

FILED

June 28, 2021

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM20-8001

**ORDER GOVERNING THE CONTINUING OPERATIONS OF THE
MINNESOTA JUDICIAL BRANCH**

O R D E R

The operations of the Minnesota Judicial Branch during the peacetime emergency declared by the Governor of the State of Minnesota on March 13, 2020, are currently governed by the order filed on May 25, 2021. *Order Governing the Continuing Operations of the Minnesota Judicial Branch*, No. ADM20-8001 (Minn. filed May 25, 2021). That order is in effect through September 6, 2021. *Id.* at 2. Judicial Branch operations and in-person proceedings have been subject to limits on the number of persons attending, requirements for face coverings, and, if applicable, the requirements of the Judicial Branch's COVID-19 Preparedness Plan and the Jury Management Resource Team (JMRT) Recommendations for Jury Trials During COVID-19. *Id.* at 4–5, 7.

The Judicial Branch has modified the requirements for face coverings in court facilities, *see id.* at 8, consistent with similar decisions by the Executive Branch. *See* Emergency Exec. Order No. 21-21 (May 6, 2021); Emergency Exec. Order No. 21-23 (May 14, 2021). As set out below, the Judicial Branch will lift the requirement for face coverings in judicial branch facilities and suspend requirements in the Judicial Branch's COVID-19 Preparedness Plan and JMRT Recommendations, effective July 6, 2021.

IT IS HEREBY ORDERED THAT:

A. Case Proceedings: district courts.

1. Judges and court staff shall continue to process cases, in all case types, regardless of whether the judge or employee works at the court facility or remotely. Unless a proceeding is authorized to be held in person in a courtroom as set out in paragraphs 2 through 7 of this order, the proceeding shall be held by remote technology that permits the parties and attorneys to appear without being in the courtroom or by review of the parties' submissions without oral argument. Interpreters shall appear remotely if the technology is available to do so, even if the parties and attorneys appear in person, unless the presiding judge determines that the circumstances of the case require in-person interpreting services.

2. In-person criminal jury trials shall continue to be scheduled and held in any county unless the chief judge of the district determines that the trial cannot proceed due to local conditions.

3. Grand juries shall be impaneled and in-person proceedings held.

4. In-person proceedings shall be scheduled and held in sentencing hearings in criminal cases in which there is a presumptive commitment to the Department of Corrections unless the chief judge of the district determines that an in-person proceeding cannot be held due to local conditions.

5. In-person proceedings at which evidence will be presented on issues in dispute, court trials in major criminal case types, juvenile protection (including CHIPS and permanency) and juvenile delinquency case types, and settlement conferences in criminal cases shall be scheduled and held unless the chief judge of the district determines that an

in-person proceeding cannot be held due to local conditions. Effective August 2, 2021, in-person proceedings shall be held in mandatory misdemeanor criminal court trials and in contested hearings in that case type, unless the chief judge of the district determines that an in-person proceeding cannot be held due to local conditions.

6. In-person civil jury trials may be held if the chief judge and the district administrator determine that holding that trial will not impact the scheduling of criminal jury trials in the district. Civil jury trials may proceed remotely if the presiding judge and the parties agree.

7. Proceedings in treatment court may be held in person under the hybrid protocols established for such hearings if the chief judge of the district determines that doing so will not interfere with the scheduling of in-person criminal jury trials and local conditions do not preclude an in-person proceeding.

8. Proceedings in the district court in criminal and civil cases, other than those proceedings subject to paragraphs 2 through 7 of this order, shall be conducted remotely unless the chief judge of the district in which the proceeding is to be held grants an exception for an in-person proceeding to be held.

9. Rules of procedure that prohibit holding court proceedings remotely or that constrain the use of remote technology to conduct court proceedings, specifically Minn. R. Crim. P. 1.05, Minn. Gen. R. Prac. 131, Minn. Gen. R. Prac. 309.02, Minn. Gen. R. Prac. 359.03, Minn. R. Juv. Prot. P. 11.03, Minn. R. Adopt. P. 12.03, Minn. Spec. R. Commit. P. 14, are suspended to the extent that those rules contradict the terms of this order.

