

**ADM-09-8009
STATE OF MINNESOTA
IN SUPREME COURT**

**In re:
Supreme Court Advisory Committee
on General Rules of Practice**

**Recommendations of Minnesota Supreme Court
Advisory Committee on General Rules of Practice**

FINAL REPORT

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Chair**

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Liaison Justice**

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Introduction

The advisory committee met three times in 2014 to address the important issues raised by the prospect of the expansion to electronic filing and service beyond the current pilot projects. In addition to addressing matters directly raised by “eCourtMN” e-filing and e-service proposals, the committee has addressed related issues that either affect the same rules or were prompted by consistency concerns. The committee has considered the recommendation of the Court’s Advisory Committee on Rules of Civil Appellate Procedure relating to the page-numbering of exhibits and filed documents in the district courts and administrative agencies. The committee also reviewed a proposal from the MSBA Probate and Trust Law Section Legislative Committee to amend the probate rules and a proposal from the June 25, 2014, MSBA Assembly Resolution to modify rules 2.02, 2.03 and 8.09 to replace “sexual preference” with “sexual orientation.”

Summary of Recommendations

This report makes five sets of recommendations, each relating to a single broad subject. These recommendations are:

1. Comprehensive amendments to implement e-filing and e-service.
2. Amendment of rule 11.02 to clarify and strengthen the requirement that filing parties remove restricted identifiers from publicly filed documents.
3. Adoption of a new rule 16 to require consecutive pagination of all documents in the district court.
4. Amendment of rules 2.02(a), 2.03(d) and 809 to update the terminology banning discrimination on the basis of sexual orientation.
5. Amendment of several probate rules to implement recommendations of the MSBA Probate Section.

These recommendations are both consistent and independent—they may be implemented together or individually. They do overlap in some respects, however, as some rules are amended in separate recommendations. For example, rule 11.02 is amended in Recommendation 1 as part of the e-filing changes; and in Recommendation 2 for the

purpose of strengthening the disclosure requirements (unrelated to the e-filing changes). Additionally, probate rules 416, 417.04 and 419 are amended in Recommendation 1 and rules 404, 408, 413, 414 and 417.06 are amended in Recommendation 5.

Additional issues may warrant actions that are outside the purview of this committee. For example, it seems desirable to have the Minnesota Tax Court implement electronic filing and electronic service in a manner as similar as possible to the procedures used in the courts. Because the Tax Court is an administrative agency outside the Judicial Branch, the committee has not substantively addressed how that implementation can or should be brought about.

The committee continues to consider issues relating to the prevention of filing confidential and sensitive information in court files that are accessible to the general public. These issues are important, and require a multi-pronged approach by the courts. The committee recommends amendment of Rule 11 of the General Rules to encourage parties to submit confidential information to the court only when that information is needed for adjudication of an issue before the court. The committee also endorses the recommendation it believes is coming from the Court's Advisory Committee on Rules of Civil Procedure that would require court administrators temporarily to segregate filed documents that are brought to their attention that contain confidential information in violation of the rule. This segregation would permit the filer to comply with the rules or the court to take further action, including imposition of any appropriate sanction, without the documents being either publicly accessible or rejected for filing. The committee also recommends addressing these issues in training for court personnel, lawyers, and other participants in the court system. The primary responsibility for ensuring compliance with the rule would remain with the filer in every case.

Some of the issues relating to e-service are made more difficult by the need for individual attorneys to register for use of e-filing and e-service in each case. The committee recommends that the Court investigate the feasibility of having registration for e-mail and e-service for all cases in all courts as a part of the attorney registration process for Minnesota attorneys and for all other attorneys admitted pro hac vice in Minnesota

court proceedings. This would make e-filing and e-service significantly easier to implement, and it would eliminate one opportunity for obfuscation by a litigant not eager to cooperate with the fair and efficient handling of litigation.

Effective Date

The committee believes that any rule amendments related to electronic filing and service can be made effective as of July 1, 2015, or earlier. This would allow for a public hearing or notice and comment review by the Court with sufficient advance notice to the bench and bar and adjustments to various court forms.

Style of Report

The specific recommendations are reprinted in traditional legislative format, with new wording underscored and deleted words ~~struck through~~. New advisory committee comments are not underscored, except where several changes are made to existing probate and general rules committee comments, and these are explained in recommendation five of this report.

Respectfully submitted,

MINNESOTA SUPREME COURT ADVISORY
COMMITTEE ON GENERAL RULES OF
PRACTICE

**Recommendation 1: The Rules Should Be Amended to Implement
the Expanded Use of E-Filing and E-Service in
Civil Cases.**

Introduction

These recommended amendments address several rules, all affected by e-filing or e-service issues. This recommendation represents the major focus of the committee's work. These amendments are intended to accommodate use of the e-filing and e-service system as may be mandated for categories of cases by separate order of this Court. These amendments are intended to facilitate permissive use in the same way, again if authorized by separate order. The structure is based on the assumption that all parties represented by counsel in all categories of case and in all district courts will be required to use this system by July 1, 2016. Until that time, the rules are designed to address three regimes of electronic filing and electronic service: not permitted, permitted but not required, and required. Because of these alternative structures, these rules may appear cumbersome in certain instances. The opportunity to remove the multiple options will likely arise in the future as those certain options become obsolete.

Multiple rules are modified in non-substantive ways to replace references to filed or served "papers" with the more expansive term "documents." Similarly, these rules implement universal changes in reference to parties appearing without counsel, adopting the reference to "self-represented litigant" in preference to "pro se party," or "unrepresented party."

The final category of changes made throughout these rules allows the use of affidavits that are either notarized or signed under penalty of perjury. These changes are prompted by the adoption of Minn. Stat. § 358.116, which allows these affidavits for all documents filed with the courts unless notarization is specifically required by court rule. The committee understands that the purpose of this legislation is to ease a burden on self-represented parties seeking to litigate a case. The committee also believes that simplified

notarization will simplify electronic filing and service of affidavits by obviating an extra required signature.

Specific Recommendation

Rules 1, 2, 5, 6, 7, 9, 11, 12, 14, 104, 105, 110, 113, 114, 115, 119, 121, 129, 131, 141, 146, 206, 208, 303, 306, 308, 309, 313, 353, 354, 355, 360–65, 370, 371, 372, 377, 379, 416, 417, 506, 507, 510, 514, 515, 520, 521, 611, and 703, and Minnesota Civil Trialbook Section 14 should be amended and new Rules 15 and 419 adopted as follows:

1 **RULE 1. SCOPE OF RULES; MODIFICATION; SERVICE ON PARTIES;**
2 **APPLICABILITY TO ~~PRO SE PARTIES~~ SELF-REPRESENTED LITIGANTS**

3 * * *

4 **Rule 1.03 Service on Parties**

5 When a ~~paper~~ document is to be served on a party under these rules, service shall
6 be made on the party’s lawyer if represented, otherwise on the ~~nonparty~~ self-represented
7 litigant directly.

8 **Rule 1.04 Responsibility of Parties ~~Appearing Pro Se~~ Self-Represented Litigants**

9 Whenever these rules require that an act be done by a lawyer, the same duty is
10 required of a ~~party appearing pro se~~ self-represented litigant.

11 * * *

12 **Advisory Committee Comment—2015 Amendments**

13 The amendments to Rules 1.03 and 1.04 are not substantive in nature or
14 intended effect. The replacement of “paper” with “document” is made
15 throughout these rules, and simply advances precision in choice of language.
16 Most documents will not be filed as “paper” documents, so paper is retired as a
17 descriptor of them. “Self-represented litigant” is defined in Rule 14.01(a)(12).
18 This term is being used uniformly throughout the judicial branch, and is
19 preferable to “non-represented party” and “pro se party,” both to avoid a Latin
20 phrase not used outside legal jargon and to facilitate the drafting of clearer rules.

21 * * *

23 **RULE 2.01 Behavior and Ceremony in General**

24 (a) **Acceptable Behavior.** Dignity and solemnity shall be maintained in the
25 courtroom. There shall be no unnecessary conversation, loud whispering, newspaper or
26 magazine reading or other distracting activity in the courtroom while court is in session.
27 The court or presiding judicial officer has discretion to limit or prohibit the use of
28 electronic devices in the courtroom. The court or presiding officer's discretion is limited
29 by Rule 4 of these Rules as it pertains to electronic devices used to photograph or record
30 the proceedings. Permitted electronic devices must in all instances be set to silent mode,
31 and must be used in an unobtrusive manner.

32 * * *

33 **Advisory Committee Comment—2015 Amendments**

34 The amendments to Rule 2.01 bring the rule up to date with respect to
35 modern distractions. The use of hand-held devices (such as mobile phones,
36 smart phones, and laptop computers), or myriad other devices that are now
37 ubiquitous can be just as distracting or disruptive as newspaper reading or loud
38 conversation. The rule permits the presiding judge to place appropriate
39 restrictions on the use of these devices. The rule incorporates the limitations of
40 Rule 4 of these rules on the use of devices for audio- or video-recording of court
41 proceedings.

42 * * *

43
44 **RULE 5. APPEARANCE BY OUT-OF-STATE LAWYERS**

45 Lawyers duly admitted to practice in the trial courts of any other jurisdiction may
46 appear in any of the courts of this state provided (a) the pleadings are also signed by a
47 lawyer duly admitted to practice in the State of Minnesota, and (b) such lawyer admitted
48 in Minnesota is also present before the court, in chambers or in the courtroom or
49 participates by telephone in any hearing conducted by telephone. In a subsequent
50 appearance in the same action the out-of-state lawyer may, in the discretion of the court,
51 conduct the proceedings without the presence of Minnesota counsel. The out-of-state
52 lawyer is subject to all rules that apply to lawyers admitted in Minnesota, including rules
53 related to e-filing.

54 Any lawyer appearing pursuant to this rule is subject to the disciplinary rules and
55 regulations governing Minnesota lawyers and by applying to appear or appearing in any
56 action is subject to the jurisdiction of the Minnesota courts.

57 * * *

58 **Advisory Committee Comment—2015 Amendments**

59 The amendments to Rule 5 are not substantive in nature or intended effect.
60 They make explicit what the courts have recognized as within their inherent
61 power to regulate the practice of law before the courts. The court’s jurisdiction
62 over the person of lawyers applying to appear or appearing in the Minnesota
63 courts is not open to serious question, at least as to disciplinary matters relating
64 to that application or appearance. This rule makes clear the court’s jurisdiction
65 over a pro hac vice applicant, and similarly makes it clear that e-filing of
66 documents with the Minnesota courts would have this consequence. The
67 application for a subpoena in an action pending outside Minnesota does not
68 create an appearance under R. Civ. P. 45 as proposed by the civil rules advisory
69 committee, but nonetheless subjects the applicant to the court’s jurisdiction and
70 disciplinary authority. The subpoena and procedures to enforce it are subject to
71 Minnesota procedural rules and rules governing the conduct of lawyers.
72

73 **RULE 6. FORM OF PLEADINGS THAT ARE NOT FILED**
74 **ELECTRONICALLY**

75 **Rule 6.01 Format**

76 All pleadings or ~~other~~ documents ~~required to be filed~~ that are not filed
77 electronically shall be double spaced and legibly handwritten, typewritten, or printed on
78 one side on plain, unglazed paper of good texture. Every page shall have a top margin of
79 not less than one inch, free from all typewritten, printed, or other written matter. ~~Any~~
80 ~~pleading or document either permitted or required to be served or filed electronically~~
81 ~~must conform to the format requirements contained in the court rules or orders relating to~~
82 ~~electronic filing.~~ Under Rule 14 of these rules, all pleadings or documents filed
83 electronically must comply with the format requirements established by the state court
84 administrator in the *Minnesota District Court Registered User Guide for Electronic*
85 *Filing.*

86 **Rule 6.02 Paper Size**

87 All papers served or filed by any party that are not served or filed electronically
88 shall be on standard size 8-1/2 x 11 inch paper.

89 **Rule 6.03 Backings Not Allowed**

90 No pleading, motion, order, or other paper offered to the court administrator for
91 non-electronic filing shall be backed or otherwise enclosed in a covering. Any papers that
92 cannot be attached by a single staple in the upper lefthand corner shall be clipped or tied
93 by an alternate means at the upper lefthand corner.

94 **Advisory Committee Comment—2015 Amendments**

95 The amendments to Rule 6 recognize that upon the adoption of mandatory
96 e-filing for some courts and some types of cases, other documents will be filed
97 in paper form. The rule does not change the requirements for paper documents.

98 Rule 6.01 also provides a cross-reference to the Minnesota District Court
99 Registered User Guide for Electronic Filing, which will contain the format
100 requirements for electronic documents that are e-filed or e-served. See Minn.
101 Gen. R. Prac. 14. That guidance document will be regularly updated and
102 maintained on the judicial branch website, www.mncourts.gov, which will allow
103 it to be kept current as technical requirements evolve without repeated
104 amendatory Supreme Court orders.

106
107 **RULE 7. PROOF OF SERVICE**

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

113 When a document has been conventionally served before filing, proof of service
114 shall be affixed to the document so that the identity of the document is not obscured. If a
115 document is filed before conventional service has been made, proof of service shall be
116 filed within 10 days after service is made. When a document has been served through the
117 E-Filing System in accordance with Rule 14, the record of service on the E-Filing System
118 shall constitute proof of service.

119 **Advisory Committee Comment—2015 Amendments**

120 Rule 7 is amended to provide for proof of service for all methods of service
121 allowed under the rules. E-service is proved by the record maintained by and
122 available from the court’s e-filing and e-service system, obviating any additional
123 filings to prove service. All other means of service are defined as “conventional
124 service” by Rule 14.01, which is proved by a written affidavit, certificate, or
125 acknowledgement of service filed shortly after service is made.

126
127 **RULE 9. FRIVOLOUS LITIGATION**

128 * * *

129 **Rule 9.06 Definitions**

130 As used in this rule, the following terms have the following meanings:

131 * * *

132 (b) “Frivolous litigant” means:

133 * * *

134 (2) A person who in any action or proceeding repeatedly serves or files
135 frivolous motions, pleadings, letters, or other ~~papers~~ documents, conducts
136 unnecessary discovery, or engages in oral or written tactics that are frivolous or
137 intended to cause delay; * * *.

138 * * *

139 **Advisory Committee Comment—2015 Amendments**

140 The amendment to Rule 9 is not substantive in nature or intended effect.
141 The replacement of “paper” with “document” is made throughout these rules to
142 advance precision in choice of language. Most documents will not be filed as
143 “paper” documents, so paper is retired as a descriptor of them.
144

145 **RULE 11. SUBMISSION OF CONFIDENTIAL INFORMATION**

146 **Rule 11.01 Definitions**

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

148 (a) “Restricted identifiers” shall mean the following numbers of a party or other
149 person: complete or partial Social Security number, complete or partial employer
150 identification number, and financial account numbers other than the last four numbers of
151 a financial account number that is not also a Social Security number.

152 (b) “Financial source documents” means income tax returns, W-2 forms and
153 schedules, wage stubs, credit card statements, financial institution statements, check
154 registers, and other financial information deemed financial source documents by court
155 order.

156 **Rule 11.02 Restricted Identifiers**

157 (a) **Pleadings and Other Documents Submitted by a Party.** No party shall
158 submit restricted identifiers on any pleading or other document that is to be filed with the
159 court except [**Reporter’s Note: Recommendation 2 would add language here**]:

160 (1) on a separate form entitled Confidential Information Form (see Form
161 11.1 as published by the state court administrator) filed with the pleading or other
162 document; or

163 (2) on Confidential Financial Source Documents under Rule 11.03.

164 The Confidential Information Form (Form 11.1) shall not be accessible to the public.

165 The parties are solely responsible for ensuring that restricted identifiers do not
166 otherwise appear on the pleading or other document filed with the court. The court
167 administrator will not review each pleading or document filed by a party for compliance
168 with this rule. ~~The Confidential Information Form (Form 11.1) shall not be accessible to~~
169 ~~the public.~~ Notwithstanding this provision, the court administrator may take any action
170 consistent with Rule 11.04.

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

177 **(c) Certification.** Every filing shall constitute a certification by the filer that the
178 documents filed contain no restricted identifiers, except as permitted in section (a) of this
179 rule. For documents filed using the E-Filing System, this certification may additionally be
180 provided by electronically acknowledging the certification statement in the manner
181 designated by the E-Filing System.

182 **Rule 11.03 Confidential Financial Source Documents**

183 **(a) Cover Sheet Required.** Financial source documents shall be submitted to the
184 court under a cover sheet designated “Confidential Financial Source Documents” and
185 substantially in the form set forth as Form 11.2 as published by the state court
186 administrator. Financial source documents submitted with the required cover sheet are
187 not accessible to the public except to the extent that they are admitted into evidence in a
188 testimonial hearing or trial or as provided in Rule 11.05 of these rules. The cover sheet or
189 copy of it shall be accessible to the public.

190 **(b) Closed Account Statements.** Statements from a permanently closed (also
191 known as “charged off”) credit card or financial institution account that has been
192 identified as a closed account in the related pleading or other filed document need not be
193 submitted as a Confidential Financial Source Document under Rule 11.03 of these rules
194 unless desired by the filing party or as directed by the court.

195 **(c) Absence of Cover Sheet.** Financial source documents that are not submitted
196 with the required cover sheet are accessible to the public, but the court may, upon motion
197 or on its own initiative, order that any such financial source document be confidential.

198 **Rule 11.04 Failure to Comply**

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

203 Upon discovery that a document containing restricted identifiers has not been
204 submitted in a confidential manner as required by this rule, the court administrator shall
205 file it with a temporary non-public status pending redaction or court order and direct the
206 filer to, within 21 days, either:

207 (1) serve and file a properly redacted filing and pay any prescribed
208 monetary fee to the court, and, if the party desires that the filing date of the
209 resubmitted document(s) relates back to the filing date of the original document(s),
210 serve and file a motion requesting the relation-back to the original filing date; or

211 (2) file a motion for relief from the court.

212 Any other party may oppose the motion seeking relation-back to the original filing
213 date within the same time limits as are provided by law for the type of document(s) being
214 filed. If a filer timely pays the monetary fee, and timely requests relation-back of the
215 filing date, the court may order that the filing date of the properly submitted document(s)
216 relate back to the filing date of the original document(s).

