

oneCourtMN Hearings Initiative Justice Partner Meeting Agenda

Criminal Case Type

April 5, 2023

10:00 am to 11:00 am

Attendees

Justice Partner Attendees: Kristyn Anderson (Minneapolis City Attorney's Office), Nikki Appelbaum (Suburban Hennepin County Prosecutors Association), Landon Ascheman (MSBA – District 4), David Bernstein (Minneapolis City Attorney's Office), Suzanne Elwell (Office of Justice Programs), Allen Godfrey (Minnesota Department of Corrections), Randall Kins (MSBA – District 1), Sarah Knoph (Minnesota Department of Corrections), Tamara Larsen (Saint Paul City Attorney's Office), Artika Roller (Minnesota Coalition Against Sexual Assault), Carrie Scardigli (Hennepin County Department of Community Corrections and Rehabilitation), Johnathan Schiro (Minnesota Association of County Probation Officers), Robert Small (Minnesota County Attorneys Association), Jim Stuart (Minnesota Sheriff's Association), William Ward (Minnesota Board of Public Defense)

MJB Attendees: Beau Berentson, Heather Kendall, Aaron Lauer, Kirsten Maiko, Kate Malmon, Suzanne Mateffy, Judge Kathryn Messerich, Jennifer O'Leary, Abby Peterson, Kelle Schleis, Jeff Shorba, Dawn Torgerson, Wally Wallestad-Dax

Welcome and Introductions

Jeff Shorba, State Court Administrator, welcomed the justice partners and thanked them for attending the meeting focused on the oneCourtMN Hearings Initiative. The initiative provides strategic direction and helps implement the Minnesota Judicial Branch's strategy related to remote and in-person hearings. It also assists district courts to resolve issues that might arise during implementation. This effort continues the Branch's commitment to innovation and increasing access to justice for all Minnesotans.

OHI's Response to Fall Justice Partner Feedback

Flexible Courtroom Concept

Last December, OHI launched the Flexible Courtroom Concept in Becker and Ramsey counties. The pilot provides hearing participants the ability to choose to appear remotely or in-person for their hearing. In February, a select set of judicial officers and criminal and juvenile delinquency hearing types began holding these new flexible hearings. The Flexible Courtroom Concept is an attempt at increasing access and providing parties and attorneys the ability to choose to appear in person at the courthouse or remotely via Zoom. The pilot runs through December 2023.

Decorum Video and Written Materials

OHI developed a series of decorum resources last fall to set clear behavior expectations for hearing participants to improve hearing decorum and experiences. Districts have been using these resources in preparing hearing

participants and the decorum video has already been viewed over 2,200 times. Translated versions of the written decorum guide were recently added to the Branch's website in Hmong, Karen, Somali, and Spanish.

Feedback from our justice partner meetings also suggested that an attorney decorum guide was needed as well to provide reminders about decorum expectations and resources for attorneys and their clients. OHI partnered with the Minnesota State Bar Association in developing that document and it is now available on the Branch's website.

Improving Hearing Management

OHI is working to understand the effect of hearing-related practices and resources to increase hearing access, timeliness, and effectiveness. This work is taking place through two related projects: the Remote Hearing Facilitation Report and the Resources and Practices Study.

The Remote Hearing Facilitation Report provides information and training resources to equip those facilitating remote hearings in fulfilling the essential duties related to remote hearing facilitation. It also shares information about innovative hearing support models developed by local courts to better share information across the state and spark new ideas.

The Resources and Practices Study hopes to identify and promote those hearing practices that lead to better outcomes around access, timeliness, and effectiveness. The study will examine the time used for remote and in-person hearing practices in different settings. This information will be analyzed alongside hearing outcome data to identify and promote effective hearing practices across a variety of hearing settings and types.

Legal Kiosk Project Promotion

OHI worked with the Legal Kiosk Project to develop a new promotional flyer and bookmarks to distribute at local courthouses. These materials have been sent to courts across the state. OHI will also be showcasing the Legal Kiosk Project at Branch conferences this spring for court staff.

Review of Recent and Proposed Changes to Policy 525

Based on internal and external stakeholder feedback and hearing data, the following changes to Policy 525 took effect in January.

- The presumption of Family Pretrials, Civil Pretrials, Civil Settlement Conferences, Civil Temporary Restraining Orders hearings from remote to in person.
- Additionally, Guardianship/Conservatorship Order to Show Cause hearings changed from in person to remote
- The largest change was Juvenile Delinquency hearings no longer using a statewide framework and instead being held based on local district and county hearing plans. The local plans are available on the Branch's website.

