



# COURTS COMMITTEE

2010 MINUTES

## **CJCC COURTS COMMITTEE MEETING**

January 21, 2010

**Present:** Judge Bostrack, Duane Hebert, Brian Glodosky, Judge Thompson, Matt Hudson, Sherri Brekke, Carmaine Sturino, Julie Thompson, Marsha Metzler, Julie Koop, J.P. Plachecki, Sue Smelser, Chris Ledebuhr, Judy Gilow, Marge Oium, Karin Sonneman, Tami Mueller, Aarah Saugen, Steve Buswell, Chuck MacLean, Kalene Engel, Lynne Caldwell

---

**Purpose:** The purpose of the Committee is to make court case scheduling and case management more effective, efficient, and convenient. Meetings shall provide an opportunity for open discussion on scheduling issues while keeping a record of areas of agreement and issues in scheduling.

The meetings are held the third Thursday of every month at 8:00 a.m. in the jury room adjacent to Courtroom 2. The next regular meeting will be held on Thursday, February 18, 2010.

### **Discussion:**

#### **Review and approval of December meeting minutes**

**Winona's case clearance rate, default omnibus hearings – Judge Bostrack, Judge Thompson:** Judge Bostrack discussed a new arrangement wherein two Wednesdays a month would be blocked off on the calendar for default omnibus hearings. The courts started this on Wednesday, January 20<sup>th</sup>. If contested hearings are requested, motions will be filed at the default omnibus hearings. A contested hearing date will not be set at the default hearing unless a motion is filed. In the case where there are discovery issues, not guilty pleas will be entered, omnibus issues reserved, and motions filed within 28 days.

Judge Thompson suggested creating a subcommittee of the Courts Committee for the purpose of further discussing Winona's case clearance rates. Karin Sonneman, Chuck MacLean and J.P. Plachecki agreed to be a part of the subcommittee.

**Criminal voir dire – Judge Thompson:** Judge Thompson expressed that there needs to be improvement in the way criminal voir dire is conducted. He handed out a voir dire caution based on something he had earlier received from Gordon Schumacher, now a Judge for the Court of Appeals. The Criminal Rules Committee has been asked to consider eliminating attorney voir dire in criminal cases, specifically misdemeanor cases as a cost saving and practice improvement procedure. The Committee has resisted those proposals, but if the court's budget continues to be cut and attorney voir dire does not substantially improve, he may ask the rules committee to re-address the issue.

**Domestic abuse risk assessment bench guide – Judge Thompson:** The bench guide was received from state court administration. One thing mentioned in the guide was not to elicit safety or risk information from victims in open court. The judges agreed that victim names would stay off the record, but the names are required to be listed in the order.

**Shelter for pets of domestic abuse victims – Judge Thompson:** Judge Thompson referred

to an article in the Minneapolis Star Tribune regarding a program developed by the City of Minneapolis for pets of domestic abuse victims. The article discussed how pets are often targeted by domestic abusers and become a tool of control. Judge Thompson thinks some kind of similar program is a good idea for Winona. Chuck MacLean said the local Humane Society is willing to come out to a home to pick up a pet.

**DWI cases and sentences – Brian Glodosky:** Mr. Glodosky expressed concern with omnibus hearings for misdemeanor cases. He feels as though the process is too slow and drawn out. The criminal rules allow the Rasmussen hearing to be held the morning of trial, and he would like to see this implemented. Judge Bostrack suggested that if a legitimate motion is filed after arraignment, an omnibus hearing would be held. If no motion is filed, a not guilty plea would be entered and the case would be set for trial. If an issue came up, it could be heard right before trial.

Mr. Glodosky also said the dispositions after a DWI trial often end up being the same as dispositions in cases where the defendant pled guilty in traffic court. He feels that as a prosecutor, he has nothing to offer defendants to encourage settlement.

The group proceeded to discuss waiving the surcharge for defendants represented by public defenders. Judge Bostrack has seen a lot of inconsistencies among judges regarding this issue. There was talk about individuals obtaining a public defender when they did not qualify for one.

**E-complaints – Chuck MacLean:** Mr. MacLean has attended three presentations on e-complaints. Four pilot counties in the state are now actively pursuing e-complaints. Mr. MacLean said the e-complaint system is probably of more value in a county with a larger geographic reach than Winona's. He recommends that Winona County wait to pursue implementation of e-complaints until more of the bugs have been worked out. It was agreed that the Courts Committee would return to the discussion of e-complaints six months down the road.

