CASE SCHEDULING COMMITTEE
MEETING, JANUARY 10TH, 2008

PRESENT: HON. JEFFREY D. THOMPSON, TOM WILLIAMS, ARAYSA ASHMORE, MARY KELLY, JUDY GILOW, SALLY CUMISKEY, BRUCE NELSON, SUE SMELSER, MARSHA METZLER, RICH MCCLUER, DOUG STOKES, LAVERNE HOSCHEIT, ANDREA ALRECHT, SHERIE BREKKE, TOM WEBER, KARIN SONNEMAN, CRAIG BROOKS, STEVE BUSWELL, HALEY HUITING

PURPOSE:

The purpose of the Committee is to make court case scheduling 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 second Thursday of every month at 8 a.m. in the jury room adjacent to Courtroom 2. The next meeting will be held on February 14h, 2008

Discussion:

The meeting began with a review of the minutes from the previous meeting. No changes were suggested.

The primary topics of discussion for the meeting were: 1) moving committee meetings to the third Thursday of every month starting in March 2008, 2) the mission statement for the committee, 3) sheriff's transportation issues, specifically notifying the jail of continuances, 4) scheduled Jarvis hearings, 5) changes in the interstate compact regarding sex offenders, 6) budget issues for the courts and public defenders, and 7) a letter drafted by Judy Gilow to a legislative network that lobbies on behalf of issues affecting the mentally ill.

The first issue raised was the committee's mission statement. Lynne Caldwell made a motion to adopt and everyone agreed.

The next topic of discussion was sheriff's transportation issues, specifically making information available regarding continuances, etc. Sally Cumiskey said that soon the Sheriff's Department will have the capacity to use MNCIS to find information regarding hearings for adults in custody, and soon should have the capacity to get the same information for juveniles. Judge Thompson signed a document giving access to juvenile information to the Sheriff's Department, and hopefully this access will be in place soon.

Steve Buswell told the group that there has been some confusion recently regarding sentencing orders, and he was wondering if there was some way that information could be communicated directly from the state to county computers, or alternatively, if form orders like those used in Dakota County could be used in Winona just to help with clarity. Judge Thompson asked that anyone who has a problem with a sentencing order to inform Sally Cumiskey of it, so that problems can be addressed.

Tom Weber asked if there is a state mandate requiring credit for STS even if it is not in the order. Judge Thompson said no, in Minnesota STS is permissive rather than mandatory.

Sally Cumiskey and Mary Kelly raised the issue of Jarvis hearings, and trying to find a more effective way of doing them. A suggestion was to have Jarvis hearings at the same time or close to the commitment proceedings. Craig Brooks said he would follow up on this, because he thinks that is how they currently do it in Wabasha County. Marsha Metzler said that there are currently 16-17 Jarvis hearings scheduled each year in Winona.

The next issue raised was changes in the interstate compact regarding sex offenders. Judge Thompson said that now sex offenders, once convicted or sentenced (not sure), cannot go to another state without permission, even if they live in that other state. An application has to be made to the other state, and that state has to receive the offender. If this rule is not complied with, the offender can be charged with a felony, and be prevented from ever returning to the receiving state. He said he hoped someone from DOC would be present at the next case scheduling committee meeting to provide additional information.

Judge Thompson then raised court budget issues. He said that there are two judges retiring in the district in the next few months, and because of the budget problems, they may not be replaced right away. He also said court staff may be laid off.

Judy Gilow presented the committee with a letter she drafted which she intends to present to a mental health legislative network she belongs to, which, in turn, will hopefully present it to the Minnesota Legislature.

Sally Cumiskey suggested that Sharon Ropes and Gene Pelowski, local politicians, be invited to the next case scheduling committee meeting. Judge Thompson said he would invite both.

Karin Sonneman said that due to the state budget crisis and hiring freeze, retired public defender Ross Phelps will not be replaced right away, leaving a shortage of public defenders in the county.

The next meeting will be February 14th, 2008.

CASE SCHEDULING COMMITTEE
MEETING, FEBRUARY 14TH, 2008

PRESENT: HON. JEFFREY D. THOMPSON, ARAYSA ASHMORE, SALLY CUMISKEY, BRUCE NELSON, SUE SMELSER, MARSHA METZLER, RICH MCCLUER, DOUG STOKES, CRAIG BROOKS, JULIE KOOP, LYNNE CALDWELL, LORI LARSON, JESSICA KAPHUSMAN, RENEE PATTERSON, TERRI HENDERSON STEVE BUSWELL, HALEY HUITING

PURPOSE:

The purpose of the Committee is to make court case scheduling 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 a.m. in the jury room adjacent to Courtroom 2. The next meeting will be held on March 20th, 2008.

Discussion:

The meeting began with a review of the minutes from the previous meeting. Rich McCluer said that the sentencing order error discussion from the previous meeting was not accurately reflected in the minutes. Judge Thompson acknowledged Mr. McCluer's concerns, and said that sentencing issues could be discussed at the next meeting. Along those lines, Sally Cumiskey said that she hasn't been advised of any problems in minutes—for sentencings or otherwise—and would like to be informed of errors. Ms. Cumiskey also pointed out a typographical error in the minutes regarding the Winona County Sheriff's MNCIS access.

Judge Thompson noted that beginning with the next committee meeting on March 20th, 2008, the group will be meeting the third Thursday of the month rather than the second Thursday of the month.

The primary topics of discussion for the meeting were: 1) announcement regarding Araysa Ashmore, 2) MNCIS Levels of Sentencing, 3) Juvenile Stays of Adjudication, 4) Juvenile Detention Hearings, and 5) Budget Issues for the Courts and Public Defenders.

Bruce Nelson made an announcement on behalf of Araysa Ashmore; that she will be leaving her position as an Assistant Winona City Attorney to work as an Assistant Houston County Attorney effective March 14th, 2008.

With respect to the MNCIS levels of sentencing discussion, Ms. Cumiskey said that she and her staff have been told that they are doing it wrong and that that is not the case. Mr. McCluer said that that was debatable. The issue apparently lies with the fact that sometimes when defendants plead to a less serious offense, the severity level of the original charge may still be that reflected on MNCIS. Judge Thompson said that regardless of what the original charge was, the severity level of the charge should be determined at sentencing and that should be reflected on MNCIS. Apparently what is happening with MNCIS is an error in the computer system, and doesn't reflect the severity level of the actual charge at sentencing.

The next issue raised was juvenile stays of adjudication. Steve Ott was supposed to address the issue, but did not make it to the meeting, so Judge Thompson just noted that a review should be occurring every 90 days.

The next issue raised was juvenile detention hearings. Julie Koop explained that attorneys are attempting to get juvenile cases on the court's calendar more quickly by calling them juvenile detention hearings (which need to be heard within 24 hours). Essentially, this practice has to stop.

The final scheduled topic of discussion was budget issues. Judge Thompson informed the group that he was told at a district-wide meeting on Tuesday that Chief Judge Bill Johnson will be making the budget decisions for the district. He said that although Winona is cutting back on law clerks (there will be just two, rather than three next year), there will still be layoffs. Ms. Cumiskey advised the group of some of the other budget-related changes expected, including block scheduling for interpreters (including a criminal term likely coming soon) and having the court administration window closed on Wednesday mornings. Craig Brooks suggested someone contact legislators and inform them that with less, less will be done, and changes in the law need to occur to reduce the workload on the court. Judge Thompson said we will continue to function at the same level unless the anticipated budget supplement does not come through, at which point serious changes will have to be made. Renee Patterson said that there is now a hiring freeze in corrections as part of the budget crisis. Bruce Nelson suggested raising the surcharges imposed on defendants. Ms. Cumiskey said that the surcharge funds don't directly impact the courts—the money goes into the general state fund. Judge Thompson said that Judge Tom Neville suggested asking the legislature for surcharge funds to be directed to the courts. No action has yet been taken regarding surcharges.

Ms. Cumiskey raised the issue of dismissals where a plea has been entered. She said that when the issue is reserved at the time of the plea, it should be resolved at the sentencing.

Judge Thompson said that illegible tickets (or no ticket) will result in charges being dismissed. Court administration will not be expending the time to track down or interpret tickets.

Mr. McCluer asked what effect the budget crisis will have on civil cases. Judge Thompson said it is difficult to say at this point. Emergency cases (of all kind) will have to be heard first, and everything else will have to wait.

Julie Koop raised the issue of times for trial. Judge Thompson said that all cases will be scheduled to begin at 9:00 am, and all pleas and motions will be heard then. The jury will not be called in unless necessary, and not until 1:30 pm. He said this new policy applies to all judges and all trials.

Jessica Kaphusman said that this new jury trial doesn't really benefit the police, who, if they do not call officers off by 4 pm the day prior, have to pay at least 2 hours of overtime on the day they are scheduled to testify, whether they do or not. Judge Thompson said that no testimony will be taken on the first day of trial beginning at 1:30 pm. Jury selection and opening statements will be the only activities taking place on the first day, and thus, attorneys should be able to inform the police which days if necessary police will be required to testify. Same goes for subpoenas—witnesses do not need to be subpoenaed to testify for the first day when no testimony will be heard. Judge Thompson said that this trial schedule needs to be communicated to visiting judges.

Ms. Patterson informed the group that there is a training session on the interstate compact's effect on sex offenders on March 7th, 2008, from 9:00 am to 3:30 pm in the board room at the government center. She also said that Theresa Small from Restorative Justice has resigned.

Ms. Koop raised the issue of time changes for juvenile cases, and said that its up to the county attorney's office to notify the jail in the instance of a time change.

The next meeting will be March 20th, 2008.

On the agenda for the next meeting:

1) Juvenile stays of adjudication.
2) Sentencing errors.

