



## Judicial Council Minutes June 16, 2022

The Judicial Council met on Thursday, June 16, 2022, in Saint Paul, Minnesota.

Judge James Cunningham, Tenth Judicial District, was not in attendance.

### **1. Approval of Draft May 19, 2022, Meeting Minutes**

A suggestion was made to amend the minutes by substituting the word “exceptional” for the word “extraordinary” in the four places where it appears on page 3 of the draft Minutes.

A motion was made and seconded to approve the draft minutes, as amended. The motion prevailed.

#### **Council Action**

The Judicial Council approved the May 19, 2022, Meeting Minutes, as amended.

### **2. Decision Item: Fourth Judicial District Race Data Collection Pilot Project**

The Fourth Judicial District’s request to collect race data in additional case types was reviewed. It was noted that if statewide expansion is considered, the need for additional staff resources should be explored.

A motion was made and seconded to approve the proposal. The motion prevailed.

#### **Council Action**

The Judicial Council approved the Fourth Judicial District Race Data Collection Pilot Project.

### **3. Discussion Issue: Current COVID-19 Data**

Jennifer Super, Emergency Management Analyst, State Court Administration, presented up-to-date information on COVID-19.

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

Jennifer Super, Emergency Management Analyst, State Court Administration, presented proposed amendments to the Mitigation Strategies. It was suggested that an effective date be added, and revised as needed in the future, for historic purposes.

**5. Discussion Item: Summary of Audit Activities for FY 2022 and proposed Internal Audit Plan for FY 2023**

Jamie Majerus, Internal Audit Manager, State Court Administration, presented the Internal Audit Division FY 2022 Activities Report and reviewed the proposed Audit Plan for FY 2023.

There being no objection to acting on the proposed FY 2023 Audit Plan at the present meeting, a motion was made to approve the proposed Plan. The motion prevailed.

**Council Action**

The Judicial Council approved the proposed FY 2023 Internal Audit Plan.

**6. Discussion Item: Annual Review of Judicial Council Policy 1101; Internal Audit Policy**

Judicial Council Policy 1101; Internal Audit, was reviewed. It was noted that the policy serves as the charter for internal audit activities and is reviewed on an annual basis.

There being no objection to acting on the document at the present time, a motion was made and seconded to re-affirm the Policy. The motion prevailed.

**Council Action**

The Judicial Council re-affirmed Judicial Council Policy 1101; Internal Audit.

**7. Decision Item: Proposed Amendment to Judicial Council Policy 511.5; Treatment Court Funding**

Chief Judge Joseph Bueltel, Third Judicial District, Treatment Court Initiative Co-Chair, reviewed the Treatment Court Initiative proposal to grant an exception to Policy 511.5 to permit four treatment courts which have dropped down a funding range bracket to receive current budget amounts in FY24-25. It was noted that this exception is needed to address changes in census numbers, primarily due to COVID. The proposal also seeks to apply the exception to 3 new treatment courts that do not meet the minimum thresholds for inclusion in the funding formula. Funding for the exceptions, if approved by the Judicial Council, will be addressed in the TCI FY24-25 Biennial Budget request.

A discussion ensued on whether this would be a onetime request and whether granting the exception will result in requests for exceptions to other Judicial Council Policies and funding formulas.

The Judicial Council also discussed the need for the treatment courts to follow the current protocol that requires under census courts to develop an action plan to address the low census numbers. It was suggested that the seven treatment courts develop action plans by September 1, 2022, and report back to the Judicial Council at the September meeting.

A motion was made and seconded to postpone a decision on FY24-25 funding for the seven treatment courts and to direct the treatment courts to develop an action plan and report back at the September Judicial Council meeting. The motion prevailed.

**Council Action**

The Judicial Council postponed a decision on FY24-25 funding for the seven treatment courts with low census numbers and directed the treatment courts to develop an action plan and report back at the September Judicial Council meeting.

**8. Discussion Item: Approval of Scott County Veterans Court**

Chief Judge Joseph Bueltel, Third Judicial District, Treatment Court Initiative Co-Chair, presented a request to approve the Scott County Veterans Court.

There being no objection to acting on the proposal at the present meeting, a motion was made and seconded to approve the Scott County Veterans Court. The motion prevailed.

**Council Action**

The Judicial Council approved the Scott County Veterans Court.

**9. Decision Item: Treatment Court Initiative (TCI) Proposed FY23 Workplan**

Chief Judge Joseph Bueltel, Third Judicial District, Treatment Court Initiative Co-Chair, presented the proposed Workplan. It was noted that the proposed plan was amended, in response to suggestions made at the May Judicial Council Meeting, to include activities related to multi county treatment courts and to explore possible barriers to the creation of new courts.

A motion was made and seconded to approve the Treatment Court Initiative Proposed FY23 Workplan. The motion prevailed.

**Council Action**

The Judicial Council approved the Treatment Court Initiative Proposed FY23 Workplan.

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

Dan Ostdiek, Finance Director, State Court Administration, reviewed the menu of options for items to include in the Judicial Branch FY24/25 Biennial Budget Request. It was

noted that a request is pending to fund courtroom technology with ARP funds. Review will continue at future meetings.

### **11. Decision Item: Proposed FY23 Operational Plan**

Katie Schurrer, Strategic Planning and Projects Division, State Court Administration, reviewed the proposed FY23 Operational Plan. It was noted that a task was added after the June Judicial Council meeting: Provide education to judges and jury commissioners about the importance of juror race data collection.

A motion was made and seconded to approve the proposed Plan. The motion prevailed.

#### **Council Action**

The Judicial Council approved the proposed FY23 Operational Plan.

### **12. Discussion Item: Legislative Update**

It was noted that discussions continue on whether there will be a Special Session.

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

#### **a. Judicial Council Membership**

i. FY23 Membership Changes – It was noted that Judge Michael Cuzzo will end his term as Sixth Judicial District Chief Judge on June 30. Assistant Chief Judge Leslie Beiers has been elected to replace him as the Chief Judge. The at large member vacancy created by this election will be filled by Judge David Knutson, First Judicial District. Judge Cuzzo’s position as the District Implementation Committee convenor will be filled by Chief Judge Sarah Hennesy, Seventh Judicial District.

ii. Recognition of Departing Members – Judge Michael Cuzzo was recognized for his service on the Judicial Council.

**b. Refer Development of 2023 Payables List** – Development of the 2023 Payables List was referred to the COPS Committee.

**c. Major Criminal Case Backlog Update** – It was noted that the judicial districts will report on backlog progress at the July Judicial Council meeting.

### **14. 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.

There being no further business the meeting adjourned.