**Parking warrants:** Judge Thompson said that while attending judicial council meetings, the Supreme Court staff attorneys spoke to him about the way Winona handles parking warrants. Judge Thompson says he will not sign any more warrants until the issue gets settled. The Committee will return to this topic next month.

**Next regular meeting: February 18, 2010 at 8 a.m.**

**Next agenda:**

- Review and approval of minutes**
- Misdemeanor work group**
- Parking warrants**

## CJCC COURTS COMMITTEE MEETING

February 18, 2010

**Present:** Judge Bostrack, Sherri Brekke, Carmaine Sturino, Sally Cumiskey, Marsha Metzler, Julie Koop, Lynne Caldwell, Sue Smelser, Marge Ouim, Chris Ledebuhr, Lori Larsen, Tami Mueller, Bruce Nelson, Kalene Engel, Melissa Graner

---

**Purpose:** The purpose of the Committee is to make court case scheduling and case management more effective, efficient, and convenient. Meetings shall provide an opportunity for open discussion on scheduling issues while keeping a record of areas of agreement and issues in scheduling.

The meetings are held the third Thursday of every month at 8:00 a.m. in the jury room adjacent to Courtroom 2. The next regular meeting will be held on Thursday, March 18, 2010.

### **Discussion:**

**Review and Approval of January Meeting Minutes:** A modification should be made on page 2, regarding the DWI cases and sentencing discussion topic. The word “surcharge” in the third paragraph should be changed to “co-pay.”

Minor changes to the criminal voir dire discussion topic are also necessary. Judge Thompson received the article from an individual who is not a Court of Appeals judge; the article is not from the Court of Appeals.

**Misdemeanor Work Group – Sally Cumiskey, Carmaine Sturino:** The first MEGA settlement day is on February 19, 2010. Nineteen individuals are appearing who have many files pending before the court. Ms. Sturino feels that the process has gone well so far. The committee will have another report next month to discuss the outcomes of the settlement day.

**Parking Warrants – Bruce Nelson:** Changes have been made as to how parking warrants are issued. They will now be administrative citations.

**Review of Committee Goals and Work Groups – Judge Bostrack and Kalene Engel:** A chart was passed out detailing the committee’s various work groups and their members. Many of the work groups no longer meet on a regular basis. It was decided that the chart would be color-coded by Kalene Engel to reflect the status of the work groups. One color will be for work groups where goals are accomplished and the group is done meeting. The Rule 15 in Spanish work group is in this category. Another color will be used for groups who are working on accomplishing their goals and are actively meeting at this time. The Case Clearance Rates, Soundproofing, and Conciliation Court work groups are in this category. The third color will be used for groups that are not actively meeting, but are remaining intact, should an issue that requires their attention come up in the future. The balance of the committee’s work groups are included in this category.

The Sentencing Checklist work group will be re-named the “Sentencing” work group.

**Case Clearance Rates – Julie Koop and Kalene Engel:** Julie Koop was at the last Case Clearance Rates work group meeting. No issues were resolved at the meeting, but there was discussion on how figures may be skewed, and a discussion on the discovery backlog. The County Attorney’s office is working with the Police Department on the discovery issues. The work group has decided to meet again.

Kalene Engel has heard about free technical assistance from the Pretrial Justice Institute. The institute would do a case processing analysis and give recommendations. This would allow someone who is neutral to give advice on the case clearance and discovery issues. The committee referred this idea to the Case Clearance Rates work group.

**Soundproofing – Sally Cumiskey:** This is an ongoing issue. The architect has been contacted. It has been determined that some of the refurbishment work was not done according to design plans, and some of the design plans were inadequate to ensure proper soundproofing. One of the original construction companies is scheduled to look at the wall between the fourth floor courtrooms and look at the fourth floor conference rooms on February 18, 2010 at noon.

Additionally, Sally Cumiskey reported that it was discovered that because no humidifier was put on the courthouse furnace, wood in courtrooms has been splitting. Maintenance will put a humidifier on the furnace, but no decision has been made on what to do with the split wood.

**MNCIS Sentencing Orders – Sally Cumiskey:** Chief Justice Magnuson sent out an order mandating use of the MNCIS Sentencing Order Form beginning on July 1, 2010. Staff will have the ability to make some local configurations to the form. There will be training for judges and staff in Rochester on May 6, 2010.

**Conciliation Court Referees- Sally Cumiskey:** An information session was held about becoming a conciliation court referee. Sally Cumiskey attended the session and took notes, making a list of questions as to how certain conciliation court procedures should be handled in Winona County. The judges will need to make a joint decision on how to handle these procedures, to ensure consistency. The next step in the process will be an order appointing conciliation court referees.

