STATE OF MINNESOTA

IN SUPREME COURT

CX-89-1863

In re: Supreme Court Advisory Committee
on General Rules of Practice

Recommendations of Minnesota Supreme Court Advisory Committee on General Rules of Practice

Final Report

December 13, 1993

Hon. A. M. Keith, Chair

G. Barry Anderson, Hutchinson
Hon. Russell A. Anderson, Crookston
Steven J. Cahill, Moorhead
Hon. Lawrence T. Collins, Winona
Hon. James D. Gibbs, Anoka
Daniel A. Gislason, New Ulm
Joan M. Hackel, Saint Paul
Charles T. Hvass, Jr., Minneapolis
Phillip A. Kohl, Albert Lea
Hon. Roberta K. Levy, Minneapolis
Hon. Margaret M. Marrinan, Saint Paul
Timothy L. Ostby, Montevideo
Hon. John T. Oswald, Duluth
Gerald J. Winter, Hastings

David F. Herr, Minneapolis
Reporter

Michael B. Johnson, Saint Paul
Staff Attorney

ADVISORY COMMITTEE ON GENERAL RULES OF PRACTICE

SUMMARY OF COMMITTEE RECOMMENDATIONS

Pursuant to this Court's November 1, 1993, Order appointing the full complement of this Advisory Committee, the committee met on December 9, 1993, to consider various amendments, proposals, and comments received from the bench and bar and from members of the public. At that meeting, the following amendments were considered, modified and were approved for recommendation to this Court.

In addition to a few minor technical corrections, these recommendations include substantive amendments summarized as follows:

- Proceedings to stay or compel arbitration are exempted from the case scheduling rules since they are typically heard as motions. [Proposal 2].
- Uniform exhibit numbering is established by rule. [Proposal 4].
- The minor settlement rule would allow the court to rely on medical records in lieu of a report. [Proposal 6].
- Form 3 of the family court rules is amended to conform to statutory amendments. [Proposal 8].
- Suspension of bail bonding privilege is made statewide, rather than district-by-district. [Proposal 9]

In addition to these changes, a few changes are made that are intended to refine the operation of the existing rules. These are neither mere error corrections nor significant substantive change. They include:

- The rule governing cameras in courthouses allows the districts to designated portions of courthouses to be "camera-free" by order, not published local rule. [Proposal 1].
- Post-trial motions in family court are exempted from the timing requirements of the rules. [Proposal 7].
- The jury management rules are modified to incorporate a statutory change and to clarify their phrasing. [Proposal 10].

The Tenth District has requested approval of a modification of its Local Rule 14 on Juvenile Court proceedings. The committee reviewed the proposed change, and recommends its approval.

The committee also considered proposals that it did not feel should be recommended to the court. One of these proposals would have court administrators, rather than counsel, be responsible for giving notice of all hearings. This proposal was viewed as unnecessary and unduly cumbersome. Another suggestion would allow parents or guardians to remove funds from minor settlements to pay income taxes on the earnings from the settlement proceeds without court supervision. This suggestion was viewed too prone to abuse and is not recommended.

Finally, the committee considered the effective date of these amendments, and recommends that these rules should be made effective on January 1, 1994, if the Court can give them proper consideration by that time.

The committee will continue to monitor the functioning of the Minnesota General Rules of Practice and consider all public comments that may be received.

Dated: December 13, 1993.

Respectfully submitted,

MINNESOTA SUPREME COURT
ADVISORY COMMITTEE ON GENERAL
RULES OF PRACTICE

PROPOSAL 1: Rule 4 should be amended to clarify the right of local courts to specify camera-free areas by order, not local rule.

Rule 4 Pictures and Voice Recordings

No pictures or voice recordings, except the recording made as the official court record, shall be taken in any courtroom, area of a courthouse where courtrooms are located, or other area designated by ~~published local rule~~ order of the chief judge made available in the office of the court administrator, during a trial or hearing of any case or special proceeding incident to a trial or hearing, or in connection with any grand jury proceedings.

This rule shall be superseded by specific rules of the Minnesota Supreme Court relating to use of cameras in the courtroom or use of videotaped recording of proceedings to create the official recording of the case.

