

MAY 24 2012

**FILED**

STATE OF MINNESOTA

IN SUPREME COURT

ADM 10-8011

ADM04-8001 (formerly C6-84-2134)

ADM09-8009 (formerly CX-89-1863)

ADM10-8050 (formerly C4-85-1848)

ORDER PROMULGATING AMENDMENTS REGARDING  
E-FILING TO THE RULES OF CIVIL PROCEDURE,  
GENERAL RULES OF PRACTICE, AND RULES OF  
PUBLIC ACCESS TO RECORDS OF THE JUDICIAL BRANCH

The Supreme Court Advisory Committee on the Rules of Civil Procedure has recommended certain amendments to the Rules of Civil Procedure, the General Rules of Practice for the District Courts, and the Rules of Public Access to Records of the Judicial Branch regarding the authorization of mandatory and voluntary e-filing and e-service. The Court has reviewed the proposals and is advised in the premises.

IT IS ORDERED THAT:

1. The attached amendments to the Rules of Civil Procedure, the General Rules of Practice for the District Courts, and the Rules of Public Access to Records of the Judicial Branch be, and the same are, prescribed and promulgated to be effective September 1, 2012.

2. These amendments shall apply to all actions or proceedings commenced on or after the effective date.

3. Upon the effective date of this order, the order of this court dated March 10, 2011, for the Judicial District E-Filing Pilot Project, ADM10-8011, is superseded.

4. To the extent of any conflict between the terms of these amendments as they relate to voluntary e-filing and e-service and rules 401 to 418, 501 to 525, and 601 to 612 of the General Rules of Practice for the District Courts, and the Special Rules of Procedure Governing Proceedings under the Minnesota Commitment and Treatment Act, the terms of these amendments as they relate to voluntary e-filing and e-service shall prevail.

5. The inclusion of advisory committee comments is made for convenience and does not reflect court approval of the statements made therein.

Dated: May 24, 2012

BY THE COURT:

A handwritten signature in cursive script, reading "Lorie S. Gildea", is written over a horizontal line.

Lorie S. Gildea  
Chief Justice



39 by authorized electronic means using the court's E-Filing System as defined by Rule 14  
40 of the Minnesota General Rules of Practice is complete:

41 (1) upon completion of the electronic transmission of the document(s) to the E-  
42 Filing System if the E-Filing System service command is used; and

43 (2) upon acceptance of the electronic filing by the court, as provided in Rule 14, if  
44 the E-Filing System joint service and filing command is used.

45 (d) **Technical Errors; Relief.** Upon satisfactory proof that electronic filing or  
46 electronic service of a document was not completed, any party may obtain relief in  
47 accordance with Rule 14.01(f) of the General Rules of Practice. That relief may be  
48 available because of:

49 (1) an error in the transmission of the document to the authorized electronic filing  
50 and service system that was unknown to the sending party;

51 (2) a failure of the system to process the document when received, or

52 (3) other technical problems experienced by any party or system.

53 The court may enter an order permitting the document to be deemed filed or served as of  
54 the date it was first attempted to be transmitted electronically. If appropriate, the court  
55 may adjust the schedule for responding to these documents or the court's hearing, or  
56 provide other relief.

57 **Rule 5.03. Service: Numerous Defendants**

58 If the defendants are numerous, the court, upon motion or upon its own initiative,  
59 may order that service of the pleadings of the defendants and replies thereto need not be  
60 made as between the defendants and that any cross-claim, counterclaim, or matter  
61 constituting an avoidance or affirmative defense contained therein shall be deemed to be  
62 denied or avoided by all other parties and that the filing of any such pleading with the  
63 court and service thereof upon the plaintiff constitutes due notice of it to the parties. A  
64 copy of every such order shall be served upon the parties in such manner and form as the  
65 court directs.

66 **Rule 5.04. Filing; Certificate of Service**

67 All ~~papers~~documents after the complaint required to be served upon a party,  
68 together with a certificate of service, shall be filed with the court within a reasonable time  
69 after service, except expert disclosures and reports, depositions upon oral examination  
70 and interrogatories, requests for documents, requests for admission, and answers and  
71 responses thereto shall not be filed unless upon order of the court or for use in the  
72 proceeding.

73 The administrator shall not refuse to accept for filing any ~~paper~~documents  
74 presented for that purpose solely because it is not presented in proper form as required by  
75 these rules or any local rules or practices. Documents may be rejected for filing if  
76 tendered without a required filing fee or a correct assigned file number, or are tendered to  
77 an administrator other than for the court where the action is pending.

78 **Rule 5.05. Filing; Facsimile Transmission**

79 Except where filing is required by electronic means by rule of court, Any  
80 paperdocument may be filed with the court by facsimile transmission. Filing shall be  
81 deemed complete at the time that the facsimile transmission is received by the court and  
82 the filed facsimile shall have the same force and effect as the original. Only facsimile  
83 transmission equipment that satisfies the published criteria of the Supreme Court shall be  
84 used for filing in accordance with this rule.

