



Judicial Council Minutes

June 15, 2023

9:00 a.m.

Room 230, MN Judicial Center and via Zoom

Seventh District Assistant Chief Judge Michael Fritz attended for Chief Judge Sarah Hennesy.

1. Approval of Draft May 18, 2023, Meeting Minutes

A motion was made and seconded to approve the draft May 18, 2023, Meeting Minutes, as submitted. The motion prevailed.

Council Action

The Judicial Council approved the May 18, 2023, Meeting Minutes as submitted.

2. Discussion Item: Committee for Equality and Justice FY22 – 23 Workplan Report and Draft FY24 – 25 Workplan

Chief Judge Leslie Beiers, Co-Chair, Committee for Equality and Justice (CEJ) presented the CEJ FY22-23 Workplan Report and the proposed FY24-25 Workplan. It was noted that the FY22-23 Report provides a summary of the work the Committee did during the last strategic plan period, which includes work on the specific tasks as well as other additional efforts. Additionally, the Report includes a request for discussion and decision on the proposed Race Equity Commitment program, a training focused recommendation developed by the Committee's Access and Fairness subcommittee.

The proposed FY24-25 Workplan is a result of the CEJ's three planning phases: stakeholder feedback gathering, idea generation, and plan finalization. Through each of these phases the CEJ sought to identify issues and work efforts that not only aligned with its own mission but also those that would advance the Minnesota Judicial Branch's ten-year Roadmap and draft FY24-25 Strategic Plan. This alignment will allow the CEJ greater collaboration with existing and future Branch efforts and additional resources to advance its identified FY24-25 tasks.

3. Discussion Item: Summary of Audit Activities for FY 2023 and proposed Internal Audit Plan for FY 2024

Jamie Majerus, Internal Audit Manager, State Court Administration, presented a summary of the FY23 audit activities and the proposed FY24 proposed Internal Audit Plan for FY24.

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

The Judicial Council reviewed Judicial Council Policy 1101; Internal Audit Policy. It was noted that the Council, which serves as the Audit Committee for internal audit activities, must annually review the Policy and consider amendments. No amendments were proposed by Jamie Majerus, Internal Audit Manager, or Judicial Council members.

There being no objections to acting at the present time, a motion was made and seconded to re-affirm Judicial Council Policy 1101; Internal Audit Policy. The motion prevailed.

Council Action

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

5. Decision Item: Adoption of Proposed FY 24/25 Budget

Dan Ostdiek, Finance Director, State Court Administration, reviewed the decision items for adoption of the FY24/25 Budget:

1. Trial Courts JAD Recommended FY2024/25 Biennial Budget Adjustments and Reallocations
 - a. 2023 Session Changes – Wage and Insurance Increases
 - a1. 2023 session change – Central Budgets – 9%/6% Employee Compensation Pool Wage and Insurance Increases
 - a2. 2023 session change – Judge Budget – 8%/4% Wage and Insurance Increases
 - a3. 2023 session change – District/CPC – 9%/6% Employee Compensation Pool Wage and Insurance Increases
 - a. 2023 Session Changes and Adjustments – Treatment Courts
 - b1. 2023 session changes - New Treatment Courts Funding
 - b2. 2023 session change – Treatment Courts Cannabis Provision
 - c. 2022/2023 Session Changes and Adjustments – Mandated Services
 - c1. 2023 session change – Mandated Psychological Services (One-Time)
 - c2. 2022/2023 session change – Mandated Services Competency Attainment for Additional Required Psychology Exams
 - c3. 2023 session change – Contract Interpreter Payment Rate Continuation
 - c4. Allocate funds in FY2024 and FY2025 for a statewide Minnesota Interpreter and Scheduling Specialist Team (MISST) Supervisor.