CASE SCHEDULING COMMITTEE
MEETING, MARCH 20, 2008

PRESENT: HON. JEFFREY D. THOMPSON, CHARLES MACLEAN, KARIN SONNEMAN, LYNNE CALDWELL, LORI LARSON, SUE SMELSER, JULIE KOOP, SALLY CUMISKEY, MARSHA METZLER, RENEE PATTERSON, CAMI O'LAUGHLIN, DOUG STOKES, CRAIG BROOKS, RICHMOND MCCLUER, BRUCE NELSON, JESSICA KAPHUSMAN, HALEY HUITING

PURPOSE:

The purpose of the Committee is to make court case scheduling 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 a.m. in the jury room adjacent to Courtroom 2. The next meeting will be held on April 17th, 2008.

Discussion:

The meeting began with Renee Patterson clarifying a point from the previous meeting. The new rule restricting interstate travel for sex offenders applies once the individual has been sentenced. At that point, the person must be "accepted" into another state in order to go there, even if they reside in the other state. She said these approvals can take up to a week, and as such, these defendants should make arrangements to stay in the place of sentencing until they obtain approval to go home, etc.

Another issue that was clarified from the last meeting had to do with sentencing orders. Richmond McCluer had provided examples to Judge Thompson to illustrate errors in sentencing and the impact on the time and resources of other offices (DOC, prosecutor) in correcting the error. He noted that if the sentence was recorded correctly and any ambiguities were cleared up in court, then there wouldn't need to be resources expended in trying to clarify things. He suggested the use of a standard sentencing form, pointing out that such a form may make it easier to ascertain errors at the time of sentencing.

Judge Thompson said that it used to be that sentencing hearings generated automatic transcripts, but in the state court budget crisis of 2003, those transcripts were eliminated, and everyone had to resort to relying on the minutes from those hearings. He said he dislikes the idea of a checklist, or sentencing in an automatic way, but on the other hand, feels that some kind of a form sentencing checklist would help the plaintiff, defendant and court to ensure all steps were covered at the hearing. He said he has an outline of one, and would like a group of people to get together and work it out.

Charles MacLean said there is a checklist used in his office, and could circulate the forms for comments.

Judge Thompson suggested that he, Charles MacLean, and Richmond McCluer all get together and work out a form. All parties seemed amenable to this suggestion.

Charles MacLean brought up the fact that Kalene Engel is the new Criminal Justice Coordinator, and might want to have some input on the sentencing form, and will likely be participating in future meetings.

Judge Thompson told the group that Steve Ott's issue on the agenda regarding juvenile stays of adjudication has apparently been resolved.

Julie Koop did say that juvenile detention hearings where attorneys are just asking for a review of placement have been scheduled as emergency detention hearings at attorney's request, and this practice will not be on-going.

Judge Thompson raised the issue that settlement conferences aren't all they could be in terms of everyone being prepared and issues being resolved. He said he would talk with the other judges about making them more effective,

Karin Sonneman said she thinks that the settlement conferences are a work in progress. She said that some have been successful in settling cases, but generally not the more serious cases like crim sex cases and presumptive commits. She would like to see the settlement conferences continue.

Charles MacLean said he is not sure how to define success for settlement conferences—that a great offer is not going to happen every time. He said he thinks it is helpful to have a written best offer at the time of the conference.

The discussion then shifted to discontinuing default omnibus hearings. Judge Thompson said he was concerned with the state budget issues, default omnibus hearings would be scheduled 6-9 months out.

Karin Sonneman had two points to make from the perspective of a public defender: 1) that usually the public defenders do not get discovery until the Rule * hearing, making it difficult to determine omnibus issues)

2) that public defenders might not get assigned to a case until the date of the Rule 8 hearing and can't make decisions beforehand.

Judge Thompson said that they are trying to set Rule 8 hearings out a ways in non-custodial cases to make them more meaningful.

Sally Cumiskey said that the waiving of the time limits is not happening because defendants do not have counsel, so default omnibus hearings are being scheduled.

Judge Thompson said he wants to make sure that the 3rd hearing on a case is meaningful, even if the others up until that point have not been. Judge Thompson said he would like to talk to the other judges about this and address the issue again.

The next issue raised was jury trial schedules...that currently in most cases pre-trial hearings are scheduled for 9 am and jury trial are scheduled to begin at 1:30 pm. Judge Thompson said for special trials—like where there has been a speedy trial demand and/or backup case—then its not the same system. Also, not the same where there is a person in custody and/or a date certain. Julie Koop said she sends out emails before pre-trials to let everyone know what time things are set to begin.

Charles MacLean said he likes this approach for run of the mill cases, but he didn't realize there was an exception for different or other kinds of cases. Then he expressed frustration over a date certain trial that was "leapfrogged" by an in-custody speedy demand.

The next issue addressed was the state court budget crisis. Judge Thompson talked about the deficit, and how current plans are contingent upon the judiciary getting additional funding, which now looks unlikely. He said it is likely many more people will be laid off, and there is the possibility that courthouses will be closed. He also noted that now, based on the weighed caseloads, Winona qualifies for 2.96 judges. As such, he anticipates Winona will not have to share half a judge with Rochester anymore, but that there may still be some covering both ways. He also said it is expected that Judge Johnson's replacement will take office by July 1st.

Sally Cumiskey said that there has already been a significant number of people lost in Olmsted County, and that Winona and other counties will be expected to help even if they do not lose people. She also noted that the Court Administration window is now closed on Wednesday mornings until 12:30 pm.

Cami O'Laughlin announced Victim Awareness Week, and listed off the topics for each day. She said she is advertising the events through radio interviews, an article in the newspaper, community calendars, and emails.

Bruce Nelson announced that the new Assistant Winona City Attorney will be Brian Glodoski.

Sally Cumiskey said it would work best to have different prosecutors for arraignments and for 10 o'clocks.

Charles MacLean raised the issue that the state is reducing reimbursement for the cost of keeping detainees overnight to only $10.00 when the actual cost is $87.00.

The next meeting will be April 17th, 2008.

On the agenda for the next meeting:

1) Making third hearings more meaningful
2) BKV architect

CASE SCHEDULING COMMITTEE

AGENDA

April 17, 2008 at 8:00 a.m.
Jury Room, Courtroom 2

- **Review and Approval of Minutes.**
- **Strategic Planning -- Tom Weber**
- **Rule 8 and Default Omnibus Hearings**
- **Settlement Conferences**
- **BKV report – Sally Cumisky**
- **Sentencing Orders or Checklists**
- **Rule 15 Petition in Spanish**
- **Getting papers for First Appearances**
- **Budget issues for the Courts and Public Defenders.**
- **Other issues.**
- **Next meeting: May 15, 2008 at 8 a.m.**

CASE SCHEDULING COMMITTEE
MEETING, APRIL 17TH, 2008

PRESENT: HON. JEFFREY D. THOMPSON, TOM WEBER, CHARLES MACLEAN, LYNNE CALDWELL, LORI LARSON, SUE SMELSER, JULIE KOOP, SALLY CUMISKEY, CRAIG BROOKS, RICHMOND MCCLUER, STEVE BUSWELL, BRUCE NELSON, HALEY HUITING

PURPOSE:

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The meetings are held the third Thursday of every month at 8 a.m. in the jury room adjacent to Courtroom 2. The next meeting will be held on May 15th, 2008.

Discussion:

The meeting began with a brief discussion of the minutes from the previous meeting. No suggestions for alteration were made.

Tom Weber then began a discussion about strategic planning, trying to get the group to identify issues and goals which could then be discussed on June 4th, 2008 by the Criminal Justice Coordinating Council. He was specifically looking for goals and issues to be resolved over the next year.

The group identified the following issues:

1) Meaningful hearings
2) Uniform sentencing checklist
3) Lack of judicial resources
4) Cuts of court staff
5) Lack of local control to respond to issues
6) Community input into how the courts function is lacking
7) Better use of interpreters/contracts for specialized services (GALs, etc.)
8) Space for jury functions
9) Timelines are not realistic
10) Defendant appearances in court
11) Attorney scheduling—2 courts at 1 time
12) Public defender inability to meet with defendants

13) Detention space limited for both adults and juveniles

The group identified the following goals:

1) Respond to the budget crisis
2) Be proactive about budget issues
3) Reduce number of appearances in court for attorneys/defendants/witnesses, etc.
4) System wide planning (city, county, state "partners")
5) Protect Due Process & Equal Protection
6) Create stakeholder networks statewide
7) Maintain positive relationship with others involved
8) Develop alternative entry points to system
9) Alternative to truancy court.

The issues left unaddressed at the meeting are scheduled to be discussed at the next meeting, which will be held on May 15th, 2008 at 8:00 a.m.

CASE SCHEDULING COMMITTEE

AGENDA

May 15, 2008 at 8:00 a.m.
Jury Room, Courtroom 2

- **Review and Approval of Minutes.**
- **Strategic Planning -- Tom Weber**
- **Rule 8 and Default Omnibus Hearings**
- **Settlement Conferences**
- **BKV report – Sally Cumisky**
- **Sentencing Orders or Checklists**
- **Rule 15 Petition in Spanish**
- **Getting papers for First Appearances**
- **Budget issues for the Courts and Public Defenders.**
- **Sally's Reminders**
- **Other issues.**
- **Next meeting: June 19, 2008 at 8 a.m.**

CASE SCHEDULING COMMITTEE
MEETING, MAY 15, 2008

PRESENT: HON. JEFFREY D. THOMPSON, HON. MARY LEAHY, LORI LARSON, LYNNE CALDWELL, JUDY GILOW, KALENE ENGEL, SALLY CUMISKEY, JULIE KOOP, BRUCE NELSON, RICH MCCLUER, JESSICA KAPHUSMAN, NANCY BOSTRACK, HALEY HUITING

PURPOSE:

The purpose of the Committee is to make court case scheduling 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 a.m. in the jury room adjacent to Courtroom 2. The next meeting will be held on June 19, 2008.

