



# The Future of Justice

Minnesota's new district court hearing framework



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# Introduction



Enshrined in Minnesota’s constitution is the right to obtain justice freely, promptly, and without delay. People come to our courts when the things that are most important to them – their family, their freedom, their property – are threatened. They come to us seeking justice.

The COVID-19 pandemic forced courts across the country to re-imagine how we perform our essential constitutional functions, and how we interact with the people we are meant to serve. We are proud to say that our court’s pandemic-era adaptations have led to positive and permanent changes within our system. We found opportunity in crisis, and we have made incredible progress in increasing access to justice, making our courts more efficient and accountable, and ensuring our place as one of the highest quality court systems in the country. None of these strides would have been possible without the perseverance and creativity of our judicial officers, staff, and justice partners.

This report and its findings are an accounting of our progress, not only through the oneCourtMN Hearings Initiative, but also in the many innovations the Minnesota court system and its partners advanced in recent years. The report showcases the ways in which we gathered feedback from court stakeholders and analyzed hearing and outcome data to identify a path to deliver more effective, timely, and accessible court hearings and services. Our courts will continue to build on pandemic-era lessons and improve how we deliver all types of hearings for years to come.

The Minnesota Judicial Branch remains committed to doing the necessary and hard work to be a national leader in assuring “equal access for the fair and timely resolution of cases and controversies.”





# Overview

In July 2024, the Minnesota Judicial Council took the historic step of adopting a new statewide policy that determined how Minnesota district courts use both in-person and online hearings to resolve cases and provide access to justice.

This new hearing framework was based on the lessons Minnesota courts gained conducting remote hearings during the COVID-19 pandemic, as well as through its oneCourtMN Hearings Initiative (OHI). This statewide effort explored how courts could integrate both in-person and remote hearings into their day-to-day court calendars.

The final, approved hearing framework also reflected extensive feedback gathered from attorneys, litigants, justice partners, and other court stakeholders. They participated in numerous surveys and focus groups to help the Judicial Branch determine how best to balance what court proceedings are conducted in the courthouse and which are conducted in virtual courtrooms.

This report details the new Minnesota district court hearing framework and summarizes the efforts to develop and refine it.



# Learning from the Pandemic



Like many state court systems, the Minnesota Judicial Branch had relatively little experience using remote technology to conduct court hearings prior to the COVID-19 pandemic. However, once the pandemic arrived in the state, the Judicial Branch worked quickly to deploy the software and resources necessary to transition the vast majority of district court hearings to online courtrooms.

While Minnesota's transition to remote hearings was born out of necessity, it quickly became clear that court users appreciated the ease and convenience. In surveys and focus groups, attorneys, litigants, and justice partners reported that remote hearings often increased access to justice by reducing barriers to attending court hearings, such as travel time, parking costs, and the need to take time off work or find childcare.

## Why court users prefer the ease & convenience of online court hearings

In a 2023 survey of 3,451 recent hearing participants across Minnesota, 76% said they would prefer to attend their next court hearing remotely. Common reasons why participants preferred remote hearings included:

- » Reduced travel time/costs
- » Increased hearing participation
- » More reliable scheduling and less time spent waiting at the courthouse
- » Less impact on physical/mental health





# The oneCourtMN Hearings Initiative

Based on the positive feedback about remote hearings received from court users in late 2021, the Minnesota Judicial Council, the statewide policymaking authority for the Minnesota Judicial Branch, made the strategic decision to embrace the long-term use of remote hearings in the state's district courts. The Minnesota Judicial Council adopted the oneCourtMN Hearings Initiative Policy, which officially took effect in June 2022.

The OHI Policy – officially Judicial Council Policy 525 – set out statewide guidelines for which non-criminal hearings would be presumptively held in person and which were presumptively

remote. For criminal and juvenile delinquency proceedings, the policy gave each judicial district the authority to develop local guidelines for when remote and in-person hearings are used.