- c5. Transfer funds from DIS to Mandated Services to fund three year rolling average increasing operating costs.
- c6. The Districts will need to self-fund any Mandated Services deficit from their DIS budgets.
- d. 2023 Session Changes and Adjustments – Other
 - d1. 2023 session change – District Court Law Clerk Salary Cost Increases
 - d2. 2023 session change – Extreme Risk Protection Orders (ERPO) Implementation
 - d3. 2023 session change – Courtroom Technology (One-Time)
 - d4. 2023 session change – Court Case Backlog (One-Time)
 - d5. JAD recommends the following for the Long-Term Allocation (LTA) model: move 50% of the way towards equalization in FY2024 and 100% in FY2025.
 - d6. Judge Budget
 - d7. Allocation of Federal IV-D Child Support Reimbursement funds
- 2. Court of Appeals FY2024/25 Biennial Budget Adjustments and Reallocations
 - a. Court of Appeals 2023 Session Changes – Wage and Insurance Increases (Maintain Core Operations)
 - a1. 2023 session change – 9%/6% Employee Compensation Pool and 8%/4% Judge Wage and Insurance Increases
 - b. Court of Appeals Budget Decision:
 - b1. Per policy reimburse any Court of Appeals judge, whose permanent place of residence is more than 50 miles from the judge’s permanent chambers in St. Paul, for housing expenses or mileage for travel from the judge’s permanent chambers.
- 3. Supreme Court FY2024/25 Biennial Budget Adjustments and Reallocations
 - a. 2023 Session Changes – Wage and Insurance Increases (Maintain Core Operations).
 - a1. 2023 session change – 9%/6% Employee Compensation Pool and 8%/4% Justice Wage and Insurance Increases
 - b. 2023 Session Changes and Adjustments – Other
 - b1. 2023 session change – Cannabis Expungement Provision (One-Time)
 - b2. 2023 session change – Paid Family and Medical Leave Interest Rate Change (One-Time)

A discussion ensued. It was noted that, in addition to wages, the compensation amounts requested and allocated from the Legislature also includes money to fund FICA and retirement contributions. It was also noted that the recommended funding for the Treatment Courts Cannabis Appropriation will be used to change the Treatment Courts formula allocation funding level from 89% to 100%. Recommendations on the allocation for the remainder of the cannabis appropriation will be developed by JAD and presented to the Judicial Council after review of the impact of legalization of cannabis on treatment courts, exploration of establishment of multi-county treatment courts in areas where no court(s) exist, and consultation with the Treatment Court Initiative. The Judicial Council was also informed that the judicial education deficit will be temporarily addressed in the FY24-25 Budget. It was suggested that the HR/EOD Committee examine judicial

education needs and report back to the Judicial Council with recommendations on permanent funding adjustments to address the judicial education deficit.

Judge Tamara Yon, HE/EOD Committee Chair, presented recommendations on the allocation of the law clerk salary funds:

- The \$2.033M legislative allocation for District Court Law Clerk Salary will be used to increase starting salaries of district court law clerks.
- The FY24 9% compensation pool funds for law clerks will be allocated to establish and implement the salary range. All of the 9% law clerk allocation pool will go to law clerks.
- The FY25 6% compensation pool funds for law clerks will be allocated to a pay for performance model, similar to all unrepresented employees. All of the 6% law clerk ~~of the~~ allocation pool will go to law clerks.

Judge Yon also reviewed the proposed district court law clerk pay range. First year law clerks would move from an entry level annual salary of \$57,712, and one year+ years of service law clerks would move from an annual rate of \$59,195, into a pay range with an annual minimum of \$65,217 and an annual maximum of \$78,261. She noted that this recommendation front loads the establishment of a pay range that provides the maximum entry level salary while funding a range that benefits all current law clerks.

Existing law clerks will be placed on the range based on their years of post law school graduation legal experience. Initial range placement will be based on law clerk service with the Branch from their most recent entry date into the Law Clerk classification. Law Clerks who have other post law school graduation legal experience will have the opportunity to request credit for those years of service. The FY25 pay for performance compensation increases will be based on performance evaluation scores received on 5 competencies, as rated by their appointing authority.