Discussion:

The meeting began with a discussion about sentencing orders. Kalene Engel suggested some kind of an Adobe format that could be modified in court by the court clerks and turned into a Word document that could be distributed at the sentencing. By using this format, clerks would be able to modify the form as different situations arise.

Lynne Caldwell said that there is a standard sentencing form already, and that it can be modified for specific sentences. She talked about how a checklist form would be easy to use for sentences, and how the sentencing orders generally have to be issued within 10 days from the sentencing, but are on occasion expedited depending on the sentence, like where a person is going to prison.

Sally Cumiskey said that eventually court clerks should be able to do standard sentencing orders online on MNCIS.

Judge Thompson said he likes to address the issue of jail time last when giving a sentence in order to keep the defendant's attention.

The topic of discussion then shifted to the state budget crisis. Judge Thompson discussed an announcement from the Third District Public Defender's Office that they may stop representing people in misdemeanor cases due to budget constraints. He said he is not sure if this includes targeted misdemeanors.

Rich McCluer said that he met with some members of the legislature regarding state budget issues and felt the meetings went well, but felt it was unlikely any results will be seen in the near future. He said Rep. Steve Drazkowski gave the group a list of people working on the criminal justice bill. He then talked about how Winona was going to be the capital of Minnesota for a day the next day (May 16, 2008) and there was going to be a model legislature which he and others planned on testifying before regarding budget issues.

Rich McCluer then asked about the percentage of misdemeanors vs. targeted misdemeanors. He was interested in a breakdown of the caseload.

Kalene Engel then made an announcement about the Criminal Justice Coordinating Council retreat on June 4, 2008 from 8 a.m. to 4:30 p.m. in the lower level of the Kensington Building in Winona. She said it is hoped that the group that attends the retreat will be able to come up with 1 and 3 year strategic plans for the council.

The next issue raised was getting discovery from the prosecution to the defense. Judge Thompson said that he believed discovery should be given to the defense side as soon as possible, whether requested by the defense or not. Rich McCluer said that there has been some delay in getting discovery to the defense. Judge Thompson said that often at the time of the default hearing, the defense has just received the discovery, and thus is not in a position to meaningfully raise or waive any evidentiary issues. This is an issue that the committee needs to address further when the County Attorney's office is present.

Bruce Nelson said that his office (Winona City Attorney) attaches paperwork (like police reports) right to the complaint. He said they may not have the source code, tapes, etc. by the time of the Rule 8 hearing, but should have police reports and provide those as a matter of policy, not just on request.

Bruce Nelson added that typically his office does not just provide audiotapes, etc. For things like that, generally they need a request in order to make a copy for the defense.

Judge Leahy said in Rochester they have the basic information in the hands of defense counsel by the Rule 8 hearing.

Rich McCluer said that there are timelines in the Minnesota Rules of Criminal Procedure, but that they are unrealistic given the caseload and infrastructure of the courts.

Nancy Bostrack of the Winona County Attorney's Office entered the room, and the discussion on the discovery issue resumed. Nancy Bostrack said that part of the problem is that her office often does not know who the public defender is until the day of the Rule 8 hearing. There is no office address for the public defenders to use for discovery. She said if the County Attorney's Office had the information sooner, they could send discovery sooner to others.

Judge Thompson talked about sentencing checklists. He is interested in a checklist form like Wabasha has. Then he raised the issue of "mood altering substance" language in sentencing orders. He said he would prefer the language "controlled substances" instead.

Rich McCluer had actual sentencing orders on him from Houston, Wabasha, and Fillmore counties, and he gave them to Kalene Engel.

The next issue raised was settlement conferences. Lynne Caldwell said she isn't sure parties are talking before or at the settlement conferences. Rich McCluer said

that if everyone had a clearer idea of what their role is at the settlement conference, they would be more effective. This is a topic for further discussion.

Sally Cumiskey then raised concerns regarding the design and structure of the courthouse; specifically, that there is inadequate sound proofing between the courtrooms. She said she has been in communication with the architect who designed the interior of the building following the flood regarding her concerns, but that she is not sure whether it is the design or the construction that is flawed. She said that she has been told that the design provides for just the minimum amount of soundproofing.

The group then discussed Rule 15 petitions in Spanish. Apparently there are none for enhanceable crimes. Other forms have been translated by state court services. There was discussion about hiring someone to translate the forms, and then Sally Cumiskey said she would see what other counties have and are using.

Sally Cumiskey went over a list of reminders...that attorneys should bring their schedules into the courtroom so that they can agree to dates at the same time. Also DPS requires the prosecuting office to send in notice so that a suspended license can be reinstated; court services can't do it.

Kalene Engel talked about Julie Koop, the scheduling clerk, and about what can be done to avoid continuances because they create an astronomical amount of work. Nancy Bostrack said continuances are necessary sometimes because of issues with witnesses, etc. Sally Cumiskey said continuances are also sometimes necessary where public defenders have to work in other counties.

The next meeting will be June 19, 2008 at 8:00 a.m.

COURTS COMMITTEE

AGENDA

June 19, 2008 at 8:00 a.m.
Jury Room, Courtroom 2

- **Review and Approval of Minutes.**
- **Committee Name Change**
- **Change of Meeting date and time**
- **Tasks and Priorities from the CJCC**
- **Rule 8, Omnibus Hearings and Settlement Conferences**
- **BKV report – Sally Cumisky**
- **Sentencing Orders or Checklists**
- **Rule 15 Petition in Spanish**
- **Budget issues for the Courts and Public Defenders.**
- **DANCO orders and victim information**
  Domestic
- **Other issues.**
- **Next meeting: July 18, 2008 at 8 a.m.**

CJCC COURTS SUBCOMMITTEE
MEETING, JUNE 19, 2008

PRESENT: HON. JEFFREY D. THOMPSON, HON. MARY LEAHY, LORI LARSON, LYNNE CALDWELL, JUDY GILOW, KALENE ENGEL, SALLY CUMISKEY, JULIE KOOP, BRUCE NELSON, RICH MCCLUER, JESSICA KAPHUSMAN, NANCY BOSTRACK, TOM WILLIAMS, SUE SMELSER, RENEE PATTERSON, MARSHA METZLER, KARIN SONNEMAN, KAREN DUNCAN, TOM WEBER, HALEY HUITING

PURPOSE:

The purpose of the Committee is to make court case scheduling 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 a.m. in the jury room adjacent to Courtroom 2. The next meeting will be held on July 18, 2008.

Discussion:

The first topic of discussion was the fact that at the CJCC retreat, the committee decided to change the name of this committee to the Courts Subcommittee. Also, changing the meeting date and time was discussed, but not finalized.

The first major topic of discussion was the state budget crisis and how it affects the public defenders. Karen Duncan, Interim Chief Public Defender for the Third District said that the district is looking at a 15% reduction in attorney staff, and will have to make cuts. She said beginning July 8th, they will no longer be representing the parents in CHIPS cases. She did say they will try to work through the cases already open at that time. She also said the focus will be shifting to cases where defendants are in custody, and where there are the greatest penalties possible. She also said Karin Sonneman will now be in Winona full-time except for her work in conflict cases. She said for out of custody misdemeanors and gross misdemeanors, it may not be possible to schedule the next hearing.

Judge Thompson raised the issue of counties paying for attorneys in CHIPS cases. He also said some of the misdemeanor and gross misdemeanor cases could be resolved at the arraignment. A meeting of prosecutors and defenders will be scheduled to re-visit the expectations of having lawyers present for the traffic and arraignment calendars.

Karin Sonneman made an announcement about an outreach committee going to the legislature at 12pm, Thursday, June 26th, to push for more money.

Sally Cumiskey gave stats about misdemeanor cases in Winona County in 2007. She said there were 268 target misdemeanors, 2631 other misdemeanors.

Bruce Nelson asked if the PD will still be accepting misdemeanor cases. Karin Duncan said yes, they will accept the cases and evaluate them to determine the urgency in resolving them.

Judge Thompson said maybe the courts can take a closer look at PD appointments.

Judy Gilow said that the Legislative Network is taking on the court budget crisis as cause, and asked if JDT could write a letter explaining the problems. He said he would pass along some information. She also asked if the Association of Minnesota Counties was taking on this cause.

Karin Sonneman said she thinks the governor's office is impeding the funding, and that maybe educating the legislature about issue would help.

Karen Duncan said maybe education is important, but talking at the state level didn't help to solve anything this year. She said maybe educating more local representatives would help bring more pressure at a local level.

Judge Thompson said the committee and the courts are trying to eliminate unnecessary hearings, like Rule 8 hearings. Judge Leahy said they are talking about doing that in Rochester too.

Then a discussion came up about making hearings more meaningful, esp. Rule 8 hearings and default omnibus hearings. Karin Sonneman said she often only gets partial discovery at Rule 8 hearings, so she can't really make a meaningful request for an omnibus hearing.

Nancy Bostrack said that the County Attorney's office does not get 2 copies of audiotapes, etc. from the police, and would need to do so, if they have to give full discovery by the Rule 8 hearing.

The discussion shifted to electronic distribution of discovery, for example, video footage that could be emailed to attorneys by the police. Kalene Engel suggested a subcommittee be formed to evaluate the discovery issue.

Judge Leahy said she is working as part of a district wide committee to create a one size fits all plea and continuance policy. Sally Cumiskey talked about prosecutor's failure to appear, and how cases may start being dismissed if they are not there.

Sally Cumiskey then talked about the soundproofing issue in the court rooms. She said she is about to give up on her challenge to have it fixed because no one is really responding at this point.

Judge Thompson distributed a sentencing checklist and said he wants to also work on an agreed upon script for judges to use at sentencings.

A Rule 15 petition in Spanish for enhanceable offenses has been found. Judge Thompson said at the next judge's meeting they will discuss implementing the form.