217 If no action is taken within 21 days after notice, the filing shall be stricken.

218 *[Note: If adopted here, the foregoing language need not be included in Minn. R.*
219 *Civ. P. 5.04(d).]*

220 **Rule 11.05 Procedure for Requesting Access to Confidential Financial Source**
221 **Documents**

222 **(a) Motion.** Any person may file a motion, supported by affidavit showing good
223 cause, for access to Confidential Financial Source Documents or portions of the
224 documents. Written notice of the motion ~~shall be~~ to all parties is required.

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

231 (c) **Balancing Test.** The court shall allow access to Confidential Financial
232 Source Documents, or relevant portions of the documents, if the court finds that the
233 public interest in granting access or the personal interest of the person seeking access
234 outweighs the privacy interests of the parties or dependent children. In granting access
235 the court may impose conditions necessary to balance the interests consistent with this
236 rule.

237 **Rule 11.06 When Documents May Be Filed as Confidential or Under Seal**

238 A party may submit a document for filing as a “confidential document” or “~~under~~
239 sealed document” only if one of these circumstances ~~exist~~ exists:

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

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

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

246 The court may require a filing party to specify the authority for asserting that a
247 filing ~~may be made as is~~ a “confidential document” or “~~under~~ sealed document.” For
248 purposes of this rule, the terms “confidential document” and “sealed document” shall
249 have the meanings set forth in Rule 14.01. Additional requirements for electronically
250 submitting a document as confidential or sealed in the E-Filing System are set forth in
251 Rule 14.06.

252 **Advisory Committee Comment—2015 Amendments**

253 The amendments to Rule 11 are intended to advance the important interests
254 in preventing the filing of confidential and sensitive information in publicly
255 accessible court files. Rule 11.02(c) is new and provides that filing constitutes
256 certification that the filing does not contain unauthorized restricted identifiers.
257 For documents filed electronically, this certification may additionally be made
258 explicitly by checking the appropriate box on a screen that will be incorporated
259 into the e-filing process. *See also* Rule 14.06. As is true for other rules, failure to
260 follow the rule, or the making of a false certification, may warrant the
261 imposition of sanctions as may be authorized by other rules or under the court’s
262 inherent power.

263 Rule 11.06 is intended to provide important guidance on when documents
264 may be filed as confidential or under seal. The rule permits these filings in only
265 three circumstances. As part of the implementation of this rule, filers should
266 expect that the E-Filing System of the court will ask the filer to specify which
267 basis for filing as confidential or under seal is being relied upon for that filing. If
268 an order in the case, statute, or court rule does not expressly permit or require
269 filing of the document under seal or as confidential, a motion must be brought to

270 request approval of filing that document under seal or as confidential not later
271 than the time of filing.

272 Rule 11.06 specifies the procedure used by a filer for filing under seal or as
273 confidential. Additionally, the court can at any time treat a document containing
274 restricted identifiers as confidential until the parties or court can ensure the
275 document properly conforms to the requirements of Rule 11.
276

277 **RULE 12. REQUIREMENT FOR COMPARABLE MEANS OF SERVICE**

278 ~~In all cases, Except where e-filing and e-service is required by court order or rule,~~
279 ~~the parties may file and serve by any available method, but a party serving a paper~~
280 ~~document on a party and filing the same paper with the court~~ must select comparable
281 means of service and filing so that the papers documents are delivered substantially
282 contemporaneously. This rule does not apply to service of a summons or a subpoena.
283 Pleadings and other papers documents need not be filed until required by Minn. R. Civ.
284 P. 5.05 and motions for sanctions may not be filed before the time allowed by Minn. R.
285 Civ. P. 11.03(a).

286 In emergency situations, where compliance with this rule is not possible, the facts
287 of attempted compliance must be provided by affidavit.

288 **Advisory Committee Comment—2015 Amendments**

289 The amendment to Rule 12 is intended to retain the existing rule requiring
290 that parties serve and file documents by comparable means, but adapts it to
291 specify that if e-filing or e-service are required, then those methods must be
292 used. This rule is intended to eliminate strategic maneuvering with service, and
293 attorneys and self-represented litigants should expect that this rule will be
294 interpreted to penalize attempts to gain some perceived advantage over other
295 parties by serving and filing by different means.

296 A self-represented litigant who elects not to use the E-Filing System may
297 expect that an opposing attorney may e-file a document with the court and serve
298 it by U.S. mail on the self-represented litigant on the same day. In this
299 circumstance, the filing will precede the service, which is permitted under the
300 rule as the attorney is required to use the E-Filing System to file the document.
301
302

303 **RULE 14. E-FILING AND E-SERVICE**

304 **Rule 14.01 Mandatory and Voluntary E-File and E-Service**

305 **(a) Definitions.** For purposes of the General Rules of Practice, unless otherwise
306 indicated, tThe following terms have the following meanings:

307 (1) “Confidential document” (which may include “Confidential 1” and
308 “Confidential 2,” etc., as available and defined by the E-Filing System document
309 security classifications) means a document that will not be accessible to the public,
310 but will be accessible to court staff and, where applicable, to certain governmental
311 entities as authorized by law, court rule, or court order.

312 (2) “Conventionally” means, with respect to the filing or serving of
313 documents or other materials, the filing or serving of documents or other materials
314 through any means other than through the E-Filing System in accordance with
315 Rule 14.

316 (3) “Court Integration Services” means computer systems that allow direct
317 computer-system-to-computer-system integrations to facilitate the electronic
318 exchange of documents and data between the court’s electronic case management
319 system and a government agency’s electronic information system. Government
320 agencies may register for Court Integration Services under the process established
321 by the state court administrator.

322 ~~(4)~~(4) “Designated Provider” means the electronic filing service provider
323 designated by the state court administrator.

324 (5) “Designated e-mail address” shall have the meaning set forth in rule
325 14.02(a).

326 ~~(2)~~(6) “E-Filing System” means the Designated Provider’s Internet-
327 accessible electronic filing and service system.

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

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

335 ~~(5) “Family Case Types” means Annulments, Custody, Dissolutions with~~
336 ~~Children, Dissolutions without Children, Domestic Abuse, Family Other, Legal~~
337 ~~Separation, Paternity, Separate Maintenance, Summary Dissolution, Support, and~~
338 ~~Transfers of Legal Custody.~~

339 (7) “Electronic means” means transmission using computers or similar
340 means of transmitting documents electronically, including facsimile transmission.

341 (8) “Registered User” means a person registered with the Designated
342 Provider and authorized to file and serve documents electronically through the E-
343 Filing System under these rules.

344 (9) “Sealed document” means a document that will not be accessible to the
345 public but will be accessible to court staff with only the highest security level
346 clearance.

347 (10) “Select Users” means the following appearing or submitting
348 documents in a case:

349 (i) Attorney;

350 (ii) Government agency (including a sheriff); and

351 (iii) Guardian ad litem.

352 (11) “Self-represented litigant” means an individual, other than a licensed
353 attorney, who represents himself or herself in any case or proceeding before the
354 court.

355 **(b) Scope and Effective Date of Mandatory and Voluntary E-File and E-**
356 **Service.**

357 ~~(b)-(1) **Cases Subject to Mandatory E-Filing and E-Service.** Effective~~
358 ~~September 1, 2012, attorneys representing parties in any case of the Pilot Project~~
359 ~~Case Types in the Second and Fourth Judicial Districts, and effective September 1,~~
360 ~~2013, or ninety (90) days after designation by the State Court Administrator,~~
361 ~~whichever is later, for attorneys representing parties in any case of the Pilot~~
362 ~~Project Case types in the districts or portions thereof designated by the State Court~~
363 ~~Administrator under Rule 14.01(e), and government agencies appearing in such~~
364 ~~cases, must register promptly upon filing of any document by any party with the~~
365 ~~Designated Provider and file documents electronically with the court in Pilot~~
366 ~~Project Case Types. Registered attorneys and government agencies must also~~
367 ~~electronically serve all documents required or permitted to be served on other~~
368 ~~registered attorneys and government agencies in that case, provided that the~~
369 ~~attorney to be served has designated an e-mail address for receiving electronic~~
370 ~~service in the E-Filing System after the District Court has accepted the initial~~
371 ~~filing in the case. Electronic filing and electronic service shall be accomplished~~
372 ~~through the E-Filing System.~~

373 Effective July 1, 2015, unless otherwise required or authorized by these
374 rules, other rules of court, or an order of the court, Select Users in any case in the
375 Second Judicial District, Fourth Judicial District, and in the districts or portions
376 thereof designated by the state court administrator, shall file all documents

377 electronically with the court through the E-Filing System and shall serve
378 documents electronically through the E-Filing System as required under Rule
379 14.03(d) of these rules.

380 Effective July 1, 2016, unless otherwise required or authorized by these
381 rules, other rules of court, or an order of the court, Select Users in any case
382 throughout the State of Minnesota shall file all documents electronically with the
383 court through the E-Filing System and shall serve documents electronically
384 through the E-Filing System as required under Rule 14.03(d) of these rules.

385 ~~(e)(2)~~ **Prohibited E-Filing.** The following ~~ease types~~ documents may not
386 be filed electronically; ~~in proceedings related to:~~

387 ~~(1)(i)~~ Wills deposited for safekeeping under Minnesota Statutes,
388 section 524.2–515; and

389 ~~(2)(ii)~~ All documents in parental ~~Parental~~ notification bypass
390 proceedings under Minnesota Statutes, section 144.343.

391 ~~(d)(3)~~ **Request for Exception to Mandatory E-File and E-Service**
392 **Requirement.** ~~An attorney or government agency~~ Select User required to file and
393 serve electronically under this rule, may request to be excused from mandatory e-
394 filing and e-service in a particular case by motion to the Chief Judge of the judicial
395 district or his or her designee. An opt-out request may be granted for good cause
396 shown. If an opt-out request is granted, ~~the court~~ court personnel shall scan all
397 documents filed conventionally ~~filings~~ into the court's computer system and may
398 charge the filing party an appropriate fee.

399 ~~(e)(4)~~ **Voluntary E-File and E-Serve.** ~~During the pilot project, attorneys,~~
400 ~~and parties designated by the Fourth Judicial District and Second Judicial District~~
401 ~~may, upon registering with the Designated Provider, electronically file documents~~
402 ~~with the court in civil cases designated by the respective judicial district. For other~~
403 ~~districts, Effective July 1, 2015, and ending July 1, 2016, Select Users~~ attorneys
404 ~~and parties designated by the State Court Administrator~~ state court administrator
405 may, upon registering with the Designated Provider, electronically file documents
406 with the court in the locations and ~~civil~~ cases designated by the state court
407 administrator. In any designated case in which the designated and registered Select
408 User has ~~attorneys or parties have~~ electronically filed a document with the District
409 Court ~~district court~~, any other Select User ~~attorney or law firm representing a party~~
410 ~~in the case and any party designated by the District Court (Second and Fourth~~
411 ~~Judicial Districts), or the state court administrator (all other districts), may also~~
412 electronically file documents in the case after registering with the Designated
413 Provider. Registered Select Users ~~attorneys and parties~~ shall ~~may~~ also
414 electronically serve documents on other registered Select Users ~~attorneys and~~

415 ~~parties in such cases as required under Rule 14.03(d) of these rules provided that~~
416 ~~the attorney or party to be served has designated an e-mail address for receiving~~
417 ~~electronic service in the E-Filing System after the District Court has accepted the~~
418 ~~initial filing in the case.~~

419 **(5) Self-Represented Litigants Voluntary and Mandatory E-File and**
420 **E-Serve.**

421 (i) Election to Use E-Filing System. Unless otherwise required or
422 authorized by these rules, other rules of court, or an order of the court, in
423 any county where electronic filing and service is authorized, a self-
424 represented litigant may elect to use the E-Filing System to electronically
425 file and serve. But unless otherwise ordered by the presiding judge or
426 judicial officer, a self-represented litigant is not required to do so. Once a
427 self-represented litigant has elected or has been ordered to use the E-Filing
428 System for filing and service and has become a Registered User, that
429 individual must thereafter electronically file and serve all documents in that
430 case unless otherwise required or authorized by these rules or the court, and
431 shall be subject to all applicable requirements and obligations imposed
432 upon Registered Users as set forth in these rules.

433 (ii) Excuse and Prohibition. A self-represented litigant who has
434 elected to use the E-Filing System may be excused from the requirement to
435 electronically file and serve only upon motion to the court and for good
436 cause shown. If the court becomes aware of any misuse of the E-Filing
437 System by a self-represented litigant or deems it appropriate in the exercise
438 of discretion, considering the need for the just, speedy, and inexpensive
439 determination of every action, the court may, without prior notice, revoke
440 the self-represented litigant's right to use the E-Filing System in the case
441 and require the individual to file and serve all documents conventionally.
442 Self-represented litigants are excused from using the E-Filing System while
443 under any court-imposed restriction of access to use of the internet.

444 (iii) Case Initiating Documents. Statutes or court rules may require
445 that certain case-initiating documents be served by conventional means.
446 See, e.g., Rule 5.02(b) of the rules of civil procedure (original complaint in
447 civil cases).

448 (iv) Other Electronic Filing and Service Options. When authorized
449 by order of the Supreme Court, self-represented litigants may use an
450 alternative electronic filing system designated in such order. See, e.g.,
451 Order Authorizing E-Filing/E-Service Pilot Project for Self-Represented
452 Petitioners, No. ADM10-8011,(Minn. S. Ct. filed June 24, 2013)(applicable
453 to orders for protection and harassment restraining order proceedings in

454 counties designated by the state court administrator; commonly referred to
455 as the MyCourtMN portal).

456 **(6) Non-Party Participants.**

457 (i) Election to Use E-Filing System. In any county where electronic
458 filing and service is authorized, individuals who are not Select Users or
459 self-represented litigants (e.g. special masters, bondspersons, examiners,
460 potential intervenors, etc.) but who need to submit documents to the court
461 for filing may elect to use the E-Filing System and become a Registered
462 User but unless otherwise ordered by the presiding judge or judicial officer
463 shall not be required to do so. Any individual or entity authorized to use the
464 E-Filing System pursuant to this paragraph, who becomes a Registered
465 User and transmits documents for filing or service through the E-Filing
466 System shall be subject to all applicable requirements and obligations
467 imposed upon Registered Users as set forth in these rules, and that
468 individual must thereafter electronically file and serve all documents in that
469 case unless otherwise required or authorized by these rules or the court.

470 (ii) Misuse. If the court becomes aware of any misuse of the E-
471 Filing System by a non-party participant or deems it appropriate in the
472 exercise of discretion, considering the need for the just, speedy, and
473 inexpensive determination of every action, the court may, without prior
474 notice, revoke the non-party participant's right to use the E-Filing System
475 in the case and require the individual to file and serve all documents
476 conventionally.

477 **(7) Court Integration Services.** Government agencies, as authorized by
478 the state court administrator, shall be allowed to electronically file documents,
479 electronically transmit data to the court, and electronically receive documents and
480 data from the court, via Court Integration Services.

481 **(8) Conservators.** Conservators appointed by the court must
482 electronically file their annual accounts and inventories using a computer
483 application designated by the state court administrator. Directions for reporting
484 shall be posted on the judicial branch website (www.mncourts.gov).

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

486 **(1) Technical Errors; Relief for Sending Party.** Upon motion and a
487 showing that electronic filing or electronic service of a document was not
488 completed because of: (1) an error in the transmission of the document to the E-
489 Filing System ~~that was unknown to the sending party~~; (2) a failure of the E-Filing
490 System to process the document when received; or (3) other technical problems

491 experienced by the sending party or E-Filing System, the court may enter an order
492 permitting the document to be deemed filed or served on the date and time it was
493 first attempted to be transmitted electronically. If appropriate, the court may adjust
494 the schedule for responding to these documents or the court's hearing.

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

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

500 ~~An attorney or party registers with the Designated Provider for each case by~~
501 ~~entering into a subscriber agreement with the Designated Provider and obtaining an E-~~
502 ~~Filing System user identification and password provided by the Designated Provider. The~~
503 ~~registered attorney or party must also designate in the E-Filing System an e-mail address~~
504 ~~for receiving electronic service in the case. Once an initial filing has been accepted in a~~
505 ~~case, all other registered attorneys and parties shall, upon filing their initial document in a~~
506 ~~case, designate in the E-Filing System an e-mail address for receiving electronic service~~
507 ~~in the case. Registered attorneys and parties shall maintain a designated e-mail address~~
508 ~~for receiving electronic service until all applicable appeal periods have expired for the~~
509 ~~case.~~

510 (a) **Becoming a Registered User.** Only a Registered User may electronically file
511 or serve documents through the E-Filing System. To become a Registered User, a Select
512 User, self-represented litigant, or non-party participant must complete the registration
513 process, as established by the state court administrator, and designate an e-mail address
514 (“designated e-mail address”) for receipt of electronic service and court notices. By
515 registering with the Designated Provider and electronically transmitting a document for
516 filing in a case, a Registered User consents to receive electronic service and court notices
517 from the court and other Registered Users in the case through the E-Filing System at a
518 designated e-mail address. This designated e-mail address may also be used by the court
519 (but not other parties) to deliver notices by means other than the E-Filing System.

520 (b) **Obligations and Responsibilities of Registered Users.**

521 (1) A Registered User is responsible for all documents filed or served
522 under the Registered User’s username and password.

523 (2) If a Registered User knows that his or her login information has been
524 misappropriated, misused or compromised in any way, he or she must promptly
525 notify the court and change his or her login password.

526 (3) Any electronic transmission, downloading, or viewing of an electronic
527 document under a Registered User's login username and password shall be
528 deemed to have been made with the authorization of that Registered User unless
529 and until proven otherwise by a preponderance of the evidence.

530 (4) A Registered User shall maintain a designated e-mail address for
531 receiving electronic service and court notices for the duration of any case in which
532 he or she has electronically transmitted a document for filing as a party or
533 participant and until all applicable appeal periods have expired. A Registered User
534 shall ensure that his or her designated e-mail address and account is current,
535 monitored regularly, has not exceeded its size limitation, and that all notices and
536 document links transmitted to the designated e-mail account are timely opened and
537 reviewed.

