



# Judicial Council Minutes

July 20, 2023

9:00 a.m.

**Room 230, MN Judicial Center and via Zoom**

The Judicial Council met on Thursday, July 20, 2023, in Saint Paul and via Zoom.

Court of Appeals Judge Lucinda Jesson was not in attendance. Ninth District Chief Judge Austad was welcomed to the Judicial Council.

## 1. Approval of Draft June 15, 2023, Meeting Minutes

Amendments aimed at clarifying the budget discussion were presented.

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

### Council Action

The Judicial Council approved the June 15, 2023, Meeting Minutes, as amended.

#### a. June 15, 2023, Minutes, as approved

## 2. Discussion Item: Judicial Council Governance Review

Chief Justice Gildea began the Judicial Council governance review with the history of the Council's establishment. In 2004, then Chief Justice Blatz, in recognition of the Judicial Branch's transformation to a unified, state funded system, established the Transformation Workgroup, charged with the responsibility to recommend a new, statewide governance model. In 2005 the recommendations were presented to Chief Justice Blatz. Subsequently an Order, establishing the Council as the administrative policy making body for the Branch, was issued. The Order provided that "The efficiency and productivity of the judiciary and the quality of justice provided by our state courts will be best protected and ensured by the participation of judges of all levels of court in the formulation and establishment of administrative policies for the operation of the judicial branch." The Order also provided that "The judicial branch shall exercise its administrative policy-making authority through the Chief Justice and a Judicial Council" and that "Administrative policies promulgated, and decisions made by the Judicial Council shall be binding on all judicial branch judges and employees." Lastly, the Order

provides that “in all of their deliberations and decisions, members of the Judicial Council shall place the welfare of the public and the judicial branch as a whole above the individual interests of a judicial district, court organization, or class of judge or employee.” It was noted that all subsequent chief justices have voluntarily agreed to continue the Order.

Areas included in the administrative policy making authority of the Judicial Council were reviewed. It was noted that the authority includes the development of budget priorities, development of the budget request, and submission of the judicial branch budget request to the executive and legislative branches.

The Judicial Council Bylaws were reviewed. It was noted that one of the principles included in the Bylaws is that the Council will deliberate “in many voices but govern in one.” Examples of the application of this principle include the Branch’s ability to pivot seamlessly to providing access to courts during the COVID crisis and the “small county solution” when districts agreed to establish, and fund centralized statewide services in the 5<sup>th</sup> (Appeals), 8<sup>th</sup> (Magistrate Scheduling), and 9<sup>th</sup> (Jury summons process) Judicial Districts to enable low case volume county courthouses to remain open and staffed full time. Districts with more resources voluntarily contributed to the centralized services.

A discussion ensued. It was noted that the Judicial Council needs to continue to encourage robust debate and discussion, but that once a decision is made, the Branch needs to be united, and to speak with one voice. In addition, it is crucial that the Branch continue efforts to maintain its credibility and non-partisan view when interacting with the Legislature, the public, and other Branches of government. It was also noted that the Judicial Council and MDJA have cooperated and collaborated on issues in the past. It was agreed that representatives of the Judicial Council will meet with the MDJA Board and leadership to explore ways to continue efforts to collaborate in the future. Judge Michelle Lawson, Judicial Council Vice Chair, agreed to lead the Judicial Council team and to report back at the August Judicial Council meeting.

### **3. Decision Item: Committee for Equality and Justice Draft FY24 – 25 Workplan**

It was noted that Judge Beiers presented the proposed Committee for Equality and Justice FY24-25 Strategic Plan at the June meeting.

A motion was made and seconded to approve the Committee for Equality and Justice Draft FY24-25 Strategic Plan. The motion prevailed.

#### **Council Action**

The Judicial Council approved the Committee for Equality and Justice FY24-25 Strategic Plan.

### **4. Decision Item: Proposed Internal Audit Plan for FY 2024**

It was noted that Jamie Majerus, Manager, Internal Audit Unit, presented the proposed FY24 Internal Audit Plan at the June meeting.

A motion was made and seconded to approve the plan, as submitted. The motion prevailed.

**Council Action**

The Judicial Council approved the FY24 Internal Audit Plan.

**5. Discussion Item: Proposed Amendments to Judicial Council Policy 317; Use of the Internet and Other Electronic Communication Tools, to Address Use of Artificial Intelligence**

Jason Betz, Director, Information Technology Division, State Court Administration, reviewed issues related to Judicial Branch use of artificial Intelligence (AI). It was noted that the process and form for requesting/granting access to generative AI tools and a best practices document for Court staff requesting access to generative AI tools have been developed and will be posted on the ServiceNow (Help Desk) portal. Dana Bartocci, Director, Human Resources and Development Division, reviewed the proposed amendment to Judicial Council Policy 317 which addresses the use of AI within the Judicial Branch.

A discussion ensued. It was suggested that the Policy amendment specifically delineate the State Court Administration Unit to which the request for access to AI should be submitted. It was suggested that the best practices document be re-labeled as Guidelines. State Court Administration staff were instructed to gather articles related to the use of AI in the legal field, including case law, and to include the information with the August Judicial Council agenda materials.

**6. Discussion Item: Major Criminal Case Backlog Update**

Katie Schurrer, Manager, and Grant Hoheisel, Strategic Planning and Projects Office, presented data on the current status of the major criminal case backlog. It was noted that, due to the considerable efforts made since July 1, 2021, the Branch can celebrate success:

- The trial courts have cleared over 10,000 pending cases.
- Most counties (68) have met their backlog goal.
- Three districts have met their goal.
- Major Criminal clearance rates are the highest ever since reporting the statistic.
- Most other case areas have maintained little to no backlog.

Recommendations on future efforts were presented:

- Continue to give local flexibility to work through backlog.
- Extend the backlog elimination goal through June 30, 2024.
- Include criminal hearings in the oneCourtMN Hearings Initiative (OHI) recommendations to be presented in June 2024.
- Starting in FY25, changes would take place:
  - Include all judicial officers in the Judicial Complement for WCL/Judge Need analysis.
  - Use of DIS funding for senior judges would no longer constitute “emergency circumstances” in the Senior Judge Policy 210.

- Sunset pandemic response dashboard.

A discussion ensued. It was agreed that the major criminal case backlog elimination goal will be extended through June 30, 2024. It was also agreed that a Major Criminal Case Backlog update will be presented to the Judicial Council at the December 2023 meeting.

## **7. Discussion Item: State Court Administrator FY24 Performance Goals**

Jeff Shorba, State Court Administrator, presented his FY24 Performance Goals, based on feedback received during his annual review.

There being no objection to acting on the goals at the present meeting, a motion was made and seconded to approve the State Court Administrator FY24 Goals. The motion prevailed.

### **Council Action**

The Judicial Council approved the State Court Administrator's FY24 Performance Goals.

#### **a. Proposed Goals**

## **8. Discussion Item: Other Business**

- a.** Legislative Advisory Workgroup – It was announced that Judge Knutson will assume the role of Chair with the retirement of Judge Jesson.
- b.** Executive Session – A motion was made and seconded to go into Executive Session to discuss security and related matters. The motion prevailed. Following discussion, a motion was made and seconded to exit executive Session. The motion prevailed.

There being no future business the meeting adjourned.