

STATE OF MINNESOTA

IN SUPREME COURT

ADM09-8009 (formerly CX-89-1863)

OFFICE OF
APPELLATE COURTS

APR 21 2011

FILED

PROMULGATION OF AMENDMENT TO
THE MINNESOTA GENERAL RULES OF PRACTICE
FOR THE DISTRICT COURTS REGARDING
AUDIO AND VIDEO COVERAGE OF DISTRICT COURT
PROCEEDINGS IN CIVIL CASES

O R D E R

By order filed March 11, 2011, we amended the General Rules of Practice for the District Courts, effective July 1, 2011, to establish a two-year pilot project allowing cameras in the courtroom in civil proceedings with the consent of the district court judge, but without requiring the consent of all the parties. The pilot project excludes criminal cases and the categories of civil cases listed in Minn. Gen. R. Prac. 4.02(c)(vi). Civil commitment proceedings should be among the civil cases that are excluded from the pilot project, but they were not listed as such in Rule 4.02(c)(vi). We now amend the rule to exclude civil commitment proceedings.

IT IS HEREBY ORDERED THAT the attached additional amendment to Rule 4.02 of the General Rules of Practice for the District Courts as amended by our March 11, 2011, order, is prescribed and promulgated to be effective on July 1, 2011.

Dated: April 21, 2011

BY THE COURT:



Lorie S. Gildea
Chief Justice

**AMENDMENT TO MINNESOTA GENERAL RULES OF PRACTICE
FOR THE DISTRICT COURTS**

[For amendments adopted by March 11, 2011, order, additions are indicated by underlining and deletions by strikethrough; for amendment adopted by April 21, 2011, order, additions indicated by double underlining.]

RULE 4. PICTURES AND VOICE RECORDINGS

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Rule 4.02. Exceptions

~~A judge may, however, authorize:~~

- (a) A judge may authorize the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record or for other purposes of judicial administration;
- (b) A judge may authorize the broadcasting, televising, recording or photographing of investitive, ceremonial or naturalization proceedings;
- (c) ~~upon the consent of the trial judge and~~A judge may authorize, with the consent of all parties in writing or made on the record prior to the commencement of the trial in criminal proceedings, and without the consent of all parties in civil proceedings, the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:
 - (i) There shall be no audio or video coverage of jurors at any time during the trial, including *voir dire*.
 - (ii) There shall be no audio or video coverage of any witness who objects thereto in writing or on the record before testifying.
 - (iii) Audio or video coverage of judicial proceedings shall be limited to proceedings conducted within the courtroom, and shall not extend to

activities or events substantially related to judicial proceedings that occur in other areas of the court building.

- (iv) There shall be no audio or video coverage within the courtroom during recesses or at any other time the judge is not present and presiding.
- (v) During or preceding a jury trial, there shall be no audio or video coverage of hearings that take place outside the presence of the jury. Without limiting the generality of the foregoing sentence, such hearings in criminal proceedings would include those to determine the admissibility of evidence, and those to determine various motions, such as motions to suppress evidence, for judgment of acquittal, *in limine* and to dismiss. This provision does not prohibit audio or video coverage of appropriate pretrial hearings in civil proceedings, such as hearings on dispositive motions.
- (vi) There shall be no audio or video coverage in cases involving child custody, marriage dissolution, juvenile proceedings, child protection proceedings, paternity proceedings, civil commitment proceedings, petitions for orders for protection, motions to suppress evidence, police informants, relocated witnesses, sex crimes, trade secrets, undercover agents, and proceedings that are not accessible to the public. ~~No ruling of the trial court relating to the implementation or management of audio or video coverage under this rule shall be appealable until the trial has been completed, and then only by a party.~~