538 (5) A Registered User may not designate e-mail addresses for any other
539 person or party who is not the Registered User's client, law firm staff, or co-
540 counsel. The court may impose a sanction against any Registered User who
541 violates this rule. It shall not be a violation for a Registered User when filing or
542 serving documents using the E-Filing System to select service recipients who have
543 been added to the service list for a case by another Registered User.

544 **Rule 14.03 Document Format Filing and Service of Documents and Court Notices**

545 **(a) Availability of E-Filing System.** Registered Users may electronically
546 transmit documents for filing or service through the E-Filing System 24 hours a day, 7
547 days a week, except when the system is unavailable due to breakdown or scheduled
548 maintenance.

549 **(b) Filed Upon Transmittal.** A document that is electronically filed is deemed
550 to have been filed by the court administrator on the date and time of its transmittal to the
551 court through the E-Filing System, and the filing shall be stamped with this date and time
552 if it is subsequently accepted by the court administrator. If the filing is not subsequently
553 accepted by the court administrator for reasons authorized in Rule 5.04 of the Rules of
554 Civil Procedure, no date stamp shall be applied, and the E-Filing System shall notify the
555 filer that the filing was not accepted. Upon receipt of a document electronically
556 transmitted for filing by a Registered User, the E-Filing System shall confirm to the
557 Registered User, through an automatically generated notification to the Registered User's
558 designated e-mail address, that the transmission of the document was completed and the
559 date and time of the document's receipt. Absent confirmation of receipt, there is no
560 presumption that the document was successfully transmitted to the court. The Registered
561 User is solely responsible for verifying that the court received all electronically
562 transmitted documents.

563 (c) Effective Time of Filing. Any document electronically transmitted to the
564 court through the E-Filing System for filing by 11:59 p.m. local Minnesota time shall be
565 deemed filed on that date, so long as the document is not subsequently rejected for filing
566 by the court administrator for a reason authorized by Rule 5.04 of the Rules of Civil
567 Procedure. Filing by facsimile transmission, where authorized, is effective at the time the
568 transmission is received by the court.

569 (d) Service by Registered Users. Unless personal service is otherwise required
570 by statute, these rules, other rules of court, or an order of the court, a Registered User
571 shall serve all documents required or permitted to be served upon another party or person
572 in the following manner:

573 (1) Service on Registered Users. Except as otherwise permitted in
574 subpart (3) below, where the party or person to be served is a Registered User,
575 who has electronically filed a document in the case, service shall be accomplished
576 through the E-Filing System by utilizing the electronic service function of the E-
577 Filing System.

578 (2) Service on Other Parties or Participants. Where the party or
579 participant to be served is not a Registered User or has not electronically filed a
580 document in the case but has agreed to service by electronic means outside the E-
581 Filing System (such as by e-mail), service may be made in the agreed upon
582 manner. The presiding judge or judicial officer may also order that service on the
583 non-Registered User be made by electronic means outside of the E-Filing System.
584 Where service by electronic means is not required or permitted, another method of
585 service authorized under applicable rules or law must be used.

586 (3) Service of Discovery Material. Unless required by court order,
587 electronic service of discovery material through the E-Filing System shall be
588 voluntary, and discovery material may be served in any manner authorized by the
589 court rules, as agreed by the parties, or as ordered by the court. For purposes of
590 this rule, discovery material includes but is not limited to:

591 (i) disclosures under Minn. R. Civ. P. 26, expert disclosures and reports,
592 depositions and interrogatories, requests for documents, requests for admission,
593 answers and responses thereto, and any other material as designated by the
594 presiding judge or judicial officer; and

595 (ii) discovery requests and responses as defined in any applicable court
596 rules, and

597 (iii) any other material as designated by the presiding judge or judicial
598 officer.

599 (e) Effective Date of Service. Service is complete upon completion of the
600 electronic transmission of the document to the E-Filing System notwithstanding whether
601 the document is subsequently rejected for filing by the court administrator. Service by
602 facsimile transmission, where authorized, is complete upon the completion of the
603 facsimile transmission.

604 (f) Court Notices. The court may transmit any document or notice to a
605 Registered User through the E-Filing System. Notice is effective upon transmission of the
606 document or notice to the E-Filing System by the court. The court may also transmit
607 notices outside the E-Filing System as provided in Rule 14.02(a) or other applicable
608 rules.

609 (a) (g) Document Types Requirements and Format. Documents filed
610 electronically shall be submitted in searchable PDF format only. Unless otherwise
611 authorized by these rules or court order, all documents filed electronically shall conform
612 to the document technical and size requirements as established by the state court
613 administrator in the *Minnesota District Court Registered User Guide for Electronic*
614 *Filing.* The *Guide* shall be posted on the judicial branch website (www.mncourts.gov).

615 (b) Format. Documents filed electronically shall comply with the following
616 format requirements:

617 (1) 8 1/2 x 11" size with a portrait orientation.

618 (2) No Optical Character Recognition (OCR) data shall be contained in or
619 associated with the document.

620 (3) At least 200 dot per inch ("DPI") resolution.

621 (4) No unintelligible images (e.g., no all black images).

622 (5) Documents may not be secured, password protected, or have other
623 features limiting access.

624 (6) Black and white images (no color images will be retained). Color
625 documents submitted via the E-Filing System are transformed into black and white
626 images.

627 (7) No document shall contain any external references (e.g., hyperlinks,
628 URLs, shortcuts).

629 (8) Only readable words, viewable pictures or images, and valid, non-
630 corrupted tables shall be included.

631 ~~(9) Documents shall not be corrupted (e.g., a corrupt file having 0 bytes of~~
632 ~~data).~~

633 ~~(10) Documents may contain only standard fonts. No CID or Character~~
634 ~~Identifier fonts are permitted.~~

635 ~~(11) Only standard CCIT image compression is permitted.~~

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

639 ~~(c) Document size.~~

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

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

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

643 ~~(d) (h) Non-conforming documents. With leave of court, a color document or~~
644 ~~document containing color may be filed electronically with manual handling or in paper~~
645 ~~form to be retained by the court in a color format. A motion to file a color document or~~
646 ~~document containing color to be retained by the court in a color format must be filed and~~
647 ~~served electronically. Where it is not feasible for a Registered User to convert a~~
648 ~~document to an authorized electronic form by scanning, imaging, or other means, or~~
649 ~~where a document cannot reasonably be transmitted through the E-Filing System in~~
650 ~~conformance with the document's technical and size requirements as established by the~~
651 ~~state court administrator, the court may allow the Registered User to file the document~~
652 ~~conventionally. A motion to file a non-conforming document must be filed electronically.~~
653 ~~If the court grants the Registered User's motion to file a non-conforming document, the~~
654 ~~Registered User shall file and serve the non-conforming document conventionally.~~

655 **Rule 14.04 Signatures**

656 **(a) Judge and Administrator Signatures.** All electronically filed and served
657 documents that require a judge's, judicial officer's, or court administrator's signature
658 shall either capture the signature electronically under a process approved by the state
659 court administrator pursuant to judicial branch policy or begin with ~~an actual a~~
660 ~~handwritten~~ signature on paper that is then ~~scanned into an electronic document format~~
661 ~~converted to electronic form by scanning, imaging, or other means~~ such that the final
662 electronic document has the judge's, judicial officer's, or court administrator's signature
663 depicted thereon. The final electronic document shall constitute an original.

664 **(b) ~~Attorney or Declarant~~ Registered User and Non-Registered User**
665 **Signatures.**

666 **(1) Registered Users.** A Every document electronically filed or served
667 using through the E-Filing System that requires the signature of the Registered
668 User filing or serving the document shall be deemed to have been signed by the
669 ~~attorney~~ Registered User or declarant and shall bear a the facsimile or
670 typographical signature of such person, along with the typed name, address,
671 telephone number, designated e-mail address, and, if applicable, attorney
672 registration number of a signing attorney. ~~The~~ Typographical or facsimile
673 signatures of an attorney or declarant a Registered User shall be treated as a
674 personal signature considered the functional equivalent of an original, handwritten
675 signature produced on paper. and A typographical signature shall be in the form:
676 /s/ Pat L. Smith.

677 **(2) Non-Registered Users.** Any document electronically filed or served
678 through the E-Filing System that requires the signature of a person who is not the
679 Registered User filing or serving the document shall bear the typed name, along
680 with the facsimile or typographical signature, of such person. The person's
681 typographical or facsimile signature shall be considered the functional equivalent
682 of an original, handwritten signature produced on paper. A typographical signature
683 shall be in the form: /s/ Pat L. Smith.

684 **(c) Notary Signature, Stamp.** Unless specifically required by court rule,
685 documents, including affidavits, electronically filed or served through the E-Filing
686 System are not required to be notarized. Where a signature under penalty of perjury is
687 otherwise required, the provisions of part (d) of this rule apply. A document
688 electronically filed or served using through the E-Filing System that by court rule,
689 specifically requires a signature of a notary public shall be deemed signed by the notary
690 public if, before filing or service, the notary public has signed a printed or electronic form
691 of the document and the electronically filed or served document bears a facsimile or
692 typographical notary signature and stamp.

693 **(d) Perjury Penalty Acknowledgment.** A document electronically filed or
694 served using through the E-Filing System that requires a signature under penalty of
695 perjury is ~~deemed signed by the declarant if, before filing or service, the declarant has~~
696 signed a printed form of the document and the electronically filed or served document
697 bears the declarant's facsimile or typographical signature may, with the same force and
698 effect and in lieu of an oath, be supported by an unsworn declaration, provided that the
699 typographical or facsimile signature of the declarant is affixed immediately below a
700 declaration using substantially the following language: "I declare under penalty of
701 perjury that everything I have stated in this document is true and correct." In addition to
702 the signature, the date of signing and the county and state where the document was signed
703 shall be noted on the document.

704 (e) **Certification; Retention.** By electronically filing or ~~submitting~~ serving a
705 document ~~using~~ through the E-Filing System, the ~~registered attorney or party~~ Registered
706 User ~~filing or serving~~ is certifying compliance with the signature requirements of these
707 rules for all signatures on the document, and the signatures on the document shall ~~have~~
708 ~~the same legal effect as the signatures on the original document~~ be considered the
709 functional equivalent of original, handwritten signatures produced on paper.

710 **Rule 14.05 Proof of Service.**

711 The records of the E-Filing System indicating transmittal to a ~~the~~ Registered User
712 ~~recipient who has designated an e-mail address for service of process in the case~~ shall be
713 sufficient proof of service on the recipient for all purposes.

714 **Rule 14.06 Sealed and Confidential Documents and Documents for In Camera**
715 **Review.**

716 Any interested person must seek and obtain advance approval from the court, with
717 notice of the request to all parties, to submit a document to the court for in camera
718 review. A document submitted for in camera review shall be submitted to the court
719 outside the E-Filing System by either:

720 (1) causing the document to be conventionally mailed or hand-delivered to
721 the presiding judge or judicial officer, or

722 (2) upon approval of the presiding judge or judicial officer, transmitting
723 the document to the presiding judge or judicial officer, via e-mail, as an
724 attachment to an e-mail address as directed by the presiding judge or judicial
725 officer. Any document submitted for in camera review must be clearly labeled
726 “For In Camera Review” and, unless otherwise ordered by the court, shall be
727 sealed and preserved as a court exhibit.

728 A ~~person~~ Registered User electronically filing a document that is not accessible to
729 the public in whole or in part under the Rules of Public Access to Records of the Judicial
730 Branch or other applicable law, court rules or court order, is responsible for designating
731 that document as confidential or sealed in the E-Filing System before transmitting it to
732 the court.

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

739 Upon review, the court may modify the designation of any document incorrectly
740 designated as sealed or confidential and shall provide prompt notice of any such change
741 to the ~~filing party~~ Registered User who filed the document. A ~~filing party~~ Registered User
742 must seek advance approval from the court to ~~submit~~ transmit a document for filing
743 designated as sealed or confidential if that document is not already inaccessible to the
744 public under the Rules of Public Access to Records of the Judicial Branch or other
745 applicable law, court rules, or court order.

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

749 **Rule 14.07 Records: Official; Appeal; Certified Copies.**

750 Documents electronically filed and paper documents conventionally filed but
751 converted into electronic form by the court are official court records for all purposes.
752 Certified copies ~~shall~~ may be issued in the conventional manner or in any manner
753 authorized by law, provided that no certified copies shall be made of any proposed
754 orders. Unless otherwise provided in these rules or by court order, a conventionally filed
755 paper document need not be maintained or retained by the court after the court digitizes,
756 records, scans or otherwise reproduces the document into an electronic record, document
757 or image.

758 **Advisory Committee Comment—2015 Amendments**

759 The amendments to Rule 14 address several important aspects of the use of
760 the court’s e-filing and e-service system. This rule is the workhorse rule for
761 implementation of e-filing and e-service, and governs in all courts and types of
762 cases where e-filing is either required or permitted.

763 It is worthwhile to understand the reason for “required or permitted”
764 language in the rules. As a means to accomplish orderly and efficient transition
765 to judicial branch-wide requirement for e-filing and e-service, the courts have
766 generally begun with permissive use of e-filing and e-service for a subset of the
767 court’s business. The courts have then gradually moved to mandatory use in
768 these matters, by all attorney filers.

769 Several of the changes are not substantive in nature or intended effect. The
770 replacement of “paper” with “document” is made throughout these rules, and
771 simply advances precision in choice of language. Most documents will not be
772 filed as “paper” documents, so paper is retired as a descriptor of them. “Self-
773 represented litigant” is being used uniformly throughout the judicial branch, and
774 is preferable to “non-represented party” and “pro se party,” both to avoid a Latin
775 phrase not used outside legal jargon and to facilitate the drafting of clearer rules.

776 Rule 14.01(a) is amended to update the definitions, and includes terms
777 previously defined in Rule 14.06. The term “Self-Represented Litigant” is
778 defined and is used in preference to “pro se party” to use a term more readily
779 understood. The rule also makes it clear that only non-lawyers are treated as
780 “Self-Represented Litigants.” A lawyer who is licensed to practice, is a party to
781 a case, and is not otherwise represented is treated as a represented party.

782 Rule 14.01(b) is updated to establish the current status of electronic filing
783 and electronic service, and to provide for the expanding requirements for use of
784 the electronic means for these functions. The rule implements a clear mandate
785 that represented parties and government agencies must serve and file using the
786 court’s system unless otherwise provided by rule or order. Government agencies
787 here would include governmental parties to litigation and other agencies, such as
788 a county sheriff’s office, that are regularly involved in the litigation process.

789 Rule 14.03(d)(2) recognizes that any means of service may suffice under
790 the rules if the party to be served has consented to its use. Thus, service by e-
791 mail outside the court’s system is acceptable and effective if the parties have
792 consented to it. In the event a stipulation is made on this subject, however, the
793 parties should specify when that service is effective, as the rules may not
794 establish that date or time. Although there is virtually no limit on how service
795 could be effected with consent of the party being served, in the absence of
796 consent only the methods explicitly authorized by the rules are effective. Rule
797 14.03(d)(2) deals particularly with special categories of cases where there
798 typically are non-party participants, such as non-party guardians ad litem,
799 probation officers or other court services personnel, victim advocates, or similar
800 interested persons.

801 The effective date for service is important for most documents. Rule
802 14.03(e) provides the default rule for most service events. In the event the E-
803 Filing System is not available, Rule 14.01(c) may provide some relief to a party
804 who might otherwise miss a deadline. Rule 14.03(f) recognizes that courts may
805 wish to provide notices to the parties by e-mail without using the court’s E-
806 Filing System. This desire is driven by a lack of integration between the court’s
807 MNCIS case management system and the e-serve function in the court’s E-
808 Filing System. Where the notice is substantively important, such as in child
809 support magistrate cases where the date and time of notice begins the appeal
810 period, the courts should avoid giving formal notices outside the e-service
811 system. Efforts should be made by the courts to remove any barriers to use of
812 the E-Filing System by court personnel since that process will be understood by
813 the parties and generates a record that may be of interest to the parties.

814 Rule 14.06 is amended to delete the definitions of how various confidential
815 and sealed records will be accessible within the judiciary. These definitions are
816 now set forth in Rule 14.01(a), along with other definitions.

817 Rule 14.07 as amended to make it clear that even when documents are filed
818 in paper form, the court may scan and digitize their content, and retain only the
819 electronic record of the filing. Ultimately, the duration of retention of that
820 electronic record will be governed by the court’s record retention schedule. *See*
821 District Court Record Retention Schedule 2014, published on the main
822 Minnesota Courts website, www.mncourts.gov under “Justice Partner
823 Resources.”

824
825
826 **RULE 15. AFFIDAVITS**

827 Unless otherwise specified in any court rule, the term “affidavit” means:

863

RULE 105. WITHDRAWAL OF COUNSEL

864 After a lawyer has appeared for a party in any action, withdrawal will be effective
865 only if written notice of withdrawal is served on all parties who have appeared, or their
866 lawyers if represented by counsel, and is filed with the court administrator if any other
867 paper document in the action has been filed. The notice of withdrawal shall include the
868 address and phone number where the party can be served or notified of matters relating to
869 the action.

870 Withdrawal of counsel does not create any right to continuance of any scheduled
871 trial or hearing.

872 * * *

873 **RULE 110. SELF-HELP PROGRAMS**

874 * * *

875 **Rule 110.09 Access to Records**

876 All records made or received in connection with the official business of a Self-
877 Help Program relating to the address, e-mail address, telephone number or residence of a
878 Self-Represented Litigant are not accessible to the public or the other party. This rule
879 applies only to records of the Self-Help Program. It does not excuse Self-Represented
880 Litigants from other rules that may require them to disclose their contact information in a
881 manner that makes such contact information available to others.

882 * * *

883 **Advisory Committee Comment—2015 Amendments**

884 The amendments to Rule 110.09 add a protection of e-mail addresses
885 received by the Self-Help Program. This rule does not require that information
886 to be provided, but makes it clear that if it is provided, it is not available to
887 either opposing party or to the public. The rule makes it clear that this provision
888 relates only to the Self-Help Program, and does not create a broader
889 confidentiality right for this information. This information may be required to be
890 provided by other court rules, and may be held to be public under those rules.