B. Case Proceedings: appellate courts.

10. Proceedings in appeals pending before the Minnesota Court of Appeals and the Minnesota Supreme Court shall continue as scheduled by those courts.

11. Civil commitment proceedings that are before the Commitment Appeal Panel established under Minn. Stat. § 253B.19, subd. 1 (2020), shall continue as scheduled by the panel. The panel may conduct any proceedings or hearings by remote technology. If an examiner is appointed to prepare a report for a proceeding before the panel, the Clerk of the Appellate Courts will hold a pre-hearing scheduling conference within 10 days after the examiner's final report is filed. No hearing on the petition will be scheduled before the examiner's report is filed.

12. The Office of Lawyers Professional Responsibility and the Board of Law Examiners shall continue to conduct the business of those offices consistent with the sound discretion of the Directors of those offices and the rules that govern the work of and proceedings before those offices. The Directors are authorized to use remote technology or exposure prevention measures as needed or if appropriate for the operations of the office and for proceedings held by the office or before the boards or panels of those offices under the applicable rules. Panels of the Lawyers Professional Responsibility Board and referees appointed by this court to conduct public hearings under the Rules on Lawyers Professional Responsibility shall decide whether a hearing will be held in person or by remote means.

C. Court Facilities, Public Access, and Court Administration.

13. The courts remain open for business. For county-owned facilities, access is also subject to conditions county officials impose.

14. At least one public service counter in each county and the public service counter for the appellate courts must be accessible to court customers between the hours of 8 a.m. to 4:30 p.m., Monday through Friday (excluding court holidays). At the discretion of the chief judge and the district administrator for the district courts, and, for the appellate courts, at the discretion of the Clerk of the Appellate Courts, and after consultation with the State Court Administrator, access to counter services may be provided remotely, by appointment, or in person. Self-help services and facilities shall continue to provide services by appointment, remotely, or by telephone.

15. The district and appellate courts shall continue to accept filings in all case types. Unless required by court rule to file through an electronic case filing system, parties shall use U.S. mail, or, in the district court, fax, to submit filings; may use a drop box designated by court administration for in-person filings, if available; and, if use is authorized by court administration, may submit filings by e-mail. The State Court Administrator is authorized to implement and publish procedures for the payment of fees that are required for documents filed other than through the electronic case filing system or by U.S. mail.

16. The presiding judge, after consultation with court administration, may limit the number of persons in attendance at an in-person proceeding, other than the parties, attorneys representing the parties, and necessary court staff, if required by local conditions. All proceedings conducted using remote means are to be conducted in the same manner as an in-person proceeding and are governed by the applicable rules of procedure. Other than for media representatives attending proceedings and permitted to

record as allowed by court rules or court order, the only recording permitted for any proceeding, whether in-person or remote, is the official recording created by the court. Requests by media representatives to attend in-person proceedings must be coordinated through the Judicial Branch Court Information Office, or, in Hennepin County, through the Hennepin County District Court Information Officer.

17. The State Court Administrator is authorized to implement temporary modifications to Judicial Branch policies and procedures that support the processing of cases pending in the district courts, including temporary adjustments to work assignments based on need and availability of Judicial Branch personnel. Judicial Branch employees shall work at the facility or remotely, as directed by the employee's supervisor.

18. Access to the State Law Library shall be as established by the State Law Librarian in consultation with the State Court Administrator.

19. Effective July 6, 2021, this order supersedes earlier orders that required face coverings to be worn in court facilities or during court proceedings and supersedes earlier orders that required proceedings or Judicial Branch operations to adhere to the Judicial Branch's COVID-19 Preparedness Plan or JMRT Recommendations for Jury Trials During COVID-19. To the extent that the provisions of this order are inconsistent with any previous order governing the operations of the Judicial Branch, the provisions of this order control.

Dated: June 28, 2021

BY THE COURT:



Lorie S. Gildea
Chief Justice