

STATE OF MINNESOTA
IN SUPREME COURT
CX-89-1863

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

ORDER

In its report filed November 6, 2007, the Supreme Court Advisory Committee on the General Rules of Practice recommended amendments to the General Rules of Practice for the District Courts. This Court established a deadline of December 14, 2007, for submitting comments on the proposal. The Supreme Court has reviewed the proposals and the submitted comments, and is fully advised in the premises.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The attached amendments to 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. The State Court Administrator's Office Child Support Magistrate staff shall work with the Minnesota Department of Human Services Child Support Enforcement Division, the Anoka County Attorney's Office, and other interested individuals to resolve outstanding issues regarding expedited process rules and submit a revised proposal to the advisory committee.

5. The State Court Administrator's Office Interpreter Program shall work with the Judicial Council to address concerns regarding recording of interpreted testimony as discussed in the advisory committee report and the comments submitted in response thereto.

DATED: December 28, 2007

BY THE COURT:



Russell A. Anderson
Chief Justice

1

OFFICE OF
APPELLATE COURTS

JAN - 3 2008

FILED

Amendments to the General Rules of Practice for the District Courts:

[Note to publishers: Deletions are indicated by a line drawn through the text; additions are underlined.]

1

RULE 114—APPENDIX

2

CODE OF ETHICS

3

ENFORCEMENT PROCEDURE

4

* * *

5

Rule II. Procedure

6

* * *

7

B. The State Court Administrator's Office, in conjunction with one

8

ADR Review Board member shall review the complaint and recommend to

9

determine whether the allegations(s), if true, constitute a violation of the Code of

10

Ethics, and whether to refer the complaint to mediation. The State Court

11

Administrator's Office and ADR Review Board member may also request

12

additional information from the complainant if it is necessary prior to making a

13

recommendation.

14

C. If the allegations(s) of the complaint do not constitute a violation of

15

the Code of Ethics, the complaint shall be dismissed and the complainant and the

16

neutral shall be notified in writing.

17

D. If ~~the Board concludes that~~ the allegation(s) of the complaint, if true,

18

constitute a violation of the Code of Ethics, the Board will undertake such review,

19

investigation, and action it deems appropriate. In all such cases, the Board shall

20

send to the neutral, by certified mail, a copy of the complaint, a list identifying the

21

ethical rules which may have been violated, and a request for a written response to

22

the allegations and to any specific questions posed by the Board. It shall not be

23 considered a violation of Rule 114.08(e) of the Minnesota General Rules of
24 Practice or of Rule IV of the Code of Ethics, Rule 114 Appendix, for the neutral to
25 disclose notes, records, or recollections of the ADR process complained of as part
26 of the complaint procedure. Except for good cause shown, if the neutral fails to
27 respond to the complaint in writing within thirty (30) days, the allegations(s) shall
28 be deemed admitted.

29 E. The complainant and neutral may agree to mediation or the State
30 Court Administrator's Office or Board, at its discretion, may refer them
31 ~~complainant and neutral~~ to mediation conducted by a ~~volunteer~~ qualified neutral to
32 resolve the issues raised by the complainant. Mediation shall proceed only if both
33 the complainant and neutral consent. If the complaint is resolved through
34 mediation, ~~the Board shall dismiss the complaint~~ shall be dismissed, unless the
35 resolution includes sanctions to be imposed by the Board. If no agreement is
36 reached in mediation, the Board shall determine whether to proceed further.

37 * * *

38 Advisory Committee Comments—2007 Amendments

39 Rule II. B. is amended in 2007 to implement a streamlined process so that
40 one ADR Review Board member together with state court administration staff
41 can make initial determinations. This will allow the process to proceed instead
42 of waiting for monthly board meetings. Rule II.E. is amended to clarify that
43 the parties may voluntarily elect mediation in addition to mediation being
44 offered by the Board.

45

46 **Rule IV. Confidentiality**

47 * * *

48 D. Accessibility to records maintained by district court administrators
49 relating to complaints or sanctions about neutrals ~~parenting time expeditors~~ shall
50 be consistent with this rule.

51

52 Advisory Committee Comments—2007 Amendments

53 Rule IV. D. is amended in 2007 to clarify that accessibility to district
54 court information about sanctions is consistent with Rule 114 for all neutrals.
55 In addition to maintaining local rosters of parenting time expeditors, district
56 courts receive notice of sanctions imposed by the ADR Review Board.

57 **RULE 302. COMMENCEMENT; CONTINUANCE;**
58 **TIME; PARTIES**

59 **Rule 302.01 Commencement of Proceedings**

60 * * *

61 **(b) Joint Petition.**

62 (1) No summons shall be required if a joint petition is filed.
63 Proceedings shall be deemed commenced when both parties have signed the
64 verified petition.

65 (2) Where the parties to a proceeding agree on all ~~property~~ issues,
66 ~~have no children together, the wife is not pregnant, and the wife has not give birth~~
67 ~~since the date of the marriage to a child who is not a child of the husband,~~ the
68 parties may proceed using a joint petition, agreement, and judgment and decree for
69 marriage dissolution, ~~without children.~~ ~~Form 12 appended to these rules is a~~
70 ~~sufficient form for this purpose.~~

71 (3) Upon filing of the “Joint Petition, Agreement and Judgment
72 and Decree,” and Form 11.1 appended to Title I of these rules, and a Notice to the
73 Public Authority if required by Minn. Stat. § 518A.44 ~~518.551, subd. 5~~, the court
74 administrator shall place the matter on the appropriate default calendar ~~for~~
75 ~~approval without hearing~~ pursuant to Minn. Stat. § 518.13, subd. 5. A Certificate
76 of Representation and Parties and documents required by Rules 306.01 and 306.02
77 shall not be required if the “Joint Petition, Agreement and Judgment and Decree”
78 provided in Form 12 published by the state court administrator is used.