Later this spring, OHI will recommend that contempt be removed from the chart and a footnote be added to clarify that ExPro includes matters in Support, Paternity, Family-Other, and Dissolution with Child case types as well as contempt matters.

Hearing Participant Survey – Halfway Point Update

OHI's Hearing Participant Survey was launched last December. It will run through the end of June 2023. The survey gathers input from litigants, attorneys, justice partners, media, and other hearing participants on their most recent remote or in-person hearing. As of March 8, OHI had received over 1,500 responses to the Hearing Participant Survey, regarding hearings in 87 of Minnesota's 89 counties.

Some of the preliminary findings of the survey include:

- Most Hearing Participants would prefer to attend a future hearing remotely.
- Most hearing participants said it was not difficult to attend their hearing.

Justice Partners were encouraged to complete the survey themselves if they have recently participated in a hearing, and to encourage others to complete the survey. The survey can be accessed on the public website home page, in your browser following a remote hearing, and soon will be available by poster and bookmarks within courthouses statewide. Justice partners can access the survey at: <https://tinyurl.com/hearings-feedback>.

Input from Justice Partners

Statewide and Local Hearing Plans

A justice partner asked what the current hearing setting presumptions for hearings are and what will they be in the long-term. Jeff Shorba stated that there is currently a [non-criminal statewide hearing guidance](#) and local district/county plans for [criminal](#) and [juvenile delinquency hearings](#). The guidance and local plans can be found on the Branch's website. OHI's work will culminate in final recommendations for how to hold hearings next year. Heather Kendall said that as OHI looks to make long-term decisions about how criminal hearings are held it wants justice partner input on the factors it should consider in making long-term recommendations. Likely OHI will be gathering that feedback during our justice partner meetings later this summer and fall.

Hearing Participant Survey Feedback

Another stakeholder wondered if the survey data would be broken out by county and/or district. There is a variety of ways that remote hearings are facilitated across the state, and it could impact responses. Kirsten Maiko said that OHI is collecting data on where respondents participated in a hearing, but it does not have enough responses in all the counties to be able to look at differences within the counties quite yet. By the end of the survey, OHI should have more robust data to examine local responses more fully.

A partner asked if there were any efforts to reach out to people of color to address the overrepresentation of white respondents to the survey. Jeff said that OHI is open to suggestions on how to best engage communities of color. It has taken some steps already to improve response rates which have proven successful but would still like to further broaden our response demographics.

One partner suggested providing written copies of the survey in courthouses. Kirsten responded that OHI has created a paper copy of the survey for districts to use at their discretion. In the coming weeks, OHI will be distributing bookmarks and flyers that courts can give to hearing participants. It will also capture additional litigant feedback through focus groups later this year.

Promoting Best Hearing Practices

A stakeholder wondered what the Branch is doing to promote effective hearing practices between courts. Kirsten mentioned that Resources and Practices Study will enable OHI to better understand what hearing practices are most effective and leading to efficient hearings. OHI plans to share the effective practices it identifies with courts to improve hearing management, and in some cases as recommendations to Judicial Council for statewide adoption. Jeff stated that districts and counties have more flexibility currently to address their case backlog. Going forward the Branch will create more consistency across the courts once the backlog goals are met. Heather suggested that justice partners should share with OHI any issues they might be having with hearings. They can also reach out to the Chief Judge in those counties to address their challenges.

Another partner wondered if OHI was analyzing the impact of remote hearings on failure to appear and case resolution rates. Jeff said that Case resolution rates vary by district. Most of our counties have addressed their backlog, but some counties are still struggling with it. This may mean that courts need more in-person hearings or a different way to manage remote hearings.

A partner stated that remote hearings have been going well for Department of Corrections staff. The biggest challenge has been around getting an up-to-date address for defendants at the hearing. Without an address it makes it harder to track the defendant down to begin their supervision.

Additional Justice Partner Feedback Opportunities

A justice partner wondered if Department of Corrections staff should submit their feedback through the Hearing Participant Survey or if it would be helpful to gather information from staff and submit a summary to OHI. Kirsten shared that the survey is intended to be used by anyone that participants in a hearing. Heather said that it might be better to hold off on gathering organizational feedback at this time. The next couple of justice partner meetings will focus more on OHI's long-term recommendations and that would be a better time to share it. Jeff said that OHI is open to hosting a special session with organizations or groups if they want to share additional feedback or talk more about aspects of OHI's work.

Next Steps

Jeff Shorba thanked the justice partners for sharing their time and expertise during the meeting. Following the meeting OHI 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.