

FILED

JAN 4 2012

STATE OF MINNESOTA
COUNTY OF HENNEPIN

~~DIST. COURT~~
~~PROSTATE~~

DISTRICT COURT
PROSTATE/MENTAL HEALTH DIVISION
FOURTH JUDICIAL DISTRICT

**STANDING ORDER RE:
REVIEW OF MEDICAL
RECORDS BY COURT-
APPOINTED EXAMINERS**

Background

The Fourth Judicial District Court, in conjunction and cooperation with Hennepin County has established a process of case conferencing for Mental Health commitment cases that has served this Court well for many years.

The process is as follows: if no suppression has been demanded by one-half hour prior to the scheduled examination, the Court-Appointed Examiner has been given access to the available medical records provided to the Court, to allow the Examiner to begin reviewing the records so that the Examiner can complete a timely report to the Court and counsel.

This general practice has been recognized and memorialized in paragraph 3 of the Order for Medical Records form used by the Court dating back to at least June 2005. That Order states "If no Suppression Hearing is demanded by one-half hour prior to the scheduled examination, the Clerk will deliver the third copy to the First Examiner; if a Suppression Hearing is demanded, the Clerk will deliver the third copy to the First Examiner after it has been expurgated of such parts, if any, as may be found by the Court after the Suppression Hearing to be "not relevant and germane."¹

It will be useful to memorialize this practice in a standing order.

Now therefore, **IT IS ORDERED** by the Court that:

1. Court-Appointed Examiners may begin a review of the available medical records provided to the Court if no written motion for a suppression hearing has been filed with Court one-half hour prior to the scheduled time of the examination;
2. If there is a successful motion to suppress records and the objectionable records have been reviewed by the examiner, either attorney shall have the right to request that a different examiner be appointed to the case to replace

¹ The language of this Order is slightly different from its application. In practice, the Examiner typically reviews records provided by the County Attorney or the Respondent's attorney rather than having the clerk prepare a third set.

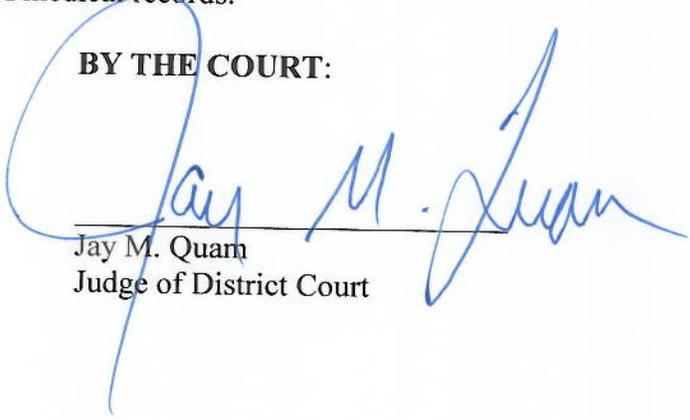
any examiner who has reviewed the objectionable records. The request must be made promptly and upon receipt of the Order suppressing the records.

3. Court Administration is directed to update the Order for Medical Records to remove references to a third copy of medical records.

Dated:

1-4-12

BY THE COURT:



Jay M. Quam
Judge of District Court