85 Within five days after the court has received the transmission, the party filing the  
86 document shall forward the following to the court:

- 87 (a) a \$25 transmission fee for each 50 pages, or part thereof, of the filing;  
88 (b) any bulky exhibits or attachments; and  
89 (c) the applicable filing fee or fees, if any.

90 If a ~~paper~~document is filed by facsimile, the sender's original must not be filed  
91 but must be maintained in the files of the party transmitting it for filing and made  
92 available to the court or any party to the action upon request.

93 Upon failure to comply with the requirements of this rule, the court in which the  
94 action is pending may make such orders as are just, including but not limited to, an order  
95 striking pleadings or parts thereof, staying further proceedings until compliance is  
96 complete, or dismissing the action, proceeding, or any part thereof.

97 **Rule 5.06. Filing Electronically**

98 Where authorized or required by rule promulgated by the Minnesota Supreme  
99 Court, ~~papers~~documents may be filed electronically by following the procedures of such  
100 rules and will be deemed filed in accordance with the provisions of ~~that order~~ this rule.

101 A document that is electronically filed is deemed to have been filed by the court  
102 administrator on the date and time of its transmittal to the court through the E-Filing  
103 System as defined by Rule 14 of the Minnesota General Rules of Practice, and the filing  
104 shall be stamped with this date and time subject to acceptance by the court administrator.  
105 If the filing is not subsequently accepted by the court administrator for reasons authorized  
106 by Rule 5.04, the date stamp shall be removed and the document electronically returned  
107 to the person who filed it.

108 **Advisory Committee Comment—2012 Amendment**

109 Rule 5.02 is amended to authorize service by use of an authorized e-filing  
110 and e-service system where allowed or required by court rule or supreme court  
111 order. This amendment takes effect in conjunction with the adoption of Rule  
112 14 of the General Rules of Practice; that rule defines the cases in which  
113 electronic filing and service are either required or permitted, as well as what  
114 constitutes proof of service. Rule 5.02(c) addresses the fact of service. Just as  
115 service by postal mail is complete upon dropping the properly addressed and  
116 postage paid document into the mailbox, service using the court's E-Filing  
117 System is complete upon transmitting the electronic document to the E-Filing  
118 system using the appropriate service command. Rule 5.02(d) provides specific  
119 guidance for courts dealing with the rare, but probably inevitable, circumstance  
120 of the e-filing system either not being available or not functioning as intended.  
121 If applicable, the rule authorizes the court to deem pleadings served or filed (or  
122 both) when attempted and to adjust the time to respond as appropriate.

123 Rule 5.04 is amended to specify the limited situations where courts are  
124 not required to accept documents tendered for filing. These situations apply  
125 equally to documents tendered for filing electronically, by mail, or by hand-  
126 delivery to the court. Rejection for filing is not required in each of these  
127 situations, and it may be possible that certain format defects might be "fixed" at  
128 the time of filing. For example, if an incorrect file number is used on a  
129 document and it is detected at the time of attempted filing, it might be  
130 corrected; the administrator is still authorized to reject it for filing. An attempt  
131 to file a case using a new case number when the case has previously been filed  
132 may also be treated as not having the correct file number.

133 Rule 5.05 is amended to dovetail the facsimile filing and service  
134 provisions to mandatory use of e-filing and e-service in certain cases. Where  
135 the court rules require e-filing and e-service, filing and service by facsimile are  
136 not authorized. When e-filing and e-service are in use throughout the state and  
137 in all categories of cases, facsimile filing and service is likely to become  
138 unavailable.

139 Rule 5.06 is amended to clarify when electronic filing through the court's  
140 e-filing system is effective. E-filings are subject to acceptance by the court  
141 administrator and acceptance may or may not occur on the same day as the  
142 transmittal of the filing. If accepted by the court administrator, however, the e-  
143 filing party will get the benefit of the date and time of their transmittal as the  
144 effective date of their filing.

145  
146 **RULE 6. TIME**

147 **6.01. Computation**

148 **(a) Computation of Time Periods.** In computing any period of time prescribed  
149 or allowed by these rules, by the local rules of any district court, by order of court, or by  
150 any applicable statute, the day of the act, event, or default from which the designated  
151 period of time begins to run shall not be included. The last day of the period so  
152 computed shall be included, unless it is a

- 153 • Saturday,  
154 • Sunday,

- 155           • legal holiday, or,  
156           • when the act to be done is the filing of a paperdocument in court, a day on  
157           which weather or other conditions result in the closing of the office of the  
158           court administrator of the court where the action is pending, or  
159           • where filing or service is either permitted or required to be made  
160           electronically, a day on which unavailability of the computer system used by  
161           the court for electronic filing and service makes it impossible to accomplish  
162           service or filing,

163 in which event the period runs until the end of the next day that is not one of the  
164 aforementioned days.