891

892 **RULE 113. ASSIGNMENT OF CASE(S) TO A SINGLE JUDGE**

893 * * *

894 **Rule 113.03 Assignment of Cases in More Than One District to a Single Judge**

895 * * *

896 **(b) Procedure.** The motion shall identify by court, case title, case number, and
897 judge assigned, if any, each case for which assignment to a single judge is requested. The
898 motion shall also indicate the extent to which the movant anticipates that additional
899 related cases may be filed. ~~An original and two copies of the~~ The motion shall be filed
900 with the clerk of appellate courts. ~~A copy of the motion, and~~ shall be served on other
901 counsel and any ~~unrepresented parties~~ self-represented litigants in all cases for which
902 assignment is requested and shall be served on the chief judge of each district in which
903 such an action is pending. Any party may file and serve a response within 5 days after
904 service of the motion. Any reply shall be filed and served within 2 days of service of the
905 response. Except as otherwise provided in this rule, the motion and any response shall
906 comply with the requirements of Minn. R. Civ. App. P. 127 and 132.02.

907 * * *

908 **Advisory Committee Comment—2015 Amendments**

909 The amendments to Rule 113.03(b) are not substantive in nature or
910 intended effect. The term “self-represented litigant” is being used uniformly
911 throughout the judicial branch and is preferable to “non-represented party” and
912 “pro se party,” both to avoid a Latin phrase not used outside legal jargon and to
913 facilitate the drafting of clearer rules. There is no need for multiple copies of this
914 motion because it will be handled electronically even if filed in paper form, and
915 because in cases where filings are required to be filed using the court’s E-Filing
916 System, only a single copy of a motion can be filed.

917

918 **RULE 114. ALTERNATIVE DISPUTE RESOLUTION**

919 * * *

920 **Rule 114.04 Selection of ADR Process**

921 * * *

922 **(b) Court Involvement.** If the parties cannot agree on the appropriate ADR
923 process, the timing of the process, or the selection of neutral, or if the court does not
924 approve the parties’ agreement, the court shall, in cases subject to Rule 111, schedule a
925 telephone or in-court conference of the attorneys and any self-represented litigants
926 ~~unrepresented parties~~ within thirty days after the due date for filing initial case
927 management statements pursuant to Rule 304.02 or the filing of a civil cover sheet
928 pursuant to Rule 104 to discuss ADR and other scheduling and case management issues.

929 **Rule 114.09 Arbitration Proceedings**

930 * * *

931 **(e) The Award.**

932 (1) No later than 10 days from the date of the arbitration hearing or the
933 arbitrator’s receipt of the final post-hearing memorandum, whichever is later, the
934 arbitrator shall file with the court the decision, together with proof of service ~~by~~
935 ~~first class mail~~ on all parties by first class mail or other method of service
936 authorized by the rules or ordered by the court.

937 (2) If no party has filed a request for a trial within 20 days after the award
938 is filed, the court administrator shall enter the decision as a judgment and shall
939 promptly ~~mail-transmit~~ notice of entry of judgment to the parties. The judgment
940 shall have the same force and effect as, and is subject to all provisions of law
941 relating to, a judgment in a civil action or proceeding, except that it is not subject
942 to appeal, and may not be attacked or set aside. The judgment may be enforced as
943 if it had been rendered by the court in which it is entered.

944 * * *

945 **Advisory Committee Comment—2015 Amendments**

946 The amendment to Rule 114.04 is not substantive in nature or intended
947 effect. The term “self-represented litigant” is being used uniformly throughout
948 the judicial branch and is preferable to “non-represented party” and “pro se
949 party;” both to avoid a Latin phrase not used outside legal jargon and to
950 facilitate the drafting of clearer rules.

951 Rule 114.09 is amended to delete the requirement that the arbitrator must
952 serve a copy of the award by first-class mail. Service is required, but service by
953 mail is permitted, as is any other method authorized by the rules or ordered by
954 the court with respect to the arbitration.

955

956 * * *

957

958 **RULE 115. MOTION PRACTICE**

959 **Rule 115.01 Scope and Application**

960 This rule shall govern all civil motions, except those in family court matters
961 governed by Minn. Gen. R. Prac. 301 through 379 and in commitment proceedings
962 subject to the Special Rules of Procedure Governing Proceedings Under the Minnesota
963 Commitment and Treatment Act.

964 **(a) Definitions.** Motions are either dispositive or nondispositive, and are defined
965 as follows:

966 (1) Dispositive motions are motions which seek to dispose of all or part of
967 the claims or parties, except motions for default judgment. They include motions
968 to dismiss a party or claim, motions for summary judgment and motions under
969 Minn. R. Civ. P. 12.02(a)-(f).

970 (2) Nondispositive motions are all other motions, including but not limited
971 to discovery, third party practice, temporary relief, intervention or amendment of
972 pleadings.

973 **(b) Time.** The time limits in this rule are to provide the court adequate
974 opportunity to prepare for and promptly rule on matters, and the court may modify the
975 time limits, provided, however, that in no event shall the time limited be less than the
976 time established by Minn. R. Civ. P. 56.03. Whenever this rule requires documents to be
977 filed with the court administrator within a prescribed period of time before a specific
978 event, and the documents are not required to be filed electronically, filing may be
979 accomplished by mail, subject to the following: (1) 3 days shall be added to the
980 prescribed period; and (2) filing shall not be considered timely unless the documents are
981 deposited in the mail within the prescribed period. If sService of documents on parties or
982 counsel by mail is permitted, it is subject to the provisions of Minn. R. Civ. P. 5.02 and
983 6.05.

984 **(c) Post-Trial Motions.** The timing provisions of sections 115.03 and 115.04 of
985 this rule do not apply to post-trial motions.

986 **Rule 115.02 Obtaining Hearing Date; Notice to Parties**

987 A hearing date and time shall be obtained from the court administrator or a
988 designated motion calendar deputy. A party obtaining a date and time for a hearing on a
989 motion or for any other calendar setting, shall promptly give notice advising all other
990 opposing counsel and self-represented litigants ~~parties~~ who have appeared in the action
991 so that cross motions may, insofar as possible, be heard on a single hearing date.

992 **Rule 115.03 Dispositive Motions**

993 **(a) Service by Moving Party.** No motion shall be heard until the moving party
994 pays any required motion filing fee, serves ~~a copy of~~ the following documents on all
995 opposing counsel and self-represented litigants and files the ~~original~~ original documents with the
996 court administrator at least 28 days prior to the hearing:

997 (1) Notice of motion and motion;

998 (2) Proposed order;

999 (3) Any affidavits and exhibits to be submitted in conjunction with the
1000 motion; and

1001 (4) Memorandum of law.

1002 (b) **Response to Motion.** The party responding to the motion shall pay any
1003 required motion filing fee, serve ~~a copy~~ of the following documents on all every opposing
1004 counsel and self-represented litigants, and file the ~~originals~~ documents with the ~~C~~ourt
1005 Aadministrator at least 9 days prior to the hearing:

1006 (1) Memorandum of law; and

1007 (2) Supplementary affidavits and exhibits.

1008 (c) **Reply Memoranda.** The moving party may submit a reply memorandum,
1009 limited to new legal or factual matters raised by an opposing party's response to a
1010 motion, by serving ~~a copy~~ it on all opposing counsel and self-represented litigants and
1011 filing ~~the original~~ it with the court administrator at least 3 days before the hearing.

1012 (d) **Additional Requirement for Summary Judgment Motions.** For summary
1013 judgment motions, the memorandum of law shall include:

1014 (1) A statement by the moving party of the issues involved which are the
1015 grounds for the motion for summary judgment;

1016 (2) A statement identifying all documents (such as depositions or excerpts
1017 thereof, pleadings, exhibits, admissions, interrogatory answers, and affidavits)
1018 which comprise the record on which the motion is made. Opposing parties shall
1019 identify in their responding memorandum of law any additional documents on
1020 which they rely;

1021 (3) A recital by the moving party of the material facts as to which there is
1022 no genuine dispute, with a specific citation to that part of the record supporting
1023 each fact, such as deposition page and line or page and paragraph of an exhibit. A
1024 party opposing the motion shall, in like manner, make a recital of any material
1025 facts claimed to be in dispute; and

1026 (4) The party's argument and authorities. These additional requirements
1027 also apply ~~also~~ to a motion under Minn. R. Civ. P. 12 if factually based. Part (3) is
1028 excluded from the page limitations of this rule.

1029 **Rule 115.04 Non-dispositive Motions**

1030 (a) **Service by Moving Party.** No motion shall be heard until the moving party
1031 pays any required motion filing fee, serves ~~a copy~~ of the following documents on all

1032 opposing counsel and self-represented litigants ~~the other party or parties~~, and files the
1033 documents original with the court administrator at least 14 days prior to the hearing:

- 1034 (1) Notice of motion and motion;
- 1035 (2) Proposed order;
- 1036 (3) Any affidavits and exhibits to be submitted in conjunction with the
1037 motion; and
- 1038 (4) Any memorandum of law the party intends to submit.

1039 **(b) Response to Motion.** The party responding to the motion shall pay any
1040 required motion filing fee, serve ~~a copy~~ of the following documents on all every opposing
1041 counsel and self-represented litigants ~~the moving party and other interested parties~~, and
1042 file the ~~original~~ documents with the court administrator at least 7 days prior to the
1043 hearing:

- 1044 (1) Any memorandum of law the party intends to submit; and
- 1045 (2) Any relevant affidavits and exhibits.

1046 **(c) Reply Memoranda.** The moving party may submit a reply memorandum,
1047 limited to new legal or factual matters raised by an opposing party's response to a
1048 motion, by serving ~~a copy~~ it on all opposing counsel and self-represented litigants and
1049 filing ~~the original~~ it with the court administrator at least 3 days before the hearing.

1050 **(d) Expedited, Informal Non-Dispositive Motion Process.** The moving party is
1051 encouraged to consider whether the motion can be informally resolved through a
1052 telephone conference with the judge or judicial officer. The moving party may invoke
1053 this informal resolution process by written notice to the court and ~~all parties~~ opposing
1054 counsel and self-represented litigants. The moving party must also contact the appropriate
1055 court administrative or judicial staff to schedule a phone conference. The parties may
1056 (but are not required to) submit short letters, with or without a limited number of
1057 documents attached (no briefs, declarations or sworn affidavits are to be filed), prior to
1058 the conference to set forth their respective positions.

1059 The court may, in its discretion, direct the manner of submission of the letters.
1060 The court will read the written submissions of the parties before the phone conference,
1061 hear arguments of counsel and ~~unrepresented parties~~ self-represented litigants at the
1062 conference, and issue its decision at the conclusion of the phone conference or shortly
1063 after the conference. Depending on the nature of the dispute, the court may or may not
1064 issue a written order. The court may also determine that the dispute must be presented to
1065 the court via formal motion and hearing. Telephone conferences will not be recorded or
1066 transcribed.

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Rule 115.06 Failure to Comply

If the moving ~~papers~~ documents are not properly served and filed, the hearing may be canceled by the court. If responsive ~~papers~~ documents are not properly served and filed in a nondispositive motion, the court may deem the motion unopposed and may grant the relief requested without a hearing. For a dispositive motion, the court, in its discretion, may refuse to permit oral argument by the party not filing the required documents, may allow reasonable attorney’s fees, or may take other appropriate action.

* * *

Rule 115.08 Witnesses

No testimony will be taken at motion hearings except under unusual circumstances. Any party seeking to present witnesses at a motion hearing shall obtain prior consent of the court and shall notify the adverse party in the motion ~~papers~~ documents of the names and addresses of the witnesses which that party intends to call at the motion hearing.

* * *

Rule 115.11 Motions to Reconsider

Motions to reconsider are prohibited except by express permission of the court, which will be granted only upon a showing of compelling circumstances. Requests to make such a motion, and any responses to such requests, shall be made only by letter to the court of no more than two pages in length, a copy of which must be ~~sent to~~ served on all ~~every~~ opposing counsel and self-represented litigants.

* * *

RULE 119. APPLICATIONS FOR ATTORNEY FEES

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Rule 119.02 Required ~~Papers~~ Documents

[No change to body of rule.]

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RULE 121. NOTICE OF SETTLEMENT

When any action in which any pleading or other ~~paper~~ document has been filed is settled, counsel shall immediately advise the appropriate assignment office, and shall also advise the office of the judge or judicial officer assigned to the case or then assigned to hear any matter relating to the case.

* * *

RULE 129. USE OF ADMINISTRATOR’S FILES

No ~~papers~~ documents on file in a cause shall be taken from the custody of the court administrator except upon order of the court.

* * *

**RULE 131. USE OF INTERACTIVE VIDEO TELECONFERENCE
IN CIVIL CASES**

* * *

Rule 131.03 Costs and Arrangements; Certification

* * *

(c) **Service.** The moving party shall have the responsibility of preparing, serving and filing the motion and notice of motion ~~papers~~ documents as required by this rule.

* * *

Rule 131.06 Proceedings

In any proceeding conducted by ITV under this rule:

* * *

(c) Regardless of the physical location of any party to the ITV hearing or proceeding, any waiver, stipulation, motion, objection, decision, order or any other actions taken by the court or a party has the same effect as if done in person. Court orders that bear the presiding judge’s or judicial officer’s signature may be transmitted electronically ~~or via facsimile machine~~ to the various ITV sites for the purpose of service.

Rule 131.07 Administrative Procedures

The following administrative procedures are applicable to all ITV proceedings:

1124 * * *

1125 (b) **Court Administrator Duties.** The ~~C~~ourt ~~A~~administrator for each county
1126 shall be responsible for the following:

1127 * * *

1128 (5) Ensure that any court documents or exhibits that the judge or judicial
1129 officer will require prior to or during the course of the hearing are ~~mailed or faxed~~
1130 delivered or available to the judge or judicial officer prior to the commencement
1131 of the proceeding.

1132 * * *

1133 **RULE 141. CONDEMNATION**

1134 **Rule 141.02 Notice of Appeal**

1135 In condemnation cases the notice of appeal from the award of the Commissioners
1136 shall be deemed the filing of the first ~~paper~~ document in the case for the purposes of
1137 Minn. Gen. R. Prac. 104 and 111.

1138 * * *

1139 **RULE 146. COMPLEX CASES**

1140 **Rule 146.02 Definition of a Complex Case**

1141 * * *

1142 (e) **Motion to Exclude Complex Case Designation.** A party objecting to the
1143 provisional assignment of a matter to the CCP must serve and file a motion setting forth
1144 the reasons that the matter should be removed from the CCP. The motion ~~papers~~ must be
1145 served and filed within 14 days of the date the moving party is served with the CCP
1146 Designation. The motion shall be heard during the Case Management Conference or at
1147 such other time as determined by the court. The factors that should be considered by the
1148 court in ruling upon the motion include the factors set forth in Rule 146.02 (b) and (c)
1149 above.

1150 * * *

1151 **Rule 146.04 Mandatory Case Management Conferences**

1152 (a) Within 28 days of assignment, the judge assigned to a complex case shall hold
1153 a mandatory case management conference. Counsel for all parties and ~~pro se parties~~ all

1154 self-represented litigants shall attend the conference. At the conference, the court will
1155 discuss all aspects of the case as contemplated by Minn. R. Civ. P. 16.01.

1156 * * *

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1158

MINNESOTA CIVIL TRIALBOOK

1159 * * *

1160 **Section 14. Sealing and Handling of Confidential Exhibits**

1161 When briefs, depositions, and other documents or an exhibit such as a trade secret,
1162 formula or model are to be treated as confidential, if size permits, such an exhibit shall be
1163 placed in a sealed envelope clearly labeled as follows:

1164 “This envelope contains Exhibits ___ which are confidential and sealed by
1165 order of the court. This envelope shall not be opened, nor the contents
1166 hereof revealed, except by order of the court.”

1167 Such an envelope and other confidential exhibits shall be kept in a locked
1168 container such as a file cabinet or some other secure location under the supervision of the
1169 administration until released by order of the court.

1170 If testimony is taken which would reveal the substance of the confidential exhibits,
1171 the courtroom shall be cleared of all persons other than the parties, their lawyers, and
1172 court personnel. Those present, including jurors, shall be directed by the court to refrain
1173 from disclosing the substance of the confidential exhibits.

1174 The pertinent portions of the reporter’s notes or transcript shall be kept in a locked
1175 container after being placed in a sealed envelope clearly labeled as follows:

1176 “This envelope contains confidential references sealed by order of the
1177 court. This envelope shall not be opened, nor the contents hereof revealed,
1178 except by order of the court.”

1179 Briefs and other ~~papers~~ documents submitted in or after trial ordinarily should not
1180 describe the substance of confidential exhibits but should refer to them only by number or
1181 letter designation pursuant to the uniform method of marking exhibits.

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TITLE III. REGISTRATION OF LAND TITLES

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RULE 206. PAPERS DOCUMENTS TO BE FILED—EFFECT OF NOTICE AND APPEARANCE

* * *

RULE 208. HEARINGS IN DEFAULT CASES—FILING PAPERS DOCUMENTS

Initial applications, where no issue has been joined, shall be heard by the court at any special term, or they may be heard by an examiner, to whom the matter has been specially referred. In counties where the examiner checks the proceedings in advance of the hearings, all ~~papers~~ documents necessary to complete the files shall be filed; and all documentary evidence proposed to be used by the applicant or petitioner shall be delivered to the examiner at least three days before the hearing, together with the proposed order for judgment and decree.

* * *

TITLE IV. RULES OF FAMILY COURT PROCEDURE

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RULE 303. MOTIONS; EMERGENCY RELIEF; ORDERS TO SHOW CAUSE

Rule 303.01 Scheduling of Motions

* * *

(c) Notice of Time to Respond. All motions and orders to show cause shall contain the following statement:

The Rules establish deadlines for responding to motions. All responsive pleadings shall be served and ~~mailed to or~~ filed with the court administrator not later than five days prior to the scheduled hearing. The court may, in its discretion, disregard any responsive pleadings served or filed with the court administrator less than five days prior to such hearing in ruling on the motion or matter in question.

1211 **Rule 303.02 Form of Motion**

1212 (a) **Specificity and Supporting Documents.** Motions shall set out with
1213 particularity the relief requested in individually numbered paragraphs. All motions must
1214 be supported by ~~signed, sworn and notarized~~ affidavits that contain facts relevant to the
1215 issues before the court.