Judge Thompson then talked about requests for domestic abuse no contact orders. He said that all information requested on the forms must be provided in order for the orders to be signed or must be willing to give information in open court. He noted domestic abuse no contact orders are not confidential.

COURTS COMMITTEE

AGENDA

July 17, 2008 at 8:00 a.m.
Jury Room, Courtroom 2

- **Review and Approval of Minutes.**
- **Rule 8, Omnibus Hearings and Settlement Conferences**
- **Sentencing Orders or Checklists**
- **Rule 15 Petition in Spanish**
- **Budget issues for the Courts and Public Defenders.**
- **DANCO orders and victim information**
- **Other issues.**
- **Next meeting: August 21, 2008 at 8 a.m.**

* meeting not held

COURTS COMMITTEE

AGENDA

August 21, 2008 at 8:00 a.m.
Jury Room, Courtroom 3

- **Review and Approval of Minutes.**
- **Discovery Group Report – Bruce Nelson**
- **Settlement Conferences**
- **Sentencing Orders or Checklists**
- **Public Defenders representation of misdemeanors.**
- **Local use of criminal surcharges.**
- **Other issues.**
- **Next meeting: August 21, 2008 at 8 a.m.**

CJCC COURTS SUBCOMMITTEE MEETING
AUGUST 21, 2008

Present: HON. JEFFREY D. THOMPSON, LORI LARSON, LYNNE CALDWELL, JUDY GILOW, KALENE ENGEL, SALLY CUMISKEY, JULIE KOOP, BRUCE NELSON, RICH MCCLUER, JESSICA KAUPHUSMAN, RENÁ PATTERSON, DENNIS RUTGERS, CHUCK MACLEAN

Purpose: The purpose of the Committee is to make court case scheduling 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 meeting will be held on September 18, 2008.

Discussion:

Sentencing Orders/Checklists: Rena Patterson indicated that there was some confusion as to who was responsible for approving schedule changes and other requests for those people who were in revoked status and on EHM (Electronic Home Monitoring). Lynne Caldwell suggested that perhaps the EHM form was not sufficient for the Sheriff's Office. Judge Thompson felt that this issue was tied to the sentencing order issue and need for uniformity among judges. A workgroup was formed to address this issue and its members include Judge Thompson, Judge Leahy, Judge Bostrack, Rich McCluer, Chuck MacLean, Lynne Caldwell and Rena Patterson. Judge Thompson will chair the workgroup and arrange for the meeting.

June Minutes: Approved without changes.

Discovery Workgroup Report: Bruce Nelson gave an overview of the discovery workgroup meeting (minutes from the August 6, 2008 discovery workgroup meeting were also distributed). He noted that early identification of the defense attorney was a key issue in facilitating the prompt exchange of discovery. The public defender's office will be notifying both Court Admin and the prosecutor's office as to who will be representing a public-defender qualified defendant. Chuck MacLean noted that, of late, his office had been able to get discovery out sooner, thereby avoiding multiple hearings. Sally Cumiskey also noted that the public defender's office was working on streamlining its screening process to allow for screening of in-custody defendants at the jail, all in an attempt to promote earlier identification of the public defender assigned to the file. Bruce Nelson stated that electronic discovery exchange using a website with access codes was an idea for the future. This group will be monitoring the discovery issue for the time being, but will not be setting another meeting date at this time.

Settlement Conferences: Notes from the July 17, 2008 settlement conference workgroup were distributed. Chuck MacLean expressed concern that his staff has been threatened with sanctions for violations of the guidelines which he felt was unfair since it was not always possible to have the prosecutor available or a written offer prepared and the guidelines only indicate that the County Attorney would "attempt to" do those things. He felt that as long as someone with authority was there, that should suffice. He further noted that his office encourages informal settlement discussions that take place without court calendaring. Lynne added that if a case were resolved in this manner, settlement conference calendar time could

be used for a plea. Judge Thompson passed out a Pre-Trial Order that Judge Benson is using in Fillmore County. The Order prohibits a plea of guilty to a lesser charge after the pre-trial appearance. Benson states that it works very well and there is discussion at the district level as to whether it should be a district policy (which Judge Thompson opposes). Rich McCluer stated that it is important to identify in advance of the settlement conferences, those cases which are not conducive to the settlement process. He also feels that settlement conferences are a useful tool and that setting the matter for pre-trial and trial should take place at the settlement conference (if the case does not settle). Lynne Caldwell will be putting together a handout to give to parties when settlement conferences are scheduled which outlines the expected procedure, as developed by the workgroup.

Public Defender Misdemeanor Representation: Judge Thompson reported that this issue was discussed at a recent district judges meeting and there is no uniform policy on how to handle the problem of "wait-listing" cases. In some counties, they are setting misdemeanor cases out for 60 days for settlement conferences. In one county, the private bar is taking on public defender misdemeanor cases on a pro bono basis (which is something that the Winona County Bar might want to explore). Judge Thompson does not feel that targeted misdemeanors will be waitlisted. He also would encourage disposing of certain cases (such as driving with no insurance; issuing dishonored checks; driving after revocations, etc) via a court trial. Bruce Nelson noted that it would require a change in the statute and or rules to allow the prosecutor to certify a misdemeanor to a petty misdemeanor. Sally Cumiskey reported positive results since implementing the public defender misdemeanor representation without pre-qualification. This past Monday, 19 out of 21 cases were resolved. The fact that the defendants do not have to be prequalified also saves time. Chuck MacLean questioned whether the public defenders have taken on additional malpractice issues by providing legal advice to defendants who have not been public-defender qualified. Judge Thompson noted that the judges have been asked to crack down on public defender appointments. A workgroup to address the ongoing public defender misdemeanor representation issues was reformed. Members of this group include Chuck MacLean, Bruce Nelson, Dennis Rutgers, Karin Sonneman, Lynne Caldwell and one of the judges.

Sally Cumiskey and Rich McCluer will also be looking into the possibility of private bar representation in criminal cases on a pro bono basis. Judge Thompson suggested the possibility of offer a continuing legal education (CLE) course regarding trial tactics and techniques, similar to one done in Olmsted County. Kalene Engel will research the requirements of getting course approval for a CLE. No workgroup on this issue will be formed at this time.

Local Use of Criminal Surcharges: Judge Thompson would be in favor of local use of criminal surcharges if someone could figure out a way to do that. Sally Cumiskey feels that, under current law, her office would not be allowed to divert funds other than as specified in the statute. Mark Merchlewitz has done continuance for dismissals as a diversion program where money is paid to local entities.

Other:

- Judge Thompson distributed an Administrative Order dated 8/19/08 from Chief Judge William Johnson regarding misdemeanor traffic and non-traffic violation administrative dismissals. The order does not prevent judges from issuing bench warrants for failure

to appears. Judge Thompson indicates that he will continue to issue bench warrants in such circumstances provided a prosecutor appears at the end of traffic court, telling him which individuals did not appear and requesting warrants. Both Chuck MacLean and Bruce Nelson indicated that they were in agreement with this procedure. Court Administration will still be setting a second appearance.

- Chuck MacLean expressed concern about the court window closure and, in particular, the Court Administration not answering phones during that time. Apparently, people have been contacting his office when they are unable to reach Court Administration. He questioned whether Court Administration should still be able to answer phones, despite the window being closed. Sally Cumiskey stated that her staff needs that time to process orders and complete other work. She further noted that her staff, unlike other county's staff, continues to answer their extensions.

- Chuck MacLean also made a request that the Department of Correction put recommendations in violation reports so that cases can be disposed of without the need for an extra hearing. Rena Patterson indicated that it wasn't always possible to do so, but that they would try to do so when possible.

- Chuck MacLean would also like this committee to look into the issue of wasted attorney time in court. This prompted a discussion about how or whether court administration is allowed to call cases out of order. Bruce Nelson indicated that he would be willing to speak at a judge's meeting about this issue and Sally Cumiskey will make arrangements for him to do so.

Agenda Items for Next Meeting:

- Addressing Public Defender Requests Promptly
- Counseling for Abusive Men (CAM) Program
- Wasted attorney time in court

STATE OF MINNESOTA IN DISTRICT COURT

COUNTY OF FILLMORE THIRD JUDICIAL DISTRICT

State of Minnesota,

Plaintiff, Fillmore File

vs. **PRETRIAL ORDER**

Defendant.

In order to increase judicial efficiency and minimize inconvenience to the jury panel,

IT IS ORDERED:

1. That this matter is set for a pretrial conference at the District Courtroom, Fillmore County Courthouse, Preston, Minnesota, with trial to commence on

2. That no plea of guilty to a lesser charge will be accepted by the Court after that appearance.

3. That the defendant is ordered to be present at this pretrial. Failure to appear may result in the issuance of a bench warrant for defendant's apprehension and detention.

4. Counsel (or defendant if not represented by legal counsel) shall file witness lists, exhibit lists, and proposed jury instructions on the date of the pretrial conference.

Dated: August 7, 2008

BY THE COURT:

Robert R. Benson

STATE OF MINNESOTA

DISTRICT COURT
THIRD JUDICIAL DISTRICT

ADMINISTRATIVE ORDER
IN RE: Misdemeanor Traffic and Non-Traffic Violation Administrative Dismissals

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WHEREAS, Court Administrators are referring misdemeanor traffic and non-traffic violations that are in failure to appear status or have no proof of service to the prosecutor for further action. This action may be formal complaint, complaint/bench warrant, dismissal or other action deemed appropriate by the prosecuting agency.

THEREFORE, IT IS HEREBY ORDERED that misdemeanor traffic and non-traffic violation cases that have been referred to the prosecutor, shall be administratively dismissed without prejudice ninety (90) days after the date of the referral if no further action is requested by the prosecutor. Matters dismissed through this administrative process may be re-charged by the prosecuting agency.

Dated this 19 day of August, 2008.