**Next regular meeting: March 18, 2010 at 8 a.m.**

**Next agenda:**

**Review and approval of minutes**

**Misdemeanor work group**

**Soundproofing work group report**

**Conciliation Court work group report**

**Case clearance rate work group report**

## CJCC COURTS COMMITTEE MEETING

March 18, 2010

**Present:** Judge Bostrack, Kalene Engel, Brian Glodosky, Julie Thompson, Marsha Metzler, J.P. Plachecki, Sue Smelser, Tami Mueller, Lynne Caldwell, Bruce Nelson, Kevin O'Laughlin, Sherri Brekke, Rena Patterson, Sally Cumiskey

---

**Purpose:** The purpose of the Committee is to make court case scheduling and case management more effective, efficient, and convenient. Meetings shall provide an opportunity for open discussion on scheduling issues while keeping a record of areas of agreement and issues in scheduling.

The meetings are held the third Thursday of every month at 8:00 a.m. in the jury room adjacent to Courtroom 2. The next regular meeting will be held on Thursday, April 15, 2010.

### **Discussion:**

#### **Review and approval of February meeting minutes**

**Misdemeanor work group – Sally Cumiskey, Carmaine Sturino:** Ms. Cumiskey gave an update for Ms. Sturino on the MEGA settlement process, who said that so far it is working well. She has had enough time to contact the prosecutor and client. Ms. Sturino said so far the arrangement has been working like traffic court. She sits in the conference room outside the courtroom to talk to clients, the bailiff will bring her the white slips, and she can go into the courtroom when needed. Ms. Sturino believes that the arrangement will continue to be beneficial if she has the built-in time to review files.

**Soundproofing work group report – Sally Cumiskey:** Ms. Cumiskey said they had a meeting with the construction workers and they were set to soundproof the fourth floor court rooms and conference rooms, but ran into an issue on getting approval for the work. She said there would be another meeting that day to discuss the construction, so she will have an update for the committee soon. Duane Hebert has said that the work must be completed by the end of the month.

**Conciliation court work group report – Sally Cumiskey:** Ms. Cumiskey said that the current opinion is that an attorney who is a conciliation court referee cannot practice in the civil division of that county. The Judicial Council will discuss this issue during its March 18-19 meeting. This item will be discussed at next month's Courts Committee meeting.

**Tracking files – Brian Glodosky:** Mr. Glodosky addressed the policy of needing to obtain judge approval in order to track a file for probation violations. Mr. Glodosky expressed that this policy makes it difficult to settle a case. Concerns were raised of files being in limbo and Julie Koop getting too many emails without this policy in place. Judge Bostrack said this issue will be on next month's agenda so as to give Judge Thompson and Julie Koop an opportunity to weigh in. Mr. Glodosky noted that Carmaine Sturino is also interested in this issue.

#### **Other issues:**

Sally Cumiskey inquired as to whether public defenders were doing source code cases or not. She said the First Judicial District has not provided any direction yet as to source code cases. Judge Christian is handling the cases for the Third District, but there is no backup judge. If he is removed, Judge Benson will assign another judge.

Kalene Engel said she is interested in reconvening the discovery work group. It will be discussed at next month's meeting.

**Next regular meeting: April 15, 2010 at 8 a.m.**

**Please note: This date is different than what was announced at the meeting.**

**Next agenda:**

**Review and approval of minutes**

**Conciliation court work group report – Sally Cumiskey**

**Soundproofing work group report – Sally Cumiskey**

**Tracking files**

**Discovery work group – Kalene Engel**

The Courts Committee did not meet in April, 2010.

## CJCC COURTS COMMITTEE MEETING

May 27, 2010

**Present:** Judge Bostrack, Kalene Engel, Julie Thompson, Marsha Metzler, J.P. Plachecki, Sue Smelser, Sally Cumiskey, Carmaine Sturino, Julie Koop

---

**Purpose:** The purpose of the Committee is to make court case scheduling and case management more effective, efficient, and convenient. Meetings shall provide an opportunity for open discussion on scheduling issues while keeping a record of areas of agreement and issues in scheduling.

The meetings are held the third Thursday of every month at 8:00 a.m. in the jury room adjacent to Courtroom 2. The next regular meeting will be held on Thursday, June 17, 2010.

### **Discussion:**

#### **Review and approval of March meeting minutes**

**Conciliation court work group report – Sally Cumiskey:** This process is moving forward. The judges have developed standards for referees, the final copy has been approved and they have been sent out to the referees. Judge Benson needs to appoint the referees and plans to release an order doing so by June 1<sup>st</sup>. Right now Winona County has four dates for referee conciliation court. Five referees will be appointed for the county.

