



Judicial Council Minutes

October 17, 2024

9:00 a.m.

Room 230, MN Judicial Center and via Zoom

The Judicial Council met on Thursday October 17, 2024, in St. Paul, Minnesota and via Zoom. Seventh Judicial District Assistant Chief Judge Shan Wang attended for Chief Judge Fritz. Second District Judge David Brown and Tenth District Administrator Sarah Lindahl- Pfieffer were absent. Tenth District Judge Juanita Freeman replaced Judge Cunningham on Judicial Council as an at-large member.

1. Decision Item: Approval of Draft September 19, 2024, Meeting Minutes

A motion was made and seconded to approve the draft September 19, 2024, Meeting Minutes, as submitted. The motion prevailed.

Council Action

The Judicial Council approved the draft September 19, 2024, Meeting Minutes, as submitted.

2. Decision Item: Approval of Consent Agenda

At the July 2024 Judicial Council meeting, the Council adopted statewide default hearing settings for all criminal and non-criminal hearings. The Council also adopted a deviation process that starts with a local deviation proposal, followed by review and approval by the Chief Judge and District Administrator, then by the Executive Committee with representation from all ten judicial districts, and then by the Judicial Council through a Consent Agenda.

The Executive Committee met four times since September 2024 to review deviation proposals. As of October 15, 2024, the Executive Committee received 233 proposals. Of the proposals, 131 were approved in whole or part, 91 were denied or sent back for more information, 5 were withdrawn, 1 is pending district review, and 5 are back before the Executive Committee. The Executive Committee is scheduled to meet monthly to review deviation proposals. The Consent Agenda contained the 131 hearing deviation

recommendations from the Executive Committee, which were listed on Appendix A of the Judicial Council Agenda.

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

Council Action

The Judicial Council approved the Consent Agenda.

3. Discussion Item: TCI Proposed Budget Amendment for Current Treatment Court Appropriations

Judge Joseph Bueltel, TCI Chair, and Cecilia Bliss, State Treatment Court Coordinator, State Court Administration, presented the Treatment Court Initiative (TCI) Proposed Budget Amendment for Current Treatment Court Appropriations. The TCI budget has increased 22% since FY 2021 due to inflation and increased costs for court staff, team members, and drug testing. To address the increase, TCI proposed a 10% increase in the base funding formula for FY 2025 and FY 2026-27. It was noted the funding would come from the cannabis appropriation. Funding in FY 2028-29 would be a revised budget formula.

The topic will return to Council in November 2024 for a decision.

4. Discussion Item: Third Judicial District Jury Summons Translation Pilot

Shelley Ellefson, District Administrator, Third Judicial District, and Ellen Bendewald, Research Analyst, Strategy, Performance, and Projects Office, State Court Administration, presented the Third Judicial District Jury Summons Translation Pilot.

Judicial Council approved the Third District Jury Summons Pilot in November 2022 with a requirement that the topic return to Council in one year with information on whether to implement the program statewide. The pilot began in April 2023 and due to staggered jury terms, was fully launched in July 2023, and completed in July 2024.

The pilot required that the Jury Summons and Questionnaire be translated into Spanish, Somali, Hmong, and Karen, and that the translated forms be available online, at Third District Courthouses, and at the request of a summoned juror. The Jury Summons and Questionnaire and Failure to Respond Notice were also amended to inform jurors that these forms were accessible in multiple languages. Users were allowed the option to respond to the forms in English, Spanish, Somali, Hmong, and Karen. Lastly, the Jury Summons and Questionnaire and Failure to Respond Notice were amended to inform jurors that these forms were accessible in multiple languages. Summoned jurors that were uncertain of their English proficiency level were directed to report for service and the judicial officer would determine if their English proficiency level was sufficient to serve as a juror.

The goals of the pilot were to increase the juror response rate and increase juror representativeness. Data collected during the pilot showed that there were 14 requests for translated questionnaires. No jurors that filled out the translated questionnaires were called for voir dire. Two jurors who returned English questionnaires were dismissed during voir dire due to limited English proficiency. The data summary concluded the pilot did not lead to any statistically significant changes in the jury response rate or juror representativeness.

JAD recommended that the Third District Jury Summons Pilot be discontinued, alternative means be pursued to increase juror response rates and increased juror representativeness, and more outreach be conducted.