165           **(b) Periods Shorter than 7 Days.** When the period of time prescribed or  
166 allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall  
167 be excluded in the computation.

168           **(c) Definition of Legal Holiday.** As used in this rule and in Rule 77(c), “legal  
169 holiday” includes any holiday designated in Minn. Stat. § 645.44, subd. 5, as a holiday  
170 for the state or any state-wide branch of government and any day that the United States  
171 Mail does not operate.

172           \* \* \*

## 173 **6.05. Additional Time After Service by Mail or Service Late in Day**

174           Whenever a party has the right or is required to do some act or take some  
175 proceedings within a prescribed period after the service of a notice or other  
176 paperdocument upon the party, and the notice or paperdocument is served upon the party  
177 by United States Mail, three days shall be added to the prescribed period. If service is  
178 made by any means other than United States Mail and accomplished after 5:00 p.m. local  
179 time on the day of service, one additional day shall be added to the prescribed period.

### 180           Advisory Committee Comment—2012 Amendment

181           Rule 6.01 is amended to add unavailability of the court-authorized e-  
182 filing and e-service system as a circumstance that would result in the extension  
183 of the time period. This extension applies only where the system problem  
184 occurs on the last day of the period and should only apply where the problem is  
185 not momentary. The rule requires that unavailability of the e-filing system  
186 actually prevent compliance with the service or filing requirements. This  
187 certainly eliminates use of a short-lived shutdown from extending the deadline  
188 except, possibly, where it occurs right at the end of the day. Where the  
189 shutdown occurs for a substantial part of the day and where it continues  
190 through the close of business, then the additional day would be automatically  
191 applied.

192

193 **RULE 11. SIGNING OF PLEADINGS, MOTIONS, AND OTHER PAPERS;**  
194 **REPRESENTATIONS TO COURT; SANCTIONS**

195 **Rule 11.01. Signature**

196 Every pleading, written motion, and other ~~papers~~similar document shall be signed  
197 by at least one attorney of record in the attorney's individual name, or, if the party is not  
198 represented by an attorney, shall be signed by the party. Each ~~paper~~document shall state  
199 the signer's address and telephone number, if any, and attorney registration number if  
200 signed by an attorney. Except when otherwise specifically provided by rule or statute,  
201 pleadings need not be verified or accompanied by affidavit. An unsigned ~~paper~~document  
202 shall be stricken unless omission of the signature is corrected promptly after being called  
203 to the attention of the attorney or party. If authorized by order of the Minnesota Supreme  
204 Court, a ~~paper~~document filed, signed, or verified by electronic means in accordance with  
205 that order constitutes a signed ~~paper~~document for the purposes of applying these rules.

206 The filing or submitting of a document using an E-Filing System established by  
207 rule of court constitutes certification of compliance with the signature requirements of  
208 applicable court rules.

209 \* \* \*

210 **Rule 11.04. Inapplicability to Discovery**

211 Rules 11.01-.03 do not apply to discovery requests, responses, objections, and  
212 motions that are subject to the provisions of Rules 26 through 37.

213 **Advisory Committee Comment—2012 Amendment**

214 Rule 11.01 is amended to add the second paragraph. The sole purpose of  
215 the amendment is to make explicit the status of "signatures" affixed to  
216 pleadings and other documents that are electronically served. Whatever means  
217 is used to sign these documents, whether quill pen and ink, facsimile of a  
218 signature, or an indication that the document is signed (such as a "/s/ Pat  
219 Smith" notation), each will be treated the same way and deemed to be  
220 signatures for all purposes under the rule.

221

222 **RULE 77. DISTRICT COURTS AND COURT ADMINISTRATORS**

223 \* \* \*

224 **Rule 77.04. Notice of Orders or Judgments**

225 Immediately upon the filing of an order or decision or entry of a judgment, the  
226 court administrator shall ~~serve~~ transmit a notice of the filing or entry by mail, e-mail, or  
227 by use of an e-filing and e-service system, upon to every party affected thereby or upon  
228 such party's attorney of record, whether or not such party has appeared in the action, at  
229 the party or attorney's last known mail or e-mail address, and shall ~~make a notice~~ note the



230 transmission in the court records. ~~but such a~~ Notice under this rule shall not limit the  
231 time for taking an appeal or other proceeding on such order, decision, or judgment.

232 **Advisory Committee Comment—2012 Amendment**

233 Rule 77.04 is amended to permit any notice required by the rule to be  
234 sent by electronic means in all cases. Although this will necessarily occur in  
235 cases using mandatory e-filing and e-service, the rule permits court  
236 administrators to use e-mail or electronic noticing in any other case where it is  
237 feasible.

238 Notice is required to be provided to the last known address of the party or  
239 attorney. The burden is squarely on the party or attorney to advise the court of  
240 any change in address. This rule should be read in conjunction with Rule 13.02  
241 of the General Rules of Practice which permits the court administrator to  
242 discontinue providing postal notice where that last known address is known to  
243 be obsolete, typically by the return of prior mailings by the postal service.

