Draft June 16, 2022, Meeting Minutes

A motion was made and seconded to approve the draft June 16, 2022, Meeting Minutes as submitted. The motion prevailed.

2. Discussion Item: Minnesota Court Records Online (MCRO) Initiative Quarterly Report

Judge Peter Cahill, MCRO Steering Committee Chair, and Mark Ford, Project Manager, State Court Administration, presented the Quarterly Report. It was noted that the MCRO Steering Committee approved the general release of Phase 3A - Hearings Search and Monetary Judgments, with a target delivery date of August 16, 2022.

Judge Cahill reported that the Steering Committee recommends that development of Phase 3B – On-line Access Fee, be suspended until there is clear direction from the Legislature on whether a fee should be charged.

The project timeline, and current usage numbers were reviewed. It was noted that no major performance or technical concerns have been reported. The project remains on-time and on-budget.

A discussion ensued on the positive feedback received by justice partners, the public, and attorneys. It was reported that the team of court staff who developed, tested, and launched Minnesota Court Records Online (MCRO) recently received the 2022

Minnesota State Bar Association (MSBA) President’s Award. Judge Cahill, MCRO Steering Committee members, and project staff were thanked for their efforts.

There being no objection to acting on the Steering Committee recommendation that development of Phase 3B – On-line Access Fee, be suspended until there is clear direction from the Legislature on whether a fee should be charged, a motion was made and seconded to approve the recommendation. The motion prevailed.

It was agreed that project quarterly reports will be suspended until after the 2023 Legislative Session.

Council Action

The Judicial Council approved the suspension of development of MCRO Initiative Phase 3B until there is clear direction from the Legislature on whether a fee should be charged.

3. Discussion Issue: Current COVID-19 Data

Jennifer Super, Emergency Management Analyst, State Court Administration, provided up to date COVID information.

4. Decision Item: Proposed Amendments to Minnesota Judicial Branch Mitigation Strategies

Proposed amendments to the Mitigation Strategies document were reviewed. It was noted that the proposal now includes an adoption date for historic purposes. The following additional amendments were suggested:

- Pages 3 and 4 – Add “in-person” before the phrase “court services” in Level 3 and Level 4 strategies to clarify that only in-person court services, not all court services, will be suspended at Level 3 and Level 4.
- Change the term “adopted date” to “effective date” to remove any ambiguity over the effective date of changes.

Council Action

The Judicial Council approved amendments to the Judicial Branch Mitigation Strategies, effective July 14, 2022.

5. Discussion Item: Judicial District Reports on Major Criminal Case Backlog Update

Grant Hoheisel, Research Manager, State Court Administration, presented an update on efforts to address the Major Criminal Case backlog. It was noted that the Judicial Council goal is to reduce the statewide pandemic-related Major Criminal (felony and

gross misdemeanor) backlog by 20% every four months. If this goal is met, the entire Major Criminal pandemic backlog will be eliminated by June 30, 2023.

It was reported that:

- The Branch is eight months into the goal and would need to have a 40% reduction to stay on track for the June 2023 target.
- The major criminal backlog has dropped 32% (-4,322 cases).
 - Backlog start = 13,628
 - Current backlog = 9,306
- At the current pace, the statewide backlog would not be resolved until December 2023.

It was noted that monthly filings during the goal timeframe are lower than 2019 averages in 8 of 10 districts and that monthly dispositions during the goal timeframe have exceed 2019 averages in 8 of 10 districts. Data on the use of in-person, hybrid, and remote hearings was also reviewed.

Each judicial district reported on the opportunities and obstacles being faced as the backlog is addressed. The following was noted:

Opportunities

- The extraordinary efforts of judicial officers and court staff to address the backlog.
- The cooperation and collaboration of justice partners.
- Holding “Case Resolution Days.”
- Creation of a “Plea Calendar.”
- Holding “Master Calendar” events with all justice partners present.
- Increased use of plea petitions to reduce the need for hearings.

Obstacles

- Staff, judge, and justice partner turnover.
- Unavailability of justice partner staff.
- Lack of space, especially jury courtrooms.
- Bureau of Criminal Apprehension analysis delays.
- Short term availability of staff and referees hired with ARP funds.

It was suggested that JAD review ARP fund spending and that cross-district collaborations be explored.

6. Discussion Item: Development of Judicial Branch FY24/25 Judicial Branch Budget Request

Dan Ostdiek, Finance Director, State Court Administration, reviewed the options for development of the Judicial Branch FY24/25 Biennial Budget Request. It was noted that the proposed request for psychological services is based on the difference in expenses

from 2019 and 2021, and a new obligation, beginning in FY23, for funding psychological services previously funded by the Department of Human Services.

A discussion ensued on funding for treatment courts. It was noted that most initial funding is provided through federal grants. When grants expire, treatment courts apply to the Judicial Branch for inclusion in the distribution of Branch treatment court funds.

7. Discussion Item: Strategic Planning Committee Recommendations on Two-Year Biennial Strategic Plan and Judicial Branch Roadmap

Judge Michelle Lawson, Chair, Strategic Planning Committee and Katie Schurrer, Strategic Planning and Projects Division, State Court Administration, presented the Strategic Planning Committee's recommendations on the FY24-25 Judicial Branch Strategic Plan and the Judicial Branch Roadmap.

The benefits of having a strategic plan and advantages of preparing a long-range plan were presented.

Judge Lawson and Ms. Schurrer also reported on Committee activities and results of the internal and external surveys conducted. The surveys sought to identify key factors to include in the proposed plan and roadmap.

Proposed future strategic plan activities were reviewed:

- Adoption of Roadmap – August 2022 Judicial Council Meeting
- Review of Judicial Branch strategic language - Mission, Vision, Values, Description of Goals – Fall 2022
- Adoption of FY24-25 Strategic Plan (biennial or shorter-term plan) –Summer 2023, following the 2023 Legislative Session.
 - FY24-25 District/Appellate Working Plans (to be created by District/Appellate Courts)
 - FY24 Operational Plan (to be created by JAD)
 - FY25 Operational Plan (to be created by JAD)

A discussion ensued. It was suggested that an internal education and promotion campaign be developed prior to adoption of the FY24-25 Plan. It was also suggested that the proposed Judicial Branch Roadmap priorities be re-arranged before action by the Judicial Council at the August meeting.

8. Discussion Item: Other Business

a. ARP Funding

It was reported that ARP funds were not secured during the most current round of allocations. JAD was instructed to review progress with ARP funding and possible

reallocation of funds. It was suggested that the use of senior judges also be reviewed.

9. Executive Session: Personnel Matters

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.

A motion was made and seconded to approve the appointment of Sarah Lindahl Pfeiffer as 10th Judicial District Administrator. The motion prevailed.

There being no further business the meeting adjourned.