



Judicial Council Minutes

May 19, 2022

Via Zoom

1. Approval of Draft April 14, 2022, Meeting Minutes

A motion was made and seconded to approve the draft April 14, 2022, Meeting Minutes, as submitted. The motion prevailed.

2. Discussion Item: Fourth Judicial District Race Data Collection Pilot Project

Judge Angela Willms, Fourth Judicial District, presented the Fourth District’s proposal to collect race data for additional case types, including family, housing, and probate/mental health. The purpose is to identify disparities and, if found, implement targeted reforms to address the disparities. The pilot will be conducted for approximately two years. It was noted that the MNCIS field necessary for race data collection already exists for the case types identified so no MNCIS modifications will be needed to implement the proposal.

3. Decision Item: Proposed Amendments to Judicial Council Policy 505.1; Timing Objectives for Case Dispositions and Permanency Orders

It was noted that, at the April Meeting, the Childrens Justice Initiative Judge Team brought forth a proposal to amend Policy 505.1 to remove “protective supervision with a parent after the child was removed from the parent” and “trial home visit” as permanency dispositions in the current Policy definition of “permanency orders.”

A motion was made and seconded to approve the amendments to Judicial Council Policy 505.1; Timing Objectives for Case Dispositions and Permanency Orders. The motion prevailed.

Council Action

The Judicial Council approved amendments to Judicial Council Policy 505.1; Timing Objectives for Case Dispositions and Permanency Orders.

4. Discussion/Decision Item: Proposed Amendment to Judicial Council Policy 525; oneCourtMN Hearings Initiative Policy

Judge Kathryn Messerich, Senior Judge, and Heather Kendall, Second Judicial District, Co-Chairs, oneCourtMN Hearings Initiative Steering Committee, presented proposed amendments to Judicial Council Policy 525. It was noted that the amendments are aimed at providing clarity in the definition section.

There being no objection to acting on the amendments at the present meeting, a motion was made and seconded to approve the amendments. The motion prevailed.

Council Action

The Judicial Council approved amendments to Judicial Council Policy 525; oneCourtMN Hearing Initiative Policy.

A discussion ensued on the process to be followed when exceptional circumstances exist that justify departing from the presumption to hold a hearing remotely or in-person as defined in the [Chief Justice Order](#), dated April 19, 2022.

It was noted that it is not contemplated that a formal motion by attorneys or the judge would be necessary. The important component, for evaluation purposes, is to note the reason for the exceptional circumstances. This data will guide the Steering Committee in determining if amendments to the Policy and/or the definition of exceptional circumstances are warranted.

The concept of exceptional circumstances was discussed. It was noted that, as is the case in the Ninth Judicial District child support magistrate hearings, geographic limitations can serve as basis for exceptional circumstances.

The desire of some judges to hold all juvenile matters in person was discussed. It was noted that it is important to recognize and adhere to the concept of exceptional circumstances, and to avoid blanket standing orders declaring exceptional circumstances.

The various ways to record when a judge grants an exception due to exceptional circumstance was discussed. Concern was expressed that the need to issue an order would be a burden on judges, staff, and attorneys, especially in those areas where exceptional circumstances will be common due to geographic constraints.

It was noted that the issuance of a formal order is not necessary. Some districts have developed a form to justify the factors used to invoke exceptional circumstances. Judges can also note the reasons to grant exceptional circumstances in a subsequent order issued in the case. The use of MNCIS to record the reasons is being explored. The important task is to record the reason for granting exceptional circumstances for evaluation purposes.

The evaluation process and the need for consistent communication from the Steering Committee were also discussed. It was noted that the Steering Committee will periodically report to the Judicial Council.

5. Discussion Issue: Current COVID-19 Data – Jennifer Super, Emergency Management Analyst, State Court Administration

Jennifer Super, Emergency Management Analyst, State Court Administration, provided up to date COVID-19 data.

The Judicial Branch Mitigation Strategies were reviewed. It was agreed that there is no need, at this time, to move to a different mitigation level. Staff was instructed to review the mitigation strategies, and, if needed, to vet recommended changes with the Executive Committee, with the goal of returning to the Judicial Council in June.

6. Discussion Item: Proposed Amendment to Judicial Council Policy 402; Judicial Benchmark Policy

It was noted that the HR/EOD Committee was asked to review the confidentiality provisions of Policy 402 and address concerns raised about whether all communications between the subject judge and mentor/facilitator judge are confidential.

Judge Tamara Yon, HR/EOD Committee Chair, presented proposed amendments, aimed at addressing the concerns.

There being no objection to acting on the recommendations at the present meeting, a motion was made and seconded to approve the amendments. The motion prevailed.

Council Action

The Judicial Council approved amendments to Judicial Council Policy 402; Judicial Benchmark Policy.

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

Chief Judge Joseph Bueltel, Third District, Treatment Court Initiative (TCI) Co-Chair, presented the Treatment Court Initiative recommendation to provide a one-time exception to Judicial Council Policy 511.5 to fund treatment courts at current funding levels 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 FY24-24 Biennial Budget request.

A discussion ensued on referrals to Treatment Courts. It was noted that for 2020 most courts met the minimum threshold standard. It was suggested that courts which did not

meet the minimum consider merging with neighboring treatment courts and/or consider wider geographic boundaries.

Staff was instructed to return to the June Judicial Council Meeting with additional data on treatment court census trends.

8. Discussion Item: Treatment Court Initiative (TCI) FY22 Annual Report and Proposed FY23 Workplan

Chief Judge Joseph Buelteel, Third District, Treatment Court Initiative Co-Chair, reviewed the Treatment Court Initiative FY22 Annual Report and presented the FY23 proposed workplan. It was suggested that the workplan be amended to include additional exploration of the development of multi county treatment courts and exploration of how to address justice partner resistance to the establishment of treatment courts.

9. Decision Item: Proposed Amendments to Judicial Council Policy 513; Court Interpreter Policy

It was noted that proposed amendments to Judicial Council Policy 513; Court Interpreter Policy address issues raised in the 2021 Interpreter Program Audit.

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

Council Action

The Judicial Council approved amendments to Judicial Council Policy 513; Court Interpreter Policy.

10. Discussion Item: MJB FY22 Third Quarter Financial Update

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

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

Dan Ostdiek, Finance Director, State Court Administration, reviewed the process to be used to develop the Judicial Branch FY24-25 Biennial budget. It was noted that, starting at the June meeting, a menu of items for possible inclusion, and background information, will be presented.

- June – compensation, insurance increase, new judge unit costs.
- July – mandated services deficits, Treatment Court Initiative request, cyber security, courthouse security grants, courthouse technology, possible strategic plan initiative costs.

Judicial Council members may request that other items be costed out.

12. Discussion Item: Proposed FY23 Operational Plan

Katie Schurrer, Strategic Planning and Projects Division, State Court Administration presented the proposed FY23 Operational Plan.

It was noted that the proposal addresses JAD concerns about delaying FY22 projects until FY23 and is narrowly tailored to address current issues.

13. Discussion Item: Legislative Update

The status of the supplemental budget request was discussed. It was noted that the Judiciary and Public Safety funding target agreed to by leadership and the Governor is lower than the funding provided in the House and Senate bills.

It was noted that the competency legislation, which establishes forensic navigators for offenders with mental health issues, is moving forward.

14. Discussion Item: Other Business

- a. The Chief Justice reviewed the timeline and process for Supreme Court Certification of Open Judicial Seats, if any, following the deadline for filing for election.

There being no further business the meeting adjourned.