1216 **Rule 303.03 Motion Practice**

1217 (a) **Requirements for Motions.**

1218 (1) **Moving Party, Supporting Documents, Time Limits.** No motion
1219 shall be heard unless the moving party pays any required motion filing fee,
1220 properly serves a copy of the following documents on all parties and files them
1221 with the court administrator at least 14 days prior to the hearing:

1222 (i) Notice of motion and motion in the form required by Minn. Gen.
1223 R. Prac. 303.01 and 303.02;

1224 (ii) Relevant ~~signed, sworn and notarized~~ affidavits and exhibits;
1225 and

1226 (iii) Any memorandum of law the party intends to submit.

1227 (2) **Motion Raising New Issues.** A responding party raising new issues
1228 other than those raised in the initial motion shall pay any required motion filing
1229 fee, properly serve a copy of the following documents on all parties and file them
1230 with the court administrator at least 10 days prior to the hearing:

1231 (i) Notice of motion and motion in form required by Minn. Gen. R.
1232 Prac. 303.01 and 303.02;

1233 (ii) Relevant ~~signed, sworn and notarized~~ affidavits and exhibits;
1234 and

1235 (iii) Any memorandum of law the party intends to submit.

1236 (3) **Responding Party, Supporting Documents, Time Limits.** The party
1237 responding to issues raised in the initial motion, or the party responding to a
1238 motion that raises new issues, shall pay any required motion filing fee, properly
1239 serve a copy of the following documents on all parties, and file them with the
1240 court administrator at least 5 days prior to the hearing, inclusive of Saturdays,
1241 Sundays, and holidays:

1242 (i) Any memorandum of law the party intends to submit; and

1243 (ii) Relevant ~~signed, sworn and notarized~~ affidavits and exhibits.

1244 * * *

1245 (b) **Failure to Comply.** In the event a moving party fails to timely serve and file
1246 documents required in this rule, the hearing may be canceled by the court. If responsive
1247 ~~papers~~ documents are not properly served and filed, the court may deem the initial
1248 motion unopposed and may issue an order without hearing. The court, in its discretion,
1249 may refuse to permit oral argument by the party not filing the required documents, may
1250 consider the matter unopposed, may allow reasonable attorney's fees, or may take other
1251 appropriate action.

1252 * * *

1253 (d) **Request for Oral Testimony.**

1254 * * *

1255 (2) *Request for Leave for Oral Testimony.* Requests for the taking of oral
1256 testimony must be made by motion served and filed not later than the filing of that
1257 party's initial motion ~~papers~~ documents. The motion shall include names of
1258 witnesses, nature and length of testimony, including cross-examination, and types
1259 of exhibits, if any.

1260 * * *

1261

1262 **RULE 306. DEFAULT**

1263 **Rule 306.01 Scheduling of Final Hearing**

1264 * * *

1265 (c) **Default with Stipulation.** Whenever a stipulation settling all issues has been
1266 executed by the parties, the stipulation shall be filed with an affidavit of nonmilitary
1267 status of the defaulting party or a waiver of that party's rights under the Servicemembers
1268 Civil Relief Act, as amended, if not included in the stipulation.

1269 In a stipulation where a party appears as a self-represented litigant pro se, the
1270 following waiver shall be executed by that party:

1271 I know I have the right to be represented by a lawyer of my choice. I hereby
1272 expressly waive that right and I freely and voluntarily sign the foregoing
1273 stipulation.

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RULE 307. FINAL HEARINGS

* * *

(b) Stipulations Entered in Open Court-Preparation of Findings. Where a stipulation has been entered orally upon the record, the lawyer directed to prepare the decree shall submit it to the court with a copy to each party. Unless a written, fully executed stipulation is filed or unless the decree contains the written approval of the other party or their legal representative, a transcript of the oral stipulation shall be filed by the lawyer directed to prepare the decree. Responsibility for the cost of the transcript shall be determined by the court. Entry of the decree shall be deferred for 14 days to allow for objections unless the decree contains the written approval of the lawyer for each party, or the other party if he or she is self-represented ~~not represented~~.

RULE 308. FINAL ORDER, JUDGMENT, OR DECREE

Rule 308.01 Notices; Service

* * *

(c) Child Support Enforcement. When a private party has applied for or is using the services of the local child support enforcement agency, a copy of the decree shall be served by mail or other authorized means by the party submitting the decree for execution upon the county agency involved. The party may serve the copy of the decree by electronic means if the county agency has agreed to accept service by electronic means.

* * *

Advisory Committee Comment—2015 Amendments

The amendment to Rule 308.01(c) makes explicit that service of a decree by electronic means is effective only if the recipient has consented to service by this means. Consent will be an integral part of registration for service using the court’s e-filing and e-service system. Service by alternate means, such as by e-mail outside of the court’s system, can be effective if the party to be served has expressly consented to that means of service. But inclusion of a fax number or e-mail address in a pleading signature block, letterhead or other correspondence, even if required by court rule, or use of these methods for other purposes, is not sufficient to establish consent to alternative means of service.

1308

RULE 309. CONTEMPT

1309 **Rule 309.01 Initiation**

1310 (a) **Moving Papers Documents—Service; Notice.** Contempt proceedings shall
1311 be initiated by notice of motion and motion or by an order to show cause served upon the
1312 person of the alleged contemnor together with motions accompanied by appropriate
1313 supporting affidavits. Pursuant to Rule 303.05 an order to show cause may be issued by
1314 the court without notice to the alleged contemnor provided the supporting affidavits
1315 credibly raise an issue of contempt.

1316 * * *

1317 **RULE 313. CONFIDENTIAL NUMBERS AND TAX RETURNS**

1318 The requirements of Rule 11 of these rules regarding submission of restricted
1319 identifiers (~~e.g.,~~ such as Social Security numbers, employer identification numbers,
1320 financial account numbers) and financial source documents (~~e.g.,~~ such as tax returns,
1321 wage stubs, credit card statements) apply to all family court matters.

1322 * * *

1323 **RULE 353. TYPES OF PROCEEDINGS**

1324 **Rule 353.01 Types of Proceedings**

1325 * * *

1326 **Subd. 2. Permissive Proceedings.**

1327 * * *

1329 (c) **Change of Venue.** Upon motion by a party for a change of venue, a child
1330 support magistrate shall issue the following order:

1331 (1) Upon consent of all parties, a child support magistrate may issue an
1332 order changing venue. The court administrator shall forward the court file to the
1333 county that has been granted venue.

1334 (2) If any party disputes a motion to change venue, the child support
1335 magistrate shall issue an order referring the matter to district court and the court
1336 administrator shall schedule the matter for hearing. The court administrator shall
1337 ~~mail~~ transmit notice of the date, time, and location of the hearing to all parties.
1338 Notice shall be sent in accordance with Rule 14 to all parties who have agreed to

1339 or are required to accept electronic service, and to all other parties in accordance
1340 with Rule 13 of these Rules and Rule 77.04 of the Rules of Civil Procedure.

1341 * * *

1342 **RULE 354. COMPUTATION OF TIME**

1343 * * *

1344 **Rule 354.04. Additional Time If Service By Mail Or Service Late In Day**

1345 Whenever a person has the right or is required to do an act within a prescribed
1346 period of time after service of a notice or other ~~paper~~ document, and the notice or other
1347 document is permitted to be and is served by U.S. mail, and the notice or other paper
1348 document is served by U.S. mail, three (3) 3 days shall be added to the prescribed time
1349 period. If service is made by any means other than by U.S. mail and accomplished after
1350 5:00 p.m. ~~Central Time~~ local Minnesota time, ~~one (1) 1~~ additional day shall be added to
1351 the prescribed time period.

1352 **RULE 355. METHODS OF SERVICE; FILING**

1353 **Rule 355.01 Generally**

1354 **Subdivision 1. Service Required.** Except for ex parte motions allowed by statute
1355 or these rules, every ~~paper~~ document filed with the court shall be served on all parties
1356 and the county agency.

1357 * * *

1358 **Rule 355.02 Types of Service**

1359 **Subdivision 1. Personal Service.**

1360 * * *

1361 **(c) Alternative Personal Service.**

1362 **(1) Acknowledgment by Mail.** As an alternative to personal service,
1363 service may be made by U.S. mail if acknowledged in writing. Any party
1364 attempting alternative personal service shall include two copies of a notice and
1365 acknowledgment of service by mail conforming substantially to Form 22 set forth
1366 in the Minnesota Rules of Civil Procedure, along with a return envelope, postage
1367 prepaid, addressed to the sender. Any person served by U.S. mail who receives a
1368 notice and acknowledgment form shall complete the acknowledgment part of the
1369 form and return one copy of the completed form to the serving party. If the serving

1370 party does not receive the acknowledgment form within ~~twenty (20)~~ 20 days,
1371 service is not valid upon that party. The serving party may then serve the
1372 summons and complaint by any means authorized under this subdivision. The
1373 child support magistrate may order the costs of personal service to be paid by the
1374 person served, if such person does not complete and return the notice and
1375 acknowledgment form within ~~twenty (20)~~ 20 days.

1376 **(2) Service by Publication.**

1377 **(A) Service.** Service by publication means the publication of the
1378 entire summons or notice in the regular issue of a qualified newspaper,
1379 once each week for ~~three (3)~~ 3 weeks. Service by publication shall be
1380 permitted only upon order of a child support magistrate. The child support
1381 magistrate may order service by publication upon the filing of an affidavit
1382 by the serving party or the serving party's attorney stating that the person to
1383 be served is not a resident of the state or cannot be found within the state,
1384 the efforts that have been made to locate the other party, and either that the
1385 serving party has mailed a copy of the summons or notice to the other
1386 party's place of residence or that such residence is not known to the serving
1387 party. When the person to be served is not a resident of the state, statutory
1388 requirements regarding long-arm jurisdiction shall be met.

1389 **(B) Defense by Non-initiating Party.** If the summons or notice is
1390 served by publication and the non-initiating party receives no actual
1391 notification of the proceeding, either before judgment or within one year of
1392 entry of judgment the non-initiating party may seek relief pursuant to Minn.
1393 R. Civ. P. 4.043.

1394 **Subd. 2. Service by U.S. Mail.** Service by U.S. mail means mailing a copy of
1395 the document by first-class mail, postage prepaid, addressed to the person to be served at
1396 the person's last known address. Service by mail shall be made only by the sheriff or by
1397 any other person who is at least 18 years of age who is not a party to the proceeding.
1398 Pursuant to Minnesota Statutes 2006, section 518A.46, subdivision 2, paragraph (c),
1399 clause (4), an employee of the county agency may serve documents on the parties.

1400 **Subd. 3. Service by ~~Fa~~ Electronic Means.** Unless these
1401 rules require personal service, any document may be served by ~~transmitting a copy by~~
1402 ~~fa~~ electronic means under Rule 14 upon any party who has agreed to or is
1403 required to accept service by electronic means.

1404 **Rule 355.03 Completion of Service**

1405 Personal service is complete upon delivery of the document. Service by U.S. mail
1406 is complete upon mailing. Service by publication is complete ~~twenty-one (21)~~ 21 days

1407 after the first publication. ~~Service by facsimile is complete upon completion of the~~
1408 ~~facsimile transmission.~~ Completion of service by electronic means under Rule 14 is
1409 governed by Rule 14 of these rules.

1410 **Rule 355.04 Proof of Service**

1411 **Subdivision 1. Parties.** All papers and documents filed with the court shall be
1412 accompanied by an affidavit of service, an acknowledgment of service by the party or
1413 party's attorney if served by alternative service, or, if served by publication, by the
1414 affidavit of the printer or the printer's designee. An affidavit of service shall describe
1415 what was served, state how the document was served, upon whom it was served, and the
1416 date, time, and place of service. When a document has been served through the E-Filing
1417 System in accordance with Rule 14, the record of service on the E-Filing System shall
1418 constitute proof of service.

1419

1420 * * *

1421 **Advisory Committee Comment—2015 Amendments**

1422 Rule 355.03 is amended to provide a cross-reference to Rule 14, governing
1423 electronic service generally. Additionally, the former provision relating to the
1424 time of completion of service by facsimile is deleted because that subject is now
1425 governed by Rule 14. The E-Filing System provides proof of service for any
1426 service made with it; if a document is served by other means, such as personally,
1427 by mail, or other agreed-upon means, separate proof of service must be prepared
1428 and filed.

1429

1430 **RULE 360. INTERVENTION**

1431 **Rule 360.01 County Agency**

1432 **Subdivision 1. Intervention as a Matter of Right.** To the extent allowed by
1433 law, the county agency may, as a matter of right, intervene as a party in any matter
1434 conducted in the expedited process. Intervention is accomplished by serving upon all
1435 parties ~~by U.S. mail~~ a notice of intervention by U.S. mail, or by electronic service under
1436 Rule 14 upon parties who have agreed to or are required to accept electronic service
1437 under Rule 14. The notice of intervention and affidavit of service shall be filed with the
1438 court. No affidavit of service is required for electronic service upon parties who have
1439 agreed to accept electronic service under Rule 14.

1440 * * *

1441

RULE 361. DISCOVERY

1442 **Rule 361.02 Exchange of Documents**

1443 * * *

1444 **Subd. 4.** To retain privacy, restricted identifiers as defined in Rule 11 (e.g., such
1445 as Social Security numbers, employer identification numbers, financial account numbers)
1446 must be ~~blackened-out~~ removed from any documents provided under this rule and may
1447 only be submitted on a separate Confidential Information Form as required in Rule 11 ~~of~~
1448 ~~these rules~~. In addition, financial source documents as defined in Rule 11 (e.g., such as
1449 tax returns, wage stubs, credit card statements) must be submitted under a cover sheet
1450 entitled “Sealed Financial Source Documents” as required in Rule 11.

1451 * * *

1452 **Rule 361.05 Filing of Discovery Requests and Responses Precluded**

1453 Copies of a party’s request for discovery and any responses to those requests shall
1454 not be filed with the court unless:

- 1455 (a) ordered by the child support magistrate;
- 1456 (b) filed in support of any motion;
- 1457 (c) introduced as evidence in a hearing; or
- 1458 (d) relied upon by the magistrate when approving a stipulated or default order.

1459 To retain privacy, restricted identifiers as defined in Rule 11 (e.g., such as Social
1460 Security numbers, employer identification numbers, financial account numbers) must be
1461 blackened-out removed from any documents provided under this rule and may only be
1462 submitted on a separate Confidential Information Form as required in Rule 11 ~~of these~~
1463 ~~rules~~. In addition, financial source documents as defined in Rule 11 (e.g., such as tax
1464 returns, wage stubs, credit card statements) must be submitted under a cover sheet
1465 entitled “Sealed Financial Source Documents” as required in Rule 11.

1466 * * *

1467 **RULE 362. SETTLEMENT**

1468 * * *

1469 **Rule 362.02 Signing of Order**

1470 **Subdivision 1. Preparation and Signing.** If the parties reach an agreement
1471 resolving all issues, one of the parties shall prepare an order setting forth the terms of the
1472 agreement. If the parties are ~~not represented by counsel~~ self-represented litigants and the
1473 county agency is a party, the county agency shall prepare the order. All parties to the
1474 agreement, including the county agency, shall sign the original order. The order shall
1475 state that the parties have:

1476 (a) waived the right to a hearing;

1477 (b) waived the right to counsel where a party is ~~not represented by counsel~~ a self-
1478 represented litigant; and

1479 (c) received and reviewed all documents used to prepare the order.

1480 * * *

1481 **Rule 362.04 Order Not Accepted**

1482 The child support magistrate may reject an order filed pursuant to Rule 362.02 if
1483 the child support magistrate finds that it is contrary to law, or is unreasonable and unfair.
1484 If the child support magistrate rejects the order, the child support magistrate shall prepare
1485 a notice of deficiency, stating the reason(s) why the order cannot be signed. The notice of
1486 deficiency shall inform the parties of the following options:

1487 (a) to file and serve any missing documents;

1488 (b) to file and serve a revised order;

1489 (c) to file and serve a revised order and attach any missing or additional
1490 documents;

1491 (d) to appear at a hearing, notice of which shall be issued by the court
1492 administrator;

1493 (e) to appear at the previously scheduled hearing; or

1494 (f) to withdraw the matter without prejudice.

1495 The court administrator shall ~~mail~~ transmit the notice of deficiency to the parties.
1496 The parties shall either correct the deficiency or set the case on for a hearing and serve
1497 notice of the date, time, and location of the hearing pursuant to Rule 364. In matters that
1498 are pending before the court, if the parties fail to comply with the notice of deficiency
1499 within ~~forty five (45)~~ 45 days of the date the notice was ~~mailed~~ transmitted, the child
1500 support magistrate shall dismiss the matter without prejudice.

1501 * * *

1502 **RULE 363. DEFAULT**

1503 * * *

1504 **Rule 363.02 Procedure**

1505 The initiating party may proceed by default if:

1506 (a) all noninitiating parties have been properly served with the summons or
1507 notice of motion;

1508 (b) the summons or notice of motion did not contain a hearing date; and

1509 (c) there has been no written answer or return of the request for hearing
1510 form from any party within 20 days from the date the last party was served.

1511 The initiating party shall file an order with the court within ~~forty five (45)~~ 45 days
1512 from the date the last noninitiating party was served with the summons and complaint or
1513 notice of motion and motion. The initiating party shall also file with the court a current
1514 affidavit of default and a current affidavit of non-military status. If an order is not filed
1515 with the court within ~~forty five (45)~~ 45 days, the court administrator shall mail a notice to
1516 all parties that the matter shall be scheduled for hearing unless the initiating party files an
1517 order along with all necessary documents within ~~ten (10)~~ 10 days from the date notice
1518 was mailed. If the initiating party fails to file the necessary documents within the allotted
1519 ~~ten (10)~~ 10 days, the court administrator shall set the matter ~~on~~ for hearing and serve
1520 upon all parties and the county agency by U.S. mail at least ~~fourteen (14)~~ 14 days before
1521 the scheduled hearing, notice of the date, time, and location of the hearing. The notices
1522 shall be sent by electronic means in accordance with Rule 14 to any party who has agreed
1523 to or is required to accept electronic service under Rule 14.