Advisory Committee Comment--1994 Amendments

This rule is derived from the current local rules of three districts.

It appears that this rules is desired by the benches of three districts and it may be useful to have an articulated standard for the guidance of lawyers, litigants, the press, and the public.

The Supreme Court has adopted rules allowing cameras in the courtrooms in limited circumstances, and it is inappropriate to have a written rule that does not accurately state the standards which lawyers are expected to follow. *See In re Modification of Canon 3A(7) of the Minnesota Code of Judicial Conduct*, No. C7-81-300 (Minn. Sup. Ct. May 22, 1989). The court has ~~recently~~ ordered an experimental program for videotaped recording of proceedings for the official record in the Third, Fifth and Seventh Judicial Districts. *In re Videotaped Records of Court Proceedings in the Third, Fifth, and Seventh Judicial Districts*, No.C4-89-2099 (Minn. Sup. Ct. Nov. 17, 1989) (order). The proposed local rule is intended to allow the local courts to comply with the broader provisions of the Supreme Court Orders, but to prevent unauthorized use of cameras in the courthouse where there is no right to access with cameras.

This is amended in 1994 to make it unnecessary for local courthouses to obtain Supreme Court approval of formal local rules designating areas of courthouses off limits to cameras. The reason for allowing local determination of this issue is the great architectural diversity of Minnesota courthouses and the recognition that the need for changes in the camera-free areas as space use changes, construction or remodeling, or other changes occur. There is no need for formal rulemaking nor Supreme Court approval of these rules. Any order designating areas of a courthouse pursuant to this rule should be posted or available in the court administrator's office. There is no reason for publication of this order so long as it is readily available to members of the press or others interested in this issue.

PROPOSAL 2: Rule 111 should be amended to exempt motions to compel or stay arbitration from the case scheduling provisions

Rule 111 Scheduling of Cases

Rule 111.01 Scope. The purpose of this rule is to provide a uniform system for scheduling mattes for disposition and trial in civil cases, excluding only the following:

(a) Conciliation court actions and conciliation court appeals where no jury trial is demanded;

(b) Family court matters governed by Minn. Gen. R. Prac. 301 through 312;

(c) Public assistance appeals under Minn. Stat. § 256.045, subd. 7;

(d) Unlawful detainer actions pursuant to Minn. Stat. §§ 566.01, et seq.;

(e) Implied consent proceedings pursuant to Minn. Stat. § 169.123;

(f) Juvenile court proceedings;

(g) Civil commitment proceedings subject to the Special Rules of Procedure Governing Proceedings Under the Minnesota Commitment Act of 1982;

(h) Probate court proceedings;

(i) Periodic trust accountings pursuant to Minn. Gen. R. Prac. 417;

(j) Proceedings under Minn. Stat. § 609.748 relating to harassment restraining orders; and

(k) Proceedings for registration of land titles pursuant to Minn. Stat. ch. 508;

(l) Election contests pursuant to Minn. Stat. ch. 209.;

(m) Applications to compel or stay arbitration under Minn. Stat. ch. 572.

The court may invoke the procedures of this rule to any action where not otherwise required.

* * *

Advisory Committee Comment--1994 Amendments

This rule is new. This rule is intended to establish a uniform, mandatory practice of dealing with scheduling in every case by some court action. The rule does not establish, however, a single means of complying with the scheduling requirement nor does it set any rigid or uniform schedules. In certain instances, other rules establish the event giving rise to the requirement that the scheduling procedures be followed. *See, e.g.*, Rule 141. (condemnation scheduling triggered by appeal of commissioner's award); 144.01 (wrongful death scheduling triggered by filing paper in wrongful death action, not proceedings for appointment of trustee). Because applications to compel or stay arbitrations are, by statute, authorized to be handled by the District Court in a summary matter and without the commencement of a separate action, it is appropriate that they be exempted from the formal case scheduling requirements of Rule 111.

Although the rule allows parties to submit scheduling information separately, this information may also be submitted jointly and required to be submitted jointly. In many cases, the efficient handling of the case may be fostered by the parties meeting to discuss scheduling issues and submitting a joint statement.