BY THE COURT:

William A. Johnson
Chief Judge

COURTS COMMITTEE

AGENDA

September 18, 2008 at 8:00 a.m.
Courtroom 2 Jury Room

- **Review and Approval of Minutes.**
- **Mental Health Update. Buswell**
- **Settlement Conferences**
- **Sentencing Orders or Checklists**
- **Public Defender misdemeanor representation.**
- **Local use of criminal surcharges.**
- **Counseling for Abusive Males (CAM) program.**
- **Wasted attorney time in court. MacLean and Nelson**
- **Other issues.**
- **Next meeting: October 16, 2008 at 8 a.m.**

CJCC COURTS SUBCOMMITTEE MEETING
SEPTEMBER 18, 2008

Present: Hon. Jeffrey D. Thompson, Lori Larson, Lynne Caldwell, Judy Gilow, Kalene Engel, Sally Cumiskey, Julie Koop, Marcia Metzler, Travis Volkman, Tom Williams, Hon. Nancy Bostrack, Carmain Sturino, Rena Patterson, Sue Smelser, Christine Ledebuhr, Nicole Kinn, Bruce Nelson, Tom Weber, Brian Glodowski, Rich McCluer, Chuck MacLean, Karin Sonneman

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Purpose: The purpose of the Committee is to make court case scheduling 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 meeting will be held on October 16, 2008.

Discussion:

Minutes – Approved

Travis Volkmann – Mental Health Screen Update—Travis Volkmann handed out a form that the jail had adopted to screen inmates for mental health concerns. They do give a Tennessen warning prior to obtaining this information. The jail is wondering what they should do with the screening results so that judges/parties/attorneys are informed of results. Further, who should the jail staff go to if they have mental health problems with an inmate? Currently the jail gives the report to the jail administrator who provides it to the DOC for statistical purposes. Any other collected medical data stays in the jail file. Sometimes, Public Defenders are notified of jailer's concerns. Jailers could (1) refer the individual to a doctor; (2) call Hiawatha Valley so the inmate could speak to a counselor or (3) take the inmate to the emergency room for an evaluation.

Chuck MacLean stated that it was fine to notify prosecution about this and doesn't believe this would create a conflict, but wants a chance to refer it back to his HIPAA staff person, Tom Gort, for review. Tom Gort will look into this and it will be brought back to the next meeting.

Settlement Conferences: This process has been worked out and court administration is putting together a procedure handout. At settlement conferences yesterday many cases resolved. However, there are concerns that some judges are not following the procedure and that the County Attorney staff spends a lot of time waiting for the Public Defenders to become available. Court Administration will be circulating the procedure outline to judges, attorneys, staff and court administration. Karin Sonneman stated that, from her perspective, it is acceptable if the prosecutor is at least available in the courthouse somewhere.

Sentencing Checklist: A workgroup has been formed and will be meeting on October 8, 2008 at 8:00 a.m. in the Courtroom #1 Jury Room.

PD Misdemeanor Representation: The workgroup had a meeting on September 12, 2008 and came to a resolution of the wait-list issue. Karin Sonneman reviewed the procedure flowchart that was created for this process. One issue brought up was the difficulty getting the County the citations and Stephanie Sheire was going to talk to Ron Ganrude. The new

procedure for contested wait lists will start the first Friday in October. Judge Thompson stated that if there is a speedy trial demand; he feels the State has a qualified right to speedy trial. If he sets case for speedy trial he expects the case to try. In a speedy demand the case has to be started within 60 days unless there is some other good reason not to, but parties could still request a continuance within 14 days if the date would not work. Sally Cumiskey will send around the continuance policy update. Also, on Mondays Judge Bostrack will inform the courtroom about a potential conflict of interest, and cases will be moved accordingly.

Pro Bono Representation: Rich McCluer brought this idea up at the last the bar meeting and it was met with resistance. Some attorneys are opposed to the idea for those reasons, and by volunteering to bail the system out you mask the problem of inadequate funding. Judge Thompson will talk at the next bar meeting about this. Two specific ideas were introduced: 1) Bruce Nelson and Rich McCluer could go talk to legislators about revising the statute that prohibits prosecutor from certifying offenses as Petty Misdemeanor without defendant's consent, and 2) the idea of a pro se clinic, giving people the information they can use to proceed effectively pro se.

Local Use of Criminal Surcharges: Chuck MacLean says the idea of local use of criminal surcharges came from the County Board because they were wondering why they could not get the money. Criminal surcharges presently are deposited in the general fund. The MN County Association lobbyist, Nancy Hass, did not feel that pursuing this issue would be a good use of time. (She is also the lobbyist for the District Judges Association.) Sally Cumiskey wondered if prosecutors could request costs of prosecution. Chuck MacLean stated that he would have to do affidavits and other paperwork to get this. Judge Thompson noted that this is usually used for buy money or out of state witnesses and that judges are supposed to impose such costs based upon ability to pay. Chuck MacLean says that he can certainly put together prosecution costs affidavits and see where it goes. Another question was could we change how the forfeiture funds (cars, money) are divvied up? Nancy Haas feels that if you play with that, or ask for it, you would get a smaller piece of the pie.

Counseling for Abusive Males (CAM) Program: A program similar to the Hiawatha Valley Mental Health Center CAM program costs $600 in La Crosse, whereas the HVMHC program costs $1,700. If a person is indigent, they apparently still have to pay the fee. Furthermore, the program is an 11 month program so it is difficult to get the program completed. Craig Brooks is wondering if some group in the CJCC should look at this to determine whether it is effective and whether it is meeting the needs of the participants. The program started as an education program and is now a "treatment" program. Bruce Nelson feels that they might have made the program that way for insurance purposes. Judge Thompson wonders if we should come up with some type of alternative. Rich McCluer feels that we need something shorter and less expensive. Tom Williams feels that it is appropriate to give to JJA Committee. It could possibly be taken back to the Main Council to see who wants to handle this. Judge Thompson feels that this might devolve into an evidenced-based practices and a sentencing alternatives committee.

Wasted Attorney Time In Court: Bruce Nelson's concern is about how cases are called into court and suggests that cases that are ready to be heard get called first and that those cases where the parties/attorneys are still negotiating or are not ready to be heard be set aside until they are ready to go. Chuck MacLean would like to see if the County attorneys could be contacted when case is ready to be called. Karin Sonneman agreed that the bailiffs and court

clerks are in best position to know which cases are ready, so at settlement conference time, clerks could call the cases that are ready and skip over cases that are not ready. Judge Thompson will talk about this at the judges meeting and move this to #1 on next Agenda.

Next Agenda:
Wasted attorney time in court – Chuck Maclean and Bruce Nelson
Counseling for Abusive Males
Underage drinking – Brian Glodowsky
Sentencing Orders or Checklists – update

COURTS COMMITTEE

AGENDA

October 16, 2008 at 8:00 a.m.
Courtroom 2 Jury Room

- **Review and Approval of Minutes.**
- **Wasted attorney time in court. MacLean and Nelson**
- **Mental Health Screen Update. Buswell**
- **Sentencing Orders or Checklists Report.**
- **Counseling for Abusive Males (CAM) program.**
- **Continuance Policy. (3rd Judicial District).**
- **Settlement Conferences. Judges.**
- **Pro Bono Representation for Misdemeanors**
- **Other issues.**
- **Next meeting: November 20, 2008 at 8 a.m.**

CJCC COURTS SUBCOMMITTEE MEETING
October 16, 2008

Present: Hon. Jeffrey D. Thompson, Hon. Nancy Bostrack, Jessica Kauphusman, Tom Williams, Doug Stokes, Chuck MacLean, Chris Ledebuhr, Carmaine Sturino, Sally Cumiskey, Julie Koop, Marsha Metzler, Nicole Kinn, Kalene Engel, Jud Gilow, Lynn Caldwell, Lori Larson, Julie Thompson, Bruce Nelson, Karin Sonneman

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Purpose: The purpose of the Committee is to make court case scheduling 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 meeting will be held on Thursday, November 20th, 2008.

Discussion:

Minutes – September's minutes will be polished up and then sent out.

Sally Cumiskey – Wasted Attorney Time in Court Update—Sally Cumiskey stated that this was discussed at the Judge's meeting and resolved. The judges agreed to allow bailiffs and clerks to call cases out of order as they are in the best position to know which cases are ready. Court Administration will be meeting to discuss the details and clerks will be in charge of the files so the judges don't have to rifle through files to find the correct one. Chuck Maclean noted that we need to be mindful of everyone's time, not just attorney's time.

Mental Health Screening—This issue was referred to Tom Gort for review of HIPAA.

Sentencing Checklist—Sentencing Checklist committee had a meeting on October 8, 2008. Lynne Caldwell came up with some checklists. The Committee will look at them and report back. Chuck MacLean noted that it was something that everyone could use to follow along with and also that it could be used as some kind of final document to make sure that nothing was missed. Judge Thompson felt that it was also good to have standardized language for the judges, so if they have to pick up a file that came from another judge, it is easy to follow. Chuck MacLean, Lynne Caldwell, Rich McCluer and Judge Bostrack will be meeting to further discuss.

Counseling for Abusive Males (CAM)—Kalene Engel says that Craig Brooks' group has agreed to look at this. Julie Thompson wonders whether the current program is successful and would like to see feedback from attorneys to see if the programs are working and if Defendant's are coming back. Judge Thompson stated that he wanted to know what it is that he is ordering people to do. Also, if it comes back to this group, in what kind of cases is it going to be appropriate? Lori Larson noted that it may not be recommended because it is so in depth. Bruce Nelson had a friend who runs a Battered Program in Wausau which is $600 for 16 weeks. She felt that the HVMHC might be following the "Duluth" model which is longer and more expensive (although successful and well known), and the La Crosse Model is like the Wausau model, i.e. more a philosophical thing if you have the time and the money.