244

245 **AMENDMENTS TO MINNESOTA GENERAL RULES OF PRACTICE**

246 [Note: Except where indicated otherwise, new material is indicated by  
247 underscoring, except committee comments, which are all new; deleted material is  
248 indicated by strikethrough]

249  
250 **RULE 6. FORM OF PLEADINGS**

251 **Rule 6.01. Format**

252 All pleadings or other ~~papers~~documents required to be filed shall be double  
253 spaced and legibly handwritten, typewritten, or printed on one side on plain unglazed  
254 paper of good texture. Every page shall have a top margin of not less than one inch, free  
255 from all typewritten, printed, or other written matter. Any pleading or document either  
256 permitted or required to be served or filed electronically must conform to the format  
257 requirements contained in the court rules or orders relating to electronic filing.

258  
259 **Advisory Committee Comment—2012 Amendment**

260 Rule 6.01 is amended to dovetail the requirements for the form of paper  
261 pleadings, as set forth in the prior text of this rule, with the fundamentally  
262 different format required for documents electronically filed and served. Those  
263 format requirements are generally set forth in new Rule 14.05.  
264  
265

266 **RULE 7. PROOF OF SERVICE**

267 When service has been made before filing, proofs of service shall be affixed  
268 to all ~~papers~~documents so that the identity of the instrument is not obscured. If a  
269 document is filed before service, proof of service shall be filed within 10 days  
270 after service is made. When service is made electronically when authorized by  
271 and in accordance with Rule 14 of these rules, the record of service on the e-  
272 service system shall constitute proof of service.

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274 **Advisory Committee Comment—2012 Amendment**

275 Rule 7 is amended to make it clear that a separate proof of service is not  
276 required for documents served using the court's e-service system in cases  
277 where that method is authorized by the rules. Proof of service exists in the  
278 system's records and that record of service suffices to prove service for all  
279 purposes.  
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281 **RULE 11. SUBMISSION OF CONFIDENTIAL INFORMATION**

282 **Rule 11.01. Definitions**

283 The following definitions apply for the purposes of this rule:

284 (a) "Restricted identifiers" shall mean the social security number, employer  
285 identification number, and financial account numbers of a party or other person.

286 (b) "Financial source documents" means income tax returns, W-2 forms and  
287 schedules, wage stubs, credit card statements, financial institution statements, check  
288 registers, and other financial information deemed financial source documents by court  
289 order.

290 **Rule 11.02. Restricted Identifiers**

291 (a) **Pleadings and Other Documents Submitted by a Party.** No party shall  
292 submit restricted identifiers on any pleading or other document that is to be filed with the  
293 court except:

294 (i) on a separate form entitled Confidential Information Form (see Form  
295 11.1 as published by the state court administrator) filed with the pleading  
296 or other document; or

297 (ii) on Sealed Financial Source Documents under Rule 11.03.

298 The parties are solely responsible for ensuring that restricted identifiers do not  
299 otherwise appear on the pleading or other document filed with the court. The court  
300 administrator will not review each pleading or document filed by a party for compliance  
301 with this rule. The Confidential Information Form shall not be accessible to the public.

302 (b) **Records Generated by the Court.** Restricted identifiers maintained by the  
303 court in its register of actions (i.e., activity summary or similar information that lists the  
304 title, origination, activities, proceedings, and filings in each case), calendars, indexes, and  
305 judgment docket shall not be accessible to the public. Courts shall not include restricted  
306 identifiers on judgments, orders, decisions, and notices except on the Confidential  
307 Information Form (Form 11.1), which shall not be accessible to the public.

308 **Rule 11.03. Sealing Financial Source Documents**

309 Financial source documents shall be submitted to the court under a cover sheet  
310 designated "Sealed Financial Source Documents" and substantially in the form set forth  
311 as Form 11.2 as published by the state court administrator. Financial source documents  
312 submitted with the required cover sheet are not accessible to the public except to the  
313 extent that they are admitted into evidence in a testimonial hearing or trial or as provided  
314 in Rule 11.05 of these rules. The cover sheet or copy of it shall be accessible to the  
315 public. Financial source documents that are not submitted with the required cover sheet

316 and that contain restricted identifiers are accessible to the public, but the court may, upon  
317 motion or on its own initiative, order that any such financial source document be sealed.

318 **Rule 11.04. Failure to Comply**

319 If a party fails to comply with the requirements of this rule in regard to another  
320 individual's restricted identifiers or financial source documents, the court may upon  
321 motion or its own initiative impose appropriate sanctions, including costs necessary to  
322 prepare an appropriate document for filing.

323 **Rule 11.05. Procedure for Requesting Access to Sealed Financial Source Documents**

324 (a) **Motion.** Any person may file a motion, supported by affidavit showing good  
325 cause, for access to Sealed Financial Source Documents or portions of the documents.  
326 Written notice of the motion shall be required.

