

MINNESOTA JUDICIAL BRANCH

140-C MINNESOTA JUDICIAL CENTER
25 REV. DR. MARTIN LUTHER KING, JR. BLVD.
ST. PAUL, MN 55155

Michael B. Johnson, Senior Legal Counsel
Legal Counsel Division
State Court Administrator's Office

Phone: 651-297-7584
Fax: 651-297-5636

ADM 10-8011 et al

HAND DELIVERED
October 19, 2010

OFFICE OF
APPELLATE COURTS

OCT 19 2010

FILED

Mr. Fred Grittner
Clerk of the Appellate Courts
25 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155

Dear Mr. Grittner:

On behalf of the Fourth Judicial District I am submitting for approval ten copies of the attached proposed order authorizing the e-filing pilot project in the Fourth Judicial District. This order is being submitted in conjunction with the report of the advisory committee on the rules of civil procedure recommending rule changes that are included in this order. Prompt action is kindly requested as everything is in place for the launch of the pilot project as of October 18, 2010.

The provisions of the proposed order establishing the pilot project were prepared with the input of the reporter for the advisory committee on the rules of civil procedure, the Supreme Court Commissioner, and the Clerk of the Appellate Courts, and was circulated to the advisory committee on the rules of civil procedure along with the proposed rule amendments contained in the advisory committee's report. If there are any questions, I and Fourth Judicial District pilot project leaders are available to respond to any questions that you may have.

Thank you for your prompt consideration.

Sincerely yours,


Michael Johnson

Cc: Hon Christopher Dietzen
Commissioner Richard Slowes
Hon. Peter Cahill

OCT 19 2010

FILED

STATE OF MINNESOTA

IN SUPREME COURT

A10-80 11, ADM04-8001 (formerly C6-84-2134), CX-89-1863, C4-84-2133

ORDER AUTHORIZING E-FILING PILOT PROJECT

The Fourth Judicial District has requested the authorization of an e-filing pilot project to test the feasibility of electronic filing and electronic service of documents in civil cases designated by the District Court. The Court has reviewed the proposals and is advised in the premises.

IT IS ORDERED that:

1. The Fourth Judicial District ("District Court") is hereby authorized to conduct a pilot project ("Pilot Project") under the attached Fourth Judicial District E-Filing Pilot Project Provisions. The project is anticipated to be carried out in several phases, with the initial phase involving six law firms and opposing firms and parties in certain civil cases, and then expanding to other attorneys, law firms, parties and all civil cases.
2. The Pilot Project shall test the feasibility of electronic filing and electronic service of documents in civil cases designated by the District Court. The District Court shall report to this Court after the first ninety (90) days of the pilot project and as often thereafter as this Court shall direct.
3. This order shall be effective immediately and the Pilot Project shall continue until further order of the Court.

Fourth Judicial District E-Filing Pilot Project Provisions

1. **Who May Electronically File and Serve.** During the pilot project, attorneys, law firms and parties designated by the Fourth Judicial District (“District Court”) may, upon registering with the electronic filing service provider designated by the District Court (“Designated Provider”), electronically file documents with the District Court in civil cases designated by the District Court. Once the District Court has determined that the E-Filing System and process is working satisfactorily and can support additional users, in any designated case in which the designated and registered attorneys, law firms or parties have electronically filed a document with the District Court, any other attorney or law firm representing a party in the case and any party designated by the District Court may also electronically file documents in the case after registering with the Designated Provider. Registered attorneys and parties may also electronically serve documents on other registered attorneys in such cases provided that the attorney or party to be served has designated an e-mail address for receiving electronic service in the E-Filing System after the District Court has accepted the initial filing in the case. The District Court may electronically file and serve on registered attorneys and parties any judgments, orders, notices or other documents prepared by the District Court in such cases provided that the attorney or party to be served has designated an e-mail address for receiving electronic service in the E-Filing System after the District Court has accepted the initial filing in the case. Electronic filing and electronic service shall be accomplished through the Designated Provider’s Internet-accessible electronic filing and service system (“E-Filing System”).

2. **Registration and Designation of E-Mail Address for Service.** An attorney, firm or party is registered with the Designated Provider when they have entered into a subscriber agreement with the Designated Provider and obtained a E-Filing System user identification and password generated according to the

b. **Attorney or Declarant Signature.** A document electronically filed or served using the E-Filing System shall be deemed to have been signed by the attorney or declarant and shall bear a facsimile or typographical signature of such person, along with the typed name, address, telephone number, and attorney registration number of a signing attorney. Typographical signatures of an attorney or declarant shall be treated as a personal signature and shall be in the form: /s/ *John L. Smith.*

c. **Notary Signature, Stamp.** A document electronically filed or served using the E-Filing System that requires a signature of a notary public shall be deemed signed by the notary public if, before filing or service, the notary public has signed a printed or electronic form of the document and the electronically filed or served document bears a facsimile or typographical notary signature and stamp.

d. **Perjury Penalty Acknowledgement.** A document electronically filed or served using the E-Filing System that requires a signature under penalty of perjury is deemed signed by the declarant if, before filing or service, the declarant has signed a printed form of the document and the electronically filed or served document bears the declarant's facsimile or typographical signature.

e. **Certification; Retention.** By electronically filing or submitting a document using the E-Filing System, the registered attorney or party filing or serving is indicating compliance with the signature requirements of this order, and the signatures on the document shall have the same legal effect as the signatures on the original document. A registered attorney or party electronically filing or serving a document using the E-Filing system shall maintain the original document bearing actual signatures, if in paper form, or electronic signatures if the original is in electronic form and shall make the original document available upon reasonable request of the District Court, the signatories, or other parties.

6. **Time of Filing; Fees.** A document that is electronically filed under this order is deemed to have been filed by the court administrator on the date and time of its transmittal to the District Court through the E-Filing System, and the filing

designation of any document incorrectly designated as sealed or confidential. It is the responsibility of the parties to seek advance approval from the District Court for submitting a document as sealed or confidential if that document is not already inaccessible to the public under the Rules of Public Access to Records of the Judicial Branch or other applicable law, court rules or court order.

9. **Records: Official; Appeal; Certified Copies.** For purposes of this pilot project, documents electronically filed with the District Court under this order are official court records and may be transmitted as the record on appeal subject to procedures established by the Clerk of the Appellate Court. Certified copies shall be issued in the conventional manner.

10. **Access to E-Filing System.** A document electronically filed or served using the E-Filing System under this order shall be accessible as provided in the applicable court rules and statutes, including the Rules of Public Access to Records of the Judicial Branch, provided that such a document may be made remotely accessible to the person filing or serving the same, and the recipient of the same, on the E-Filing System for the period designated by the District Court, and on the District Court's case management system to the extent technically feasible.