1524 * * *

1525 **Rule 363.04 Order Not Accepted**

1526 The child support magistrate may reject an order filed pursuant to Rule 363.02 if
1527 the child support magistrate finds the order contrary to law, or unreasonable and unfair. If
1528 the child support magistrate rejects the order, the child support magistrate shall prepare a
1529 notice of deficiency, stating the reason(s) why the order cannot be signed. The notice of
1530 deficiency shall inform the initiating party of the following options:

1531 (a) to file and serve any missing documents;

1532 (b) to file a revised order;

1533 (c) to file a revised order and attach any missing or additional documents;

1534 (d) to appear at a hearing, notice of which shall be issued by the court
1535 administrator to all parties;

1536 (e) to appear at any previously scheduled hearing; or

1537 (f) to withdraw the matter without prejudice.

1538 The court administrator shall ~~mail~~ transmit the notice of deficiency to the initiating
1539 party. The initiating party shall either correct the deficiency or set the case on for a
1540 hearing and serve notice of the date, time, and location of the hearing upon all parties
1541 pursuant to Rule 364. If the initiating party submits a revised order that raises new issues
1542 beyond the scope of the complaint or motion, amended pleadings shall be served on all
1543 parties and filed within ~~ten (10)~~ 10 days from the date the notice of deficiency was
1544 ~~mailed~~ transmitted. If the noninitiating party chooses to respond to the amended
1545 pleadings, the response must be served and filed within ~~ten~~ 10 days from service of the
1546 amended pleadings. If the initiating party fails to schedule a hearing or comply with the
1547 notice of deficiency within ~~forty five (45)~~ 45 days of the date the notice was ~~mailed~~
1548 transmitted, the child support magistrate shall dismiss the matter without prejudice.

1549

1550 **RULE 364. HEARING PROCESS**

1551 * * *

1552 **Rule 364.02 Scheduling of Hearing**

1553 The initiating party shall schedule a hearing if a written answer or a request for
1554 hearing form is received. The initiating party shall contact the court administrator or the
1555 court administrator's designee to obtain a hearing date and shall serve upon all parties
1556 and the county agency by U.S. mail at least ~~fourteen (14)~~ 14 days before the scheduled
1557 hearing, notice of the date, time, and location of the hearing. If the initiating party has
1558 agreed to or is required to accept electronic service under Rule 14, then the notice shall
1559 be served electronically upon all other parties who have agreed to or are required to
1560 accept electronic service under Rule 14.

1561 * * *

1562 **RULE 365. DECISION AND ORDER OF CHILD SUPPORT MAGISTRATE**

1563 * * *

1564 **Rule 365.04 Notice of Filing of Order or Notice of Entry of Judgment**

1565 **Subdivision 1. Service by Court Administrator.** Within ~~five (5)~~ 5 days of
1566 receipt of the decision and order of the child support magistrate the court administrator
1567 shall serve a notice of filing of order or notice of entry of judgment upon each party by
1568 U.S. mail, together with a copy of the order or judgment if a copy of the order was not
1569 served at the hearing. The court administrator shall use the notice of filing form prepared
1570 by the state court administrator which shall set forth the information required in
1571 subdivision 2. The notices shall be sent by electronic means in accordance with Rule 14
1572 to any party who has agreed to or is required to accept electronic service under Rule 14.

1573 * * *

1574 **RULE 370. ESTABLISHMENT OF SUPPORT PROCEEDINGS**

1575 * * *

1576 **Rule 370.02 Content of Supporting Affidavit.**

1577 A supporting affidavit is required when the summons does not contain a hearing
1578 date. The supporting affidavit shall:

1579 (a) state detailed facts supporting the request for relief;

1580 (b) provide all information required by Minnesota Statutes 2006, section
1581 518A.46, subdivision 3, paragraph (a), if known; and

1582 (c) be either:

1583 (1) signed and sworn to under oath; or

1584 (2) signed under penalty of perjury pursuant to Minn. Stat.
1585 § 358.116, provided that the signature is affixed immediately below a
1586 declaration using substantially the following language: “I declare under
1587 penalty of perjury that everything I have stated in this document is true and
1588 correct.” In addition to the signature, the date of signing and the county and
1589 state where the document was signed shall be noted on the document.

1590 * * *

1591 **Rule 370.04 Filing Requirements**

1592 **Subdivision 1. Initiating Party.** No later than ~~five (5)~~ 5 days before any
1593 scheduled hearing or, if no hearing is scheduled, within ~~fourteen (14)~~ 14 days from the
1594 date the last party was served, the initiating party shall file the following with the court:

- 1595 (a) the original summons;
1596 (b) the original complaint;
1597 (c) the original supporting affidavit, if served;
1598 (d) the request for hearing form, if returned to the initiating party; and
1599 (e) proof of service upon each party pursuant to Rule 355.04.

1600 **Subd. 2. Responding Party.** If a noninitiating party responds with a written
1601 answer pursuant to Rule 370.05, the following shall be filed with the court no later than
1602 ~~five (5)~~ 5 days before any scheduled hearing or, if no hearing is scheduled, within ~~twenty~~
1603 ~~(20)~~ 20 days from the date the last party was served:

- 1604 (a) the original written answer;
1605 (b) a financial affidavit pursuant to Minnesota Statutes 2006, section 518A.28;
1606 and
1607 (c) proof of service upon each party pursuant to Rule 355.04.

1608 **Subd. 3. ~~Fa~~ Facsimile Transmission Electronic Filing.** If a paper is filed by
1609 ~~facsimile, the sender's original must not be filed but must be maintained in the files of the~~
1610 ~~party transmitting it for filing and made available to the court or any party to the action~~
1611 ~~upon request. Where authorized or required by Rule 14 of these rules, documents may,~~
1612 ~~and where required shall, be filed by electronic means by following the procedures of~~
1613 ~~Rule 14.~~

1614 **Subd. 4. Treatment of Confidential Information.** To retain privacy, restricted
1615 identifiers as defined in Rule 11 (e.g., such as Social Security numbers, employer
1616 identification numbers, financial account numbers) must be ~~blacked out~~ removed from
1617 any documents provided under this rule and may only be submitted on a separate
1618 Confidential Information Form as required in Rule 11 ~~of these rules~~. In addition, financial
1619 source documents as defined in Rule 11 (e.g., such as tax returns, wage stubs, credit card
1620 statements) must be submitted under a cover sheet entitled "Sealed Financial Source
1621 Documents" as required in Rule 11.

1622 * * *

1623 **RULE 371. PARENTAGE ACTIONS**

1624 * * *

1625 **Rule 371.02 Content of Summons, Complaint, and Supporting Affidavit**

1626 * * *

1627 **Subd. 3. Content of Supporting Affidavit.** A supporting affidavit shall:

1628 (a) state detailed facts supporting the request for relief, including the facts
1629 establishing parentage;

1630 (b) provide all information required by Minnesota Statutes 2006, section 518A.46,
1631 subdivision 3, paragraph (a), if known; and

1632 (c) be either:

1633 (1) signed and sworn to under oath; or

1634 (2) signed under penalty of perjury pursuant to Minn. Stat. § 358.116,
1635 provided that the signature is affixed immediately below a declaration using
1636 substantially the following language: “I declare under penalty of perjury that
1637 everything I have stated in this document is true and correct.” In addition to the
1638 signature, the date of signing and the county and state where the document was
1639 signed shall be noted on the document.

1640 * * *

1641 **Rule 371.04 Filing Requirements**

1642 **Subdivision 1. Initiating Party.** No later than ~~five (5)~~ 5 days before any
1643 scheduled hearing, the initiating party shall file the following with the court:

1644 (a) the original summons;

1645 (b) the original complaint;

1646 (c) the original supporting affidavit, if served; and

1647 (d) proof of service upon each party pursuant to Rule 355.04.

1648 **Subd. 2. Responding Party.** If a noninitiating party responds with a written
1649 response pursuant to Rule 371.05, the following, if served, shall be filed with the court no
1650 later than ~~five (5)~~ 5 days before any scheduled hearing:

1651 (a) the original written answer along with a financial affidavit pursuant to
1652 Minnesota Statutes 2006, section 518A.28; or

1653 (b) a request for blood or genetic testing; and

1654 (c) proof of service upon each party pursuant to Rule 355.04.

1655 **Subd. 3. ~~Fa~~ Facsimile Transmission Electronic Filing.** If a paper is filed by
1656 ~~faesimile, the sender's original must not be filed but must be maintained in the files of the~~
1657 ~~party transmitting it for filing and made available to the court or any party to the action~~
1658 ~~upon request. Where authorized or required by Rule 14 of these rules, documents may,~~
1659 ~~and where required shall, be filed by electronic means by following the procedures of~~
1660 ~~Rule 14.~~

1661 **Subd. 4. Treatment of Confidential Information.** To retain privacy, restricted
1662 identifiers as defined in Rule 11 (e.g., such as Social Security numbers, employer
1663 identification numbers, financial account numbers) must be ~~blackened out~~ removed from
1664 any documents provided under this rule and may only be submitted on a separate
1665 Confidential Information Form as required in Rule 11 ~~of these rules~~. In addition, financial
1666 source documents as defined in Rule 11 (e.g., such as tax returns, wage stubs, credit card
1667 statements) must be submitted under a cover sheet entitled "Sealed Financial Source
1668 Documents" as required in Rule 11.

1669 * * *

1670 **RULE 372. MOTIONS TO MODIFY, MOTIONS TO SET**
1671 **SUPPORT, AND OTHER MATTERS**

1672 **Rule 372.02 Content of Notice of Motion, Motion, Supporting Affidavit, and**
1673 **Request for Hearing Form**

1674 * * *

1675 **Subd. 3. Content of Supporting Affidavit.** A supporting affidavit shall:

1676 (a) state detailed facts supporting the request for relief;

1677 (b) for motions to modify support and motions to set support, provide all
1678 information required by Minnesota Statutes 2006, section 518A.46, subdivision 3,
1679 paragraph (a), if known; and

1680 (c) be either:

1681 (1) signed and sworn to under oath; or

1682 (2) signed under penalty of perjury pursuant to Minn. Stat. § 358.116,
1683 provided that the signature is affixed immediately below a declaration using
1684 substantially the following language: "I declare under penalty of perjury that
1685 everything I have stated in this document is true and correct." In addition to the

1686 signature, the date of signing and the county and state where the document was
1687 signed shall be noted on the document.

1688 * * *

1689 **Rule 372.03 Service of Notice of Motion and Motion**

1690 **Subdivision 1. Who is Served.** All parties, and the county agency even if not a
1691 party, shall be served pursuant to subdivision 2.

1692 **Subd. 2. How Served.** The notice of motion, motion, supporting affidavit, and if
1693 required, the request for hearing form, may be served upon the parties ~~either by~~ electronic
1694 means upon parties who have agreed to or are required to accept service by electronic
1695 means under Rule 14 of these rules, by U.S. mail, faesimile, or by personal service
1696 pursuant to Rule 355.02.

1697 **Rule 372.04 Filing Requirements**

1698 **Subdivision 1. Initiating Party.** No later than ~~five (5)~~ 5 days before any
1699 scheduled hearing or, if no hearing is scheduled, within ~~fourteen (14)~~ 14 days from the
1700 date the last party was served, the initiating party shall file the following with the court:

- 1701 (a) the original notice of motion;
- 1702 (b) the original motion;
- 1703 (c) the original supporting affidavit;
- 1704 (d) the request for hearing form, if returned to the initiating party; and
- 1705 (e) proof of service upon each party pursuant to Rule 355.04.

1706 **Subd. 2. Responding Party.** If a noninitiating party responds with a responsive
1707 motion or counter motion pursuant to Rule 372.05, the following shall be filed with the
1708 court no later than ~~five (5)~~ 5 days before any scheduled hearing or, if no hearing is
1709 scheduled, within ~~fourteen (14)~~ 14 days from the date the last party was served:

- 1710 (a) the original responsive motion or counter motion; and
- 1711 (b) proof of service upon each party pursuant to Rule 355.04.

1712 **Subd. 3. ~~Faesimile Transmission~~ Electronic Filing.** ~~If a paper is filed by~~
1713 ~~faesimile, the sender's original must not be filed but must be maintained in the files of the~~
1714 ~~party transmitting it for filing and made available to the court or any party to the action~~
1715 ~~upon request~~ Where authorized or required by Rule 14 of these rules, documents may,

1716 and where required shall, be filed by electronic means by following the procedures of
1717 Rule 14.

1718 **Subd. 4. Treatment of Confidential Information.** To retain privacy, restricted
1719 identifiers as defined in Rule 11 (~~e.g., such as~~ Social Security numbers, employer
1720 identification numbers, financial account numbers) must be ~~blackened out~~ removed from
1721 any documents provided under this rule and may only be submitted on a separate
1722 Confidential Information Form as required in Rule 11 ~~of these rules~~. In addition, financial
1723 source documents as defined in Rule 11 (~~e.g., such as~~ tax returns, wage stubs, credit card
1724 statements) must be submitted under a cover sheet entitled “Sealed Financial Source
1725 Documents” as required in Rule 11.

1726 * * *

1727 **RULE 377. PROCEDURE ON A MOTION TO CORRECT CLERICAL**
1728 **MISTAKES, MOTION FOR REVIEW, OR COMBINED MOTION**

1729 * * *

1730 **Rule 377.02 Timing of Motion**

1731 To bring a motion to correct clerical mistakes, the aggrieved party shall perform
1732 items (a) through (e) as soon as practicable after discovery of the error. To bring a motion
1733 for review or a combined motion, the aggrieved party shall perform items (a) through (f)
1734 within ~~twenty (20)~~ 20 days of the date the court administrator served that party with the
1735 notice form as required by Rule 365.04.

1736 (a) Complete the motion to correct clerical mistakes form, motion for review
1737 form, or combined motion form.

1738 (b) Serve the completed motion for clerical mistakes form, motion for review
1739 form, or combined motion form upon all other parties and the county agency. Service
1740 may be made by personal service, or by U.S. mail pursuant to Rule 355.02. If the moving
1741 party has agreed to or is required to accept electronic service under Rule 14, service must
1742 be made by electronic means upon any other parties that have agreed to or are required to
1743 accept electronic service under Rule 14.

1744 (c) File the original motion with the court. If the filing is accomplished by mail,
1745 the motion shall be postmarked on or before the due date set forth in the notice of filing.

1746 (d) File the affidavit of service with the court. The affidavit of service shall be
1747 filed at the time the original motion is filed.

1748 (e) Order a transcript of the hearing under Rule 366, if the party desires to submit
1749 a transcript.

1750 (f) For a motion for review or combined motion, pay to the court administrator the
1751 filing fee required by Rule 356.01, if the party has not already done so. The court
1752 administrator may reject the motion ~~papers~~ documents if the appropriate fee does not
1753 accompany the ~~papers~~ documents at the time of filing.

1754 * * *

1755 **Rule 377.04 Response to Motion**

1756 **Subdivision 1. Timing of Response to Motion.**

1757 * * *

1758 (f) For a responsive motion for review or combined motion, pay to the court
1759 administrator the filing fee required by Rule 356.01, if the party has not already done so.
1760 The court administrator may reject the responsive ~~papers~~ documents if the appropriate
1761 fee does not accompany the ~~papers~~ documents at the time of filing.

1762 * * *

1763 **RULE 379. FORMS**

1764 **Rule 379.04 Acknowledgment**

1765 **Subdivision 1. Generally.** Each complaint or motion served and filed in the
1766 expedited process shall set forth an acknowledgment by the party or the party's attorney.
1767 By presenting to the court (whether by signing, filing, submitting, or later advocating) a
1768 pleading, written motion, or other ~~paper~~ document, an attorney or ~~pro se party~~ self-
1769 represented party is certifying to the best of the person's knowledge, information and
1770 belief:

1771 * * *

1772 **TITLE V. PROBATE RULES**

1773 * * *

1774 **RULE 416. GUARDIANSHIPS AND CONSERVATORSHIPS**

1775 * * *

1776 (e) **E-Filing Annual Accounts and Inventories; Effect of Allowance of**
1777 **Accounts.** Conservators appointed by the court must electronically file their annual
1778 accounts and inventories using a computer process designated by the state court
1779 administrator. Directions for reporting shall be posted on the judicial branch website

1780 (www.mncourts.gov). The filing, examination and acceptance of an annual account,
1781 without notice of hearing, shall not constitute a determination or adjudication on the
1782 merits of the account, nor does it constitute the court's approval of the account.

1783 * * *

1784 **(g) Notice of Hearing on Account.** Notice of time and place for hearing on the
1785 petition for final settlement and allowance of any account shall be given to the ward or
1786 conservatee, to the guardian or conservator if such person was not the petitioner for
1787 settlement of the accounts, to the spouse, adult children and such other interested
1788 persons as the court may direct. Whenever any funds have been received by the estate
1789 from the Veterans Administration during the period of accounting, notice by mail shall
1790 be given to the regional office. The notice may be served in person, or by depositing a
1791 copy in the U.S. mail to the last known address of the person or entity being served.
1792 Service shall be sent by electronic means in accordance with Rule 14 to any party that
1793 has agreed to or is required to accept electronic service under Rule 14. When a ward or
1794 conservatee is restored to capacity, that person is the only interested person. When a
1795 ward or conservatee dies, the personal representative of the estate is the only interested
1796 person.

1797 * * *

1798 **RULE 417. TRUSTEES-ACCOUNTING—**
1799 **PETITION FOR APPOINTMENT**

1800 * * *

1801 **Rule 417.04 Service on Beneficiaries**

1802 There shall also be filed with the court administrator proof of mailing of such
1803 account to the last addresses known to the trustee of, or of the service of such account
1804 upon, such of the following beneficiaries or their natural or legal guardians as are known
1805 to, or reasonably ascertainable by, the trustee:

1806 (a) Beneficiaries entitled to receive income or principal at the date of the
1807 accounting; and

1808 (b) Beneficiaries who, were the trust terminated at the date of the accounting,
1809 would be entitled to share in distributions of income or principal.

1810 Service shall be sent by electronic means in accordance with Rule 14 to any party
1811 that has agreed to or is required to accept electronic service under Rule 14.

