



Judicial Council Minutes

July 18, 2024

9:00 a.m.

Room 230, MN Judicial Center and via Zoom

The Judicial Council met on Thursday July 18, 2024, in St. Paul, Minnesota and via Zoom. Fifth Judicial District Assistant Chief Judge Darci Bentz attended for Chief Judge Greg Anderson. Judge Sara Grewing replaced Judge Leonardo Castro as the Second Judicial District Chief Judge member. Judge Elizabeth Strand replaced Judge Stoney Hiljus as the Tenth Judicial District Chief Judge member. Judge David Brown, Second Judicial District, replaced Judge Jamie Anderson, Fourth Judicial District, as the new Judicial Council at-large member.

1. Decision Item: Approval of Draft June 20, 2024, Meeting Minutes

A motion was made and seconded to approve the draft June 20, 2024, Meeting Minutes, as submitted. The motion prevailed.

Council Action

The Judicial Council approved the draft June 20, 2024, Meeting Minutes, as submitted.

2. Decision Item: OHI Report and Recommendations

Judge Kathryn Messerich and Heather Kendall, Co-Chairs, OHI Steering Committee returned for decisions on the OHI Hearing Framework; the Agency, District, County, or Division deviation process; a new or modified policy to memorialize the new framework; and an implementation date and approach.

The OHI recommended Hearing Framework goal is to provide statewide consistency with judicial discretion and focused local flexibility. The key Framework components include: 1) statewide default hearing settings for all criminal and non-criminal hearings; 2) case-by-case exceptions based on judicial officer discretion; and 3) agency, county, and district deviations based on local structural needs.

Two options were presented for agency, district, county, or division deviations.

Option 1 has two components. The local deviation process begins with the local deviation proposal, followed by approval of the Chief Judge and District Administrator, which is then approved by the Implementation Committee, and final approval by Judicial Council.

The state agency deviation process begins with the statewide agency deviation proposal, followed by approval of the Implementation Committee, and final approval by the Judicial Council.

Option 2 has two components. The local deviation process begins with the local deviation proposal, followed by approval of the Chief Judge and District Administrator, which is then approved by the Executive Committee, and final approval by the Chief Justice. The state agency deviation process begins with the statewide agency deviation proposal, followed by approval of the Executive Committee, and final approval by the Chief Justice.

The OHI Steering Committee also proposed a new Judicial Council policy (or modified Judicial Council Policy 525, one CourtMN Hearings Initiative Policy) with an accompanying Supreme Court order and necessary rule changes to address the new OHI Hearing Framework.

The OHI Steering Committee recommended an effective date of February 1, 2025, for the new OHI Hearing Framework.

A discussion ensued on the statewide default hearing settings. It was noted that the recommendations are consistent with current state practices in the majority of counties. It was also noted that based on individual district needs, there would be deviations requested on the default hearing settings.

A motion was made and seconded to approve the statewide default hearing settings for all criminal and non-criminal hearings. The motion prevailed.

Council Action

The Judicial Council approved the statewide default hearing settings for all criminal and non-criminal hearings.

A motion was made and seconded to approve the case-by-case exceptions based on judicial officer discretion and agency, district, county, or division deviations based on local structural needs. The motion prevailed.

Council Action

The Judicial Council approved the case-by-case exceptions based on judicial officer discretion and agency, district, county, or division deviations based on local structural needs.

A discussion ensued on the appropriate deviation process. There was general agreement after Chief Judge and District Administrator approval, that the local deviation process should include review by representatives of all ten judicial districts, state court administration, and district administration. There was also general agreement that the purpose of the deviation process is to have statewide consistency. A modified process was proposed. The modified local deviation process would begin with the local deviation

proposal, followed by approval of the Chief Judge and District Administrator, which is then approved by an Executive Committee that contains representation from all ten judicial districts, and final approval by the Judicial Council. The state agency deviation process begins with the statewide agency deviation proposal, followed by approval of an Executive Committee that contains representation from all ten judicial districts, and final approval by the Judicial Council.

A motion was made and seconded to adopt a deviation process for local agencies that starts with approval by the Chief Judge and District Administrator, follow by approval of the Executive Committee with representation from every judicial district, followed by Judicial Council approval. The motion prevailed.

Council Action

The Judicial Council adopted a deviation process for local agencies that starts with approval by the Chief Judge and District Administrator, follow by approval of the Executive Committee with representation from every judicial district, followed by Judicial Council approval.

