

STATE OF MINNESOTA

IN SUPREME COURT

ADM09-8009

FILED

July 22, 2020

**OFFICE OF
APPELLATE COURTS**

IN RE GENERAL RULES OF PRACTICE

O R D E R

The General Rules of Practice for the District Courts prohibit the submission of certain financial information and identification numbers in documents submitted to the district court in pending proceedings, *see* Minn. Gen. R. Prac. 11.01–11.03; and identify the procedures for filing documents designated as “confidential” or “under seal.” Minn. Gen. R. Prac. 11.06. The General Rules of Practice also require a filer to designate information in a document that is confidential, or to submit a motion to file under seal in some cases, *see* Minn. Gen. R. Prac. 14.06. Effective January 1, 2021, confidential documents and non-public information must be submitted with the appropriate cover sheet. *See* Order Promulgating Amendments to the General Rules of Practice for the District Courts, No. ADM09-8009, at 1–2 (Minn. filed June 29, 2020) (approving the use of Form 11.2).

The Minnesota Legislature has enacted amendments to statutes governing proceedings in the district court in guardianship and conservatorship cases. Act of May 16, 2020, ch. 86, art. I (“the 2020 legislation”). Among other requirements, this legislation requires a party to submit a “bill of particulars” that specifies the confidential or nonpublic information in a document submitted for filing in the proceeding. *Id.*, § 14. The 2020

legislation also designates the bill of particulars as “a confidential document.” *Id.* Finally, the 2020 legislation designates additional categories of information included in guardianship and conservatorship submissions as confidential, including all documents or information disclosing or pertaining to health or financial information, *see id.*, §§ 17–18, 21, 23–26, 28–31. These provisions are effective August 1, 2020, and for the bill of particulars, is effective in guardianship and conservatorship cases commenced “before, on, or after that date.” *Id.*, § 42.

The General Rules of Practice currently identify categories of non-public information and provide procedures for designating non-public information in documents submitted for filing. Effective January 1, 2021, filing of such information will be accomplished using Form 11.2. Thus, we must decide whether the General Rules of Practice for the District Courts should be amended to conform to the 2020 legislation. To do so, we need the input of the Advisory Committee for the General Rules of Practice.

Until the court has decided whether the General Rules of Practice should be amended to conform to the 2020 legislation, all confidential or non-confidential information in submissions filed in guardianship and conservatorship proceedings in the district court must continue to comply with Rules 11 and 14 of the General Rules of Practice for the District Courts.

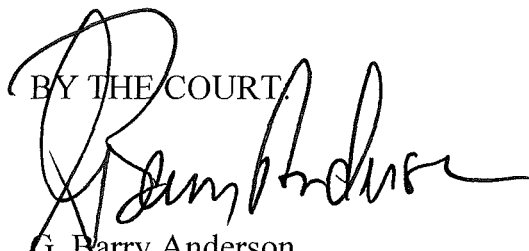
Based on all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the Minnesota Supreme Court Advisory Committee on the General Rules of Practice for the District Court shall review the recent amendments to the statutes governing guardianship and conservatorship proceedings in the

district court, *see* Act of May 16, 2020, ch. 86, art. I, and provide recommendations on whether the General Rules of Practice should be amended to conform to any provisions in that legislation. If the committee concludes that the rules should be amended to conform to the 2020 legislation, the committee shall provide recommended amendments. The advisory committee shall file its report and recommendations on or before December 1, 2020.

IT IS FURTHER ORDERED that notwithstanding the 2020 legislation, the submissions to the district court in guardianship or conservatorship proceedings governed by Minnesota Statutes chapter 524.5 (2018), shall continue to be governed by Rules 11 and 14 of the General Rules of Practice for the District Court until further notice or order from this court.

Dated: July 22, 2020

BY THE COURT.

G. Barry Anderson
Associate Justice