**Soundproofing work group report – Sally Cumiskey:** Ms. Cumiskey told the group that a meeting was scheduled for June 3<sup>rd</sup> with the architect, contractors, county administrator and herself to discuss the work that has been done. The jury room in Judge Thompson's courtroom has been sealed so that now those in the courtroom are unable to hear what is happening in the jury room. The doors will be sealed next.

**Tracking files:** This has not been an issue since last discussed by the Committee.

**Discovery work group report – Kalene Engel:** Ms. Engel said there was a meeting on April 22<sup>nd</sup> which included herself, two people from IT, a representative for the sheriff, the police department, the county attorney, and Carmaine Sturino. The discussion focused on e-discovery. The ultimate goal would be to have an electronic repository for all parts of a file, which would be accessible to anyone needing access. A notice would be sent out to the parties once a new item became available. Mark Anderson said this would be a year long process. Before the meeting, the state public defender's office sent out a letter stating they were currently not prepared to handle e-discovery, and they would only accept non-hard copy discovery on CDs or DVDs.

### **Other issues:**

**Strategic planning session for CJC – Kalene Engel:** The CJC is soliciting goals, topics for consideration, etc. for the October planning session. They are asking for new ideas now to allow time for research on potential initiatives before the session. Any ideas can be submitted to Ms. Engel.

**Third floor holding room – Carmaine Sturino:** Ms. Sturino says the holding room has been working well and brought up a concern regarding the intercom.

**Court administration update – Sally Cumiskey:** By sometime in July, court administration will have the interactive voice response and interactive web response systems, which will refer people to pay citations by phone or online. The end goal for the court system is to have people call the court payment center, rather than having court staff take money for citations. An auto assessment system will be implemented to automatically split fines in lieu of the court clerk figuring it out. Testing of this will occur in October. Scanning of tickets is scheduled to start around January 2011. Tickets will be imaged on MNCIS.

**Next meeting: June 17, 2010 at 8 a.m.**

**June agenda:**

**Review and approval of minutes  
MNCIS sentencing order – Sally Cumiskey**

## CJCC COURTS COMMITTEE MEETING

June 17, 2010

**Present:** Judge Bostrack, Kalene Engel, Judge Thompson, Lynne Caldwell, Chuck MacLean, J.P. Plachecki, Karen Duncan, Carmaine Sturino, Sally Cumiskey, Sherri Brekke, Tami Mueller, Aarah Saugen, Matt Hudson

---

**Purpose:** The purpose of the Committee is to make court case scheduling and case management more effective, efficient, and convenient. Meetings shall provide an opportunity for open discussion on scheduling issues while keeping a record of areas of agreement and issues in scheduling.

The meetings are held the third Thursday of every month at 8:00 a.m. in the jury room adjacent to Courtroom 2. The next regular meeting will be held on Thursday, July 15, 2010.

### Discussion:

#### **Review and approval of May meeting minutes**

**MNCIS sentencing order – Sally Cumiskey:** Starting July 1, use of the sentencing order will be mandatory for gross misdemeanors and felonies. The order will be completed in the courtroom, or more likely, as soon after the hearing as possible. The court clerk can make manual adjustments to the order if need be.

**Case clearance work group report – Judge Thompson:** This group was formed as a result of statistics indicating that Winona County had the lowest case clearance rate in the state for major criminal cases from September 2008 through August 2009. The group met in January and again in May. The group concluded that the low case clearance rate in the county was the result of a statistical anomaly. Judge Thompson discussed the steps taken in efforts to increase the case clearance rate.

Judge Thompson spoke of a presentation given to the Judicial Council about Minnesota demographic trends by Tom Gillaspay, State Demographer. The report indicates that the amount of individuals 65+ in age is increasing and will overtake the 18-24 age group by 2020. As a result, the government will be under pressure to provide more support for older people and less funding will be available for other areas, including the court system.

**Accessing DVDs – Sally Cumiskey:** This item was addressed at the request of Judge Walters. When a DVD or other electronic evidence is submitted to the court, if special software or a machine is necessary to view the information, it should be provided by the submitter.