It was noted that the combination of the \$2.033M and the 9% compensation increase pool funding in FY24 will raise entry level law clerk salaries by 13%. It was also noted that 38% of existing law clerks have been with the Branch for over 2 years, with an average of 9 years, and will be slotted in the pay range above entry level.

A motion was made and seconded to approve the HR/EOD recommendations on the allocation of legislative funds and the proposed pay range.

A discussion ensued on the criteria to be used to place new law clerks hired after July 1, 2023, on the salary range and the pay for performance competencies. It was explained that the HR/EOD Committee has been discussing these issues and will review draft criteria at the Committee's June 22 meeting.

Concern was expressed that the HR/EOD recommendation uses the law clerk salary appropriations in a manner that does not reflect the original intent, specifically that the Minnesota District Judges Association (MDJA) proposal was meant to address the starting salary for law clerks and that the starting point of the HR/EOD proposed range is

lower than the proposed increase calculated by MDJA. It was also noted that the HR/EOD proposal does not reflect the MDJA support for step increases, not a salary range.

It was noted that one difference between the MDJA proposal and the HR/EOD proposal is that the MDJA proposal does not include employer paid FICA and Retirement contributions. These expenses contribute an additional 13.9% to the cost of the MDJA proposal.

It was noted that the HR/EOD Committee proposal addresses both recruitment and retention of all law clerks, not only entry level positions. The law clerk crisis exists in both recruitment and retention of law clerks.

The vote was taken on the motion to approve the HR/EOD recommendations on the allocation of law clerk related legislative funds and the proposed pay range for trial court law clerks. Chief Judge Joseph Bueltel abstained from voting. The motion prevailed.

Council Action

The Judicial Council approved the HR/EOD Committee recommendations on the allocation of law clerk related legislative funds and the proposed pay range for trial court law clerks.

A motion was made and seconded to approve the JAD Recommended Trial Courts FY2024/25 Biennial Budget Adjustments and Reallocations for wage and insurance increases (1a1 - 1a3). The motion prevailed.

Council Action

The Judicial Council approved the JAD Recommended Trial Court FY2024/25 Biennial Budget Adjustments and Reallocations for wage and insurance increases (1a1 - 1a3).

A motion was made and seconded to approve the 2023 Session Changes and Adjustments for Treatment Courts (1b1. and 1b2.). The motion prevailed.

Council Action

The Judicial Council approved the 2023 Session Changes and Adjustments for Treatment Courts (1b1. and 1b2.).

A motion was made and seconded to approve the 2022/2023 Session Changes and Adjustments for Mandated Services (1c1. – 1c6.). The motion prevailed.

Council Action

The Judicial Council approved the 2022/2023 Session Changes and Adjustments for Mandated Services (1c1. – 1c6.).

A motion was made and seconded to approve the 2023 Session Changes and Adjustments – Other (1d1. – 1d7). The motion prevailed.

Council Action

The Judicial Council approved the 2023 Session Changes and Adjustments for Other Trial Court Appropriations (1d1. – 1d7.).

A motion was made and seconded to approve the Court of Appeals FY2024/25 Biennial Budget Adjustments and Reallocations (2a. and 2b.). The motion prevailed.

Council Action

The Judicial Council approved the Court of Appeals FY2024/25 Biennial Budget Adjustments and Reallocations (2a. and 2b.).

A motion was made and seconded to approve the Supreme Court FY2024/25 Biennial Budget Adjustments and Reallocations (3a. and 3b.). The motion prevailed.

Council Action

The Judicial Council approved the Supreme Court FY2024/25 Biennial Budget Adjustments and Reallocations (3a. and 3b.).

6. Decision Item: Judicial Branch FY24-25 Strategic Plan and FY24 Operational Plan

It was noted that the proposed FY24-25 Strategic Plan and FY24 Operational Plan were reviewed by the Judicial Council in May. The proposed plan was first presented in July 2022. In October the Council received proposed modifications of the descriptions of the three Strategic Goals and the addition of Diversity, Equity, and Inclusion as well as public service added as values.

