



Judicial Council Minutes

October 20, 2022

9:00 a.m.

Room 230 Minnesota Judicial Center and Zoom

The Judicial Council met on Thursday, October 20, 2022, at Saint Paul, Minnesota.

Ninth District Assistant Chief Judge Jana Austad attended for Chief Judge Tamera Yon. Judge Eric Schieferdecker, Minnesota District Judges Association Vice-President, attended for Judge Lois Conroy, President. Judge James Cunningham was not in attendance.

1. Approval of Draft September 15, 2022, Meeting Minutes

Approval of the draft September 2022 Meeting Minutes was deferred to the October meeting.

2. Discussion Item: Current COVID-19 Data –

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

3. Discussion Item: Proposed Amendment to Judicial Council Policy 317; Use of the Internet and Other Electronic Communication Tools

Jessi Bienfang, Human Resources and Development Division, State Court Administration, presented a proposed amendment to Judicial Council Policy 317, which removes the requirement that employees obtain advance approval from the Cyber Security Division before taking a branch-owned device out of the country. The Cyber Security Division has determined that the requirement is no longer needed. It was noted that elimination of the requirement applies to devices taken out of the country and does not apply to employees working outside the country.

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

Council Action

The Judicial Council approved the proposed amendments to Judicial Council Policy 317; Use of the Internet and Other Electronic Communication Tools.

4. Discussion Item: 2022 Judicial Weighted Caseload Advisory Committee Annual Report and Future Study Recommendations

Judge Shari Schluchter, Ninth Judicial District, Weighted Caseload Advisory Committee Chair, presented the Weighted Caseload Committee Annual Report. The following information was presented:

- A tool for allocation of judicial resources has been developed for use by the districts.
- At this time, the Judicial Weighted Caseload Advisory Committee does not recommend any policy adjustments to the current (2019 study) case weights, case types, or the judge year value. Committee staff will continue to make any necessary administrative adjustments to the WCL components used for determining judge need.
- Until the pandemic backlog is fully resolved, and business practices stabilize, it will be difficult to assess the impact of lasting changes that resulted from the pandemic on judicial workload.
- The Committee unanimously agreed to recommend the continuation of the use of the rolling three-year average using the most recent 36 months of filings. The committee also recommends supplementing the three-year average with information on the major criminal pandemic backlog, the impact of the use of remote technology, and any other information related to the pandemic impact on judicial workload, as needed.
- The Committee reviewed the six topics referred by the Judicial Council and recommends that no changes be made to the results of the current (2019) study. The Committee recommends that the topics be explored when the next weighted caseload study is developed. The topics included:
 - Asbestos Adjustment
 - Murder Case Weight
 - Interpreter Cases
 - Judicial Complement
 - Senior Judges
 - ICWA Cases
 - Travel Adjustment
- In terms of timing of the next study, the Committee recommends that the Judicial Council target the next time study for Spring 2025
 - Exact dates are to be determined
 - Committee planning for next study would begin in Spring 2024
 - Length of time study will be included in proposed methodology
 - Proposed study methodology to be approved by Judicial Council prior to study launch

A discussion ensued. Concern was expressed that adjustments, based on current practices, may be needed and that the study should be performed earlier than 2025. It was noted that time is needed for the oneCourtMN Initiative to evaluate the court process changes that have occurred because of the pandemic. It was also noted that the National

Center for State Courts is examining the optimum components of a weighted caseload study and that the results of this analysis could benefit the next Minnesota weighted caseload study.

5. Discussion Item: Supreme Court and Court of Appeals Access and Fairness Survey Results

Jennifer Ogunleye, Strategic Planning and Projects Office, State Court Administration, presented the results of the Supreme Court and Court of Appeals Access and Fairness Survey, conducted in June 2022. Next steps to address the results were also reviewed.

6. Discussion Item: Statewide Account Receivable Audit Follow-up

Jamie Majerus, Internal Audit Manager, State Court Administration, reported on the steps taken to address the 2019 internal audit conducted on the statewide account receivable operations. It was reported that the districts have resolved all audit findings and written observations.

7. Discussion Item: Proposed Amendment to FY23 Internal Audit Plan

In response to the September Judicial Council discussion on the need to audit statewide compliance with Judicial Council Policy 523; Storage of Captured Records of Court Proceedings, Jamie Majerus, Internal Audit Manager, State Court Administration, presented a revised FY23 Internal Audit Plan. The revision adds the topic of statewide storage of court records to the audit plan.

There being no objection to acting on the revision at the present meeting, a motion was made and seconded to add the topic to the FY23 Internal Audit Plan. The motion prevailed.

Council Action

The Judicial Council approved a revision to the FY23 Internal Audit Plan to include an audit of statewide storage of court records.

8. Discussion Item: IFP Transcript Page Rate

It was noted that the Judicial Council voted in September to end the IFP Transcript Pilot project on September 30, 2022. That decision resulted in the need to establish a payment rate for IFP transcripts until the Judicial Council could set a new rate. The Chief Justice Order setting the rate back to the pre-pilot rate was subsequently promulgated. The issue before the Judicial Council is the need to establish a payment rate for the production of IFP transcripts. It was noted that when the Pilot was established, the payment rate for all other types of transcripts was increased by \$1 per page.

A discussion ensued on whether the IFP transcript rate should be a different rate than the rate for transcripts produced for other entities. The decision on the rate will be a decision item at the November Judicial Council meeting.

9. Discussion Item: FY2022 Financial Closing Report

Dan Ostdiek, Finance Director, State Court Administration, presented the FY2022 Financial Closing Report.

10. Discussion Item: Strategic Planning Committee Recommendation Follow-up

Judge Michelle Lawson, Seventh Judicial District, Strategic Planning Committee Chair, presented proposed amendments to the Strategic Plan strategic goals. Two new core values were also recommended: Diversity, Equity, and Inclusion; and Public Service.

A discussion ensued on the proposed core value of Diversity, Equity, and Inclusion. It was noted that a definition of equity should be developed and that the relationship between equity and equal justice should be explored.

There being no further business the meeting adjourned.