327 (b) **Waiver of Notice.** If the person seeking access cannot locate a party to  
328 provide the notice required under this rule, after making a good faith reasonable effort to  
329 provide such notice as required by applicable court rules, an affidavit may be filed with  
330 the court setting forth the efforts to locate the party and requesting waiver of the notice  
331 provisions of this rule. The court may waive the notice requirement of this rule if the  
332 court finds that further good faith efforts to locate the party are unlikely to be successful.

333 (c) **Balancing Test.** The court shall allow access to Sealed Financial Source  
334 Documents, or relevant portions of the documents, if the court finds that the public  
335 interest in granting access or the personal interest of the person seeking access outweighs  
336 the privacy interests of the parties or dependent children. In granting access the court  
337 may impose conditions necessary to balance the interests consistent with this rule.

338 **Rule 11.06. When Documents May Be Filed as Confidential or under Seal**

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340 A party may submit a document for filing as "confidential" or "under seal" only if  
341 one of these circumstances exist:

342 (a) The court has entered an order permitting the filing of the particular document  
343 or class of documents under seal or as confidential.

344 (b) This rule or any applicable court rule, court order, or statute expressly  
345 authorizes or requires filing under seal or as confidential.

346 (c) The party files a motion for leave to file under seal or as confidential not later  
347 than at the time of submission of the document.

348 The court may require a filing party to specify the authority for asserting that a  
349 filing may be made as "confidential" or "under seal."

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**Advisory Committee Comment—2012 Amendment**

Rule 11.06 is a new rule intended to define the procedural prerequisites for filing of documents under seal. This rule is not intended to expand or limit the confidentiality concerns that might justify special treatment of any

356 document. The rule is intended to make it clear that filing parties do not have a  
357 unilateral right to designate any filing as confidential, and that permission from  
358 the court is required. This permission may flow from a statute or rule explicitly  
359 requiring that a particular document or portion of a document be filed  
360 confidentially or from a court order that documents be filed under seal. Rule  
361 112 of the Minnesota Rules of Civil Appellate Procedure contains useful  
362 guidance on how confidential information can be handled. Where documents  
363 contain both confidential and non-confidential information, it may be  
364 appropriate to file redacted “public” versions of documents filed under seal.  
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368 **RULE 13. REQUIREMENT TO PROVIDE NOTICE**  
369 **OF CURRENT ADDRESS**

370 **Rule 13.01. Duty to Provide Notice**  
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372 In all actions, it is the responsibility of the parties, or their counsel of  
373 record, to provide notice to all other parties and to the court administrator of their  
374 current address for delivery of notices, orders, and other ~~papers~~documents in the  
375 case. Where a party or a party’s attorney has provided an e-mail address for the  
376 purpose of allowing service or filing, this rule also requires that the party advise  
377 the court and all parties of any change in that e-mail address. Failure to provide  
378 this notice constitutes waiver of the right to notice until a current address is  
379 provided.  
380

381 **Rule 13.02. Elimination of Requirement to Provide Notice to Lapsed**  
382 **Address**

383 In the event notices, pleadings, or other ~~papers~~documents are returned by  
384 the postal service or noted as undelivered or unopened by the e-mail system after  
385 the court administrator’s transmission by mailing (or e-mailing where authorized  
386 by rule) to a party or attorney’s address of record on two separate ~~mailings~~  
387 occasions, the administrator should make reasonable efforts to obtain a valid,  
388 current address. If those efforts are not successful, the administrator may omit  
389 making further ~~mailings~~ United States Mail transmissions to that party or attorney  
390 in that action, and shall place appropriate notice in the court file or docket  
391 indicating that notices are not being transmitted to all parties.

392 **Advisory Committee Comment—2012 Amendment**

393 Rule 13.01 is amended to add the requirement that a party or attorney  
394 provide an updated e-mail address any time an attorney or party has submitted  
395 an e-mail address to the court. This change is intended to ensure that e-noticing  
396 under Minn. R. Civ. P. 77.04 and electronic filing and service under the rules  
397 will function and provide meaningful notice. Rule 13.02 is amended to make it  
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clear that the giving of e-mail notice will not be ended upon two unsuccessful attempts to serve or notify by e-mail. The committee believes that there is no compelling reason to stop e-mailed notices given the minimal additional cost of continuing them.

404 [NOTE: BECAUSE RULE 14 IS ENTIRELY NEW, UNDERLINING TO SHOW NEW LANGUAGE  
405 WILL BE OMITTED THROUGHOUT THIS RULE]

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## RULE 14. E-FILING AND E-SERVICE

### 408 Rule 14.01. Mandatory and Voluntary E-File and E-Service

409 (a) **Definitions.** The following terms have the following meanings:

410 (1) “Designated Provider” means the electronic filing service provider  
411 designated by the state court administrator.

412

413 (2) “E-Filing System” means the Designated Provider’s Internet-accessible  
414 electronic filing and service system.

