

STATE OF MINNESOTA

IN SUPREME COURT

C6-90-649

Interactive Audio-Video Communications  
Experiment in Second Judicial District  
Mental Illness Commitment Proceedings

O R D E R

WHEREAS, the Second Judicial District Court has requested to participate, on an experimental basis, in the use of interactive audio-video communications in conducting mental illness commitment proceedings in appropriate cases, and

WHEREAS, the cost of leasing facilities or installing audio-visual communications equipment can be provided within the current judicial budget; and

WHEREAS, it may be useful to consider alternative hearing methods where extensive transportation time and expense is otherwise incurred by either the patient or court personnel;

IT IS HEREBY ORDERED that:

1. The Second Judicial District is authorized to conduct an experimental program for a period of 2 years in a designated audio-video room located at the Department of Health, Metro Square Building in St. Paul or other suitable leased facilities, using audio-video communications to receive the testimony of the physician, patient or other witnesses who may be physically located at a Regional Treatment Center.

2. The use of interactive audio-video communications in this experiment is excepted from the provisions of Canon 3A(7) of the Minnesota Code of Judicial Conduct.

IT IS FURTHER ORDERED that the following guidelines shall apply to this experimental program:

1. **Security and Transmission:** The audio-video communications system shall be designed to be accessed only through terminals at the Metro Square Building, another designated leased facility, and the RTC; no other site is permissible. The transmission path from the Metro Square Building or other leased facilities to the Regional Treatment Center shall be secured against electronic eaves-dropping.

2. **Record:** This experiment will not affect the official record of the court proceedings. The court proceedings shall be recorded by a court reporter in the customary manner.

3. **Video Tape Record:** A video tape recording shall be made of each hearing conducted pursuant to this order to assist in the evaluation of this program. Upon completion of the experimental period and 90 days after the submission of the Evaluation Committee's final report, any video tapes made in accordance with this experiment shall be destroyed. Video tape records shall not be available to any person without an order of the trial court.

4. **Conduct of Hearing:**

(a) The following language shall be included in the Notice of Commitment Hearing, whether that notice be in a Summons or Order for Apprehension and Confinement:

**THIS HEARING WILL BE CONDUCTED BY INTERACTIVE VIDEO TELECONFERENCE. YOU HAVE THE RIGHT TO OBJECT TO THE USE OF VIDEO TELECONFERENCE HEARING, BUT YOU MUST DO SO AT LEAST 24 HOURS IN ADVANCE OF THE HEARING, EXCLUDING WEEKENDS OR HOLIDAYS.**

(b) At the commencement of the proceedings, the trial court shall ensure that contact is established with the persons located at the RTC. Only persons who would be permitted to attend a hearing conducted in the courtroom shall be present in the RTC.

(c) The audio-video link between the RTC and the Metro Square Building or other designated facility shall be maintained from the commencement of the hearing until terminated by the trial court.

(d) The equipment shall allow the parties at either location to hear objections and testimony from the other location. Rules of evidence and procedure applicable traditionally to these hearings shall govern the conduct of this teleconference hearing.

(e) To preserve the confidentiality of attorney-client communications during the interactive audio-video hearing, an attorney may request permission of the court to either suspend the audio recording or leave the conference table to communicate with the client in private,

(f) A respondent objecting to the use of audio-video communication during the experimental period shall file a motion not less than 24 hours prior to the hearing, excluding weekends or holidays. Argument on the motion may be by telephone conference. The motion should be liberally granted upon a showing that the use of audio-video communications will hinder ascertainment of the truth or result in unfair prejudice to the respondent. The court shall notify all parties of its decision not less than 24 hours prior to the hearing or as soon as practical after the filing of the motion. During this experimental period, the examining physician shall, in addition to any other findings, indicate an opinion as to whether the use of audio-video communications is contrary to the best interest of the respondent.

(g) In the event all parties stipulate that it is in the interest of justice, this order shall not prohibit the conduct of a traditional hearing during this experimental period.

(h) The court shall require participating parties and attorneys to complete an evaluation at the end of each audio-video hearing, and shall provide copies of the evaluation to the Advisory Committee.

5. **Training:** The Intertechnologies Group, Department of Administration, shall train court personnel and others in the proper operation of the interactive equipment.

6. **Evaluation:** The Second Judicial District Civil Commitment Advisory Committee will serve as the evaluators of the project. In accordance with the order of the Chief Judge of the

Second Judicial District, filed on October 11, 1995, the following individuals were appointed to the Advisory/Evaluation Committee:

Hon. Bertrand Poritsky, Chair  
Judge, Second Judicial District

Hon. James F. Finley  
Court Commissioner,  
Second Judicial District

Dr. Michael Fansworth, M.D.  
Clinical Director,  
Minnesota Security Hospital

Barbara Koropchak  
Dir. of Community/Hospital Programs  
Anoka Metro Regional Treatment Center

Ms. Sandy Nelson, R.N.  
Admissions Coordinator  
Anoka Metro Regional Treatment Center

Mark J. Ponsolle  
Assistant County Attorney  
Ramsey County Attorney's Office

Kathleen Rauenhorst  
Attorney and Member of  
Civil Commence Defense Panel

Lyle Petersen  
Supervisor, Pre-Screening Unit  
Ramsey County Human Services

Michael Greeman, LICSW  
Department of Veterans Affairs

Ms. Terri Lee Bradley  
Guardian Ad Litem  
Midwest Guardians and Conservators, Inc.

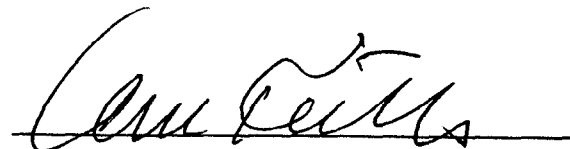
Michael Moriarity  
Special Courts Administrator,  
Second Judicial District

Sandy Eckes  
Civil Commitment Division Manger  
Second Judicial District

This committee shall address the quality of transmission, ease of use and reliability of the equipment and transmission path, any disruptions to the proceedings, the ability to assess the demeanor of witnesses and shall specifically consider whether any party has been prejudiced as a result of the use of these procedures. The committee shall file with the Supreme Court a preliminary report 15 months after the commencement of this experiment, addressing the first 12 months, and a final report 27 months after the commencement of this experiment.

Dated: *October 16, 1995*

BY THE COURT:



Chief Justice