

oneCourtMN Hearings Initiative Justice Partner Meeting Agenda

Criminal Case Type

May 10, 2022

1:00 pm to 2:00 pm

Attendees

Justice Partner Attendees: Paul Baertschi (Minnesota State Bar Association), Matthew Frank (Office of the Attorney General), Mary Ellen Heng (Minneapolis City Attorney's Office), William Hutton (Minnesota Sheriff's Association), Jessica McConaughy (Saint Paul City Attorney's Office), Robert Small (Minnesota County Attorneys Association), William Ward (Minnesota Board of Public Defense)

MJB Attendees: Karen Jaszewski, Chief Justice Lorie Gildea, Heather Kendall, Aaron Lauer, Kirsten Maiko, Kate Malmon, Suzanne Mateffy, Judge Kathryn Messerich, Kelle Schleis, Jeff Shorba, Dawn Torgerson, Wally Wallestad-Dax

Welcome and Introductions

Chief Justice Lorie Gildea welcomed the justice partners and thanked them for attending the meeting focused on the oneCourtMN Hearings Initiative and the upcoming district hearing implementation plans. The oneCourtMN Hearings Initiative will provide strategic direction and help implement the Minnesota Judicial Branch's strategy related to remote and in-person hearings. It will also help district courts resolve issues that might arise during this implementation. This effort continues the Branch's commitment to innovation and transformation for the benefit of the people of our state.

Overview of oneCourtMN Hearings Initiative

oneCourtMN Hearings Initiative

Judge Kathryn Messerich and Heather Kendall, District Administrator for the Second Judicial District, serve as the oneCourtMN Hearings Initiative co-chairs and provided an overview of the initiative. The oneCourtMN Hearings Initiative's work will take place over three phases: take action, evaluate, and recommend and implement. The Branch is currently in the Take Action phase. During this phase, the Branch is working to identify ways to continue to make remote and in-person hearings better. The key work efforts within this phase are:

- implementing criminal and non-criminal hearing plans,
- beginning a phased and continuous approach to improving remote hearings, and
- addressing challenges with in-person hearings.

Our next phase will focus on evaluating the improvements that we have made to court operations to advance continuous improvement within the Branch. Finally, the initiative will culminate in strategic and well-informed recommendations for Judicial Council's consideration.

To create the oneCourtMN Hearings Initiative work plan, the Steering Committee compiled feedback from the Other Side Workgroup listening sessions, issues identified by District Administration, and work currently in progress that could impact hearings. Our work plan includes a wide array of projects that will impact many aspects of court operations going forward. Some of the initiatives include:

- **Solving legal issues.** Such as the service issues we encounter when we in a remote setting
- **Enhancements to our electronic tools.** For example, identifying ways to sign documents while in a remote hearing, implementing an eCheck-In tool, and exploring the possibility of adding remote hearing information to eReminders.
- **Finding solutions to a variety of issues related to remote appearance.** Such as addressing challenges with fingerprinting those in-custody and appearing remotely from another jurisdiction.
- **Addressing scheduling challenges,** like those we are experiencing with the Department of Corrections.

Hearing Implementation Plans

After June 6th, any new hearings scheduled will need to be scheduled according to the new framework. This framework includes a list of factors that can be considered for judicial officers to rule that exceptional circumstances exist for a hearing to be held in a different way.

For non-criminal cases, the [statewide case-by-case chart](#), found in the April [Judicial Council policy](#), states which hearing and case types will generally be held as remote hearings, and which will generally be held as in-person hearings.

Additionally, each district has been tasked with developing a local plan for when they will use remote and in-person hearings in criminal cases based on their own local needs and conditions. Each district may establish a single criminal hearings plan for all courthouses within the district, or may choose to establish individualized criminal hearings plans for each county within the district. The plans will also specify the factors district courts are to apply when considering requests to conduct a presumptively in-person hearing remotely, or to conduct a presumptively remote hearing in-person.