Continuance Policy—This issue has been resolved. Sally Cumiskey said that she did not know that County Attorneys were not a member of the bar and did not receive the

Continuance Policy forwarded by the bar. She has since forwarded the policy to County Attorney staff. She noted that the policy includes language on blind scheduling and how it can be different in trial arenas. She also noted that the continuance policy does not apply to continuances scheduled in a civil motion. The lawyer wanting the continuance would have to deal with the moving party, and if no resolution, then write to the judge.

Settlement Conferences—There needs to be consistency with settlement conferences. The judges do not need to go into court unless there is a plea or a party doesn't show and they need a warrant. If there is no settlement, the prosecutor and defense attorney will get a pre-trial and trial date from the court (these can be looked at ahead of time as well so the attorneys can tell their clients what might be happening). Lynne Caldwell is working on putting together a handout to be reviewed by the Judges. It was noted that settlement conferences are set in front of the trial judge on that case. It is usually about two-three months between settlement conference and trial date, with pre-trial around two weeks before trial.

Pro Bono Misdemeanor Representation—Rich McCluer is working on this, will talk to the bar and bring back to the committee.

Short Term Offender—Doug Stokes—Doug Stokes received an email from DOC concerning changing the way they handle short term offenders. Now all paperwork will go to Faribault prison and not St. Cloud. The Sheriff's Office wanted the Court Clerks to know that the paperwork should go to Faribault. The issue is that the clerks often would not know who is a short-term offender. Doug Stokes said that a short term offender is 180 days or less at the time of sentencing. Karin Sonneman would like to get the jail credit established before sentencing. The DOC wants the judge to calculate and state what the jail credit is at the time of sentencing. The days are normally incorporated into the PSIs, but problem is that there are continuances, etc. This could be added to the Sentencing Checklist that Lynne Caldwell is working on.

Other News

- Karen Duncan was named the Chief Public Defender
- Sally Cumiskey brought up the seminar for the Minnesota Association of Counties regarding Controlling Jail Costs and Crowding Through Innovation
- Sally Cumiskey brought to the attention of everyone an e-mail Wayne Schauble sent wondering if police could email and attach scanned citations and reports to prosecutors and the public defender the day they file with Court so nobody has to wait for paper, among other concerns. Tom Williams said that the BCA has a pilot project right now for e-filing of citations which Olmsted County will be implementing very soon. The Winona Police Department uses CIS mobile and there's a mobile ticket writing system on it, but it has "issues" that need to be worked out The Winona Police Department's system might prevent it from participating in the BCA e-filing. Elk River apparently has a system where they can do tickets right from the cars; these automatically get sent to courts, police, attorneys, etc. Judge Thompson indicated that one of the problems with the computer idea is lack of bandwidth and lack of funding.

Next Agenda:
Sentencing Orders or Checklists – update

COURTS COMMITTEE

AGENDA

20 November 2008 at 8:00 a.m.
Courtroom 2 Jury Room

- **Review and Approval of Minutes for September and October Meetings.**
- **Mental Health Screen Update. County Attorney.**
- **Sentencing Orders or Checklists Report. Lynne Caldwell.**
- **Pro Bono Representation for Misdemeanors. Rich McCluer.**
- **Update on Certification of Misdemeanors. Bruce Nelson.**
- **No MN DL Citations. Carmaine Sturino.**
- **Underage Drinking and Binge Drinking. Judge Thompson**
- **Other issues.**
- **Next meeting: 18 December 2008 at 8 a.m.**

CJCC COURTS COMMITTEE MEETING

November 20, 2008

Present: Hon. Jeffrey D. Thompson, Hon. Nancy Bostrack, Hon. Mary Leahy, Lori Larson, Lynne Caldwell, Judy Gilow, Kalene Engel, Julie Koop, Marcia Metzler, Tom Williams, Carmain Sturino, Rena Patterson, Sue Smelser, Nicole Kinn, Bruce Nelson, Tom Williams, Brian Glodowski, Chuck MacLean, Karin Sonneman, Sherri Brekke, Doug Stokes

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Purpose: The purpose of the Committee is to make court case scheduling 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 meeting will be held on December 18, 2008.

Discussion:

Minutes – September 08, Approved – October 08, Approved

Mental health screening update. – Chuck MacLean – Mr. MacLean's office looking into any HIPPA issues, and found out that LEC is probably not a covered entity under HIPPA. Mr. MacLean recommends a standing order that if screening indicates a need for further assessment, that information be shared with Court, defense attorneys and prosecutors. We still need to find out if DOC regulations provide for further disclosure restrictions. Mr. MacLean's office will draft a proposed order for the next meeting.

Sentencing order and checklists – Lynne Caldwell, Hon.Nancy Bostrack, Chuck MacLean, Karin Sonneman, and Rich McCluer met to discuss how to make the checklists. They decided to do a felony gross misdemeanor sentencing order. They came up with a three part form that the judge would complete during a hearing. The attorney would review the form and make any changes/corrections and then leave. Mr. MacLean provided a copy of the Dakota County Form which has explanations/definitions for some of the terms on the form.

Suggestions for changing the form were discussed. Sally Cumiskey wanted the jail and DOC to review it and make sure they were satisfied with it. Judge Thompson suggested that 100 copies of the form be made so that he and Judge Bostrack could start trying them out in their courtrooms. Doug Stokes suggested there be a space for the IRC number, which will be added. Rena Patterson asked if there was a definition of STO because it can be a different time period for predatory offenders. Lynne Caldwell stated that the form would cover 95% of the cases, but there are times when it won't be able to be used. Judge Thompson would like to get the file, Pre-Sentence Investigation and files the day before the sentencing

Pro Bono Representation for Misdemeanors – Rich McCluer -- No update; Mr. McCluer was not present.

Update on Certification of Misdemeanors – Bruce Nelson – Mr. Nelson looked at the possibility of trying to change the rules that deal with certifying misdemeanors as petty and take burden off Public Defenders. CJCC did a memo regarding what would need to be done, which requires a rule and statutory change. Kalene Engel will e-mail the statutory memo to Judge Thompson for discussion with Gene Pelowski and at the next Judge's conferences. Ms. Engel forwarded information to the group regarding rules committee vacancies and it

would be useful to have someone from the Courts committee filling that spot to address the changes. Chuck MacLean noted that the County Attorney's Office is sponsoring some legislation to convert misdemeanors into petty misdemeanors (not involving alcohol or restitution).

No MN DL Citations – Carmain Sturino – Carmain Sturino noticed while sitting in traffic court that several people where in need of interpreters and almost all were no MN Drivers license and had no proof of insurance. After looking into it, she found out that the Drivers License return program seems to be working very well, but there is a need to work on people who are not eligible for a Drivers License, i.e. undocumented workers. As an example, she noted there are other states who have tried to get Drivers Licenses for undocumented workers. Doing this could bring increased revenue for the state as this offense is payable, and decreased time for attorneys.

Ms. Sturino also noted that an interpreter sat in the courtroom with the Judge but there was not someone to deal with the clients and attorneys out in the hallway. Judge Thompson felt it might be helpful to have Spanish majors come and help outside the courtroom on traffic days. Not as sure whether the undocumented workers issue is something this Committee could do anything about. Judge Thompson is willing to appoint Carmain Sturino to look further into this issue. Judge Leahy states that she could certainly collect info on how much it is costing the courts.

Underage and Binge Drinking: Rich McCluer has e-mailed Judge Thompson regarding lowering the drinking age. Judge Thompson referenced an article from Science Daily that he sent out regarding raising alcohol taxes. Judge Thompson noted that Professor Simon was advocating for a 5 cent per drink tax while Judge Thompson has asked for a dime a drink tax. It would be nice if this could happen, and the money earmarked for the Courts as right now they are asking for just enough money to keep the services we have now, not more, and it is unlikely the court will get that amount.

Karin Sonneman noted that the Model Legislature is on the 4th and 5th of December. She hasn't heard back from Gene Pelowski regarding whether they wanted the CJCC to testify in the dime a drink testimony like they have in the past. Karin looked up the abstract of the article that Judge Thompson sent out and saw that you could email the author, and thought maybe we could follow up with him? Judge Thompson has said he'd testify on behalf of this but wants funds dedicated to Courts not to the general fund. Gene Pellowski feels there's no way that will happen. John Marty is another Senator that is in support of this. Judge Thompson will talk to the judges at the next MDJA meeting about this.

Other – prosecutor costs – Sally Cumiskey: proposed legislation change with respect to assessing prosecutor costs in order to make it easier to assess costs. Judge Thompson says he's not sure what's included in costs of restitution. Chuck MacLean states that the obvious costs are extradition. Mr. MacLean believes that Judge Thompson had expressed unwillingness to award extra costs. Average costs for subpoena service is $80 per subpoena. The costs of subpoenas are costs they'd consider passing on. **Prosecution costs – add to next month's calendar.

Other – Project Fine Program – Karin Sonneman mentioned the Project Fine Program to introduce the immigrant population to the court system will be held on December 20.

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Courts Committee of the Winona County CJCC
Date: Thursday, November 20, 2008
Re: "No Minnesota Driver's License" Citations:

End the Cycle of License Violations; Reduce State Court Time & Costs; Increase Public Safety.

I. Initial Reasons to Raise the Issue
   a. Who determines if applicant qualifies for the Driver License Return Program administered through DOC?

   b. What can we do for those receiving No DL citations that do not qualify for the program? (program is to "reinstate" not "obtain for the first time")

II. What is the real issue?
   a. The "Identification Requirements" for primary & secondary documents necessary to obtain a Minnesota Driver's License do not permit for use of Mexican DL or Consulate card; only documents issued through the United States Government.

