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**Judicial Council Minutes**

**March 14, 2024**

**9:00 a.m.**

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

The Judicial Council met on Thursday March 14, 2024, in St. Paul, Minnesota and via Zoom.

1. **Decision Item: Approval of Draft February 15, 2024, Meeting Minutes**

A motion was made and seconded to approve the draft February 15, 2024, Meeting Minutes, as amended. The motion prevailed.

***Council Action***

The Judicial Council approved the draft February 15, 2024, Meeting Minutes, as amended.

1. **Discussion Item: OHI Update**

Judge Kathryn Messerich and Heather Kendall, OHI Co-Chairs, returned to Judicial Council to provide an update on the oneCourtMN Hearings Initiative (OHI), review results from the Resources and Practices Time study, review Outcome Indicators results, and review initial findings from the Flexible Courtroom Concept. OHI will return in June to present final recommendations for Judicial Council consideration.

1. **Discussion Item: District Access and Fairness Survey Results**

Ellen Bendewald, Court Research Office, State Court Administration, presented the District Access and Fairness Survey Results. It was noted that the survey returned a historic number of responses, nearly 15,000, and provides a rich data set to inform the branch on future initiatives. Following the survey, districts and counties will review their survey results, the results will be presented to the Committee for Equality and Justice in July 2024, and the State Court Administrator’s Office will coordinate follow up activities. A report will be provided to Judicial Council by the end of the year with an update on activities.

1. **Discussion Item: Continuation of Temporary Referees**

Shelley Ellefson, Third Judicial District Administrator, and Grant Hoheisel, Court Research Manager, State Court Administration led a discussion on the Continuation of Temporary Referees. Permanent employee referees have been used in Minnesota dating back to the county court system. In 2020, the Judicial Branch received Corona Virus Aid, Relief, and Economic Security Act (CARES) funds to address the pandemic backlog. The Fourth, Ninth and Tenth Judicial Districts used CARES funds to hire temporary employee referees to address the pandemic backlog and still had temporary referee positions as of March 2024.

The major criminal backlog goal is planned to be achieved and supplemental funding for temporary referees will cease by June 30, 2024. Temporary referees are not presently included in the current weighted caseload (WCL).

The ongoing use of temporary referees has two policy considerations: 1) how the positions are funded and 2) whether the positions should be included in the weighted caseload study. JAD reviewed the policy questions and considered two options: 1) allow districts to use existing temporary referees funded by their DIS budget until the next WCL study or 2) remove all temporary referees as of June 30, 2024. Based on those considerations, JAD recommended a compromise that existing temporary referees can be funded from DIS and used through the end of calendar year 2024, that temporary referees would not be counted in the adjunct judicial complement through the end of calendar year 2024, and that temporary referees would not be included in future weighted caseload time studies.

A discussion ensued. There was general agreement that the impact of temporary referees on the WCL study needs to be seriously considered. There was also general agreement by Judicial Council that the 2019 WCL study does not accurately reflect the way the courts operate in 2024. Opinions differed on whether the use of temporary referees should continue beyond calendar year 2024. Context was provided regarding the Tenth District’s decision to continue to use one temporary referee paid from DIS funds to preside over the District’s newly-created district-wide housing court program. The Ninth Judicial District has not yet decided whether to continue to use temporary referees. The Fourth District does not plan to continue to use temporary referees beyond June 30, 2024.

The topic of continuation of temporary referees will be revisited at the April Judicial Council meeting for a decision.

1. **Discussion Item: Proposed AI Policy and Governance Framework**

During the AI Special Topic at the February Judicial Council meeting, Judicial Council members approved the AI planning group’s request to draft a proposed AI policy and governance framework. Chief Judge Hiljus, Tenth Judicial District, and Jason Betz, Information Technology Director, State Court Administration returned to identify the AI Governance Direction for the Minnesota Judicial Branch. AI governance is recommended to include an AI policy, an AI response committee, and additional resources including ongoing judicial officer and staff AI education.

The AI planning group requested that the Judicial Council approve the creation of the AI Response Committee.

There being no objection to acting on the request to approve the creation of the AI Response Committee, a motion was made and seconded to create the committee.

***Council Action***

The Judicial Council approved the creation of the AI Response Committee.

The AI planning group will return to Judicial Council on a quarterly basis to report on the progress of work.

1. **Discussion Item: Psych Services Special Topic Follow Up**

Following the Psych Services Special Topic in December 2023, the Council asked the presenters to return in March to provide an update on discussions with DHS and Law Enforcement. Tanya Wenning, Psychological/Psychiatric Services Program Coordinator, Court Services Division, shared an update on discussions.

Listening Sessions between MJB and DHS Direct Care and Treatment were held in July and September of 2022 and January 2023. These meetings have been renewed and will occur quarterly going forward beginning March 11, 2024, to ensure the state collectively addresses the challenge of mental health needs in the courts.

Staff from the Court Services Psych Services Program has engaged the MN Sheriff’s Association as an important stakeholder group to learn more about the challenges faced by jails, correctional officers, and sheriffs across Minnesota.

Preliminary efforts are underway to form the Mental Health Justice Initiative and a status update will be provided to Judicial Council in June 2024.

1. **Other Business**

**a. Legislative Update**

Jeff Shorba, State Court Administrator, provided a legislative update.

**b. Minnesota Justice Day**

Chief Justice Hudson shared that the Supreme Court and Judicial Council are hosting a Minnesota Justice Day at the Supreme Court Capitol Courtroom from 2:00 p.m. to 4:00 p.m. on Thursday April 18, 2024, following the April Judicial Council meeting.

There being no further business, the meeting adjourned.