**Public defender screening – Kalene Engel:** Ms. Engel discussed ways to screen individuals thoroughly to determine if they qualify for a public defender. She said one idea was a computer form that would automatically calculate eligibility based on plugging in numbers and would not allow applicants to omit information. Ms. Cumiskey said we have someone that screens individuals for eligibility, and this has always been a priority, but it is time-consuming to evaluate proof of income and follow up. The process may not be able to continue when court admin loses staff in October. Karen Duncan discussed what happens in the Public

Defender's Office when changes of circumstances occur. They are in a difficult situation because ethically, the attorneys must act in the best interests of the client. However, if a client becomes employed and does not report it to the court, the public defender must do so. The Office does not have a formal screening process.

**Child support problem solving courts – Kalene Engel:** Ms. Engel briefly discussed a handout containing information on a child support problem solving court in North Carolina. She said this was a suggestion of something to explore further, and an example of an idea that could be brought before the CJCC for the planning session in October.

**Other issues:**

**Conciliation court referees – Sally Cumiskey:** The referees will start next Monday. Kalene Engel will be the first referee.

**Soundproofing – Sally Cumiskey:** The doors have yet to be soundproofed. Ms. Cumiskey will give an update when they are complete.

**Public Defender's Office update – Karen Duncan:** Ms. Duncan said Dennis Rutgers would be on a three-month leave of absence. Leaves of absence were formulated by the State Board of Public Defenders as a means to alleviate some of the financial strain. Mr. Rutgers' files will be reassigned to Christina Moriarty, who will start in Winona in July. Karin Sonneman is now a political candidate, and the policy of the Public Defender's Office is to relocate candidates so they are not practicing in the same county in which they are running for office. Ms. Sonneman will not be assigned any new cases in Winona County and will be assigned cases in Olmsted County. Ms. Moriarty will be picking up Ms. Sonneman's cases.

Ms. Duncan talked about public defenders filing motions to withdraw from cases based on their inability to abide by the ethical rules to serve clients. The hope is that prosecutors will be willing to stipulate to baseline facts and determine which cases have to move forward.

Ms. Duncan wishes to speak to prosecutors about proactively certifying cases on the payables list as petty misdemeanors. This would help avoid public defenders being appointed to misdemeanor cases.

Finally, Ms. Duncan stated that a meeting would be held in July for prosecutors to determine interest in a statewide diversion policy.

**Next meeting: July 15, 2010 at 8 a.m.**

**July agenda:**

**Review and approval of minutes**

## CJCC COURTS COMMITTEE MEETING

July 15, 2010

**Present:** Judge Bostrack, Kalene Engel, Lynne Caldwell, J.P. Plachecki, Carmaine Sturino, Sally Cumiskey, Sherri Brekke, Tami Mueller, Marsha Metzler, Julie Koop, Sue Smelser, Kevin O'Laughlin, Justin Green

---

**Purpose:** The purpose of the Committee is to make court case scheduling and case management more effective, efficient, and convenient. Meetings shall provide an opportunity for open discussion on scheduling issues while keeping a record of areas of agreement and issues in scheduling.

The meetings are held the third Thursday of every month at 8:00 a.m. in the jury room adjacent to Courtroom 2. The next regular meeting will be held on Thursday, August 19, 2010.

### **Discussion:**

#### **Review and approval of June meeting minutes**

**Traffic court procedure – Sally Cumiskey:** Ms. Cumiskey has been receiving feedback that more traffic court defendants are pleading not guilty, resulting in an increase in the amount of cases set for trial. Fewer cases are being referred to the driver's license program. Kevin O'Laughlin says he will speak with the county attorneys handling traffic court and report back next month.

**Criminal e-charging/e-filing rule – Sally Cumiskey:** E-charging/e-filing is no longer in pilot status. The Supreme Court has promulgated the rule.

**Strategic planning sessions, committee charge – Justin Green, Kalene Engel:** The CJCC engages in strategic planning every fall. Last year, the council did the planning, the tentative results were brought before the committees for comments, and then the feedback was brought to the council. This year, the committees will do the planning, bring the ideas before the council, and the council will combine them and set priorities for the year. Ms. Engel handed out a chart to the committee, listing its goals and the strategies that have been implemented to achieve each goal. The committee is to discuss the current status, benefit to the county, and tasks remaining for each goal and strategy. The committee addressed the goals of increasing earlier resolution of cases, reducing court time on civil matters, reducing time and expense on lower level misdemeanors, and providing for earlier appointment of public defenders. The committee will discuss the goals of promoting equal access to justice, providing for more efficient exchange of discovery, increasing speed, consistency and accuracy in sentencing orders, and increasing speed of opening or processing new files at next month's meeting. Also to be discussed next month is the committee charge.

