

JUL 25 2012

FILED

STATE OF MINNESOTA

IN SUPREME COURT

ADM10-8049

ADM10-8011

ORDER AUTHORIZING E-FILING/E-SERVICE
PILOT PROJECT IN CRIMINAL CASES

The eCourtMN Steering Committee has requested the authorization of a pilot project to test the feasibility of electronic filing and electronic service of certain documents in criminal cases. The Supreme Court Advisory Committee on the Rules of Criminal Procedure has recommended rules amendments and pilot project requirements to accommodate the eCourtMN pilot project in criminal cases. The Court has reviewed the proposal and is advised in the premises.

IT IS ORDERED THAT:

1. Select district courts designated by the State Court Administrator are hereby authorized to conduct a pilot project (“Pilot Project”) pursuant to the attached Criminal E-Filing Pilot Project Provisions.

2. The Pilot Project is anticipated to be carried out in several phases at district courts of varying sizes and locations throughout the state.

3. The Pilot Project shall test the feasibility and impact of electronic filing and electronic service of certain documents by the court, attorneys, government agencies, and parties in criminal cases. The district courts involved in the Pilot Project shall report to the eCourtMN Steering Committee periodically as requested by that Committee and to

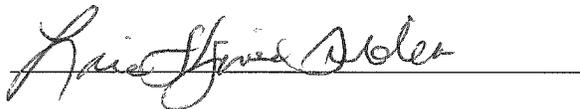
the Supreme Court as the Court shall direct. The reports shall address the feasibility and impact of electronic filing and service of documents in criminal cases.

4. To the extent of any conflict between the terms of this order and its attached Pilot Project Provisions and the provisions of the Rules of Criminal Procedure, the General Rules of Practice for the District Courts, the Rules of Civil Appellate Procedure, and the Rules of Public Access to Records of the Judicial Branch, the terms of this order and its attached Pilot Project Provisions shall prevail.

5. The Pilot Project Provisions and this order shall be effective September 1, 2012, and shall continue until further order of the Court. The Pilot Project Provisions shall apply to all actions or proceedings pending or commenced on or after the effective date.

Dated: July 25, 2012

BY THE COURT:

A handwritten signature in cursive script, reading "Lorie S. Gildea", is written over a horizontal line.

Lorie S. Gildea
Chief Justice

**PILOT PROJECT PROVISIONS FOR E-FILING AND E-SERVICE
IN CRIMINAL MATTERS**

1a. **Who May Electronically File and Serve.** During the Pilot Project, attorneys, government agencies, and parties designated by the State Court Administrator in consultation with the district court may, upon registering with the electronic filing service provider designated by the State Court Administrator (“Designated Provider”), electronically file documents other than charging documents¹ with the district courts designated by the State Court Administrator (“District Courts”). Electronic filing and electronic service shall be accomplished through the Designated Provider’s Internet-accessible electronic filing and service system (“E-Filing System”).

Registered attorneys, government agencies, and parties may electronically serve documents on other registered attorneys, government agencies, and parties in criminal cases provided that the attorney, government agency, or party to be served has designated an e-mail address for receiving electronic service in the E-Filing System.

The District Courts may electronically file and serve any orders, notices, including notice of entry of an order under Minn. R. Crim. P. 33.03, or other documents in criminal cases provided that the attorney, government agency, or party to be served has designated an e-mail address for receiving electronic service in the E-Filing System.

1b. **What Documents May Be Electronically Transmitted; Alternative Method.** In addition to motions, notices, and similar papers required to be served and filed under Minn. R. Crim. P. 33, other documents may be electronically filed, provided, forwarded, or transmitted under this Order. Such documents include: (a) the guidelines worksheet and presentence investigation reports under Minn. R.

¹ Electronic filing of charging documents is governed by Minn. R. Crim. P. 1.06, and is not governed by these Pilot Project Provisions.

