



Judicial Council Agenda

September 19, 2024

Wright County Justice Center Jury Assembly Room

The Judicial Council met on Thursday September 19, 2024, in the Wright County Justice Center Jury Assembly Room in Buffalo, Minnesota and via Zoom. Minnesota Supreme Court Associate Justice Sarah Hennesy attended for Minnesota Supreme Court Associate Justice Anne McKeig.

1. Decision Item: Approval of Draft August 15, 2024, Meeting Minutes

A motion was made and seconded to approve the draft August 15, 2024, Meeting Minutes, as amended. The motion prevailed.

Council Action

The Judicial Council approved the draft August 15, 2024, Meeting Minutes, as amended.

2. Decision Item: FY26/27 Biennial Budget Request

Dan Ostdiek, Director, Finance Division, State Court Administration, reviewed budget item options for inclusion in the FY26/27 Biennial Budget request. JAD recommended a biennial budget increase of \$113.452 million which is a 12.66% increase over the starting base budget. The JAD recommended biennial budget request contained the following priorities:

- A 6% compensation increase for judges in each year of the biennium.
- A 6% employee compensation pool increase in each year of the biennium.
- Funding to cover the employer share of anticipated health insurance cost increases.
- Funding for the judicial partner public access project.
- Funding for the digital accessibility project.
- Funding to increase psych examiners rates from \$136 per hour to \$175 per hour.
- Funding to increase jury per diem from \$20 per day to \$100 per day.
- Funding to increase the jury mileage reimbursement rate from \$0.54 per mile to \$0.67 per mile.
- Permanent funding for the mandated psychological services deficit starting in FY2028.
- Permanent funding for the interpreter deficit starting in FY2028.

- Permanent funding for the jury deficit starting in FY2028.
- Permanent funding for the cyber security program starting in FY2028.

A motion was made and seconded to approve the JAD recommended biennial budget request of \$113.452 million and 12.66% increase over starting base budget. The motion prevailed.

Council Action

The Judicial Council approved the JAD recommended biennial budget request of \$113.45 million and 12.66% increase over starting base budget.

3. Discussion/Decision Item: Draft Payables List for Public Comment

Chief Justice Natalie Hudson reviewed the Payables List process found in Judicial Council Policy 506.1, Statewide Payable Offense Policy.

Judge Jennifer Frisch, Chair, COPS Committee, presented proposed recommendations to the 2025 Payables List. Recommendations included:

- Keeping the default petty misdemeanor fine amount at \$50.
- Making no changes to the payable status for Fail to Produce Proof of Insurance offenses.
- Making no changes to payable fine amounts for:
 - Variable Axel Load
 - Hauling Forest Products
 - Failure to Complete Background Checks
 - Dispensing Controlled Substances without Valid Photo Identification
 - Absentee Voting or Fair Campaign Practices
- Removing payable status for Opening Bottle and Open Package offenses.
- Making changes requested by DNR.

A motion was made and seconded to accept the COPS Committee recommendations and to permit the proposed 2025 Payables List to be published for public comment. The motion prevailed.

Council Action

The Judicial Council accepted the COPS Committee recommendations and permitted the 2025 Payables List to be published for public comment.

Following the public comment period, the 2025 Payables List will return to Judicial Council in November 2024 for final approval.

4. Discussion Item: Performance Measures Report

Jennifer Ogunleye, Judicial Research Analyst, Strategy, Performance, and Projects Office, provided a statewide overview of the annual Performance Measures Report. Ms. Ogunleye noted positive results as well as areas to be improved. Following the statewide

overview, each Judicial District and the appellate courts reported on their individual results including local takeaways from the 2023 Access and Fairness Survey, how courts are maintaining the strengthened relationships with justice partners developed through efforts to clear the backlog, and how courts will use performance measures to engage with justice partners.

5. Decision Item: Judicial Council Policy 704, Artificial Intelligence

Jason Betz, Director, Information Technology Division, State Court Administration, returned for a decision to approve a new Judicial Council Policy 704, Artificial Intelligence and to amend Judicial Council Policy 317, Use of the Internet and Other Electronic Communication Tools.

Judicial Council Policy 704, Artificial Intelligence, establishes policy guidelines, technological guardrails, and requires judicial officers and Judicial Branch employees to follow ethical principles in the use of artificial intelligence. A suggestion was made to remove the words “to promote” and replace them with word “for” in paragraph two of the listed principles. With the suggested change, the new paragraph would read:

2. **Equitable.** The Branch will develop procedures and capabilities ~~to promote~~ for the ethical, fair and just use of AI. Judicial officer and employees have the access to tools and resources to understand and use AI technology.

A motion was made and seconded to approve Judicial Policy 704, Artificial Intelligence, as amended.

Council Action

The Judicial Council approved Judicial Council Policy 704, Artificial Intelligence, as amended.

Revisions to Judicial Council Policy 317, Use of the Internet and Other Electronic Communication Tools were proposed. Proposed revisions include removing paragraph (h) which was adopted in September 2023. Paragraph (h) governs the use of artificial intelligence, which is now governed by Judicial Council Policy 704, Artificial Intelligence.

A motion was made and seconded to approve revisions to Judicial Council Policy 317, Use of the Internet and Other Electronic Communication Tools. The motion prevailed.

Council Action

The Judicial Council approved revisions to Judicial Policy 317, Use of the Internet and Other Electronic Communication Tools

Judicial Council Policy 704 Artificial Intelligence is effective November 1, 2024. The Artificial Intelligence Response (AIR) Committee has developed a comprehensive communications plan and will be releasing guidance documents and training that should be available by the effective date.

6. Decision Item: Recommendations on IFP Transcript Rates for Court Reporter Transcript Rate Policy 221

Aaron Lauer, Policy and Planning Consultant, Strategy, Performance, and Projects Office, State Court Administration, returned for a decision on the IFP transcript rate and a biennial transcript rate review process.

A discussion ensued on the two IFP transcript rate options. Arguments in favor of the option to eliminate the IFP transcript rate included moving away from treating IFP transcripts differently and having a simpler rate system moving forward. Arguments in favor of raising the IFP transcript rate to \$5.00 included the fact that the court reporters asked for the \$5.00 rate and keeping a separate IFP transcript rate would allow the workgroup time to evaluate the overall rate structure.

A motion was made and seconded to eliminate the IFP transcript rate. The motion prevailed.

Council Action

The Judicial Council eliminated the IFP transcript rate.

A motion was made and seconded to approve the transcript rate review process. The motion prevailed.

Council Action

The Judicial Council approved the transcript rate review process.

7. Other Business

- a. Judge James Cunningham was recognized for his service on Judicial Council.

There being no further business the meeting adjourned.