#### **Other issues:**

**Court administration update – Sally Cumiskey:** Court administration will be using generic codes for county and city attorneys rather than writing out the specific names of the attorneys assigned to a particular case.

Court administration is evolving into centralization of court fines as of August 16<sup>th</sup>. Payment at the counter will still be accepted but court administration will be referring people by phone to the centralized payment center. Law enforcement officers will carry cards with centralized payment information for handing out.

**Next meeting: August 19, 2010 at 8 a.m.**

**August agenda:**

**Review and approval of minutes**  
**Traffic court procedure update – Kevin O’Laughlin**  
**Public defender eligibility – Sally Cumiskey**  
**Warrant appearances – Rich McCluer**  
**Committee goals**  
**Committee charge**

**Courts Committee Action**

Committee Charge: To make court case scheduling and case management more effective, efficient and convenient.

Goal	Strategy	Current Status/ Evaluation	Benefit to County	Tasks remaining/priority
To increase or promote earlier resolution of cases	Public Defender Misdemeanor Representation (Mega Settlement Days)	PD representation at arraignments but resulted in ↑ early resolution rates but was discontinued due to PD staffing issues and replaced by mega-settlement days, which are going well. The wait list has been eliminated.	Earlier and efficient resolution of lower level cases reduces staff time (prosecutor, PD, court, corrections) which would have to be spent later on these cases if they weren't resolved. The wait list is gone	High priority. Continue with mega days and other strategies to promote earlier resolution of cases.
	Settlement Conferences (Default Omnibus Procedure)	Settlement conferences were discontinued because they were not an efficient way to resolve cases in the felony area due to lack of offers in advance. Default omnibus procedure was instituted instead and pre-trials have now substituted for settlement conferences	Fewer court hearings are now scheduled due to the default omnibus procedure.	Low priority. Continue to maintain default omnibus while Case Clearance Rates workgroup explores other pinch-points.
	Discovery Workgroup	Two issues: earlier exchange of discovery (both paper and electronic discovery) and possible establishment of e-discovery. The workgroup brought awareness to the issues and, locally, discovery exchange has improved overall. There are still some issues with exchange of electronic discovery. The County Atty's Office and IT Department are working on setting up e-discovery, but it will be a long process.	Earlier exchange of discovery promotes earlier resolution of cases because defense attorney is able to evaluate case earlier and recommend and discuss offers with client.	Medium priority. Still need to iron out issues with electronic discovery (exchange of audio, video, etc) and continue to work on e-discovery
	Case Clearance Rates	Workgroup was set up to evaluate the issue and continues to meet. Resolution rates are improving, but we are still "red" in all criminal areas.	None as of yet as the committee continues to meet.	High priority. Possible need to have this workgroup identify the pinchpoints (such as continuances) and delegate to other workgroups to explore discrete issues.
To reduce court time spent on civil matters	Conciliation Court Referees	Referees started hearing cases in June of 2010 and procedure is going well. Winona is only 1 of a handful of counties who are doing this.	Use of private attorney referees eliminates need for judge time and reduces court administration time spent on hearings.	No tasks remaining other than to monitor.
To reduce time and expense expended on lower level misdemeanors	PD Misdemeanor Representation	See Public Defender Misdemeanor (above)	See above	See above
	Certification of Misdemeanors as Pettys	Workgroup researched issue and passed information onto Judicial Council through Judge Thompson. Some prosecutors do this	Certification promotes earlier resolution of cases and reduces court time since petty's do not qualify for a	Low priority. May need to be revisited depending upon what is on payables

		and others do not—it is case specific; more things are going on the payables list.	jury trial.	list.
To provide for earlier appointment of public defenders/attorneys for those who qualify	Public Defender Screening Process	Two issues: (1) screening defendants in jail v. at courthouse (2) ensuring that screening is accurate and only qualified individuals receive PD appointments	Since 9/08, screening of defenders has taken place in jail, saving sheriff time in having to wait at courthouse for screening and also allowing for earlier appt of PD.	Medium priority. Still need to ensure that the right people are being appointed PDs.
	PD Misdemeanor Representation (see above)			
	Pro Bono Private Bar Representation			
To promote equal access to justice and ensure due process	Rule 15 Petition in Spanish			
	Courthouse Soundproofing			
To provide for the earlier and more efficient exchange of discovery	Discovery Workgroup			
To increase speed, consistency and accuracy in sentencing orders	Sentencing Checklist			
To increase speed with which new files are processed/ opened on MNCIS	E-charging/citations and E-filing			

## CJCC COURTS COMMITTEE MEETING

August 19, 2010

**Present:** Judge Bostrack, Judge Thompson, Lynne Caldwell, Rena Patterson, Kevin O'Laughlin, J.P. Plachecki, Sherri Brekke, Julie Koop, Marsha Metzler, Sue Smelser, Kalene Engel, Christine Ledebuhr

---

**Purpose:** The purpose of the Committee is to make court case scheduling and case management more effective, efficient, and convenient. Meetings shall provide an opportunity for open discussion on scheduling issues while keeping a record of areas of agreement and issues in scheduling.