A motion was made and seconded that the state deviation process follow the local deviation process except that approval by the Chief Judge and District Administrator is not required. The motion prevailed.

Council Action

The Judicial Council approved that the state deviation process follows the local deviation process except that approval by the Chief Judge and District Administrator is not required.

A motion was made and seconded to approve a new judicial council policy (or modified Judicial Council Policy 525) with an accompanying Supreme Court order and necessary rule changes. The motion prevailed.

Council Action

The Judicial Council approved a new judicial council policy (or modified Judicial Council Policy 525) with an accompanying Supreme Court order and necessary rule changes.

A motion was made and seconded to approve an effective date of the first day of the seventh month following Judicial Council adoption. The motion prevailed.

Council Action

The Judicial Council approved an effective date of the first day of the seventh month following Judicial Council adoption.

3. Discussion Item: CEJ Progress Report

Judge JaPaul Harris, Co-Chair, Committee for Equality and Justice, provided a progress report for the Committee for Equality and Justice.

4. Discussion Item: Judge and Employee Safety and Security Implementation

Last month, the Council referred the Judge and Employee Safety and Security law implementation to the HR/EOD Committee. Jennifer Super, Emergency Manager, State Court Administration, provided an update on Judge and Employee Safety and Security law implementation. SCAO staff created an internal form and FAQ that will be available branch-wide on August 1, 2024. A communications plan is in place to ensure judicial officers and employees have the information and resources needed to protect their personal information.

5. Discussion Item: Revisions to Judicial Council Policy 200, Finance Principles

Dan Ostdiek, Director, Finance Division, State Court Administration, presented proposed revisions to Judicial Council Policy 200, Finance Principles.

There being no objection to acting on the proposed revisions to Judicial Council Policy 200 at the current meeting, a motion was made and seconded to approve the proposed revisions. The motion prevailed.

Council Action

The Judicial Council approved proposed revisions to Judicial Council Policy 200, Finance Principles.

6. Discussion Item: Revisions to Judicial Council Policy 201, Budget Development and Management

Dan Ostdiek, Director, Finance Division, State Court Administration, presented proposed revisions to Judicial Council Policy 201, Budget Development and Management.

There being no objection to acting on the proposed revisions to Judicial Council Policy 201 at the current meeting, a motion was made and seconded to approve the proposed revisions. The motion prevailed.

Council Action

The Judicial Council approved proposed revisions to Judicial Council Policy 201, Budget Development and Management.

7. Discussion Item: Revisions to Judicial Council Policy 202, Procurement

Dan Ostdiek, Director, Finance Division, State Court Administration, presented proposed revisions to Judicial Council Policy 202, Procurement.

There being no objection to acting on the proposed revisions to Judicial Council Policy 202 at the current meeting, a motion was made and seconded to approve the proposed revisions. The motion prevailed.

Council Action

The Judicial Council approved proposed revisions to Judicial Council Policy 202, Procurement.

8. Discussion Item: FY26/27 Biennial Budget Request

Dan Ostdiek, Director, Finance Division, State Court Administration, continued the review of potential FY26/27 budget items.

9. Discussion Item: Draft FY26-27 Strategic Plan for consideration in budget request planning

Judge Michelle Lawson, Chair, Strategic Planning Committee, and Katie Schurrer, Director, Strategy, Performance, and Projects Office Division, State Court Administration, presented the FY26-27 Strategic Plan for consideration in budget request planning. The committee recommendations include reaffirming the roadmap, reaffirming strategic goals, and seven strategic plan recommendations addressing access to justice, effective administration of justice, and public trust and accountability.

The topic will return to Judicial Council for approval after the FY-26-27 budget is known.

10. Discussion Item: State Court Administrator Performance Goals

Jeff Shorba, State Court Administrator, presented the State Court Administrator Performance Goals.

There being no objection to acting on the State Court Administrator Performance Goals at the current meeting, a motion was made and seconded to approve the proposed revisions. The motion prevailed.

Council Action

The Judicial Council approved the State Court Administrator Performance Goals.

11. Executive Session: Personnel and Security Matters

A motion was made and seconded to go into Executive Session to discuss personnel and security matters. The motion prevailed.

Following discussion, a motion was made and seconded to exit Executive Session. The motion prevailed.

There being no further business the meeting adjourned.