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RULE 419. ELECTRONIC SERVICE

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Except where personal service is required by statute or these rules, service shall be sent by electronic means in accordance with Rule 14 to any party who has agreed to or is required to accept electronic service under Rule 14.

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Advisory Committee Comment—2015 Amendments

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As the courts implement electronic filing and electronic service in more types of cases, electronic service using the court’s system will increasingly be the most common means of service. Rule 14 defines how the e-filing and e-services systems operate and must be used.

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Minn. Stat. §§ 524.1–401 and 524.5–113 were amended by 2014 Minn. Laws ch. 204 by addition of the following:

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Except where personal service is required by statute for the petition to appoint a guardian under section 524.5-308 or conservator under section 524.5-404, service of all documents and notices under this chapter may, and where required by Supreme Court rule or order shall, be made by electronic means other than facsimile transmission if authorized by rule or order of the Supreme Court and if service is made in accordance with the rule or order.

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RULE 506. FEES; AFFIDAVIT IN LIEU OF FEES

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The court administrator shall charge and collect a filing fee in the amount established by law and the law library fee, from every plaintiff and from every defendant when the first ~~paper~~ document for that party is filed in any conciliation court action. If the plaintiff or defendant who is a natural person signs and files with the court administrator an affidavit claiming an inability to pay the applicable fees, no fees are required. If the affiant prevails on a claim or counterclaim, the amount of the fees which would have been payable by the affiant must be included in the order for judgment and paid to the administrator of conciliation court by the affiant out of any money recovered by the affiant on the judgment.

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RULE 507. STATEMENT OF CLAIM AND COUNTERCLAIM; CONTENTS; VERIFICATION

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(a) **Claim; Verification; Contents.** Each statement of claim and each counterclaim shall be made in the form approved by the court and shall contain a brief

1850 statement of the amount and nature of the claim, including relevant dates, and the name
1851 and address of the plaintiff and the defendant. The court administrator shall assist with
1852 the completion of the statement of claim and counterclaim upon request. Each statement
1853 of claim and each counterclaim shall also be signed under penalty of perjury and sworn
1854 to by the party, or the lawyer representing the party, ~~in the presence of a notary public or~~
1855 ~~the court administrator~~ pursuant to Minn. Stat. § 358.116, provided that the signature is
1856 affixed immediately below a declaration using substantially the following language: “I
1857 declare under penalty of perjury that everything I have stated in this document is true and
1858 correct.” In addition to the signature, the date of signing and the county and state where
1859 the document was signed shall be noted on the document.

1860

1861 **RULE 510. COUNTERCLAIM IN EXCESS OF COURT’S JURISDICTION**

1862 * * *

1863 (b) The plaintiff’s action shall be subject to reinstatement on the trial calendar at
1864 any time after 30 days and up to three years, upon the filing by plaintiff of an affidavit
1865 showing that the plaintiff has not been served with a summons by defendant. If the action
1866 is reinstated, the court administrator shall set the case for trial and ~~mail~~ transmit notice of
1867 the trial date to the parties ~~by first class mail~~.

1868 * * *

1869 **RULE 514. NOTICE OF ORDER FOR JUDGMENT**

1870 The court administrator shall promptly ~~mail~~ transmit to each party a notice of the
1871 order for judgment entered by the judge or judicial officer. The notice shall state the last
1872 day for obtaining an order to vacate (where there has been a default) or for removing the
1873 cause to the civil division of district court under these rules. The notice shall also contain
1874 a statement that if the cause is removed to district court, the court will allow the
1875 prevailing party to recover from the aggrieved party \$50 as costs if the prevailing party
1876 on appeal is not the aggrieved party in the original action as provided in Rule 524.

1877

1878 **RULE 515. ENTRY OF JUDGMENT**

1879 The court administrator shall promptly enter judgment as ordered by the judge.
1880 The judgment shall be dated as of the date notice is sent to the parties. The judgment so
1881 entered becomes finally effective twenty days after ~~mailing~~ the transmission of the
1882 notice, unless:

- 1883 (a) payment has been made in full, or
1884 (b) removal to district court has been perfected, or
1885 (c) an order vacating the prior order for judgment has been filed, or
1886 (d) ordered by a judge.

1887 As authorized by law, any judgment ordered may provide for satisfaction by payment in
1888 installments in amounts and at times, as the judge determines. Should any installment not
1889 be paid when due, the entire unpaid balance of the judgment ordered, becomes
1890 immediately due and payable.

1891 * * *

1892 **RULE 520. VACATION OF JUDGMENT ORDER AND JUDGMENT**

1893 (a) **Vacation of Order for Judgment Within 20 Days.** When a default
1894 judgment or judgment of dismissal on the merits has been ordered for failure to appear,
1895 the judge within 20 days after notice was ~~mailed~~ transmitted may vacate said judgment
1896 order ex parte and grant a new trial on a proper showing by the defaulting party of lack of
1897 notice, mistake, inadvertence or excusable neglect as the cause of that party's failure to
1898 appear. Absolute or conditional costs not to exceed \$50 to the other party may be ordered
1899 as a prerequisite to that relief.

1900 * * *

1901 **Notice.** The court administrator shall promptly ~~notify the parties by mail of a new trial~~
1902 ~~date~~ transmit a notice of a new trial date to the parties.

1903

1904 **RULE 521. REMOVAL (APPEAL) TO DISTRICT COURT**

1905 * * *

1906 (b) **Removal Procedure.** To effect removal, the aggrieved party must perform
1907 all the following within twenty days after the date the court administrator ~~mailed~~
1908 transmitted to that party notice of the judgment order:

1909 (1) ~~Serve on the opposing party or the opposing party's lawyer a demand~~
1910 ~~for removal of the cause to district court for trial de novo. Service shall be by first~~
1911 ~~class mail. Service may also be by personal service in accordance with the~~
1912 ~~provisions for personal service of a summons in district court. Serve a demand for~~
1913 ~~removal of the cause to district court by first class mail upon every opposing~~

1914 counsel or self-represented litigant. Service may also be by personal service in
1915 accordance with the provisions for personal service of a summons in district court.
1916 Service shall be by electronic means under Rule 14 if both the counsel or party
1917 -serving the demand and the counsel or party to be served have agreed to or are
1918 required to accept electronic service under Rule 14. The demand for removal shall
1919 state whether trial demanded is to be by court or jury, and shall indicate the name,
1920 address, and telephone number of the aggrieved party's lawyer, if any. If the
1921 aggrieved party is a corporation, the demand for removal must be signed by the
1922 party's attorney.

1923 (2) File with the court administrator the original demand for removal with
1924 proof of service. The aggrieved party may file with the court administrator within
1925 the twenty day period the original and copy of the demand together with an
1926 affidavit by the party or the party's lawyer showing that after due and diligent
1927 search the opposing party or opposing party's lawyer cannot be located. This
1928 affidavit shall serve in lieu of making service and filing proof of service. When an
1929 affidavit is filed, the court administrator shall mail the copy of the demand to the
1930 opposing party at the party's last known residence address.

1931 **(c) Demand for Jury Trial.** Where no jury trial is demanded on removal under
1932 Rule 521(b) by the aggrieved party, if the opposing party desires a jury trial that party
1933 shall perform all the following within 20 days after the demand for removal was served
1934 on the party or lawyer:

1935 (1) Serve a jury trial demand by first class mail upon ~~the aggrieved party or~~
1936 ~~that party's lawyer~~ every opposing counsel or self-represented litigant. Service
1937 may also be by personal service in accordance with the provisions for personal
1938 service of a summons in district court. Service shall be by electronic means under
1939 Rule 14 if both the counsel or party serving the demand and the counsel or party to
1940 be served have agreed to or are required to accept electronic service under Rule
1941 14.

1942 (2) File the ~~original~~ jury trial demand and proof of service with the court
1943 administrator.

1944 (3) Pay to the court administrator the amount prescribed by law for
1945 requesting a jury trial in a civil action in district court and, if the demand is the
1946 first ~~paper~~ document filed by the party in the district court proceeding, pay to the
1947 administrator the amount prescribed by law for filing a civil action in district
1948 court. A party who is unable to pay the fees may apply for permission to proceed
1949 without payment of fees pursuant to the procedure set forth in Minnesota Statutes,
1950 section 563.01.

1951 **(d) Removal Perfected; Vacating Judgment; Transmitting File.** When all
1952 removal ~~papers~~ documents have been filed properly and all requisite fees paid as
1953 provided under Rule 521(b), the removal is perfected, and the court shall issue an order
1954 vacating the order for judgment in conciliation court as to the parties to the removal, and
1955 the pertinent portions of the conciliation court file of the cause shall be filed in district
1956 court.

1957 **(e) Limited Removal.**

1958 (1) When a motion for vacation of an order for judgment, or judgment
1959 under Rule 520 (a) or (b) of these rules, is denied, the aggrieved party may
1960 demand limited removal to the district court for hearing de novo (new hearing) on
1961 the motion. Procedure for service and filing of the demand for limited removal and
1962 notice of hearing de novo, proof of service of the notice, and procedure in case of
1963 inability of the aggrieved party to make service on the opposing party or the
1964 opposing party's lawyer shall be in the same manner prescribed in part (b) of this
1965 rule, except that the deadline for effecting limited removal shall be 20 days after
1966 the date that the court administrator ~~mails~~ transmits notice of the denial of the
1967 motion for vacation of the order for judgment or judgment. The fee payable by the
1968 aggrieved party to the court administrator for limited removal shall be the same as
1969 the filing fee prescribed by law for filing of a civil action in district court. The
1970 court administrator shall then place the matter on the special term calendar for the
1971 date specified in the notice. At the hearing in district court, either party may be
1972 represented by a lawyer.

1973 (2) A judge other than the conciliation court judge who denied the motion,
1974 shall hear the motion de novo (anew) and may (A) deny the motion or (B) grant
1975 the motion. In determining the motion the judge shall consider the entire file plus
1976 any affidavits submitted by either party or their lawyers.

1977 (3) The court administrator shall ~~send by mail~~ transmit a copy of the order
1978 made in district court after de novo hearing to both parties and the venue shall be
1979 transferred back to conciliation court.

1980

1981 **RULE 611. REVIEW OF REFEREE'S DECISION**

1982 **(a) Notice.** In all cases except conciliation court actions, a party not in default
1983 may seek ~~judge~~ review by a judge of a decision or sentence recommended by the referee
1984 by serving and filing a notice of review on the form prescribed by the court administrator.
1985 The notice must be served and filed within ten days after an oral announcement in court
1986 by the referee of the recommended order or, if there is no announcement of the order in
1987 court, within 13 days after service by electronic means or mail of the adopted written

1988 order, ~~whichever occurs first~~. Service by mail of the written order shall be deemed
1989 complete and effective upon the mailing of a copy of the order to the last known address
1990 of the petitioner. Service of the notice of review shall be in accordance with Rule 14 of
1991 these rules.

1992 A judge's review of a decision recommended by the referee shall be based upon
1993 the record established before the referee. Upon the request of any party, a hearing shall be
1994 scheduled before the reviewing judge.

1995 * * *

1996 **RULE 703. CERTIFICATES OF REPRESENTATION**

1997 In any criminal case, a lawyer representing a client, other than a public defender,
1998 shall file with the court administrator on the first appearance a "certificate of
1999 representation," in such form and substance as a majority of judges in the district
2000 specifies.

2001 Once a lawyer has filed a certificate of representation, that lawyer cannot
2002 withdraw from the case until all proceedings have been completed, except upon written
2003 order of the court pursuant to a written motion, or upon written substitution of counsel
2004 approved by the court ex parte.

2005 A lawyer who wishes to withdraw from a criminal case must file a written motion
2006 and serve it by mail or personal service upon the client, and upon the prosecutor by mail,
2007 personal service or electronic service if required or permitted by Rule 14., ~~and~~ ~~†~~The
2008 lawyer shall then have the matter heard by the court. No motion of withdrawal will be
2009 heard within ten days of a date certain for hearing or trial.

2010 If the court approves the withdrawal, it shall be effective when the order has been
2011 served on the client and the prosecutor ~~by mail or personal service~~ and due proof of such
2012 service has been filed with the court administrator.

Recommendation 2: The committee recommends that the rules should clarify that Restricted Identifiers must not be included in publicly available documents and that the court’s E-Filing System should include a clear warning to filers of the need to comply with these requirements.

Introduction

The problem of filing restricted identifiers is important as well as complex and multi-faceted. The consequences of making sensitive confidential information available to the public rarely fall on the person responsible for the breach of the rules. The committee believes that a multi-front approach to the problem is therefore called for.

One important threshold step will be to discourage the submission of this information to the courts at all. It is a rare case where the court needs to know the social security numbers of the parties or others. There are situations, however, where statutes may require this information to be part of the court’s adjudication or where the information itself is at issue. For example, in family child support cases, Minn. Stat. §§ 256.87, subd. 1a; 257.66, subd. 3; 518.10; 518A.56; and 42 U.S.C. § 666(a)(13), all currently require the court to identify the parties by social security number. *See also* Minn. Stat. § 548.101 (requiring disclosure of last four digits of social security number, if known, in cases involving assigned consumer debt).¹ This amendment encourages any filing party to avoid filing restricted identifiers unless required by law or needed for the adjudication. This is one part of the solution to this issue in the view of the advisory committee. Similarly, in many cases financial institution account number can just as well be identified by shorthand—“Wells Fargo Joint Checking” or “Vanguard CMA”—as by actual account number. This recommended rule amendment reminds litigants of this preferred option.

¹ Social security numbers were required for filings to commence informal probate or appointment proceedings until 2006. *See* 2006 Minn. Laws ch. 221, § 20, amending Minn. Stat. § 524.3-301.

Other recommended amendments confirm the responsibility of filers to use the mechanisms of this rule if confidential information is required. A parallel amendment is being recommended by this Court’s Advisory Committee on Rules of Civil Procedure.

The Court should consider other measures to deal with this problem, education of both the bar and court personnel being one important tool. There are cases, however, where the filing of this information occurs not by oversight or clerical error, but as a willful, malicious act. The court should deal promptly with these cases, and should both remove the information from public view and consider appropriate sanctions against the wrongdoer.

Specific Recommendation

Rule 11.02 should be amended as follows:

Rule 11.02 Restricted Identifiers

(a) Pleadings and Other Documents Submitted by a Party. No party shall submit restricted identifiers on any pleading or other document that is to be filed with the court except when the information is germane and necessary for the court’s consideration of the issues then before the court. If it is necessary to provide restricted identifiers to the court, they must be submitted in either of the following two ways:

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

(2) on Confidential Financial Source Documents under Rule 11.03.

[Note: Changes to this final paragraph are included in Recommendation 1.]

The parties are solely responsible for ensuring that restricted identifiers do not otherwise appear on the pleading or other document filed with the court. The court administrator will not review each pleading or document filed by a party for compliance with this rule. The Confidential Information Form (Form 11.1) shall not be accessible to the public.

Advisory Committee Comment—2015 Amendments

The amendment to Rule 11.02 to remind filers that the best way to prevent public access to sensitive personal information is not to file it with the court

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unless needed. If a social security number, financial institution record, home address, and any other information defined to be a restricted identifier under the rule is not required for the adjudication of a matter before the court, simply omitting it from the filing prevents any further risk of disclosure. If the information is necessary, then using the other procedures of Rule 11.02 is necessary. The consequences of failing to comply with the rule include sanctions against the filer, and if failure to follow the rule causes injury to any person, an action for damages may lie.

There are very few statutes that require the filing of restricted identifies. They may be required in certain family child support cases, *see* Minn. Stat. §§ 256.87, subd. 1a; 257.66, subd. 3; 518.10; 518A.56; and 42 U.S.C. § 666(a)(13), which currently require the court to identify the parties by social security number. Minn. Stat. § 548.101 requires the disclosure of the last four digits of a debtor’s social security number, if known, in cases involving assigned consumer debt. Social security numbers were required for filings to commence informal probate or appointment proceedings until 2006. *See* 2006 Minn. Laws ch. 221, § 20, amending Minn. Stat. § 524.3-301.

Recommendation 3: The Rules Should Be Amended to Require Consecutive Pagination of all Filings and Trial Exhibits.

Introduction

This recommendation represents a minor change that will have a significant impact on cases in the trial and appellate courts. It simply requires that documents filed with the courts (and exhibits offered at trial) bear consecutive page numbers. The rule does not specify any particular mechanism for adding page numbers, but is intended to create a uniform expectation that documents be paginated, allowing ready reference to a single page of any document. This will ease the reference to documents in argument and testimony, and will facilitate citations in briefs that are both concise and precise.

Specific Recommendation

The court should adopt a new Rule 16 as set forth below:

RULE 16. PAGINATION OF COURT FILINGS AND EXHIBITS

Each document filed with the court must, to the extent feasible, be consecutively paginated from beginning to end, including any attachments. Trial or other exhibits must be similarly numbered.

Advisory Committee Comment—2015 Amendments

Rule 16 is a new rule intended to create a uniform practice in the submission of documents to the court in all types of cases. The goal is that any part of the record will be able to be identified by either its title or a unique docket number and a single, serial, page number. Documents should begin on the first page as it is filed or served as page 1 and should continue in sequence to the last page of the document’s attachments, if any. (Attachments should be numbered in sequence, and without beginning a new sequence for any attachments.)

The rule does not dictate the location for page numbers, but they should normally be placed at the bottom of the page in a consistent place, either centered or in the lower right hand corner. The best location may vary to obviate obscuring any important information on the document. Placing numbers unduly close to the edge of the document may result in removal or truncation of the

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number in imaging or duplication, so a reasonable margin should be used. The rule does not require any format or process for applying the required page numbers.

This rule is intended to allow counsel, trial courts, and the appellate courts to locate portions of the record easily and with accuracy. The rule applies to all documents, but will be particularly valuable for affidavits with numerous attachments or trial exhibits that are not already paginated. Compliance with the rule will make it possible to avoid lengthy dialogue to get the court and counsel all on the correct page of a lengthy exhibit.

Recommendation 4: Rules 2.02(a), 2.03(d) and 809 should be amended as recommended by the Minnesota State Bar Association’s Human Rights Committee to conform to the Minnesota Rules of Professional Conduct and Code of Judicial Conduct.