415

416 (3) “Pilot Project Case Types” means cases in the Fourth Judicial District and  
417 Second Judicial District, of the Selected Civil Case Types and Family Case Types as  
418 defined in this rule.

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420 (4) “Selected Civil Case Types” means all general civil cases, including  
421 examiner of title cases (in the Fourth Judicial District, in addition to Torrens cases this  
422 includes 5-week redemptions) except Conciliation Court and Probate/Mental Health case  
423 types, and Family Case Types as defined in this rule.

424

425 (5) “Family Case Types” means Annulments, Custody, Dissolutions with  
426 Children, Dissolutions without Children, Domestic Abuse, Family Other, Legal  
427 Separation, Paternity, Separate Maintenance, Summary Dissolution, Support, and  
428 Transfers of Legal Custody.

429

430 (b) **Cases Subject to Mandatory E-Filing and E-Service.** Effective September  
431 1, 2012, attorneys representing parties in any case of the Pilot Project Case Types in the  
432 Second and Fourth Judicial Districts, and government agencies appearing in such cases,  
433 must register promptly upon filing of any document by any party with the Designated  
434 Provider and file documents electronically with the court in Pilot Project Case Types.  
435 Registered attorneys and government agencies must also electronically serve all  
436 documents required or permitted to be served on other registered attorneys and  
437 government agencies in that case, provided that the attorney to be served has designated  
438 an e-mail address for receiving electronic service in the E-Filing System after the District  
439 Court has accepted the initial filing in the case. Electronic filing and electronic service  
440 shall be accomplished through the E-Filing System.

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**(c) Prohibited E-Filing.** The following case types may not be filed electronically in proceedings related to:

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(1) Wills deposited for safekeeping under Minn. Stat. § 524.2-515; and

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(2) Parental notification bypass proceedings under Minn. Stat. § 144.343.

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**(d) Request for Exception to Mandatory E-File and E-Service Requirement.**

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An attorney or government agency required to file and serve electronically under this rule, may request to be excused from mandatory e-filing in a particular case by motion to the Chief Judge or his or her designee. An opt-out request may be granted for good cause shown. If an opt-out request is granted, the court shall scan all document filings into the court's computer system and may charge the filing party an appropriate fee.

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**(e) Voluntary E-File and E-Serve.** During the pilot project, attorneys, and

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parties designated by the Fourth Judicial District and Second Judicial District may, upon registering with the Designated Provider, electronically file documents with the court in civil cases designated by the respective judicial district. For other districts, attorneys and parties designated by the State Court Administrator may, upon registering with the Designated Provider, electronically file documents with the court in the locations and civil cases designated by the State Court Administrator. In any designated case in which the designated and registered attorneys or parties have electronically filed a document with the District Court, any other attorney or law firm representing a party in the case and any party designated by the District Court (Second and Fourth Judicial Districts), or the State Court Administrator (all other districts), may also electronically file documents in the case after registering with the Designated Provider. Registered attorneys and parties may also electronically serve documents on other registered attorneys and parties in such cases provided that the attorney or party to be served has designated an e-mail address for receiving electronic service in the E-Filing System after the District Court has accepted the initial filing in the case.

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**(f) Relief from Operation of this Rule.**

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**(1) Technical Errors; Relief for Sending Party.** Upon motion and a showing

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that electronic filing or electronic service of a document was not completed because of: (1) an error in the transmission of the document to the E-File System that was unknown to the sending party; (2) a failure of the E-Filing System to process the document when received; or (3) other technical problems experienced by the sending party or E-Filing System, the court may enter an order permitting the document to be deemed filed or served on the date and time it was first attempted to be transmitted electronically. If appropriate, the court may adjust the schedule for responding to these documents or the court's hearing.

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479           **(2) Technical Errors; Relief for Other Parties.** Upon motion and a showing  
480 that an electronically served document was unavailable to or not received by a party  
481 served, the court may enter an order extending the time for responding to that document.

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483           **Rule 14.02. Registration Process and Duty to Designate E-Mail Address for Service**

484           An attorney or party registers with the Designated Provider for each case by  
485 entering into a subscriber agreement with the Designated Provider and obtaining a E-  
486 Filing System user identification and password provided by the Designated Provider.  
487 The registered attorney or party must also designate in the E-Filing System an e-mail  
488 address for receiving electronic service in the case. Once an initial filing has been  
489 accepted in a case, all other registered attorneys and parties shall, upon filing their initial  
490 document in a case, designate in the E-Filing System an e-mail address for receiving  
491 electronic service in the case. Registered attorneys and parties shall maintain a  
492 designated e-mail address for receiving electronic service until all applicable appeal  
493 periods have expired for the case.

494           **Rule 14.03. Document Format**

495           **(a) Document Types.** Documents filed electronically shall be in one of the  
496 following electronic filed formats: Word, WordPerfect, PDF or .tif (“Tiff”).

