

STATE OF MINNESOTA

IN SUPREME COURT

C2-87-1853

Order Regarding the
Experimental Use of
Facsimile Transmission

WHEREAS, the Supreme Court has the inherent and statutory authority pursuant to Minn.Stat. §2.724, subdivision 4; Minn. Stat. §§480.05; .051; .059; .0591; and .0595 to regulate pleadings, practice, and procedure in the trial courts of this state; and,

WHEREAS, the Supreme Court shares the concerns expressed in the legislature and in various public hearings for the need for access to judges, particularly in emergency situations; and,

WHEREAS, all appropriate means must be used to enhance accessibility to limited judicial resources; and,

WHEREAS, the non-emergency use of facsimile transmission may also benefit practitioners and litigants;

NOW, THEREFORE, IT IS HEREBY ORDERED that the use of facsimile transmissions is allowed on an experimental basis subject to the following conditions:

(1) Equipment. Facsimile transmission equipment owned or operated by any official of the courts of the State of Minnesota shall conform to standards prepared by the State Court Administrator's Office. This rule is not intended to preclude facsimile transmission by equipment owned or operated by persons other than officials of the courts of this state.

(2) Issuance of Orders or Warrants.

(a) Facsimile transmissions may be used in the following circumstances only where time is of the essence and no local judge is available:

- (i) Criminal matters for the issuance of arrest or search warrants;
- (ii) Juvenile matters for the issuance of orders or warrants for taking a juvenile into custody and for the release or detention of the juvenile;
- (iii) Family matters for the issuance of ex-parte temporary orders for protection; and,
- (iv) Civil cases for the issuance of temporary restraining orders.

(b) All procedural and statutory requirements for the issuance of a warrant or order, including the making of

a record of the proceedings, shall be met. Written affidavits may be transmitted by facsimile or the court may accept a sworn reading of the affidavit in lieu thereof.

(c) For all procedural and statutory purposes, the facsimile shall have the same force and effect as the original.

(d) The issuing court shall mail the original, along with any other documents, including affidavits, to the court administrator of the county where the request originated.

(e) The issuing court shall notify the district administrator of the transmission of any facsimile, including the name of the requesting county, the name of the issuing county, and the nature of the warrant or order.

(3) Electronic Filing. Any document may be filed with any court by facsimile transmission. The place of filing shall be deemed to be the place where the transmission is received. The document made at the receiving station shall be deemed the original filing and shall be so marked. The receiving official shall sign the document as having been received and filed. The original document shall thereafter be transmitted to the appropriate court with a notation that a facsimile was filed and the date of filing.

(a) The sending party, if an official of the courts of the State of Minnesota, shall:

(i) Collect from the party wishing to file a document by facsimile transmission the applicable filing fee of the receiving court;

(ii) Notify the receiving court at the time of transmission that all applicable filing fees have been paid and transmit those fees to the court administrator of the receiving court; and,

(iii) Collect from the party wishing to file a document by facsimile transmission a transmission fee established by local court rule or order, which fee shall take into consideration the costs associated with facsimile transmission including, but not limited to, long distance telephone charges.

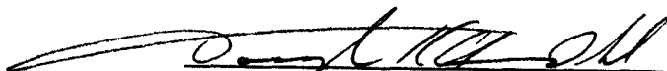
(b) If an official of the courts of the State of Minnesota is not the sending party, arrangements for payment of applicable filing fees shall be the responsibility of the party wishing to file by facsimile transmission.

(4) Reporting. The district administrator shall monitor and report the use of facsimile transmissions to the chief judge of the district and to the state court administrator.

(5) Duration. The experimental period as provided in this order shall run from October 1, 1987 to September 30, 1988. At the end of this period, the Supreme Court shall conduct a public hearing to consider issues raised by the use of facsimile transmissions and to make such further orders as it deems appropriate.

Dated September 21, 1987.

BY THE COURT



Douglas K. Amdahl
Chief Justice

OFFICE OF
APPELLATE COURTS

SEP 21 1987

FILED