79 (4) The state court administrator shall maintain, publish and
80 regularly update, or provide references to, forms that may be used by parties for

81 purposes of this rule. Court Administrators in each Judicial District shall make the
82 forms “Joint Petition, Agreement and Judgment and Decree for Marriage
83 Dissolution Without Children” available to the public at a reasonable cost, ~~as a~~
84 ~~fill in the blank form.~~

85 * * *

86 Advisory Committee Comments—2007 Amendments

87 Rule 302(b) is amended to expand the availability of the streamlined
88 procedure allowing a marriage dissolution to proceed by use of a single
89 pleading that combines a joint petition, marital termination agreement, and
90 judgment and decree. The prior rule allowed this procedure only in marriages
91 with no children; the amendment allows its use in marriage dissolution
92 proceedings with children where the parties have agreed on all issues. The
93 combined form permits the parties to proceed more expeditiously and make it
94 easier for the parties and the court to verify that the judgment and decree to be
95 entered by the court conforms to the parties' agreement.

96 The rule also deletes the reference to the former Rule 12 as part of a
97 transition to maintain practice forms related to practice under the rules by court
98 administration and available on the courts' website [www.mcourts.gov] rather
99 than as part of the rule.

100 **Rule 303.02 Form of Motion**

101 * * *

102 **(b) Application for Temporary Relief.** When temporary financial
103 relief is initially requested, such as child support, maintenance and attorney's fees,
104 the application for temporary relief form developed by the state court
105 administrator set forth at form 1 ~~appended to these rules~~ shall be served and filed
106 by the moving and responding parties. Additional facts, limited to relevant and
107 material matters, shall be added ~~at paragraph 10 of~~ to the application form or by
108 supplemental affidavit. Sanctions for failure to comply include, but are not limited
109 to, the striking of pleadings or hearing.

110 **Rule 304.02 The Party's Informational Statement**

111 (a) **Timing.** Within 60 days after filing an action or, if a temporary
112 hearing is scheduled within 60 days of the filing of the action, then within 60 days
113 after a temporary hearing is initially scheduled to occur, whichever is later, each
114 party shall submit, on a form to be available from the court and developed by the
115 state court administrator (~~see Forms 9A and B appended to these rules~~), the
116 information needed by the court to manage and schedule the case.

117 * * *

118 (c) **Unrepresented Parties.** Parties not represented by a lawyer may
119 use forms developed specially by the state court administrator for unrepresented
120 parties shall, ~~instead of providing the information required above on Form 9A,~~
121 ~~provide substantially the information required on Form 9B.~~

122 **Rule 305.01 Prehearing Statement**

Each party shall complete a prehearing conference statement substantially in the
form developed by the state court administrator ~~set forth at form 2 appended to~~
~~these rules~~ which shall be served upon all parties and mailed to or filed with the
court at least 10 days prior to the date of the prehearing conference.

123 **Rule 306.01 Scheduling of Final Hearing**

124 Except when proceeding under Rule 302.01(b) by Joint Petition,
125 Agreement and Judgment and Decree, to place a matter on the default calendar for
126 final hearing or for approval without hearing pursuant to Minnesota Statutes,
127 section 518.13, subdivision 5, the moving party shall submit a default scheduling
128 request substantially in the form developed by the state court administrator ~~set~~
129 ~~forth in Form 10 appended to these rules~~ and shall comply with the following, as
130 applicable:

131 * * *

132

RULE 311. FORMS

133

The forms developed by the state court administrator ~~contained in the~~

134

~~Appendix of Forms~~ are sufficient under these rules.

135

Advisory Committee Comment

136

The responsibility for forms development and review is being handed off to the state court administrator to permit more effective forms management and review. This process is already followed for the expedited process. Gen. R. Prac. 379 02

137

138

139

APPENDIX OF FORMS

TITLE IV. RULES FOR FAMILY COURT PROCEDURE

All forms in Title IV are hereby deleted from the rules; the deletions are not shown in strikeout - underline format to conserve space. Dissolution forms are currently maintained on the state court website (www.mncourts.gov).

140

RULE 806. JURY SOURCE LIST

141

* * *

142

(e) The jury commissioner shall review the jury source list once every four years for its ~~representativeness and inclusiveness~~ and the jury pool for its representativeness of the adult population in the county and report the results to the chief judge of the judicial district.

143

144

145

146

(f) If the chief judge, or designee, determines that improvement is needed in either the ~~representativeness or inclusiveness~~ of the jury source list or

147

148 the representativeness of the jury pool, appropriate corrective action shall be
149 ordered.

150

151

Advisory Committee Comment—2007 Amendment

152

Rules 806(e) & (f) are amended to state the jury commissioner's responsibility more precisely. Because a jury commissioner does not have control over the composition of the jury source list, the rule should not impose a duty relating to the source list. It shifts that responsibility, however, to require the jury commissioner assess the representitiveness of the jury pool as a whole, not the constituent lists. This amendment is not intended to lessen in any way the representitiveness of jury pools. This change is similar in purpose and form to the amendment of Minn. Gen. R. Prac. 803, effective January 1, 2007.

153

154

155

156

157

158

159

160