

4th Judicial District Civil Division CourtCall Pilot Business Rules and Procedures

Pilot time-frame: October 19, 2015 – Ongoing

The Fourth Judicial District Court’s Civil Division values accessible, cost-effective and efficient practices. In an effort to reduce costs and improve accessibility, the district will pilot the use of CourtCall for Civil Division cases only assigned to pilot program judges.

Authority:

1. Minnesota General Rules of Practices, Title II. Rules governing civil actions: **Rule 115.09 Telephone Hearings:**
“When a motion is authorized by the court to be heard by telephone conference call, the moving party shall be responsible either to initiate the conference call or to comply with the court’s instructions on initiation of the conference call. If necessary, adequate provision shall be made by the court for a record of the telephone hearing. No recording shall be made of any telephone hearing except the recording made as the official court record.”
2. These Civil Division Business Rules.

Pilot Judges and wired Courtrooms:

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| 1. Judge Abrams | C1659 |
| 2. Judge Browne | C953 |
| 3. Judge S. Burke | C1853 |
| 4. Judge Dawson | As assigned, Chambered on floor C-15 |
| 5. Judge Dickstein | C1556 |
| 6. Judge Robiner | C1756 |
| 7. Judge Vasaly | C1955 |

Scheduling and Notice:

1. For telephone hearings, counsel may use CourtCall, or the Court may direct the use of CourtCall. For video conferences, CourtCall must be used unless otherwise ordered by the Court.
2. CourtCall facilitates the remote appearances of persons at hearings that have already been scheduled by regular means before the pilot judges in the Fourth Judicial District Court’s Civil Division. Generally, CourtCall can be used for routine matters, but actual allowed use will be set by each judge and made available through CourtCall.
3. Persons wishing to appear by CourtCall must receive permission from the assigned judge by calling their chambers staff prior to notifying other parties.
4. Refer to the judge’s scheduling order to determine which types of hearings are allowed using CourtCall. In the absence of such direction in the scheduling order, counsel should contact the assigned judge’s staff.
5. Remote appearances must be arranged by contacting CourtCall by phone at (888) 882-6878 or online at www.courtcall.com after receiving permission of the court.

6. Persons electing to make a telephone appearance shall notify all parties of the same either contemporaneously with any written notice of motion, any response to the motion, or as soon as possible prior to the appearance or as directed by the court. Except in unexpected situations, notification by the moving party should be made at least 7 days in advance, so that other parties can elect to do the same. Nothing in these business rules shall be construed as modifying the applicability of any and all other applicable rules.

Telephone/Video Appearance Procedure:

1. It is the responsibility of the person making a remote appearance to access the conference no later than five (5) minutes prior to any scheduled hearing(s).
2. Persons appearing telephonically shall state their name for the record each time they speak and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance.
3. To ensure the quality of the record, the use of car phones, cellular phones, speakerphones, public telephone booths, or phones in other public places is discouraged.
4. If a person schedules a remote appearance and then fails to respond when the matter is called, the Court may treat the failure to respond as a failure to appear. Scheduling simultaneous remote appearances in multiple courts does not excuse a failure to appear. The Court will attempt to accommodate reasonably all persons attempting to appear before the Court in multiple courtrooms within our District.

Costs:

1. CourtCall is an independent service provider. By using the services of CourtCall, individuals are knowingly entering into a service agreement and are subject to follow any additional terms and conditions imposed by CourtCall and shall be solely responsible for any costs or other expenses incurred for those services provided. Under no circumstance shall the Court bear any costs for any remote appearance. CourtCall charges each participant a flat fee of \$65.00 for each telephonic appearance and \$75.00 for telephonic and video appearances. There are no subscription fees.

Rejections, Refunds, and Suspension of Privileges:

1. Parties and counsel are solely responsible for compliance with the Court's rules and procedures for remote appearances. The Court reserves the right, at any time, to reject any remote appearance in violation of these protocols or as otherwise necessary for the administration of justice. When the Court rejects a remote appearance, it shall order a refund of the deposited remote appearances fees and send notice of the same to CourtCall.
2. The Court shall also reserve the right to halt any remote appearance on any matter and order the attorneys to personally appear at a later date and time, in which case no refund is permitted, unless otherwise ordered by the court.
3. The Court reserves the right and sole discretion to suspend any person's ability to appear remotely using CourtCall's services.