The rule contemplates establishment of a separate deadline for completion of an independent medical examination because the Task Force believes that it is frequently desirable to allow such an examination to take place after the conclusion of other discovery. The rule does not create any specific schedule for independent medical examinations, but allows, and encourages, the court to consider this question separately. The timing of these examinations is best not handled by rigid schedule, but rather, by the exercise of judgment on the part of the trial judge based upon the views of the lawyers, any medical information bearing on timing and the status of other discovery, as well as the specific factors set forth in Minn. R. Civ. P. 35. The Task Force considered a new rule expressly to exempt the use of requests for

admissions pursuant to Minn. R. Civ. P. 36 from discovery completion deadlines in the ordinary case. The Task Force determined that a separate rule exempting requests for admissions from discovery deadlines in all cases was not necessary, but encourages use of extended deadlines for requests for admissions in most cases. The primary function served by these requests is not discovery, but the narrowing of issues, and their use is often most valuable at the close of discovery. *See* R. Haydock & D. Herr, *Discovery Practice* § 7.2 (2d ed. 1988). Because requests for admissions serve an important purpose of narrowing the issues for trial and resolving evidentiary issues relating to trial, it is often desirable to allow use of these requests after the close of other discovery.

PROPOSAL 3: Rule 112 should be amended to allow the filing of a separate statement of the case where the plaintiff cannot obtain cooperation of the other parties.

Rule 112 Joint Statement of the Case

Rule 112.01 When Required. As a case progresses, the court may find it advisable to implement the scheduling order and procedures of Minn. Gen. R. Prac. 111 by requiring the parties to report on the status of the case. This report shall be made in the form entitled Joint Statement of the Case (see Form 112.01 appended to these rules). The court may also choose to direct the filing of separate statements of the case. If the parties are directed to file a joint statement of the case, the plaintiff shall initiate and schedule the meeting and shall be responsible for filing the Joint Statement of the Case within these time limits. If the plaintiff is unable to obtain the cooperation, after genuine efforts, of the other parties in preparing a Joint Statement of the Case, the plaintiff may file a separate statement together with an affidavit setting forth the efforts made and reasons why a joint statement could not be filed.

* * *

Advisory Committee Comment--1994 Amendment

This rule is new. The procedures implemented by this rule supplement the procedures of Rule 111.

The rule does not require that a joint statement of the case be used. The court can direct the parties to file separate statements, although the same format should be followed for such separate statements of the case.

The requirement that the parties confer to prepare a statement does not require a face-to-face meeting; the conference can be by telephone if that is suited to the needs of the particular case.

The final sentence of Rule 112.01 is added to provide a mechanism for the plaintiff ordered to file a Joint Statement of the Case but unable to obtain cooperation of the opposing parties. Although the rule as originally drafted did not place an undue burden on the plaintiff, the trial courts have occasionally done so when the plaintiff's opposing parties have thwarted the preparation of the Statement of the Case and prevented its filing. The amendment allows the plaintiff to proceed individually in that circumstance.

PROPOSAL 4: A typographical error should be corrected in Rule 115.

Rule 115 Motion Practice

* * *

Rule 115.05 Page Limits. No memorandum of law submitted in connection with either a dispositive or nondispositive motion shall exceed 35 pages, exclusive of the recital of facts required by Minn. Gen. R. Prac. 115.03~~(c)~~(d)(3), except with permission of the court. For motions involving discovery requests, the moving party's memorandum shall set forth only the particular discovery requests and the response or objection thereto which are the subject of the motion, and a concise recitation of why the response or objection is improper. If a reply memorandum of law is filed, the cumulative total of the original memorandum and the reply memorandum shall not exceed 35 pages, except with permission of the court.

* * *

Advisory Committee Comment--1994 Amendments

[Correction of typographical error only. No commentary required.]

PROPOSAL 5: Uniform exhibit numbering should be established by mandatory rule.

Rule 130 Exhibit Numbering. Exhibits proposed by any party shall be marked in a single series of arabic numbers, without designation of the party offering the exhibit. Exhibit numbers may be consecutive or may be preassigned in blocks to each party. If adhesive exhibit labels are used, they shall be white with black printing.

