

oneCourtMN Hearings Initiative Justice Partner Meeting Agenda

Family Case Type

April 13, 2023

2:00 pm to 3:00 pm

Attendees

Justice Partner Attendees: Rana Alexander (Standpoint), Melissa Chawla (Association of Family and Conciliation Courts), Susan Gallagher (Minnesota Association for Justice), Shaina Praska (Hennepin Bar Association, Family Law Section), Robert Small (Minnesota County Attorneys Association), DeAna Smith (Domestic Abuse Service Center), Lisa Spencer (Academy of Matrimonial Lawyers – Minnesota Chapter), Mary Vangerud (Hennepin County Child Support Officers)

MJB Attendees: Beau Berentson, Heather Kendall, Aaron Lauer, Kirsten Maiko, Judge Kathryn Messerich, Jennifer O’Leary, Abby Peterson, Heather Scheuerman, Jeff Shorba

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 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

Hearing Participant Survey

A justice partner wondered if OHI could determine the number of litigant responses from self-represented litigants versus those that had counsel. Kirsten Maiko responded that OHI did not specifically ask if people are self-represented but potentially, we could roughly estimate the percentage from who answered the survey question about if they had sufficient time to meet with their attorney.

Another partner asked how judicial officers think remote hearings are going. Kirsten said that the Hearing Participants Survey only focuses on external hearing participants. OHI is conducting an internal survey and focus groups with judicial officers and staff in the coming months.

A partner stated that her organization serves the BIPOC community. Some of the people that her organization works with can speak their primary language fluently but are unable to read it. To make the survey more accessible to these communities OHI may need to have an audio version of the survey available. Jeff responded that the Branch is looking at new and more accessible ways to communicate information about its work to court customers and the public including videos to supplement written information.

Policy 525 Changes

One partner had an in-person pretrial hearing recently and was able to settle the case as a result. Although the hearing took all morning, we would not have been able to settle without being able to be in person. Another partner agreed with that experience. Their recent in-person pretrial hearing was not able to settle but we came close. When pretrial hearings are remote, judicial officers treat them differently, more as scheduling hearings. When pretrial hearings are in person, judicial officers weigh in more to find a settlement. A third partner has found that in-person pretrial hearings are more productive. Because the parties must go to the inconvenience of traveling to the courthouse, they make more of an effort and want to make sure the hearing is worth their time.

A partner has heard that more protection order hearings are still happening remotely. Another partner said that the majority of OFP hearings in Hennepin are still remote, but evidentiary hearings are in person.

A justice partner has found that the Branch has settled on a good balance between remote and in-person hearings. Remote works best for motions and other quick hearings. It is cost effective and convenient. Evidentiary and pretrial hearings benefit from an in-person setting.

MNDES Challenges

One justice partner said that in person implementation of MNDES in Dakota County has been somewhat difficult, but staff and judicial officers have been helpful in working through technology issues. During their recent hearing, accessing a plug or extension cord was difficult. Additionally, there are a handful of cords for attorneys to be able to connect to MNDES in the courtroom and it took a while to sort out how to connect. During in person hearings, staff are not available to share MNDES exhibits and if the hearing is not on Zoom, we cannot share MNDES exhibits with our expert witnesses. Jeff Shorba cautioned that we are in the infancy of MNDES. We are still learning a lot and continuing to make improvements to the system. He will raise this issue with the MNDES team.

A partner asked what the process is for sharing evidence with the opposing party using MNDES. They heard concerns about violating the order through improperly sharing evidence. During the pandemic, law enforcement helped to share evidence but that is not a sustainable solution. Jeff said that the Branch's rules committees are looking at these issues. They are determining where updates are needed to the rules considering the new remote environment and making sure that judicial officers are not using old rules.

Calendaring Issues

Another partner noticed that many courts statewide are scheduling a large gap between admit/deny hearings the subsequent evidentiary hearing. This months-long gap is causing an increase in litigation, like depositions and subpoenas. Before the pandemic, most courts would have evidentiary hearings on the day of the admit/deny hearing.

A partner also has seen courts scheduling criminal trials generically for a whole week, without a specific date. The lack of structure is very stressful for victims and hard for witnesses to be available an entire week. Jeff responded that the Branch needs to do a better job about considering the impacts of hearing practices on the people we serve. This scheduling change is a symptom of the criminal backlog. Courts are trying to schedule as many hearings as they can for a week so there is not downtime. The Branch can think about creating more definition in the scheduling parameters we are giving to parties.

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.