497           **(b) Format.** Documents filed electronically shall comply with the following  
498 format requirements:

- 499           (1)     8½ x 11” size with a portrait orientation.
- 500           (2)     No Optical Character Recognition (OCR) data shall be contained in or  
501 associated with the document.
- 502           (3)     At least 200 dot-per-inch (“DPI”) resolution.
- 503           (4)     No unintelligible images (e.g., no all-black images).
- 504           (5)     Documents may not be secured, password-protected, or have other  
505 features limiting access.
- 506           (6)     Black and white images (no color images will be retained). Color  
507 documents submitted via the E-Filing System are transformed into black and white  
508 images.
- 509           (7)     No document shall contain any external references (e.g., hyperlinks,  
510 URLs, shortcuts).
- 511           (8)     Only readable words, viewable pictures or images, and valid, non-  
512 corrupted tables shall be included.
- 513           (9)     Documents shall not be corrupted (e.g., a corrupt file having 0 bytes of  
514 data).



515 (10) Documents may contain only standard fonts. No CID or Character  
516 Identifier fonts are permitted.

517 (11) Only standard CCIT image compression is permitted.

518 (12) Documents must comprise the complete image or file. A file that  
519 experiences an upload issue or time-out on file transfer from a submitting party  
520 usually appears as an incomplete image or file when opened.

521 **(c) Document Size.**

522 (1) No single electronic document should be greater than 5 MB; and

523 (2) No single envelope or filing should be greater than 25 MB.

524 Larger documents may be filed in several parts or in multiple envelopes.

525 **(d) Non-conforming Documents.** With leave of court, a color document or  
526 document containing color may be filed electronically with manual handling or in  
527 paper form to be retained by the court in a color format. A motion to file a color  
528 document or document containing color to be retained by the court in a color format  
529 must be filed and served electronically.

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531 **Rule 14.04 Signatures**

532 **(a) Judge and Administrator Signatures.** All electronically filed and served  
533 documents that require a judge's, judicial officer's, or court administrator's signature  
534 shall either capture the signature electronically under a process approved by the state  
535 court administrator pursuant to judicial branch policy or begin with an actual signature on  
536 paper that is then scanned into an electronic document format such that the final  
537 electronic document has the judge's, judicial officer's, or court administrator's signature  
538 depicted thereon. The final electronic document shall constitute an original.

539 **(b) Attorney or Declarant Signature.** A document electronically filed or  
540 served using the E-Filing System shall be deemed to have been signed by the attorney or  
541 declarant and shall bear a facsimile or typographical signature of such person, along with  
542 the typed name, address, telephone number, and attorney registration number of a signing  
543 attorney. Typographical signatures of an attorney or declarant shall be treated as a  
544 personal signature and shall be in the form: */s/ Pat L. Smith.*

545 **(c) Notary Signature, Stamp.** A document electronically filed or served using  
546 the E-Filing System that requires a signature of a notary public shall be deemed signed by  
547 the notary public if, before filing or service, the notary public has signed a printed or  
548 electronic form of the document and the electronically filed or served document bears a  
549 facsimile or typographical notary signature and stamp.

550 **(d) Perjury Penalty Acknowledgement.** A document electronically filed or  
551 served using the E-Filing System that requires a signature under penalty of perjury is  
552 deemed signed by the declarant if, before filing or service, the declarant has signed a

553 printed form of the document and the electronically filed or served document bears the  
554 declarant’s facsimile or typographical signature.

555 **(e) Certification; Retention.** By electronically filing or submitting a document  
556 using the E-Filing System, the registered attorney or party filing or serving is certifying  
557 compliance with the signature requirements of these rules, and the signatures on the  
558 document shall have the same legal effect as the signatures on the original document.

559 **Rule 14.05 Proof of Service**

560 The records of the E-Filing System indicating transmittal to a registered recipient  
561 who has designated an e-mail address for service of process in the case shall be sufficient  
562 proof of service on the recipient for all purposes.

563 **Rule 14.06 Sealed and Confidential Documents**

564 A person electronically filing a document that is not accessible to the public in  
565 whole or in part under the Rules of Public Access to Records of the Judicial Branch or  
566 other applicable law, court rules or court order, is responsible for designating that  
567 document as confidential or sealed in the E-Filing System before transmitting it to the  
568 court.

569 A document marked as “confidential” (which may include “Confidential 1” and  
570 “Confidential 2”, etc., as available and defined by the E-Filing System document security  
571 classifications) will not be accessible to the public, but will be accessible to court staff  
572 and, where applicable, to certain governmental entities as authorized by law, court rule,  
573 or court order. A document marked as “sealed” will not be accessible to the public but  
574 will be accessible to court staff with only the highest security level clearance.

575 Upon review, the court may modify the designation of any document incorrectly  
576 designated as sealed or confidential and shall provide prompt notice of any such change  
577 to the filing party. A filing party must seek advance approval from the court to submit a  
578 document designated as sealed or confidential if that document is not already inaccessible  
579 to the public under the Rules of Public Access to Records of the Judicial Branch or other  
580 applicable law, court rules, or court order.