Advisory Committee Comment--1994 Amendments

This new rule requires a uniform method of marking exhibits, without the cumbersome prefixes that are frequently now encountered. The Task Force believes that a uniform numbering system will benefit the courts and litigants. The new system will permit exhibits to be used without labeling to show "ownership" or "lineage" of the exhibit. This system will also facilitate numbering of exhibits in multi-party cases, where the current practice creates complicated numbers at trial and burdensome citations on appeal. Attorneys and judges with experience in using this system believe it works fairly, predictably, and efficiently. The rule permits flexibility in assignment of exhibit numbers, allowing them to be issued seriatim at trial or in blocks of numbers assigned to each party prior to trial. The rule requires uniform exhibit labels to prevent any uncertainty or wasted effort by parties attempting to obtain a perceived advantage in identifying "ownership" of exhibits through the color of labels.

TRIAL BOOK AMENDMENT

Section 12. Exhibits

* * *

~~**(d) Uniform Methods of Marking Exhibits.** Exhibits proposed by any party shall be marked in a single series of arabic numbers, without designation of the party offering each exhibit. Exhibit numbers may be consecutive or may be pre-assigned in blocks to each party.~~

(~~e~~d) Collections of Similar and Related or Integrated Documents. * * *

(~~f~~e) Oral Identification of Exhibits at First Reference. * * *

(~~g~~f) When Exhibits to Be Given to Jurors. * * *

(~~h~~g) Exhibits Admitted in Part. * * *

(~~i~~h) Evidence Admitted for a Limited Purpose. * * *

Advisory Committee Comment--1994 Amendment

Subsection (a) is derived from existing Trialbook ¶ 37.
Subsection (b) is derived from existing Trialbook ¶ 38.
Subsection (c) is derived from existing Trialbook ¶ 39.
~~Subsection (d) is derived, with change, from existing Trialbook ¶ 40.~~
Subsection ~~(e)~~(d) is derived from existing Trialbook ¶ 41.

Subsection ~~(f)~~(e) is derived from existing Trialbook ¶ 42.

Subsection ~~(g)~~(f) is derived from existing Trialbook ¶ 19.

Subsection ~~(h)~~(g) is derived from existing Trialbook ¶ 20.

Subsection ~~(i)~~(h) is derived from existing Trialbook ¶ 21.

~~The change made in subsection (d) expands on the uniformity attempted in the existing Trialbook. This new section requires a uniform method of marking exhibits, without the cumbersome prefixes that are frequently now encountered. The Task Force believes that a uniform numbering system will benefit the courts and litigants. The new system will permit exhibits to be used without labeling to show "ownership" or "lineage:" of the exhibit. This system will also facilitate numbering of exhibits in multi-party cases, where the current practice creates complicated numbers at trial and burdensome citations on appeal. Lawyers and judges with experience in using this system believe it works fairly, predictably, and efficiently. The section permits flexibility in assignment of exhibit numbers, allowing them to be issued seriatim at trial or in blocks of numbers assigned to each party prior to trial.~~

Former subsection (d) is deleted because uniform exhibit marking is now covered by Minn. Gen. R. Prac. 130, a new rule effective on the same date. The remaining sections are renumbered for convenience.

The provisions of subsection ~~(g)~~(f) are not intended to limit in any way the discretion of the trial court as to what evidence is allowed to go to the jury room. Any evidence that is fragile, perishable, or hazardous may properly not be allowed into the jury deliberation room.

PROPOSAL 6: Medical records showing the nature of injuries and extent of recovery should be permitted in lieu of a report in minor settlements.

Rule 145 Actions on behalf of minors and incompetent persons

****

145.02 Contents and filing of petition.

*** * ***

(c) An attached affidavit, letter or records of a health care provider showing the nature of the injuries, the extent of recovery, and the prognosis if the court has not already heard testimony covering these matters.

Advisory Committee Comment--1994 Amendments

This rule is derived from Minn. Stat. § 540.08 (1990) and Rule 3 of the Code of Rules for the District Courts.

The Task Force considered it a thoughtful recommendation that a minor's social security number be required to be included on all minor settlement petitions. Such a requirement would make it easier to locate a minor at the time of reaching majority. The Task Force ultimately concluded, however, the privacy interests dictate that the inclusion of this number should not be mandatory. The information may nonetheless be required by the financial institution with which the funds are deposited, and many lawyers will routinely include it in petitions in order to facilitate locating the minor should the need arise.