Katie Schurrer, Strategic Planning and Projects Office Manager reviewed the changes made to the Strategic Plan and Operational Plan, since May.

A motion was made and seconded to approve the proposed FY24-25 Strategic Plan, as amended, and the FY 24 Operational Plan, as amended. A discussion ensued. Clarification on the intent of the Operational Plan item 3B.03, *Based on direction from Judicial Council after a Judicial Resource Allocation special topic presentation, develop plans for next steps*, was requested. It was noted that this strategy has existed in past plans and was temporarily left off during the Pandemic. It aims to begin a review of the demographics of existing judicial district boundaries and whether changes to district boundaries should be recommended. It is not assumed that district boundary changes are needed.

A motion was made and seconded to remove 3B.03, *Based on direction from Judicial Council after a Judicial Resource Allocation special topic presentation, develop plans for next steps*, from the FY24 Operational Plan. The motion prevailed.

The vote was taken to approve the FY24-25 Strategic Plan, as amended, and the FY24 Operational Plan, as amended. The motion prevailed.

Council Action

The Judicial Council approved the FY24-25 Strategic Plan, as amended, and the FY24 Operational Plan, as amended.

7. Decision Item: Approval of Treatment Court Initiative proposed FY24 Workplan

A motion was made and seconded to approve the Treatment Court Initiative FY24 Workplan. The motion prevailed.

Council Action

The Judicial Council approved the Treatment Court Initiative FY24 Workplan.

8. Decision Item: Referral of Development of 2024 Payables List to COPS Committee

It was noted that the Judicial Council is responsible for development of the Annual Payables List. Each year the Council refers development of the next year's list to the COPS Committee. The Committee is responsible for reviewing the existing list and determining offenses that should be removed, amended, or added, based on new laws, recommendations from the DNR and Department of Public Safety and public comments. The draft 2024 Payables List will be presented to the Judicial Council for preliminary review in September, followed by a public comment period. The final review will occur in November.

Development of the 2024 Payables List was referred to the COPS Committee.

9. Discussion/Decision Item: Judicial Council District Court Representative Appointment to Sentencing Guidelines Commission

a. Minnesota District Judges Association, MDJA, Recommendation on District Court Representative

It was announced that the Omnibus Judiciary and Public Safety Appropriations Bill contains language which changes the appointing authority for the Minnesota Sentencing Guidelines Commission member representing the district court judges from the Chief Justice to the Judicial Council and requires that the Council make the decision upon recommendation of the Minnesota District Judges Association.

Judge Lois Conroy, President, MDJA, reported that MDJA recommends that Judge David Knutson be appointed as the district court representative on the Guidelines Commission.

A motion was made and seconded to appoint Judge David Knutson as the district court representative to the Sentencing Guidelines Commission. The motion prevailed.

Council Action

The Judicial Council approved the appointment of Judge David Knutson as the district court representative to the Sentencing Guidelines Commission.

10. Discussion Item: Other Business

- a. **Recognition of Departing Members** – Chief Judge Tamara Yon was recognized for her service on the Judicial Council.

- b. **Election of Judicial Council Vice Chair** – It was announced that Judge Michelle Lawson’s term as Vice Chair of the Council expires at the end of June. Judge Lawson has agreed to serve a second term, if elected.

There being no additional nominations for the position, a motion was made and seconded to elect Judge Michelle Lawson to a second term as Vice Chair of the Judicial Council. The motion prevailed.

Council Action

The Judicial Council re-elected Judge Michelle Lawson as the Vice Chair of the Judicial Council.

c. Other Judicial Council Membership Business

- i. It was announced that Judge James Cunningham has been appointed by the Chief Justice to serve a second term, effective July 1, 2023.
- ii. It was announced that Court of Appeals Judge Jennifer Frisch will serve the remainder of Judge Lucinda Jesson’s term upon the retirement of Judge Jesson on September 1, 2023. The term expires June 30, 2024.
- iii. It was announced that Judge Greg Anderson will assume the position of HR/EOD Chair with the departure of Judge Tamara Yon.

11. 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.