Over the next two years under the OHI policy, the vast majority of non-criminal case hearings in Minnesota were held in remote or hybrid settings, while roughly half of criminal proceedings were conducted in remote or hybrid settings. Approximately 60% of all Minnesota district court hearings held between June 2022 and June 2024 were held remotely or hybrid.



## Court hearing types

**In-Person** – A hearing at which all parties are physically present in the courtroom.

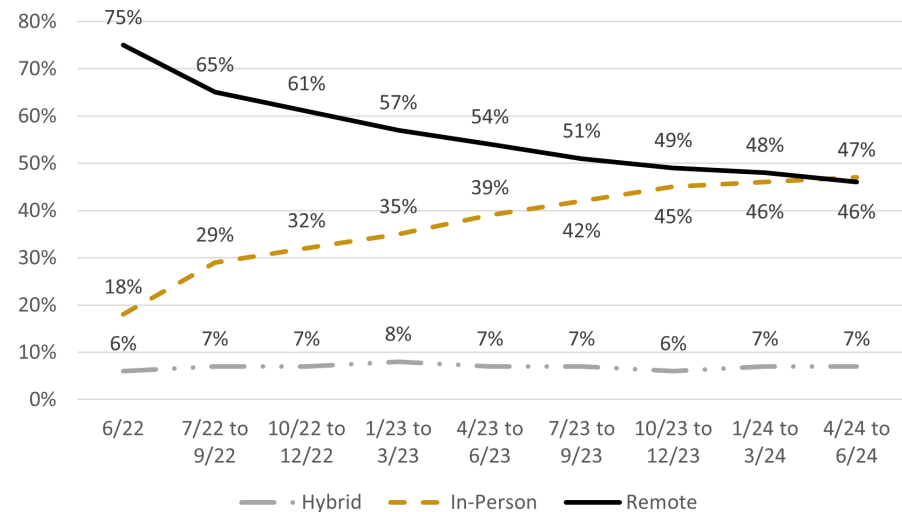
**Remote** – A hearing at which no parties are physically present in the courtroom.

**Hybrid** – A hearing at which some parties appear in person and others appear remotely. The presiding judge may authorize a hybrid hearing for exceptional circumstances.



# Monthly remote, in-person, and hybrid hearings (June 2022-June 2024)

Month(s)	Hybrid	In-Person	Remote
June 2022	0%	18%	75%
July-Sept. 2022	7%	29%	65%
Oct. to Dec. 2022	7%	32%	61%
Jan. to March 2023	8%	35%	57%
April to June 2023	7%	39%	54%
July to Sept. 2023	7%	42%	51%
Oct. to Dec. 2023	6%	45%	49%
Jan. to March 2024	7%	40%	48%
April to June 2024	7%	47%	46%





# The OHI Steering Committee

In October 2021, Chief Justice Lorie S. Gildea appointed the oneCourtMN Hearings Initiative Steering Committee to “oversee implementation of the Judicial Council changes to remote and in-person hearings and help the district courts resolve issues arising during implementation.” The Steering Committee – com-

prised of two district court judges and six court administration leaders from across the state – was also asked to develop recommendations for a permanent district court hearing framework by mid-2024.

**Heather Kendall (co-chair)**

District Administrator  
Second Judicial District

**Kathryn Messerich (co-chair)**

Senior Judge  
Minnesota Judicial Branch

**Leslie Beiers**

Chief Judge  
Sixth Judicial District

**Deb Mueske**

District Administrator  
Seventh and Eighth Judicial District

**Becky Brandt**

Court Administrator  
Winona County  
Third Judicial District

**Paul Patterson**

Director  
Court Services Division  
State Court Administrator’s Office

**Sara Gonsalves**

District Administrator  
Hennepin County  
Fourth Judicial District

**Dawn Torgerson**

Deputy State Court Administrator  
State Court Administrator’s Office





To support these efforts, the Steering Committee formed four teams of court administrative staff from the district courts and State Court Administration. The four teams included:

- » **Evaluation and Organizational Learning** investigated how remote, hybrid, and in-person court appearances affected the access, effectiveness, and timeliness of court hearings. It also supported OHI work efforts through data evaluation and consulting. The team played an important role in providing transparency to stakeholders around data collected by OHI and its use in decision-making.
- » **Hearing Reengineering** identified, analyzed, and recommended possible solutions for challenges and opportunities related to in-person and remote hearings. The team collaborated with internal and external partners to implement the identified solutions.
- » **Stakeholder Engagement and Communication** ensured effective and efficient communication about OHI to judicial officers, staff, justice partners, court customers, and the public. It also worked to engage internal and external stakeholders to solicit their feedback, ensure they were aware of the pending changes, and supported in the ongoing use of new processes and technologies.
- » **Training and Support** established effective opportunities and materials for stakeholders to acquire the knowledge and skills necessary to implement changes to remote and in-person hearing brought about by OHI's work.





Through the work of these teams, OHI supported districts and State Court Administrator's Office staff through this period of transition by researching effective local and national practices, evaluating the impacts of remote, in-person, and hybrid hearings on hearing outcomes and court operations, and engaging stakeholders to inform both the work and recommendations to Judicial Council.

The OHI Steering Committee also understood that gathering and addressing feedback from judicial officers, court staff, justice partners, and court customers would be vital to the success of the initiative. In October 2022, the Steering Committee formed the District Advisory Representatives Team (DART), a group of 10 judicial officers and 10 frontline court staff from across the state that met every two weeks to share perspectives, information,

and ideas on OHI's work.

The Steering Committee also conducted numerous surveys, focus groups, and meetings of court stakeholders. This included a statewide Hearing Participant Survey, routine meetings with justice partners, interviews with recent litigants, and focus groups with judicial officers and court staff.

Hearing participants expressed high satisfaction with both their in-person and remote district court hearing experiences. Those who attended a hearing remotely also reported fewer barriers to attending their hearing than those who attended in person, such as taking time off work, travel, and impacts on their physical or mental health. The increased convenience and accessibility of remote hearings has led many hearing participants, especially

## OHI Stakeholder Feedback

**Litigants**



2,460

**Justice Partners**



812

**Court Staff**



1,505

**Judicial Officers**



386

**General Public**



354



litigants and attorneys, to prefer to attend remotely.

Judicial officers and staff were generally supportive of the continued use of remote hearings for some types of cases. They recognized that remote hearings provide increased access to court for hearing participants and continued to feel engaged in their work regardless of working in person or remotely. However, they did point to the challenges caused by the loss of decorum during remote hearings.

The OHI Steering Committee and its teams also conducted extensive analysis of hearing and outcome data from both before and during the widespread use of remote hearings. Data was gathered from existing data sources found in the Minnesota Court Information System (MNCIS) and a hearing time study. The findings

of this data analysis and feedback gathering efforts were used to help refine the Steering Committee's final recommendations.

OHI found slight increases in hearing appearance rates since the introduction of remote and hybrid hearings. Hearing duration was on average very similar or shorter than it was pre-pandemic in each hearing category. Similarly, clearance rates did not change significantly for most case areas, except for changes in Major Civil and Criminal cases that are likely explained by other contextual factors. However, OHI saw small increases in the average number of hearings to disposition in most case areas since 2019.

## OHI-related Links

- » [Resources and Practices Time Study Report \(2024\)](#)
- » [HearingParticipant Survey Report \(2023\)](#)
- » [Access and Fairness Survey Report \(2023\)](#)
- » [Remote and In-Person Hearings Policy](#)
- » [Attorney Decorum Guide](#)
- » [Handout – Preparing for Your Remote Hearing](#)
- » [Video – Preparing for Your Remote Hearing](#)



# Recommendations

After more than two years of overseeing and studying the implementation of the oneCourtMN Hearings Initiative Policy, the OHI Steering Committee presented their final report and recommendations to the Minnesota Judicial Council on June 20, 2024.