The 1994 amendment of Rule 145.02(c) allows the filing of medical records in lieu of a full report of each health care provider where those records provide the information necessary to evaluate the settlement. This may be especially appropriate where the injuries are not severe, or where the cost of obtaining reports would represent a substantial portion of the settlement proceeds. The court can, in any case, require any further information or reports deemed necessary to permit the court to discharge its duty to evaluate the overall fairness of the settlement to the minor.

Rule 145.02(d) is new. It is designed to advise the court of factors to take into consideration when approving or disapproving a settlement on behalf of the minor or incompetent person. Rule 145.02(e) is added in 1992 to provide the court in the petition the information necessary for the court to make the determination required by Rule 145.06(a). Although the parties are the obvious source of the cost information necessary to make the cost determination, the rule explicitly requires the petition to include this information. This information must be disclosed by the parties, and not only the party filing the petition, as often the tortfeasor will have the only accurate information on this subject.

Rule 145.03 is new. It addresses a situation where a tortfeasor or insurer has negotiated a settlement with a minor's family or guardian, and court approval of that settlement is necessary. Oftentimes the plaintiff does not wish to incur attorney's fees to obtain that approval, so as a part of the settlement, the tortfeasor or the insurer makes the arrangements to draft and present the petition. The court needs to be satisfied that the settlement is fair. The Task Force discussed at length whether or not a lawyer hired and paid by an insurer or tortfeasor should be permitted to represent the minor or incompetent person to obtain the approval of the court. It was decided that the petitioner should not be compelled to obtain counsel, and that "arranged counsel" may appear,

provided that there is full disclosure to the petitioner of the interests of the insurer or tortfeasor.

Rule 145.03(b) is new and is designed to provide a procedure for the court to obtain advice to evaluate the reasonableness of settlement. The court may appoint a lawyer selected by the petitioner or the court may designate a lawyer of its own choice. In either case, where a referral is made under this section, the lawyer accepting the referral may not represent the petitioner to pursue the claim, should the petition be denied by the court. Rule 145.03(d) provides that the cost of the consultation provided for in Rule 145.03(b) shall be born equally by the petitioner and the tortfeasor or insurer.

Finally, Rule 145.03(d) provides that any opinions rendered by a selected lawyer on behalf of the minor or incompetent persona re advisory only.

Rule 145.05(d) expands the types of investments that may be used in managing the settlement proceeds while retaining the requirements of security of investment. It incorporates Minn. Stat. § 540.08 (1990) regarding structured settlements, and it allows that settlements may include a medical assurance agreement. A medical assurance agreement is a contract whereby future medical expenses of an undetermined amount will be paid by a designated person or entity.

Rule 145.05(e)(5) requires that funds placed in certificates of deposit or other deposits with fixed maturities have those maturities adjusted so they do not mature after the age of majority. This rule places the burden on the financial institution by the notice to be included in the order for deposit.

Rule 145.06 is new. It establishes criteria for approval of structured settlements, and its requires the court to determine the cost of the annuity to insure that the periodic payments reflect a cost comparable to a reasonable settlement amount. Where a minor or incompetent receives a verdict representing future damages greater than $100,000.00 and the guardian determines that a structured settlement pursuant to Minn. Stat. § 549.25 (1990) would be in the best interests of the minor or incompetent person, this rule shall apply to the implementation of the election pursuant to the statute.

PROPOSAL 7: Post-trial motions in family court should also be exempted from the strict timing rules for other motions.

Rule 303 Motions; Ex Parte Relief; Orders to Show Cause; Orders and Decrees

* * *

Rule 303.03 Motion Practice.

(a) Requirements for Motions.

* * *

(5) *Post-Trial Motions.* The timing provisions of Section 303.03(a) do not apply to post-trial motions.

Family Court Rules Advisory Committee Commentary

Minn. Stat. § 518.131, subd. 8 grants a party the right to present oral testimony upon the filing of a demand either in the initial application for temporary relief or in the response thereto.

The party demanding oral testimony should provide a list of the proposed witnesses, the scope of their testimony and an estimate of the required time.