581 A document to be filed under seal or as confidential may be filed in paper form if  
582 required or permitted by the court. A motion to file a document in paper form under seal  
583 or as confidential must be filed and served electronically.

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585 **Rule 14.07 Records: Official; Appeal; Certified Copies**

586 Documents electronically filed are official court records for all purposes.  
587 Certified copies shall be issued in the conventional manner.

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**Advisory Committee Comment—2012 Amendment**

Rule 14 is a new rule, drafted to provide a uniform structure for implementation of e-filing and e-service in the district courts. The rule is derived in substantial part, with modification, from the Judicial District E-Filing Pilot Project Provisions, adopted by the Minnesota Supreme Court on October 21, 2010, and amended on March 10, 2011.

Rule 14.01 defines the cases that are subject to mandatory e-filing and e-service. This rule is intended to evolve by amendment by order of the supreme court as additional case categories or additional judicial districts are added to the pilot project. The other requirements for e-filing and e-service are not intended to see frequent amendment, and the committee believes the rules for e-filing and e-service, when authorized, should be maintained as uniform rules statewide.

Rule 14.01(d) provides for requests to be excused from required use of e-filing and e-service, and creates a “good cause” standard for granting that relief. There are few circumstances where the court should grant exemption from the requirements.

Because cases in Minnesota may be commenced by service rather than by filing with the court, the use of e-service under the court’s system is possible only after the action has been commenced and is filed, and service may then be effected electronically only on an attorney or party who registers with the system and provides an e-mail address at which service from other parties and notices from the court can be delivered. Rule 14.02 sets forth this procedure. Rule 13.01 imposes an affirmative duty on parties and their attorneys to advise the court of any changes in their address, including their e-mail address.

The format requirements for documents are superficially the same as for other documents—they should be based on an 8½ by 11 inch format, with a caption at the top and signature block at the end. But they are in fact filed as electronic records on a computer service and served on other parties by e-mail. Rule 14.03 defines the available electronic format for these documents and other requirements applicable to e-filed and e-served documents.

Rule 14.04 establishes the means by which electronic documents are “signed.” The rule explicitly states the standard that e-filed and e-served documents as they reside on the computer system used by the court constitute originals, and are not mere copies of documents. The rule does not require the signing or retention of a paper copy of any filed document. It may be prudent for a litigant to maintain copies of these documents as duplicate originals in some limited circumstances, such as where an affidavit is signed by a non-party who may not be available if a dispute were to arise over authenticity.

Rule 14.06 establishes a specific procedure for filing electronic documents that either contain confidential information or are filed under seal. This rule establishes the requirements for electronic documents that are consistent with the requirements in Rule 11.06. Neither rule is intended to expand or limit the confidentiality concerns that might justify special treatment of any document. Under Rule 11.06, filing parties do not have a unilateral right to designate any filing as confidential, and prior permission in some form is required. This permission may flow from a statute or rule explicitly requiring that a particular document or portion of a document be filed confidentially or from a court order that documents be filed under seal. Rule 112 of the Minnesota Rules of Civil Appellate Procedure contains useful guidance on how confidential information can be handled. Where documents contain both

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confidential and non-confidential information, it may be appropriate to file redacted “public” versions of confidential or sealed documents.

Rule 14.06 also permits a party to seek either permission or a requirement that certain sealed or confidential documents be filed in paper format. This provision recognizes that certain information may be so sensitive or valuable that placing it in a sealed envelope with a clear warning that it is not to be opened except by court order may be the appropriate means to assure confidentiality.

The security designations “confidential” and “sealed” reflect the security classifications available in the courts case management system. In addition to court staff access, some confidential documents (e.g., in Domestic Violence, Juvenile Delinquency, and Parent/Child relationship cases) may be accessible to certain government entities who have demonstrated a need for access and have signed appropriate nondisclosure agreements. See, e.g., Rule 8, subd. 4(b), of the Rules of Public Access to Records of the Judicial Branch (authorizing access by county attorneys and public defenders, among others).

Pursuant to Minn. R. Civ. P. 5.06, a document that is electronically filed is deemed to have been filed by the court administrator on the date and time of its transmittal to the District Court through the E-Filing System, and the filing shall be stamped with this date and time subject to acceptance by the court administrator. If the filing is not subsequently accepted by the court administrator for reasons authorized by Minn. R. Civ. P. 5.04, the date stamp shall be removed and the document electronically returned to the person who filed it.



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**Advisory Committee Comment—2012 Amendment**

The 2012 addition of Rule 8, subd. 2(e)(4), is intended to recognize that documents electronically filed with the courts or electronically served using the court's internet-accessible electronic filing and electronic service system can be made remotely accessible to the parties filing or serving the same and to the recipients of such service. This continues remote access that was established through the Judicial District E-Filing Pilot Project Provisions, adopted by the court on October 21, 2010, and amended on March 10, 2011. Those provisions are being replaced by permanent rules.