The meetings are held the third Thursday of every month at 8:00 a.m. in the jury room adjacent to Courtroom 2. The next regular meeting will be held on Thursday, September 16, 2010.

### **Discussion:**

#### **Review and approval of July meeting minutes**

**Traffic court procedure update – Kevin O'Laughlin:** The County Attorney's Office is in a state of flux regarding who will be handling traffic court. Justin Wesley and Ryan Hansch will be the attorneys appearing in traffic court in the immediate future. The office will be hiring a new assistant county attorney for a position lasting through July 31, 2011, and this newly hired attorney will most likely take over traffic court.

**Public defender eligibility – Sally Cumiskey:** Ms. Cumiskey was not present. This item will be on next month's meeting agenda.

**Warrant appearances – Rich McCluer:** Mr. McCluer was not present. This item will be on next month's meeting agenda.

**E-charging – Sue Smelser:** Winona County is scheduled to start e-charging formal complaints in December.

**Committee goals:** The committee continued to discuss its goals and strategies utilizing the chart created by Kalene Engel. The committee discussed the goals of promoting equal access to justice, more efficient exchange of discovery, increasing speed, consistency and accuracy in sentencing orders, and increasing the speed with which files are processed.

**Committee charge:** Justin Green suggested a new charge, as follows: "The Courts Committee will search for strategies that will enable the courts to function more efficiently and at less cost to the taxpayer while continuing to respect due process and the rule of law."

Any suggestions regarding the charge can be submitted to Sarah Hadler by email. The Committee will discuss the suggestions at next month's meeting.

### **Other issues:**

**Case clearance rate workgroup – Judge Thompson:** The workgroup met on July 30. Judge Thompson said that making court hearings more efficient and meaningful has been an ongoing challenge, but there is no need to continue this workgroup. Next year the Winona judges will not have to travel to Rochester for equalization in the district. This will result in more available court time, which should help with the case clearance rate. The group discussed default omnibus hearings. Judge Bostrack said default omnibus hearings have been going very well and have been meaningful.

**Pretrial Justice Institute – Kalene Engel:** The Pretrial Justice Institute in Washington, D.C. has a grant to render technical assistance to entities who would like their pretrial procedures evaluated. Ms. Engel applied on behalf of Winona County and has received a verbal acceptance for free assistance. Ms. Engel will further update the committee next month.

**Reducing time spent on civil matters – Kalene Engel:** Ms. Engel suggested setting up a co-parenting workgroup. One suggestion was looking at programs designed to help parents get jobs, such as giving parents a break on child support arrears as encouragement to seek jobs. This is included as a strategy to discuss in the future.

**Winona Youth Home – Rena Patterson:** The youth home will be closing its doors on September 21<sup>st</sup>. No new referrals will be accepted.

**Next meeting: September 16, 2010 at 8 a.m.**

**September agenda:**

Review and approval of minutes  
Public defender eligibility – Sally Cumiskey  
Warrant appearances – Rich McCluer  
Courthouse soundproofing – Sally Cumiskey  
Pretrial Justice Institute – Kalene Engel  
Free legal clinic – Kalene Engel, Judge Bostrack  
Omnibus waiver – Judge Thompson  
Houston County omnibus hearing order – J.P. Plachecki  
Committee charge

## CJCC COURTS COMMITTEE MEETING

September 16, 2010

**Present:** Judge Bostrack, Lynne Caldwell, J.P. Plachecki, Sherri Brekke, Julie Koop, Marsha Metzler, Sue Smelser, Kalene Engel, Christine Ledebuhr, Rich McCluer, Carmaine Sturino, Tom Frost, Sally Cumiskey, Shelby Hoff, Aarah Saugen, Julie Thompson, Lori Larsen, Holly Szablewski

---

**Purpose:** The Courts Committee will search for strategies and procedures that will enable the courts to function more effectively and at reasonable cost to the taxpayer while upholding due process and the rule of law.

The meetings are held the third Thursday of every month at 8:00 a.m. in the jury room adjacent to Courtroom 2. The next regular meeting will be held on Thursday, October 21, 2010.