Crim. P. 27.03, subd. 1(B)(5), and Minn. Stat. § 609.115, subd. 4; (b) the documents under Minn. R. Crim. P. 33.05; and (c) the sentencing order and warrant of commitment under Minn. R. Crim. P. 27.03, subd. 7, and Minn. Stat. §§ 243.49 and 631.41. Additionally, if authorized by the State Court Administrator in consultation with the District Court, the documents described in clauses (a)-(c) may be electronically filed with the District Court or forwarded or transmitted to government agencies via Court Integration Services. Court Integration Services facilitates application-to-application electronic exchange of data between the court and its business partners; government agencies may register for Court Integration Services under the process established by the State Court Administrator.

2. **Registration and Designation of E-Mail Address for Service.** An attorney, government agency, or party is registered with the Designated Provider when they have entered into a subscriber agreement with the Designated Provider and obtained an E-Filing System user identification and password generated according to the Designated Provider's protocols. Registered attorneys, government agencies, or parties electronically filing documents shall diligently monitor the E-Filing System filing queue, and designate in the E-Filing System an e-mail address for receiving electronic service, as directed by the District Court. Registered attorneys, government agencies, and parties who have used the E-Filing system for a case shall maintain a designated e-mail address for receiving electronic service until all applicable appeal periods have expired for the case.

3. **Document Format.** Documents filed electronically shall be in the format required by Minn. Gen. R. Prac. 14.03.

4. **Effect of Electronic Filing or Service.** A document electronically filed or served by the District Court or a registered attorney, government agency, or party under this order has the same legal effect as an original document filed or served in paper form.

5. **Signatures.**

a. **Applicability of General Rules of Practice.** The provisions of Minn. Gen. R. Prac. 14.04, clauses (a) through (d) apply to all documents electronically filed and served using the E-Filing System.

b. **Certification; Retention.** By electronically filing or submitting a document using the E-Filing System, the registered attorney, government agency, or party filing or serving is certifying compliance with the signature requirements of the applicable rules, and the signatures on the document shall have the same legal effect as the signatures on the original document. A registered attorney, government agency, 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 these provisions is deemed to have been filed with the court administrator on the date and time of its transmittal to the District Court through the E-Filing System, and the filing shall be stamped with this date and time subject to acceptance by the court administrator. If the filing is not subsequently accepted by the court administrator (e.g., for nonpayment of all applicable fees, attempted filing into the wrong case, or clearly incorrect venue as indicated in the caption), the date stamp shall be removed and the document electronically returned to the person who filed it. The District Court shall establish procedures for payment of any applicable fees electronically.

7. **Effective Date of Service; Proof.**

a. **Service via E-Filing System.** Except when service is otherwise prohibited, service by authorized electronic means using the court's E-Filing System as defined by Minn. Gen. R. Prac. 14 is complete:

(1) upon completion of the electronic transmission of the document(s) to the E-Filing System if the E-Filing System service command is used; and

(2) upon acceptance of the electronic filing by the court, as provided in Rule 14, if the E-Filing System joint service and filing command is used.

b. **Technical Errors; Relief.** A motion for relief because of a technical error may be made, and relief may be granted, as provided in Minn. Gen. R. Prac. 14.01(f).

c. **Proof of Service.** Proof of service of documents served using the E-Filing System is governed by Minn. Gen. R. Prac. 14.05.

8. **Sealed and Confidential Documents.** Minn. Gen. R. Prac. 14.06 governs electronic filing of sealed and confidential documents, except that during this pilot, a document to be filed under seal or as confidential may be filed in paper form if required or permitted by the court, and a motion to file a document in paper form under seal or as confidential may, but is not required to be, filed and served electronically.

9. **Records: Official; Appeal; Certified Copies.** Minn. Gen. R. Prac. 14.07 applies to documents electronically filed under this Order.

10. **Access to Documents.** A document electronically filed or served under these provisions shall be accessible as provided in the applicable court rules and statutes, including the Rules of Public Access to Records of the Judicial Branch.