III. Short Term Goals
   a. Are local prosecutors and defense attorneys willing to keep track of "No MN DL" citations appearing in traffic court along with the information of whether an interpreter was required for the hearing?

   b. For documented individuals, prepare an educational clinic/brochure to be made available to the public with steps necessary to reinstate your license? *(Partner with the St. Charles Navigating Community Systems program through Project Fine?)*

   c. What offense convictions result in deportation? Student visa?

   d. Are there things we could do to overcome language barriers?

IV. Long Term Goal: ***End the Cycle of License Violations; Reduce State Court Time & Costs; Increase Public Safety.***
   a. Based off Winona County traffic statistics:

i. How much court time would be *saved* if these offenses were de-criminalized?
ii. How much money would the State *save* in reduced:
    1. Interpreter time?
    2. Court staff time?
    3. Filing / Administrative time?
iii. How much money would the State *gain* if these individuals were required to pay initial application fees, renewal fees, and in the case of a license suspension, reinstatement fees?
iv. How much time would the County *save* in reduced prosecution time?

b. Conduct research on other States which have made the same proposals to their State Governments;

c. Conduct research on President-Elect Obama's position to obtain driver's licenses for undocumented people;

d. Present public policy arguments to the State Legislature which would result in a statute which would allow undocumented individuals to obtain their driver's license. *(Some ideas: Would be required to obtain car insurance, therefore, Victims more likely to be compensated; Less likely to flee the scene of an accident; More easily identifiable & able to be located and Increased revenue for the State of Minnesota.)*

V. Possible Alliances
a. Employers
b. Car Insurance Agents
c. SMRLS Refugee, Immigrant & Migrant Services
d. American Immigration Lawyer's Association, MN
e. Project Fine
f. Legislative Outreach Subcommittee of the Community Outreach & Diversity Committee of the Winona Co. CJCC

VI. What I have learned already...
a. Undocumented aliens can secure employment, housing, and education;
b. Undocumented aliens pay State & Federal Income Tax;
c. Undocumented aliens can get divorced in MN;
d. Undocumented aliens can maintain a bank account; and
e. Undocumented aliens can be ordered to pay child support.
f. (All this...but we don't let them drive?)

VII. What I am asking for today?
a. Is there an interest from the CJCC to pursue such objectives?
b. If yes,
    i. Are people interested in helping?
    ii. Would the Court's Committee like to be involved?
    iii. Should this matter be referred to Legislative Outreach of COD?

VIII. Issues raised along the way?

a. Does the State "Staff Interpreter" mean that the County is not working with Project Fine any longer?
b. Could we assist local interpreters with a court room vocabulary presentation?
c. Could we arrange for student interns to help out on Traffic Court Spanish Days?
d. Is it a reality that budget cuts will reduce interpreters for victims, witnesses, or civil matters?

STATE OF MINNESOTA
COUNTY OF WINONA

DISTRICT COURT
THIRD JUDICIAL DISTRICT

STATE OF MINNESOTA
VS.

_____

FELONY/GROSS MISDEMEANOR
SENTENCING ORDER

FILE NO./COUNT. NO./ ICR NO.		CHARGE/LEVEL		MINN. STAT. §	OFFENSE DATE	CONVICTION DATE/TYPE (PLEA/GUILTY BY COURT/GUILTY BY JURY)	
ICR#							
ICR#							
ICR#							

SENTENCE:

☐ Probation Before Conviction/Minn. Stat. § 152.18
☐ Continued for Dismissal

☐ Adjudication Stayed
☐ Imposition Stayed

☐ Sentence Imposed/Execution Stayed
☐ Sentence Executed

☐ _____Yrs. _____Mos. _____ Days

☐ No less than 2/3rds (_____ Mos.) to be served at a State prison; up to 1/3rd (_____ Mos.) to be served on supervised release, assuming no disciplinary offense(s)

PROBATION:

☐ Supervised: ☐ DOC-FEL; ☐ DOC-CU

☐ Unsupervised to Court

☐ Term

GENERAL CONDITIONS

☐ Law Abiding Behavior
☐ No Same/Similar
☐ Sign Probation Agreement w/i 14 days
☐ CWS/STS Hours _____
☐ Cognitive Skill Program
☐ DNA Sample
☐ Sex Offender Registration

☐ Alcohol Assessment ☐ Psychological Evaluation ☐ Follow Recommendations
☐ CD Evaluation ☐ Psycho-Sexual Evaluation ☐ Provide Releases
☐ Dom. Viol. Inventory ☐ Other:

☐ No Alcohol Use ☐ Stay Out of Bars and Liquor Stores
☐ No Controlled Substance Use ☐ No Association With Known Drug Users
☐ Random Testing
☐ Other:

☐ No Contact w/Victim(s)
☐ No Uninvited Contact w/Victim(s)
☐ Cancel Interim DANCO Order
☐ DANCO Sentencing Order
☐ No Contact w/Persons Under _____ ☐ No Unsupervised Contact w/Persons Under _____
☐ Excluded from Victim(s) Residence at _____
☐ Excluded from Victim(s) Employment at _____
☐ Other:

FINANCIAL CONDITIONS

☐ Fine ..... $_____
☐ Surcharge ..... $_____
☐ Law Library ..... $_____
☐ Restitution ..... $_____
☐ Alcohol Assm. Fee ..... $_____
☐ Prosecution Costs ..... $_____
☐ Payment Agreement
☐ Financials Due in Full: _____
@ No Less Than $_____ Month

☐ Restitution payable to: _____
☐ Discharge Bond
☐ Refund Bail to _____
☐ Apply Bail to Financial $_____
☐ Other: _____

JAIL

☐ _____ Days Jail ☐ _____ Days Stayed for _____
☐ _____ Days ☐ Electronic House Arrest ☐ Alco Sensor
☐ Credit for Time Served: ☐ _____ Days ☐ Since _____ ☐ Short Term Offender
☐ Huber: ☐ Employment ☐ School ☐ Other: _____ ☐ STS – Day for Day Credit
☐ Report: ☐ Immediately ☐ By _____

OTHER

☐ Other Charges Dismissed:

☐ Probation: ☐Concurrent ☐ Consecutive
w/_____

☐Jail: ☐Concurrent ☐Consecutive
w/_____

☐ Other: _____

Dated: _____

_____
Judge of District Court

APPENDIX A ON THE REVERSE SIDE IS A PART OF THIS ORDER

Original – File *Yellow – Prosecutor* *Pink – Defendant/Attorney*

APPENDIX A

EHM: If you are placed on Electronic Home Monitoring as a condition of probation, you will be required to meet eligibility requirements and pay a daily fee to be on this Program. If you do not meet eligibility requirements, you may be required to serve the EHM sentence in jail. If you violate the EHM Program rules or fail to pay the daily fee, you may be terminated from the Program and your probation may be violated.

WORK-RELEASE: If you are sentenced to serve jail time in the Winona County Jail, you may, at the discretion of the sentencing Judge, be permitted work-release privileges while serving this sentence. You must meet eligibility requirements of the Sheriff's Department and pay the daily work-release fee. If you violate the rules of this program, you may be terminated from the program and your probation may be violated.

JAIL CREDIT: If the sentencing Judge awards you credit for time served, you will be credited with the number of days specified in the Sentencing Order. If the credit is not specified in the Sentencing Order, then the number of days credited will be determined by the Sheriff's Department and/or the Department of Corrections-Felony Unit or Department of Corrections-Courthouse Unit.

GOOD TIME: If you are sentenced to the Winona County Jail or a state prison, you will be eligible to earn good time off of your sentence. Under normal circumstances, you will serve two-thirds of your sentence in jail. If you violate the rules of the correctional facility, you may lose all or a portion of your one-third good time, and you may be required to serve the entire sentence in jail.

SUPERVISED RELEASE: If you are sentenced to the custody of the Commissioner of Corrections to serve a sentence in a state prison, you will serve at least two-third of that sentence in custody and the balance, one-third or less, on supervised release. If you violate a condition of your supervised release, you may be returned to prison to serve the balance of your sentence.

CONDITIONAL RELEASE – FELONY DWI: If you are sentenced to prison for committing the crime of First Degree DWI, you will be required to serve at least two-thirds of the sentence in custody. You will not be eligible for release until you have successfully completed a chemical dependency treatment program while in prison. Once you are released from prison, you will be placed on conditional release for five years. If you violate any of the conditions of conditional release, you may be returned to prison to serve the remainder of the conditional release term in custody.

CONDITIONAL RELEASE – CRIMINAL SEXUAL CONDUCT: If you have been convicted of a criminal sexual conduct offense and you are sentenced to prison, you will be placed on conditional release after you have served the sentence imposed, both in custody and on supervised release. This period of conditional release is for ten years, minus the number of months you were on supervised release. If you violate your conditional release, you may be required to serve all or a part of the remaining portion of the conditional release term in prison.

SEX OFFENDER REGISTRATION: If you are convicted of a criminal sex offense, or a crime arising out of a sex offense, you will be required to register as a sex offender. Failure to register as required is a crime, and you may be prosecuted and your probation/supervised release/conditional release may be revoked.

PROBATION FEES: If you are placed on supervised probation to the DOC-FEL or the DOC-CU, you will be charged a probation fee. This fee is set by the State and cannot be waived by the Court.

SURCHARGES: In addition to fines that may be imposed as part of your sentence, you will be required to pay a surcharge. The amount of the surcharge is determined by the State and this amount cannot be waived by the Court.

RESTITUTION: If you are ordered as a condition of your sentence to pay restitution, you will be required to compensate the victim(s) of your behavior for out-of-pocket expenses. The amount of restitution will normally be determined by the DOC and a payment schedule will be established. If you disagree with the amount determined, you may request the Court to review the amount. Restitution is joint and several. This means that if more than one person is found to be responsible for the damage, they will share the responsibility. However, if one doesn't pay his/her share, the remaining person(s) will be responsible for the entire amount.

