

State of Minnesota

In Supreme Court

C2-87-1853

ORDER ADOPTING USE OF  
FACSIMILE TRANSMISSION AND  
REQUESTING CONSIDERATION BY  
RULES COMMITTEES

WHEREAS, by Order #C2-87-1853 dated October 3, 1988, this Court extended the authorization for filing of papers and issuance of orders and warrants by use of facsimile transmission equipment until January 1, 1989; and

WHEREAS, filing papers by the use of facsimile transmission has been incorporated into the Rules of Civil Procedure by an amendment effective January 1, 1989; and

WHEREAS, incorporation of the use of facsimile transmission, where appropriate, into other rules promulgated by this Court will provide clear notice of such use to all members of the practicing bar and the public;

NOW, THEREFORE, IT IS ORDERED that, effective January 1, 1989, facsimile transmission is allowed subject to the following conditions:

A. Equipment. Only facsimile transmission equipment that satisfies the published criteria of the Supreme Court shall be used for filing and issuance of orders and warrants under this Order.

B. Permitted Use.

(1) Issuance of Orders or Warrants.

(a) Facsimile transmission may be used for the issuance of all orders and warrants including, but not

limited to, the following circumstances:

(i) Criminal matters for the issuance of arrest and search warrants;

(ii) Juvenile matters for the issuance of orders or warrants for taking a juvenile into custody and for the release or detention of the juvenile;

(iii) Family matters for the issuance of ex parte temporary orders for protection; and

(iv) Civil cases for the issuance of temporary restraining orders.

(b) All procedural and statutory requirements for the issuance of a warrant or order, including the making of a record of the proceedings, shall be met.

(c) For all procedural and statutory purposes, the facsimile shall have the same force and effect as the original.

(d) The original order or warrant, along with any other documents, including affidavits, shall be delivered to the court administrator of the county where the request or application for the order or warrant was made.

(2) Filing. Filing of all papers in the district court shall be permitted by use of facsimile transmission pursuant to the terms and conditions of Rule 5.05 of the Minnesota Rules of Civil Procedure for the District Court.

IT IS FURTHER ORDERED that all advisory committees established by this Court in regard to rules governing procedure in appeals and criminal, juvenile, probate, commitment, and

family law matters shall consider the adoption of appropriate amendments that will incorporate the use of facsimile transmission into the rules of procedure and report their recommendations to this Court at the next available opportunity.

*November*  
Dated: ~~October~~ 21, 1988.

BY THE COURT

  
Douglas K. Amdahl  
Chief Justice

OFFICE OF  
APPELLATE COUNCIL

NOV 21 1988

FILED