Justice Partner Engagement

Critical to the success of the oneCourtMN Hearings Initiative is the continued involvement of justice partners and court customers in its development. OHI will provide opportunities for justice partner input through regular justice partner meetings, surveys, and public presentations. Additionally, the oneCourtMN Hearings Initiative will work with media outlets from across Minnesota to generate awareness, build support, and demonstrate outcomes about the initiative and its related projects.

Input from Justice Partners

Criminal Hearing Plans

Justice partners raised a concern about the lack of consistency created by each district having its own criminal hearing plan. This inconsistency may make it difficult for justice partners to know how each

district will hold particular hearings. Chief Justice Gildea stated that the inconsistency is likely to be a temporary issue while the districts address their backlogs. As we resolve the backlog and evaluate how hearings are going, the Branch anticipates greater consistency across the districts by summer 2023.

Remote Hearing Management

Justice partners expressed that breakout rooms in remote hearings have been a successful way for attorneys to connect outside of hearings. They pointed to Brookdale and Ridgedale, in Hennepin County, as examples of successful breakout room management. But breakout rooms are a challenge for self-represented litigants when they lack broadband access or are unable to attend by video. They also requested that prosecutors and public defenders receive co-host privileges in remote meetings to enable them to move around more easily between breakout rooms and the courtroom. Jeff Shorba said that the Branch has worked to address these issues through providing remote hearing kiosks throughout the state. Prosecutors also expressed challenges with breakout rooms around “multitasking” as they move between breakout rooms and managing the workload in the courtroom.

Justice partners also suggested using in-person pre-trials hearings so that cases could be more easily resolved or negotiated without a hearing. Other justice partners also preferred that all hearings were either held in-person or remotely, without hybrid hearings.

Remote Hearing Benefits

Justice partners found remote hearings to have been helpful in reducing failure to appear rates because remote hearings make it easier to make it to court. Remote hearings have also reduced the costs of appearing and lessened the amount of time that defendants need to take off work.

Additionally, petty/traffic court has been very successful in a remote setting and could provide an example for other hearing types. Remote hearings for these types of cases are more convenient for defendants and law enforcement. This has resulted in less delays and continuances.

Remote Hearing Challenges

Justice partners raised a variety of challenges associated with remote hearings such as decorum, suspense files, fingerprinting, the inability of some court customers to sign documents (lack software/access to printer and scanner), handling active warrants during remote hearings. Other justice partners were concerned about providing reliable broadband access to court customers. Further, they found that the differences between how judges manage remote hearings can make it hard to plan and allocate resources for justice partners.

They also expressed concerned about getting away from face-to-face interactions and formality of in-person hearings and the courthouse. Additionally, the Department of Corrections and the Department of Human Services are concerned about how they will manage civil commitments in a remote environment.

Calendaring

Justice partners were supportive of staggered calendars, but there are issues when parties are late or run over their allotted time. The success of staggered calendars depended on people showing up on time. Jeff Shorba expressed that a frequent complaint from court users is the waiting from mass calendars.

Justice Partner Supports

Justice partner thought it would be helpful if the Branch offered training, either live or recorded to justice partners so that they can be better prepared for future changes to hearings and court services as a result of the oneCourtMN Hearings Initiative.

They also asked if the oneCourtMN Hearings Initiative could explore disabling the button within Zoom to close all breakout sessions.

Justice partners suggested that it would be helpful for justice partners to be updated about how OHI's progress and the successes and challenges of the remote and in-person hearing implementation plans in a couple of months.

Additionally, they requested information about the district hearing implementation plans. Heather said that each district will send out a written communication about their plan.

Jeff Shorba offered that the Branch is happy to share materials and make Branch judicial officers and staff available to support justice partners through the transition of the remote and in-person hearing implementation plans.

Next Steps

Chief Justice Gildea thanked the justice partners for sharing their time and expertise during the meeting. Following the meeting we will be sharing a meeting summary which can help spark discussions with your organization and constituents. Justice Partners will also receive a short survey to provide additional feedback. The Branch hopes that justice partners will join us for future OHI justice partner meetings to discuss OHI work efforts and lessons learned from the remote and in-person hearing plans.