The topic will return to Judicial Council in November 2024 for a decision whether to discontinue the pilot, to continue the pilot in the Third District, to expand the pilot to other districts that volunteer, or to expand the pilot statewide.

5. Discussion Item: FY24 MJB Financial Closing Report

Dan Ostdiek, Director, Finance Division, State Court Administration presented the FY24 Minnesota Judicial Branch Financial Closing Report.

6. Discussion Item: COPS Performance Measures Recommendations

At the February 2024 Judicial Council meeting, the Council requested the COPS Committee review the statewide performance measures policy. The COPS Committee met five times and developed proposed recommendations. Judge Jennifer Frisch, Chair, COPS Committee, and Jennifer Ogunleye, Research Analyst, Strategy, Performance, and Projects Office, State Court Administration presented the COPS performance measures recommendations which included:

1. Revising the Access to Justice goal language in Judicial Council Policy 505, Core Judicial Branch Goals, to be consistent with the Access to Justice definition outlined in Judicial Council Policy 901, Strategic Planning.
2. Amending Judicial Council Policy 505.2, Key Results and Measures Priority Measures for Implementation, by adding a performance standard for the Access and Fairness Survey that courts should aim to achieve an average score of 4.1 or higher for each survey item.
3. Incorporating new statements to measure the Excellence goal in the next Access and Fairness Survey.
4. Amending Judicial Council Policy 505, Core Judicial Branch Goals, to remove the mention of jurors from the Quality Court Workplace Environment goal.
5. Incorporating new statements to measure the Quality Court Workplace Environment goal in the next Quality Court Workplace Survey.
6. Engaging in future analysis to develop timing objective recommendations for District Court Time to Disposition for Major Criminal and Juvenile Delinquency.

7. Engaging in future analysis to develop timing objective recommendations for Length of Time to Permanency.
8. Moving Judicial Council performance measure policies 505, Core Judicial Branch Goals, 505.1, Timing Objectives for Case Dispositions, and 505.2 Key Results and Measures Priority Measures for Implementation, to the 900 policy series, Strategy and Performance.

The topic will return to Judicial Council in November 2024 for a decision.

7. Discussion Item: Quality Court Workplace Survey Update

Aaron Lauer, Policy & Planning Consultant, Strategy, Performance, and Projects Office, State Court Administration, and Kirsten Maiko, Research Analyst, Strategy, Performance, and Projects Office, State Court Administration, provided background and action planning updates for the 2024 Quality Court Workplace Survey. The survey will be conducted November 18, 2024, to December 13, 2024. Results will be presented to Judicial Council at the February 2025 meeting.

8. Discussion Item: Clean Slate Implementation

Karen Jaszewski, Legal Counsel Division, State Court Administration, discussed Clean Slate Implementation. The Clean Slate legislation is effective January 1, 2025, and requires the automatic expungement of certain criminal and juvenile delinquency records without a petition when specific statutory criteria are met. The statutory process for automatic expungement begins with the BCA identifying records eligible and notifying the Judicial Branch. The BCA and Judicial Branch must then seal and expunge identified records within 60 days unless the Judicial Branch orders otherwise. Lastly, the BCA must notify affected law enforcement agencies of expungement.

Three issues were raised for Council consideration. The first issue was whether cases with future hearings and pending proceedings should remain public while pending proceedings are resolved or automatically expunged, which would present case processing challenges. The second issue was whether the court should prohibit the expungement of cases with an active warrant or active DANCO, or direct that any active warrant or DANCO is canceled upon notice of expungement eligibility so the case can be automatically expunged. The third issue is whether the Judicial Branch should modify the existing collections policy to direct that financial balances be written off earlier to facilitate automatic expungement. It was noted that the court's current collections automation cannot distinguish cases based on the type of debt (e.g., fine vs. restitution).

SCAO staff will gather data to determine the amount that would have to be written off if records with a financial balance are to be expunged. The topic will return to Judicial Council in November 2024 for a decision.

9. Other Business

a. Judge Availability on Election Day

Chief Justice Natalie E. Hudson reminded Council members that the Judicial Branch is required to have judges available in all 87 counties to handle election challenges that occur on election day.

There being no further business the meeting adjourned.