

In re:

Exhibit Requirements and Mandatory Use of the
Minnesota Digital Exhibit System in Civil Cases¹

**STANDING ORDER DIRECTING PARTIES TO USE THE MINNESOTA DIGITAL
EXHIBIT SYSTEM IN FOURTH JUDICIAL DISTRICT CIVIL DIVISION
EVIDENTIARY HEARINGS, JURY TRIALS, AND COURT TRIALS**

WHEREAS, in November 2021, the Minnesota Supreme Court established a pilot program for the Minnesota Digital Exhibit System (MNDES) in response to the increased volume of remote court proceedings and the submission of digital exhibits in district court cases.

WHEREAS, MNDES is an electronic system for submitting and processing exhibits that provides a reliable and flexible tool for submitting, sharing, tracking, presenting, and storing exhibits.

WHEREAS, the pilot program demonstrated that MNDES streamlines exhibit management in the district court, and provides appellate courts with ready access to exhibits in cases that are appealed.

WHEREAS, the Minnesota Supreme Court issued an Order on [October 5, 2022](#), addressing the expansion of the MNDES pilot to all judicial districts, and establishing guidelines or the use of MNDES in criminal and civil proceedings by parties, litigants, jurors, or other participants officially affiliated with a case in district court or on appeal.

WHEREAS, the Supreme Court's Order states that MNDES is not required to be used in a district court case unless ordered by a presiding judge.

NOW THEREFORE:

IT IS HEREBY ORDERED

1. Use of MNDES is mandatory for all counsel and self-represented litigants beginning September 30, 2024, in Fourth District Civil Division cases for evidentiary hearings, jury trials, and court trials.²

¹ See separate standing order for MNDES requirements for conciliation court cases.

² Exhibits submitted as part of a civil motion should continue to be filed into the case via the Minnesota Court Information System (MNCIS). *See* Minn. Gen. R. Prac. 14 and 115.

2. Prior to an evidentiary hearing, court trial, or jury trial in a Civil Division case, the parties must exchange exhibit lists and copies of proposed exhibits as required either by the Rules³ or any court order, and in accordance with the deadlines therein.
3. All proposed digital exhibits (documents, images, audio, or visual media) must be uploaded to MNDES in accordance with the deadlines provided in the scheduling order or order for trial, and if not provided in such an order, no later than the day before the hearing or trial. Information regarding registration and how to use MNDES is available at: www.mncourts.gov/mndes.
4. Parties must share exhibits through MNDES by selecting the “Share” function and entering an email address or cell phone number.
5. Unless otherwise specified by court order, exhibits must be numbered as follows:
 - a. Plaintiff/Petitioner shall number their proposed exhibits, using the “Exhibit #” field in MNDES, beginning with number 001 and through number 499.
 - b. Defendant/Respondent shall number their proposed exhibits, using the “Exhibit #” field in MNDES, beginning with number 500 through 999.
 - c. Additional parties shall number their proposed exhibits, using the “Exhibit #” field in MNDES, beginning with number 1000-1999, 2000-2999, etc., as agreed to by the parties or set forth in a court order in the case.
6. When uploading a proposed exhibit in MNDES, a party must update the “Description” field with information that briefly describes the exhibit’s content in a neutral manner that is easily identifiable. Include names, dates, and locations where appropriate (e.g., “Plaintiff’s image of red car taken 1/1/2023 at Defendant’s home”). The description should be identical to the information in the exhibit list filed with the court.
7. Exhibits uploaded to MNDES are not automatically admitted into evidence upon upload. The exhibits are proposed or “pre-hearing” exhibits, and the uploading party must still offer the exhibits to be accepted as evidence during the hearing or trial. Exhibits will only be reviewed and considered by the judge after being offered on the record and received into evidence by the court.
8. Unless an exhibit is classified as non-public or sealed, if a party plans to use MNDES for purposes of displaying exhibits in the courtroom, it is the responsibility of the offering party to display exhibits using a personal computer or other device brought to the courtroom by that party. The party may use their device to display the exhibit using their own display technology or courtroom display technology (if available). If a party would like access to a courtroom prior to a hearing or trial to test equipment, please contact chambered staff to arrange access.

³ See Minn. Gen. R. Prac. Part H, § 12 (Exhibits).

9. This Order applies to all proposed hearing or trial exhibits, including rebuttal exhibits. No other exhibits will be admitted in either party's case in chief without a showing of good cause. In unforeseen circumstances, the court may allow rebuttal exhibits to be offered outside the MNDES system, but the offering party must upload such exhibits to MNDES within 24 hours if the exhibits are received as evidence by the court.
10. Unless otherwise specified by court order, the parties must bring to court two paper copies of all documentary, visual, or photographic exhibits at the time of the hearing or trial—one copy for the court and one copy for the witness stand which may also be supplied to jurors during deliberation. Counsel or self-represented litigants must certify that the paper copies provided to the court are true and accurate copies of the exhibits that were uploaded to MNDES.
11. Relief from Operation of this Order:
 - a. Upon motion and a showing that uploading of exhibit(s) to MNDES was not completed because of: (1) an error in the transmission of the document to MNDES; (2) a failure of MNDES to process the document when received; or (3) other technical problems experienced by the sending party or MNDES, the court may enter an order permitting the exhibit(s) to be deemed uploaded on the date and time it was first attempted to be uploaded. If appropriate, the court may adjust the schedule for responding to the exhibit(s).
 - b. Upon motion and a showing that an uploaded exhibit was unavailable to or not received by an opposing party, the court may enter an order extending the time for responding to that exhibit.
12. Counsel or a party required by this Order to use MNDES for exhibits at an evidentiary hearing or trial may request to be excused from MNDES by filing a motion with the court. Where no judicial officer is assigned to the case, the motion should be addressed to the Presiding Judge of the Civil Division as the designee of the Chief Judge of the Fourth Judicial District. An opt-out request may be granted for good cause shown. If an opt-out request is granted, the court will make arrangements for court personnel to upload all exhibits into MNDES or for such other accommodation as the court deems appropriate.

BY THE COURT:

Dated: August 21, 2024

Christian M. Sande, Presiding Judge
Fourth Judicial District Civil Division