### **Discussion:**

#### **Review and approval of August meeting minutes**

**Public defender eligibility – Sally Cumiskey:** This item will be placed on the agenda after it is addressed by the committee in St. Paul.

**Warrant appearances – Rich McCluer:** Mr. McCluer expressed his understanding that if there is a warrant out for an individual, they can appear at the jail prior to 8 a.m. to be booked and can appear in court at 11 a.m. the same day. Recently Mr. McCluer has had clients show up at the jail before 8 a.m. but have not been on the jail list and have been unable to appear at 11 a.m. Sally Cumiskey said that a person must be on the jail list so court administration knows that they will be appearing. The jail list comes out before 8 a.m. An individual can be added to the list by calling or emailing Julie Koop. Ms. Cumiskey said she would follow up on this issue by talking to jail staff.

**Courthouse soundproofing – Sally Cumiskey:** Ms. Cumiskey said they are waiting to get an estimate to cover the speakers in the third floor courtroom from the same company who did the duct work in the fourth floor conference room. Duane Hebert said they may have to go to arbitration regarding the work on the walls. Ms. Cumiskey will update the Committee next month.

**Pretrial Justice Institute – Kalene Engel, Holly Szablewski:** Ms. Szablewski is a representative from the Pretrial Justice Institute. She explained that the Bureau of Justice Assistance, in collaboration with the Pretrial Justice Institute, has funds to provide counties free technical assistance. PJI evaluates requests for assistance and decides with the BJA whether to award grant money. Winona County was selected to receive a grant, and as a result Ms. Szablewski is on site for two days to look at the way the county processes cases and meet with certain individuals. She will then review the material collected and prepare a report addressing the issues raised. The report should be available in mid November.

**Free legal clinic – Kalene Engel:** SMRLS and Olmsted County Legal Aid are sponsoring a free legal clinic on Tuesday, October 26<sup>th</sup> from 10 a.m. to 4 p.m. at the Hawthorne Adult Literacy Center in Rochester. They are seeking volunteers for two-hour time slots in the areas

of housing, immigration, estate planning, and family law. This is the first time these entities are holding a clinic. Ms. Engel hopes to have one in Winona County in the future.

**Houston County omnibus hearing order – J.P. Plachecki:** The Houston County order was discussed. The procedure should be that if an attorney files a motion and requests a contested omnibus, the default omnibus hearing would be taken off the calendar. Judge Bostrack said that this was the expectation when Winona County originally started scheduling default omnibus hearings. Mr. Plachecki said he would be following this policy, and Judge Bostrack said she would discuss this with the other judges. Tom Frost suggested having a formal order outlining the procedure.

**Co-parent courts – Kalene Engel:** Ms. Engel was given information relating to contempt actions in child support matters from Susan Cooper. A meeting was held with the Workforce Center, County Attorney, DHS, and Ms. Engel. The judges can order people without a job to go to the Workforce Center and make contacts. The child support unit will be following up on whether the individual has done so. Prosecutors will no longer be asking the judge to require an individual to make a set number of job contacts per week.

**Third District County Attorney/Public Defender meeting – Tom Frost:** Processing cases more efficiently was the dominant topic of conversation at the meeting. There was a universal agreement that cases were settling too late, and attorneys were trying the cases they were least prepared for. A presentation by county attorneys and public defenders will be given at the district judge meeting.

**Adult pretrial diversion – Tom Frost:** Mr. Frost was on the board for pretrial diversion in Minneapolis, and he is interested in creating a program for Winona County. He has spoken with the Olmsted County Attorney. A workgroup would be helpful with representatives from the DOC and defense attorneys. Those interested in participating should contact Kalene Engel.

**Committee charge:** The Committee agreed to a new charge as follows: “The Courts Committee will search for strategies and procedures that will enable the courts to function more effectively and at reasonable cost to the taxpayer while upholding due process and the rule of law.”

**Next meeting: October 21, 2010 at 8 a.m.**

**October agenda:**

Review and approval of minutes  
E-charging, e-filing update – Sally Cumiskey, Kevin O’Laughlin  
Dual diagnosis in custody treatment program – Aarah Saugen, Nancy Valentine  
CARE program – Aarah Saugen, Nancy Valentine, Sharon Sommers  
Felony level DUI offenders with staggered sentencing – Aarah Saugen  
Courthouse soundproofing update – Sally Cumiskey  
Adult pretrial diversion workgroup update – Tom Frost  
EHM/Wisconsin transfer cases – Rena Patterson, Judge Bostrack