Advisory Committee Comment--1994 Amendments

Subdivisions (a)-(d) of this rule are new. They are derived from parallel provisions in new Rule 107.1 of the Code of Rules, and are intended to make motion practice in family court matters as similar to that in other civil actions as is possible and practical given the particular needs in family court matters.

Subdivision (e) of this rule is derived from Rule 2.04 of Rules of Family Court Procedure and from Second Judicial District Rules 2.041 and 2.042.

The requirement in subsection (c) of an attempt to resolve motion disputes requires that the efforts to resolve the matter be made before the hearing, not before bringing the motion. It is permissible under the rule to bring a motion and then attempt to resolve the motion. If the motion is resolved, subsection (d) requires the parties to advise the court immediately.

Rule 303.03(a)(5) is added by amendment to be effective January 1, 1994, in order to make it clear that the stringent timing requirements of the rule need not be followed on post-trial motions. This change is made to continue the uniformity in motion practice between family court matters and general civil cases, and is patterned on the change to Minn. Gen. R. Prac. 115.01(c) made effective January 1, 1993.

PROPOSAL 8: **Form 3 of the Rules of Family Court Procedure should be amended to conform to 1993 legislation.**

FORM 3. APPENDIX A.

NOTICE IS HEREBY GIVEN TO THE PARTIES:

* * *

VIII. JUDGMENTS FOR UNPAID SUPPORT. ~~IF A PERSON FAILS TO MAKE A CHILD SUPPORT PAYMENT, THE PAYMENT OWED BECOMES A JUDGMENT AGAINST THE PERSON RESPONSIBLE TO MAKE THE PAYMENT BY OPERATION OF LAW ON OR AFTER THE DATE THE PAYMENT IS DUE, AND THE PERSON ENTITLED TO RECEIVE THE PAYMENT OR THE PUBLIC AGENCY MAY OBTAIN ENTRY AND DOCKETING OF THE JUDGMENT **WITHOUT NOTICE** TO THE PERSON RESPONSIBLE TO MAKE THE PAYMENT UNDER~~ PURSUANT TO MINNESOTA STATUTES, SECTION 548.091:

A. If a person fails to make a child support payment, the payment owed becomes a judgment against the person responsible to make the payment by operation of law on or after the date the payment is due, and the person entitled to receive the payment or the public agency may obtain entry and docketing of the judgment **without notice** to the person responsible to make the payment.

B. Interest begins accruing on a payment or installment of child support whenever the unpaid amount due is greater than the current support due.

* * *

X. MEDICAL INSURANCE AND EXPENSES. ~~THE PERSON RESPONSIBLE TO PAY SUPPORT AND THE PERSON'S EMPLOYER OR UNION ARE ORDERED TO PROVIDE MEDICAL AND DENTAL INSURANCE AND PAY FOR UNCOVERED EXPENSES UNDER THE CONDITIONS OF MINNESOTA STATUTES, SECTION 518.171,~~ UNLESS OTHERWISE PROVIDED IN THIS ORDER OR ~~THE STATUTE~~ MINNESOTA STATUTES, SECTION 518.171:

A. The party with the better medical and dental insurance coverage and the party's employer or union shall provide medical and dental insurance under the conditions of section 518.171.

B. The person responsible to pay support shall pay for uncovered medical and expenses under the conditions of section 518.171.

A COPY OF ~~THIS STATUTE~~ SECTION 518.171 IS AVAILABLE FROM ANY COURT ADMINISTRATOR.

* * *

Advisory Committee Comment--1994 Amendments

Form 3 has been amended, and will continue to be amended, as the legislature continues to modify the statutes affecting this notice. *See Promulgation of Amendment to General Rules of Practice, Rules of Family Court, Form 3, Appendix A*, Nos. C9-85-1134 & CX-89-1863 (Minn. Sup. Ct. July 26, 1993). The changes to Form 3 contained in that order were required by 1993 Minn. Sess. Laws, ch. 322, §§ 13 & 16 and were effective August 1, 1993. The additional changes recommended by the advisory committee are intended to conform this form to the additional legislative enactments contained in 1993 Minn. Sess. Laws, ch. 340, §§ 21, 49, and 51.

