

STATE OF MINNESOTA

IN SUPREME COURT

CX-89-1863

OFFICE OF  
APPELLATE COURTS

OCT 29 2007

FILED

PROMULGATION OF AMENDMENTS  
TO THE MINNESOTA GENERAL RULES OF PRACTICE  
FOR THE DISTRICT COURTS

ORDER

The order dated September 26, 2007, included an inadvertent error related to modifications to rule 114.04(b) of the General Rules of Practice. In the paragraph that was being amended, portions that were not being amended were incorrectly set forth.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached amendments to Rule 114.04 of the General Rules of Practice for the District Courts be, and the same hereby are, prescribed and promulgated to be effective on January 1, 2008.
2. The attached amendments shall apply to all actions pending on the effective date and to those filed thereafter.
3. The inclusion of Advisory Committee comments is made for convenience and does not reflect court approval of the comments made therein.
4. This order shall supersede the September 26, 2007, order to the extent that it is inconsistent with this order.

DATED: October 29, 2007

BY THE COURT:



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Russell A. Anderson  
Chief Justice

## RULE 114. ALTERNATIVE DISPUTE RESOLUTION.

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### Rule 114.04. Selection of ADR Process

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(b) **Court Involvement.** If the parties cannot agree on the appropriate ADR process, the timing of the process, or the selection of neutral, or if the court does not approve the parties' agreement, the court shall, in cases subject to Rule 111, schedule a telephone or in-court conference of the attorneys and any unrepresented parties within thirty days after the due date for filing informational statements pursuant to Rule 111.02 or 304.02 to discuss ADR and other scheduling and case management issues.

Except as otherwise provided in Minn. Stat. § 604.11 or Rule 310.01, the court, at its discretion, may order the parties to utilize one of the non-binding processes, or may find that ADR is not appropriate; provided that no ADR process shall be approved if the court finds that ADR is not appropriate or if it amounts to a sanction on a non-moving party. Where the parties have proceeded in good faith to attempt to resolve the matter using collaborative law, the court should not ordinarily order the parties to use further ADR processes.

#### Advisory Committee Comment—2007 Amendment

Rule 114.04(b) is amended to provide a presumptive exemption from court-ordered ADR under Rule 114 where the parties have previously obtained a deferral on the court calendar of an action to permit use of a collaborative law process as defined in Rule 111.05(a).