FINES AND FEES: If you fail to pay your fines and fees as directed, your account may be referred to a collection agency. In the case of driving violations, your driver's license may be suspended. If referred to a collection agency, additional fees will be incurred and your account may be referred to Revenue Recapture, which means that you may not receive any income tax returns until your fines and fees are paid in full. In addition, referral to a collection agency could adversely affect your credit report.

D.N.A.: If you are convicted of a felony offense, you will be required to submit to D.N.A. testing by the DOC or its assignee. This is a mandatory requirement under state law.

STAY OF ADJUDICATION OR GUILTY PLEA NOT ACCEPTED: In this sentencing, the charge(s) against you may be dismissed at the end of the probationary period if you successfully complete or satisfy all conditions of probation, including the payment of any fines or fees in accordance with payment arrangements. If you fail to meet any of the conditions of probation, the guilty plea may be accepted resulting in a conviction for the offense(s).

COURTS COMMITTEE

AGENDA

18 December 2008 at 8:00 a.m.

PLEASE NOTE: This meeting will be held in Courtroom 2. We are going to be joined by a group of observers from Clinton, Iowa who are considering the formation of a Criminal Justice Coordinating Committee for their jurisdiction.

- **Review and Approval of Minutes for November Meeting.**
- **Mental Health Screen Update. County Attorney.**
- **Update on prosecution costs. County Attorney.**
- **Sentencing Checklist update. Judge Thompson.**
- **PD Misdemeanor Workgroup Report. Sally Cumisky.**
- **Pro Bono Representation for Misdemeanors. Rich McCluer.**
- **Minor Consuming – Repeat Offenders. Brian Glodosky.**
- **E-Filing. Brian Glodosky.**
- **No MN DL Citations. Carmaine Sturino.**
- **Dime-A-Drink and Court Funding . Judge Thompson.**
- **106 Parking Warrants (Sept and Oct) on 12-2-08?? Judge Thompson.**
- **Other issues.**
- **Next meeting: 15 January 2009 at 8 a.m.**

CJCC COURTS SUBCOMMITTEE MEETING

December 18, 2008

Present: Hon. Jeffrey D. Thompson, Brian Glodowski, Bruce Nelson, Marcia Metzler, Julie Koop, Lori Larsen, Carmaine Sturino, Tom Williams, Rich McCluer, Chuck MacLean, Sherri Brekke, Nicole Kinn, Lynn Caldwell, Karin Sonneman, Judy Gilow, Sally Cumiskey, Kalene Engel

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Purpose: The purpose of the Committee is to make court case scheduling 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 meeting will be held on January 15, 2009.

Discussion:

Minutes – November 20th meeting minutes APPROVED

Sentencing Checklists Update – Judge Thompson – Judge Bostrack and Judge Thompson have copies and they are using them on the bench. Judge Thompson has used them two times, and noted that when sentencing defendants for multiple crimes the form is hard to use. Judge Thompson made the suggestion that file numbers and names should be on the forms in advance, and noted that using the forms effectively may some time to get right but that, hopefully, it will get easier.

Mental Health Screen Update – Chuck MacLean – Chuck MacLean said the Department of Corrections looked at data privacy and data practices and said there is nothing that would preclude them from sharing information for public safety, defense and court security. He will prepare a blanket order for this, and run it past this committee when it is done.

Prosecution Costs – Chuck MacLean – Chuck MacLean notes that we are at a fork in the road. In his opinion, the judges seem reluctant to order prosecution costs in most cases, but he wanted everyone to be made aware of the county attorney issues. Service costs for subpoenas through August caused a big hit for the county, coming to thousands of dollars. It was noted that Winona County does not charge for the service of subpoenas, but other counties do. Mr. MacLean is going to start bringing in some of these requests, and whether or not the court lets them go through will be up to them.

Pro Bono Representation on Misdemeanors – Rich McCluer – Rich McCluer notes there is tremendous resistance on an organized basis to pro bono representation, so he's been trying to talk with attorneys on an individual basis. He has been talking to them about taking cases and offering assistance if they need it. Mr. McCluer has personally been taking on pro bono cases, as have other attorneys in his office. There is a list of objections to taking on cases on an organized basis, mostly from a majority of the active bar members.

Underage Consumption, Repeat Offenders – Brian Glodowski – Brian Glodowski noted that in the city there are a lot of underage drinking tickets (petty misdemeanor for the first). Police can only look at repeat offenders from Winona County, so if there are prior offenses from outside this county, no one knows about it. There seems to be a discrepancy in how they are handled, and Mr. Glodowski suggested a way to do it would be to take out citations and file

complaints. He also said that it does not seem to be fair that Winona residents are being treated more harshly than college kids who are from outside Winona County. Judge Thompson noted that with the payable list being in question, it seems as though our underage drinking enforcement may be expected to go downhill.

E-Filing – Brian Glodowski – Brian Glodowski went to Rochester and watched a presentation on their new E-filing process. The process starts with prosecutors filing complaints with the court administrator's office (i.e. the file opens with the county attorney instead of court administration). Prosecutors would be able to get case numbers back immediately, it would save time for court administrations, but that saved time would be passed onto the prosecutor. While the information on the defendant would be included, the prosecutors would still need to pass around other information as there is no way to attach supplemental documents.

Judge Thompson said that this system asks for a lot of upfront costs, and while the concept is good, how it works in practice will have to be seen from the tests in Olmsted County. Depending on how those tests go, we may be asked to take something like this on in the future. Chuck MacLean noted that in order to use the system a program called MCAPS is needed, which is very data intensive and easy to make errors on. The county attorney's office is actually looking at getting out of the MCAPS system. The County has developed the first stages of a website to store large documents and give user codes. In terms of discovery, the police department has a system for saving reports and with major cases they create a file into which they dump the documents. They are looking at having the city attorney be able to access that information. Tom Williams will contact Elk River about the E-charging aspect of the question as they have gone completely paperless.

Karin Sonneman talked about how the Public Defenders office is working on a system called Gideon which will theoretically tie into the E-filing and will supposedly be able to access statewide or nationwide information about offenders. It isn't quite there yet though.

No Minnesota Drivers License Citations – Carmaine Sturino – Carmaine Sturino and Karin Sonneman spoke about how this is now on the Community Outreach & Diversity Committee agenda (and can be taken off this agenda), and how they plan on making a legislative visit. Karin Sonneman is working on a talking points handbook for the committee, and it will include certifying misdemeanors as petty, the dime-a-drink proposal, and the criminalizing no MN Drivers License. She is hoping to testify before some committees, so as many people that want to go are welcome so as to show what is happening in Winona County. Judge Thompson suggested talking to Sally Cumiskey's brother (Police Chief in Worthington) about what they are doing about this for some guidance.

Dime-a-drink and Court Funding – Karin Sonneman – Karin Sonneman noted that Winona Model Legislature adopted the dime-a-drink proposal and dedicated 200 million of the 500 million to the court system and would use the rest to balance their budget. There seemed to be a lot of interest from the parents that attended, and she had talked to Gene Pelowski about it as well. They are going to be putting it in the talking points handbook about what the harm is to people, what problems the lack of funding is going to cause for citizens and various agencies. She would like feedback on this as she tentatively has February 13th down for a legislative meeting. She also noted that Senator John Marty has been bringing more exposure to this as well.

Judge Thompson talked to the MDJA lobbyist, and they thought this would be a good environment for something like this as everyone is looking at a way to get us out of the budget crisis we are in. Every judge in the district has been assigned a legislator to meet with and explain the funding situation to them. Judge Thompson also noted that he went to a meeting where they were asked to brainstorm ideas for saving money. Some ideas that might be considered were: not having separate sentencing hearings on misdemeanor and gross misdemeanor cases, asking the legislature to abandon the implied consent revocation process, asking the legislature to declare the Minnesota Sentencing Guidelines are advisory only and thereby avoiding all the Blakely procedural issues and jurisprudence. Kalene Engel suggested there should be a section in the talking points handbook related to these kinds of ideas.

Chuck MacLean proposed that the house research group do some analysis to see what will happen not only with the dollar impact on the state budget, but also on County and City budgets and the system itself. He thinks it would more likely be trusted by house research than if this group put it together. This will be put on the next agenda for updates.

Other – Public Defender Misdemeanor Workgroup – Sally Cumiskey – A meeting was held on December 3, 2008 and it was agreed to how court administration would refer files to the Public Defenders. The process started as of December 17, 2008. They are still discussing the issue of how discovery would get to the newly assigned public defender.

Other – County Attorney's Office – Chuck MacClean – The County Attorney's office will now be working in three groups. There will be a civil team dealing with all civil matters and CHIPS consisting of Sue Cooper and Steve Ott. There will be a Violent Crime team dealing with Murder, Assaults and Criminal Sexual Conduct Offenses consisting of Tom Gort and Chuck MacClean. There will be a Criminal team dealing with property, drugs, domestic assault, misdemeanor, gross misdemeanor and juvenile delinquency headed by Kevin O'Laughlin including Stephanie Sheire and the new temporary attorney. There will be more distributed management with a team leader to get faster turnaround and quicker response, and the new structure will try to get lawyers in the right places at the right time. Also, they have a new secretary starting, her name is Angela.

Other – Traffic Court Comment – Karin Sonneman – Karin Sonneman wanted to commend the prosecutors, the public defenders office, and court administration for working really well together on December 12, 2008 for traffic court. It was a really big day and it was nice to see adversaries working together to make things work. It was also nice to get the heads up that it was going to be a big day so that they could really work together to make it run smoothly.

Other – DANCO – Lynne Caldwell – Court Administration needs the defendant's name, gender, date of birth, and the victim's name, date of birth, gender and address if possible. If all that information is not included it will be kicked out of CGIS. There is an interim order that takes place before sentencing, and after sentencing there is a sentencing DANCO order. The issue arose because previous DANCO orders did not have deadlines on orders.