PROPOSAL 9: Suspension of bail bonding privileges should be made state-wide.

Rule 702 Bail

* * *

(h) Bonding Privilege Suspension. A failure to make payment on a forfeited bail within ninety (90) days as above provided shall automatically suspend the surety and its agent from writing further bonds; and such suspension shall continue until the principal amount of the bond is deposited in cash with the court administrator. The suspension of bonding privileges under this rule shall apply throughout the State of Minnesota.

Advisory Committee Comment--1994 Amendments

This Rule is derived from 4th Dist. R. 8.02. Pretrial release is governed by Minn. R. Crim. P. 6, and this rule supplements the provisions of that rule. The Task Force believes that specific, written standards relating to the issuance and forfeiture of bail bonds would be useful to practitioners, courts, and to those issuing bonds.

The Minnesota Supreme Court Advisory Committee on Rules of Criminal Procedure recommended that this local rule be incorporated in the Code of Rules for uniform statewide application and the Task Force concurs in that recommendation.

Rule 702(h) was amended in 1993, effective January 1, 1994, to establish state-wide suspension of bonding privileges for a surety and a surety's agent in the event of failure to make payment on a forfeited bond. This rule is necessary to ensure that irresponsible sureties not be allowed to move from district to district.

PROPOSAL 10: **The Jury Management Rules should be amended in three ways to clarify their language.**

Rule 802 Definitions

* * *

(i) "Petit jury" means a body of six persons, impaneled and sworn in any court to try and determine, by verdict, nay questions or issue of fact in a civil or criminal action or proceedings, according to law and the evidence as given them in court. In a criminal action where the offense charged is a felony, a petit jury is a body of 12 persons, unless ~~the defendant consents to a jury of six.~~ a different size is established in accordance with the Minnesota Rules of Criminal Procedure.

Advisory Committee Comment--1994 Amendments

Rule 802(i) is amended effective January 1, 1994, to make it clear that the definition of petit jury is not intended to change in any way the mechanism for agreeing to a different sized jury in criminal cases as established the Minnesota Rules of Criminal Procedure. This change is intended to obviate any confusion over this rule, and to eliminate the type of dispute that arose in a case brought to the Minnesota Court of Appeals. See State v. McKenzie, No. C7-93-1890 (Minn. Ct. App, Sept. 23, 1993) (Unpublished Order Opinion).

Rule 806 Jury Source List

* *
*

(b) The voter registration and drivers' license list for the county must serve as the source list. The source list may be supplemented with names from other lists specified in the jury administration plan. Whoever has custody, possession, or control of the lists used in compiling the source list shall provide them to the jury commissioner, upon request and for a reasonable fee, at any reasonable time. All lists shall contain the name and address of each person on the list.

Advisory Committee Comment--1994 Amendments

Rule 802 is amended to incorporate a change made in jury source list creation that predated the adoption of the Minnesota General Rules of Practice but which was not incorporated in the final draft of the rules. This change is not intended to change the existing practice in creation of jury source lists.

Rule 809 Discrimination Prohibited

A citizen shall not be excluded from the jury service in this state on account of race, color, creed, religion, sex, national origin, marital status, status with regard to public assistance disability, age, occupation, physical or sensory disability, or economic status.

Advisory Committee Comment--1994 Amendments

This rule is amended to add "physical or sensory disability" as types of discrimination specifically prohibited by the rule. This amendment is made to conform the rule to the legislative mandate against discrimination on these bases adopted by the legislature in 1992 and at Minn. Stat. § 593.32, subd. 1.

PROPOSAL 11: **The Tenth District should be allowed to change its local rule on venue in juvenile court proceedings.**

SPECIAL RULES OF PRACTICE FOR THE DISTRICT COURT

TENTH JUDICIAL DISTRICT

Rule 14. JUVENILE COURT PROCEEDINGS

Rule 14.01 Venue. Unless otherwise ordered by the court for good cause shown, a delinquency, petty matter or traffic trial and hearings pursuant to Rules 25 and 26 of the Rules of Procedure for Juvenile Courts, shall be held in the county where the offense is alleged to have occurred. ~~All other hearings under the Rules of Procedure for Juvenile Courts shall be held in the county of the child's residence.~~