

STATE OF MINNESOTA

IN SUPREME COURT

C6-90-649

Interactive Audio-Video Communications
Pilot Program in Third Judicial District
Mental Illness Commitment Proceedings

ORDER

WHEREAS, the Third Judicial District Court has requested that it be permitted to use, on a pilot program basis, interactive audio-video communications to conduct *Jarvis* and mental illness commitment proceedings in appropriate cases, and

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

IT IS HEREBY ORDERED that:

1. The Third Judicial District is authorized to conduct an interactive video pilot program for a period of two years between designated facilities in the Third District and the St. Peter Regional Treatment (RTC).
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 pilot program:

1. **Security and Transmission:** The audio-video communication system shall be designed to be accessed only through designated facilities and the RTC. The transmission path shall be secured against electronic eavesdropping.
2. **Record:** This pilot program 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. **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 TELECONFERENCING 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 court facility and the RTC 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 to these hearings shall govern 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 pilot program shall file a motion not less than 24 hours prior to the hearing, excluding weekends and 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 pilot program, the examining physician shall, in addition to any other findings, indicate an opinion as to whether the use of audio-video communication 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.
4. **Training:** Court personnel and others shall be trained in the proper operation of the interactive video equipment.
 5. **Evaluation:** The Chief Judge shall file a report with the Supreme Court on or before January 31, 2001, that evaluates the pilot program. The report 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 consider whether any party has been prejudiced as a result of these procedures.

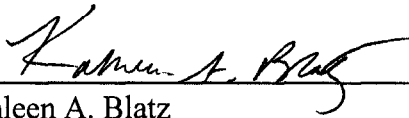
Dated: January 29, 1999

BY THE COURT:

**OFFICE OF
APPELLATE COURTS**

JAN 29 1999

FILED



Kathleen A. Blatz
Chief Justice