Introduction

Rules 2.02(a), 2.03(d) and 809 establish standards of conduct for judges and attorneys and explicitly forbid discrimination in the exclusion of jurors from participating in the system. The current rules use the archaic term “sexual preference” rather than the generally accepted term “sexual orientation” to state the prohibition of discrimination on that ground. The Minnesota State Bar Association requested modification of the terms used in these rules. The advisory committee believes that the proposed changes remove archaic and potentially offensive terms. These amendments to the General Rules of Practice conform to the terms used in the comments to the Minnesota Rules of Professional Conduct and the Code of Judicial Conduct, which use the term “sexual orientation”. *See* Minn. R. Prof. Cond. 8.4(g), Minn. Code Judic. Cond. 3.1(g) & comment [3]. The Minnesota Human Rights Act also prohibits discrimination on this ground. *See* Minn. Stat. § 363A.02.

Specific Recommendation

The committee recommends that the court modify Rules 2.02(a), 2.03(d) and 809 as set forth below:

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RULE 2.02. ROLE OF JUDGES

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(a) Dignity. The judge shall be dignified, courteous, respectful and considerate of the lawyers, the jury and witnesses. The judge shall wear a robe at all trials and courtroom appearances. The judge shall at all times treat all lawyers, jury members, and witnesses fairly and shall not discriminate on the basis of race, color, creed, religion,

2087 national origin, sex, marital status, sexual ~~preference~~ orientation, status with regard to
2088 public assistance, disability, or age.

2089 * * *

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2092 **Advisory Committee Comment—2015 Amendments**

2093 Rule 2.02(a) is amended to refer to “sexual orientation” rather than “sexual
2094 preference.” This change is consistent with terms used in legislative definitions
2095 of prohibited discriminatory conduct. *See, e.g.* Minn. Stat. § 363A.02
2096 (Minnesota Human Rights Act); §§ 82B.195, subd. 3 (vii) (real estate
2097 appraisers).

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2101 **RULE 2.03. ROLE OF ATTORNEYS**

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2104 **(d) Non-Discrimination.** Lawyers shall treat all parties, participants, other
2105 lawyers, and court personnel fairly and shall not discriminate on the basis of race, color,
2106 creed, religion, national origin, sex, marital status, sexual ~~preference~~ orientation, status
2107 with regard to public assistance, disability, or age.

2108 * * *

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2111 **Advisory Committee Comment—2015 Amendments**

2112 Rule 2.03(d) is amended to refer to “sexual orientation” rather than “sexual
2113 preference.” This change is consistent with terms used in legislative definitions
2114 of prohibited discriminatory conduct. *See, e.g.,* Minn. Stat. § 363A.02
2115 (Minnesota Human Rights Act); §§ 82B.195, subd. 3 (vii) (real estate
2116 appraisers).

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2119 **RULE 809. DISCRIMINATION PROHIBITED**

2120 A citizen shall not be excluded from jury service in this state on account of race,
2121 color, creed, religion, sex, national origin, marital status, status with regard to public
2122 assistance, disability, age, occupation, physical or sensory disability, sexual orientation,
2123 or economic status.

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2126 **Advisory Committee Comment—2015 Amendments**

2127 Rule 809 is amended to include a specific prohibition against
2128 discrimination on the basis of sexual orientation in jury service. This change is
2129 consistent with terms used in legislative definitions of prohibited discriminatory
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conduct. *See, e.g.* Minn. Stat. § 363A.02 (Minnesota Human Rights Act);
§§ 82B.195, subd. 3 (vii) (real estate appraisers).

Recommendation 5: MSBA Probate Law Section Proposal for Modification of These Rules.

Introduction

The provisions of the general rules addressing probate and trust proceedings in district court have not been comprehensively reviewed since the adoption of the rules in 1991. Since that time, many of the statutes governing these proceedings have been amended. These amendments include several that render statutory references in the rules and comments inaccurate or obsolete. The Minnesota State Bar Association submitted for consideration the proposed amendments and in several places proposes electronic filing and service in a manner different in operation from the advisory committee's recommendation for other lines of the courts' business. Accordingly, the advisory committee has generally modified the MSBA proposals.

One recommendation of the MSBA Probate Committee warrants further examination by the committee. The MSBA committee recommended that Rule 417.02(g) be deleted from the rule. Rule 417.02(g) provides that Annual Accounts in trust proceedings include a list of all assets that realized a net income of less than one per cent of the inventory value and the reasons for retaining the assets. The rule does not require the court to take any action on this information, but the rule facilitates judicial review of the accounts. The advisory committee believe that there is not sufficient available information from the probate courts on the usefulness of this information, and the information before the committee is somewhat mixed. Therefore, the committee does not recommend that this change be made at this time. Rather, the committee recommends that the issue be examined during 2015.

The committee draws the Court's attention to one aspect of this recommendation that deviates from the committee's customary practice. Several of the changes recommended here are changes to the "Probate Committee Comment" to a rule without any change to the rule. These changes to the comment are appropriate because of

numerous statutory changes made since the initial adoption of the rules and the consequent inaccuracy of the comments. Because these comments are designed to be helpful to users rather than authoritative interpretation of the rules, the committee recommends that the court order revision of the comments as proposed by the MSBA Probate Committee.

Specific Recommendation

Rules 404, 408, 413, and 417 and Form 417.02 should be amended as follows:

[Note: Rules 416, 417.02, 417.04, and 419 are amended in Recommendation 1 and are not duplicated here.]

2134

RULE 404. NOTICE IN FORMAL PROCEEDINGS

2135 **(a) General Notice Requirements.** In all formal proceedings notice of a hearing
2136 on any petition shall be given as provided in the code after the court issues the order for
2137 hearing. Where mailed notice is required, proof of mailing the notice of hearing shall be
2138 filed with the court administrator before any formal order will issue. Mailed notice shall
2139 be given to any interested person as defined by the code or to the person's lawyer. Where
2140 notice by personal service or publication is required by the code, proof of personal
2141 service or publication shall be filed with the court administrator before the formal order
2142 will issue.

2143 **(b) Notice of Proceedings for Determination of Testacy and Appointment of**
2144 **Personal Representative.** In proceedings which adjudicate testacy, notice of the hearing
2145 on the petition shall be given after the court administrator issues the order for hearing.
2146 Proof of publication of the order for hearing, in accordance with the code, shall be filed
2147 with the court administrator before the order will issue. In proceedings for the formal
2148 appointment of a personal representative, the same notice requirements shall pertain
2149 except notice by publication shall not be required if testacy has been previously
2150 determined. Where creditors' claims are to be barred, the published notice shall include
2151 notice to creditors.

2152 Mailed notice shall be given to all known heirs-at-law, all devisees under any will
2153 submitted for formal probate and all interested persons as defined by the code or ordered
2154 by the court and shall include in appropriate cases the attorney general, foreign counsel
2155 and lawyers representing the interested persons.

2156 Mailed notice shall be given to the surviving spouse of the following rights:

2157 (1) The right to receive the decedent's wearing apparel, furniture and
2158 household goods and other personal property as provided in the code or by law.

2159 (2) The right to receive maintenance payments during administration of the
2160 estate as provided in the code or by law.

2161 (3) The right to take an elective share ~~of one-third~~ equal to the value of the
2162 elective-share percentage of the augmented estate, determined by the length of the
2163 marriage, as provided in the code and the homestead as provided in the code or by
2164 law.

2165 (c) **Waiver of Notice in Formal Proceedings.** Except in proceedings governed
2166 by subdivision (b) of this rule, an interested person may waive notice of any formal
2167 proceeding in accordance with the code. The written waiver shall evidence the person's
2168 consent to the order sought in the proceeding.

2169 * * *

2170 **RULE 408. INFORMAL PROCEEDINGS**

2171 (a) **Contents of the Application.** Application for informal probate or
2172 appointment proceedings shall contain information required by the code and the
2173 approximate value of the following categories of assets:

2174 Probate Assets

2175 Homestead \$ _____

2176 Other Real Estate \$ _____

2177 Cash \$ _____

2178 Securities \$ _____

2179 Other \$ _____

2180 Non-Probate Assets

2181 Joint Tenancy \$ _____

2182 Insurance \$ _____

2183 Other \$ _____

2184 Approximate Indebtedness \$ _____

2185 In all estate proceedings, whether testate or intestate, the application must contain a
2186 statement that specifically eliminates all heirs or devisees other than those listed in the
2187 application.

2188

2189 **Probate Committee Comment—2015 Amendments**

2190 Examples

2191 (These are not intended to be exhaustive)

2192

2193 The statements will necessarily vary, depending upon who survives the
2194 decedent, and must close out any class affected:

2195 (1) Where only the spouse survives, the application should state “That
2196 decedent left no surviving ~~issue, natural or adopted, legitimate or illegitimate~~
2197 descendants (including adopted descendants); and was not in the process of
2198 adopting an individual at the time of the decedent’s death.”

2199 (2) Where only children survive, the application should state “That the
2200 decedent left surviving no spouse; no children, ~~natural or~~ (including adopted,
2201 ~~legitimate or illegitimate, children~~) other than herein named; and no ~~issue~~
2202 descendants of any deceased children-

2203 (3) Where the spouse and children survive, the application should state
2204 “That the decedent left surviving no children, ~~natural or~~ (including adopted,
2205 ~~legitimate or illegitimate, children~~) other than herein named and no ~~issue~~
2206 descendants of any deceased children; and was not in the process of adopting an
2207 individual at the time of the decedent’s death.”

2208 (4) Where only brothers or sisters of decedent survive, the application
2209 should state “That the decedent left surviving no spouse; ~~issue~~ descendants;
2210 parents; brothers or sisters other than herein named; and no ~~issue~~ descendants of
2211 deceased brothers or sisters.”

2212 (5) only first cousins survive, the application should state “That the
2213 decedent left surviving no spouse; ~~issue~~ descendants; parents; brothers or sisters
2214 or ~~issue~~ descendants thereof; grandparents; aunts or uncles; and no first cousins
2215 other than herein named.”

2216 (6) In all cases, the application should state either:

2217 (a) That all the heirs-at-law survived the decedent for 120 hours or
2218 more; or

2219 (b) That all the heirs-at-law survived the decedent for 120 hours or
2220 more except the following: (name or names).

2221 (7) In all cases where a spouse and children survive, the application should
2222 state either:

2223 (a) That all of the ~~issue~~ descendants of the decedent are also ~~issue~~
2224 descendants of the surviving spouse; or

2225 (b) That one or more of the ~~issue~~ descendants of the decedent are not
2226 also ~~issue~~ descendants of the surviving spouse.

2227

2228
2229
2230

* * *

2231 (c) **Appearances.** The applicant is required to appear before the registrar unless
2232 represented by counsel. The registrar may also waive appearance by counsel.

2233 (d) **Informal Proceedings: Notice of Informal Probate of Will and Informal**
2234 **Appointment of Personal Representative.** In informal proceedings, notice of
2235 appointment of a personal representative shall be given after the registrar issues the order
2236 appointing the personal representative. Proof of placement for publication shall be filed
2237 with the court administrator before letters will issue. Where mailed notice is required, an
2238 affidavit of mailing of the order appointing the personal representative shall be filed with
2239 the court administrator before letters will issue. If the informal proceedings include the
2240 informal probate of a will, the notice shall include notice of the issuance of the statement
2241 of informal probate of the will. Where creditors' claims are to be barred, the published
2242 notice shall include notice to creditors.

2243 Mailed notice shall be given to all known heirs-at-law, all devisees under any will
2244 submitted for informal probate and all interested persons as defined by the code and shall
2245 include in appropriate cases the attorney general, foreign consul and lawyers representing
2246 interested persons.

2247 Mailed notice shall be given to the surviving spouse of the following rights:

2248 (1) The right to receive the decedent's wearing apparel, furniture and
2249 household goods and other personal property as provided in the code or by law.

2250 (2) The right to receive maintenance payments during administration of the
2251 estate as provided in the code or by law.

2252 (3) The right to take an elective share ~~of one-third~~ equal to the value of the
2253 elective-share percentage of the augmented estate, determined by the length of the
2254 marriage, as provided in the code and the homestead as provided in the code or by
2255 law.

2256 **RULE 413. SUBSEQUENT PROCEEDINGS**

2257 * * *

2258 (c) **Notice of Proceedings for Subsequent Administration After Termination**
2259 **of Personal Representative's Authority.** ~~Appointment of a~~ The court, upon petition, or
2260 the registrar, upon application of any interested person, may appoint the same or a
2261 successor personal representative into administer the subsequent administration may only
2262 be secured in formal proceeding-estate. If testacy has been adjudicated in a formal

2263 proceeding, notice of hearing must meet the requirements of Minn. Gen. R. Prac. 404(a),
2264 but the notice by publication specifically provided for in Minnesota Statutes, section
2265 524.3-403 is not required. If testacy has not been adjudicated previously and only
2266 appointment of a personal representative is sought, notice of hearing must meet the
2267 specific notice requirements for formal testacy proceedings provided in Minnesota
2268 Statutes, section 524.3-403, but notice by publication is not required. In the case of
2269 subsequent administration involving omitted property, the personal representative must
2270 comply with the inventory, mailing and filing requirements of Minn. Gen. R. Prac.
2271 413(b).

2272 **(d) Proof Required for Formal Settlement or Distribution in Subsequent**
2273 **Administration.** During a subsequent administration, when an order of settlement of the
2274 estate and decree or order of distribution is sought, the court must be satisfied with the
2275 pleadings and any other proof (including accounting for all assets, disbursements, and
2276 distributions made during the prior administration) before issuing its order.

2277

2278

RULE 414. FIDUCIARIES

2279 If the lawyer for the estate, or a partner, associate or employee is of the lawyer for
2280 the estate, is also appointed as the individual personal representative of the estate, except
2281 where one of them is a family member of the decedent, the administration shall be
2282 supervised. In such a case, both the lawyer for the estate and the personal representative
2283 must keep separate time records and differentiate the charges for their duties in each
2284 capacity. The lawyer should only serve as fiduciary at the unsolicited suggestion of the
2285 client and the lawyer must realize that there are legal, ethical and practical problems that
2286 must be overcome in order to perform the duties of a fiduciary and lawyer. Supervised
2287 administration shall not be required solely because the personal representative of the
2288 estate is a lawyer, whether or not the personal representative is related to the decedent, so
2289 long as the personal representative, or a partner, associate or employee of the personal
2290 representative, is not also retained as the lawyer for the estate.

2291

2292

2293

RULE 417. TRUSTEES—ACCOUNTING—PETITION FOR APPOINTMENT

2294

* * *

2295

Rule 417.06 Hearing.

2296

2297

Hearings upon annual accounts may be ordered upon the request of any interested party. A hearing shall be held on such annual accounts at least once every five years by

2298 ~~mailing, at least 15 days before the date of the hearing, a copy of the order for hearing to~~
2299 ~~those beneficiaries of the trust who are known to or reasonably ascertainable by the~~
2300 ~~petitioner, to any other person requesting notice, or as ordered by the court and notice~~
2301 ~~shall be provided in accordance with Minn. Stat. § 501B.18 or its successor. In trusts of~~
2302 ~~the value of \$20,000 50,000 or less, the five year hearing requirement may be waived by~~
2303 ~~the court in its discretion. Any hearing on an account may be ex parte if each party in~~
2304 ~~interest then in being shall execute waiver of notice in writing which shall be filed with~~
2305 ~~the court administrator, but no account shall be finally allowed except upon a hearing on~~
2306 ~~the record in open court. Such five year hearings shall be held within 150 days after the~~
2307 ~~end of the accounting period of each fifth annual unallowed account, and the court~~
2308 ~~administrator shall notify each trustee and the Court if the hearing is not held within such~~
2309 ~~150 day period.~~

2310 **Advisory Committee Comment—~~1992~~ 2015 Amendments**

2311 This rule was derived from Rule 28 of the Code of Rules for the District
2312 Courts. The rule is recodified with the probate court rules because it relates to
2313 actions brought in the now-unified district court.

2314 Rule 417.06 is amended to ~~provide a specific method of notice rather than~~
2315 ~~incorporating a specific statutory requirement. The former statute, Minnesota~~
2316 ~~Statutes, section 501.35 was replaced by section 501B.18. The new statute,~~
2317 ~~however, provides a general mechanism for order of hearing with published~~
2318 ~~notice twenty days before the date of the hearing. This requirement is not~~
2319 ~~necessary for hearings on accounts, as the interested parties will have been~~
2320 ~~identified and known to the trustee at the time a hearing is scheduled. The rule~~
2321 ~~does require notice to any party requesting notice of the hearing, and allows the~~
2322 ~~court to specify another method of giving notice in a particular case. Although~~
2323 ~~that might conceivably include published notice, published notice would be~~
2324 ~~unusual. incorporate the specific statutory notice required by Minnesota~~
2325 ~~Statutes, section 501B.18 or its successor.~~

2326

FORM 417.02 TRUSTEE'S ACCOUNTING

State of Minnesota

District Court

COUNTY

JUDICIAL DISTRICT
CASE NO.

Case Type: _____

In the Matter of the Trust Created under Article
_____ of the Last Will of _____.

ALTERNATIVE FOR INTER VIVOS TRUSTS:

**In the Matter of the Trust Created under
Agreement By and Between _____,
Settlor, and _____ and _____,
Trustees, dated _____.**

2327

2328

2329

* * *

2330

[The only change in this form is to the signature block]

~~Under penalties of perjury, we have read this Annual Account and we know or believe its contents are true and correct.~~

Trustee
Date
Address:

Trustee
Date
Address:

2331

2332

Notarial Stamp or Seal (or Other Title or Rank)

Signed and sworn to (or affirmed) before
 me on (date) _____
 by _____
 and _____,
 Trustees.

 Signature of Notary Public or Other
 Official

2333

2334

2335 **I declare under penalty of perjury that everything I have stated in this document is**
 2336 **true and correct. Minn. Stat. § 358.116.**

2337

2338 Signed at: _____ County, _____

2339 _____ State.

2340 On _____, 20__.

2341

2342

2343 Signature

2344

2345 _____

2346

2347 Name _____

2348

2349 Agency or Business Name, if applicable: _____

2350

2351 Address _____

2352

2353 City/State/Zip _____

2354

2355 Telephone (_____) _____