

## **oneCourtMN Hearings Initiative Justice Partner Meeting Agenda**

### **Civil Legal Services**

May 31, 2022

2:00 pm to 3:00 pm

#### **Attendees**

**Justice Partner Attendees:** Anne Hoefgen (Legal Services of Northwest Minnesota), Sharon Jones (Legal Assistance of Dakota County), Karen Fairbairn Nath (Legal Assistance of Olmstead County), Jessie Nicholson (Southern Minnesota Regional Legal Services), Dori Rapaport (Legal Aid Service of Northwestern Minnesota), Tom Walsh (Volunteer Lawyers Network)

**MJB Attendees:** Bridget Gernander, Chief Justice Lorie Gildea, Heather Kendall, Aaron Lauer, Kirsten Maiko, Kate Malmon, Suzanne Mateffy, Judge Kathryn Messerich, Jenifer O’Leary, 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

Justice partners were appreciative of efforts that the Branch made in offering remote hearings and virtual services during the pandemic. Unlike many other states, Minnesota is taking the lessons learned

from remote hearings and virtual services and building on them to increase access to justice across the state.

### Remote Hearings Benefits

Justice partners stated that the transition to remote hearings has been beneficial to legal aid organizations. Attorneys are now able to be represent clients at remote hearings across state and assist more clients than ever. Remote hearings have exponentially improved the ability of legal aid organizations to serve more clients, especially in rural areas. Additionally, traveling to in person hearings is often an inefficient use of the limited attorney resources that legal aid organizations have.

Remote hearings have allowed pro bono attorneys, the majority of which are in the Twin Cities metro area, to now serve clients across the state which would have been impossible previously.

Further, remote hearings have also been helpful in hiring and retaining staff. Organizations are now able to take advantage of hiring employees regardless of where they live because they can work remotely.

Finally, remote hearings reduce litigant travel, time off work, and parking and childcare costs. Justice partners appreciated that these factors were considered in continuing to allow for remote hearings for some hearings.

### Remote Hearings Challenges

Justice partners said that there continues to be issues around access and comfort with technology. However, legal aid organizations have partners with district courts in coordinating hearings and improving access to justice in rural Minnesota. The partnership to create legal kiosks throughout the state has increased convenient access to justice and is something we should continue to expand and improve going forward.

Justice partners expressed concern that remote hearings are not taken as seriously as in person hearings.

### Remote and In Person Hearing Presumptions

A justice partner said that remote hearings have been great for housing cases. However, remote hearings have not been as efficient in family law pretrial hearings because attorneys are less likely to settle. Jeff Shorba responded that the Branch is looking into providing additional opportunities for attorneys to negotiate, potentially through improving how courts manage breakout rooms prior to hearings.

A justice partner asked about the presumption for in person evidentiary hearings for order for protection cases. Clients have found that remote hearings provide a greater level of safety and reduce the anxiety of confronting their abuser in person. Judge Messerich responded that many judicial officers asked for evidentiary hearings to be in person so that they could better determine credibility. Under the

Policy 525 framework, judicial officers have the flexibility to change the presumption from an in person to a remote hearing if exceptional circumstances occur, such as safety concerns.

### Justice Partner and Court Customer Supports

A justice partner raised the question of how the Branch is improving the remote hearing experience for litigants with limited or no English proficiency. Heather Kendall responded that the oneCourtMN Hearings Initiative is working to build on the successes of remote interpreting from the pandemic and also address the challenges that have occurred. The Third District is currently engaged in a project around improving remote interpretation. The oneCourtMN Hearings Initiative will also make sure that its public surveys are accessible.

Justice partners suggested that the oneCourtMN Hearings Initiative should engage organizations that serve immigrant populations, such as the Immigrant Law Center of Minnesota and the Hispanic, Somali, and Asian American Bar Associations.

### 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.