The Steering Committee's recommendations laid out a new hearing framework that, once implemented, would provide a statewide default hearing setting for each criminal and non-criminal hearing while also allowing for judicial discretion and flexibility in

meeting local needs.

The OHI Steering Committee's report and recommendations were presented under the tagline "Statewide consistency with judicial discretion and focused local flexibility."

The Steering Committee recommended that the Judicial Council adopt a new hearing framework that includes:



**This new hearing framework builds on all of the lessons we have learned and feedback we have gathered, both during the pandemic and throughout the oneCourtMN Hearings Initiative. The new framework aims to bring statewide consistency to how our district courts hold hearings in both criminal and non-criminal matters, while at the same time respecting judicial discretion and providing focused local flexibility.**

— Minnesota Supreme Court Chief Justice Natalie Hudson



» **Statewide default hearing settings for all criminal and non-criminal hearings.** All criminal and non-criminal hearing types will be assigned a default hearing setting: in-person or remote. All district courts will hold hearings according to those default settings, unless a local deviation plan was in place, or the judicial officer ordered a case-by-case exception.



» **A process allowing for agency, county, district, and division deviations based on local structural needs.** Under this recommendation, the Judicial Council approves a process for local agencies, counties, judicial districts, or court divisions to deviate from the statewide default hearing settings when certain circumstances exist, including to increase access to community services or legal representation.



» **A simplified process for case-by-case exceptions based on judicial officer discretion.** Judicial officers would be able to deviate from the default hearing settings without issuing an order or providing findings. A request for a case-by-case exception may be made by a party or initiated by the court. Court staff would not need to reflect the exception in MNCIS.





As part of its work, OHI supported a variety of initiatives to improve the convenience, effectiveness, and efficiency of hearings. These initiatives sought to make it easier for hearing participants to attend their hearings and support judicial officers and staff in conducting in-person, remote, and hybrid hearings. Some of these efforts were:

- » **Decorum Resources** were developed to address judge and justice partner concerns about the informality of remote hearings. OHI developed a remote hearing decorum video for hearing participants as well as written litigant and attorney decorum guides. The written decorum resources were translated into common languages.
- » **eCheck-In** provides a single, statewide check-in solution that allows court customers to check into their in-person, remote, or hybrid hearings up to five days before it. Customers can check-in online using their personal device or a courthouse tablet.
- » **Flexible Courtroom Concept** provided parties, attorneys, interested persons, and the public the ability to choose to appear in-person, at the courthouse or remotely via Zoom for a hearing. The goal of flexible hearings was to provide open and accessible courtrooms across the state.
- » **Minnesota Department of Corrections Scheduling** was a pilot to use an online tool to coordinate remote appearances for people who are incarcerated in Department of Corrections facilities.
- » **Minnesota Digital Exhibit System (MNDES)** is a way to share digital exhibits with the court and the other parties in a case for evidentiary hearings or trials without the need for physical copies. It allows users to easily submit, store, and access digital exhibits (audio, video, documents, and images) in a consistent manner statewide.
- » **Phase Express** allows users to program predetermined insertable text to make court updating easier and more efficient. OHI explored this software as a replacement for traditional macro keyboards that are no longer supported.
- » **Remote Hearing Facilitation Considerations Report** clarified the essential duties of remote hearing facilitation and prepare court administration in deciding how best to fulfill those duties given their unique circumstances.

# Conclusion



Improving a system as important as the Minnesota Judicial Branch, which has many complex, dynamic, and interdependent parts, is a considerable challenge. The Branch's national reputation as a center of court excellence is a tribute to those who work every day administering the system that advances access to justice while protecting the rights of the people of Minnesota. Even so, there is always room for improvement. The lessons

learned since the beginning of the pandemic, confirm the need for continued innovation in how Minnesota delivers court services. The OHI Steering Committee's recommendations and the principles on which they are based are advanced with the firm belief that Minnesota's courts can become more timely, accessible, and effective.



