

**Minnesota District Court Registered User Guide for
Electronic Filing**



**MINNESOTA
JUDICIAL BRANCH**

**Minnesota District Court
Registered User Guide for Electronic Filing**

Revised November 30, 2020

About This Guide

This guide establishes mandatory formatting and technical requirements for electronic filing in Minnesota’s state trial courts. This guide also contains overviews of the electronic filing and service system, authorized signature formats, the obligation of every filer to identify and designate non-public court filings, and the administrative rejection and striking processes.

Under Minnesota General Rule of Practice 14.03(g), the formatting and technical requirements set out in this guide have the force of law. **Everyone who uses the electronic filing system must follow the formatting requirements set out in this guide.** Filers who do not comply with the formatting requirements risk having their documents fail to process through the electronic filing system, which may result in missed deadlines for filing and service. **Non-compliance may also lead to additional sanctions by the court.**

The overviews in this guide are provided for convenience and should not be relied upon as a source of legal authority. Any court filing may be subject to any number of court rules, statutes, or other sources of law that do not appear in this guide.

This guide is prepared by the Minnesota State Court Administrator’s Office and is subject to periodic updates. The current, governing version of the guide is posted on the Minnesota Judicial Branch’s website, www.mncourts.gov. Updates are summarized in the “Revision History” section at the end of the guide.

Table of Contents

About This Guide	2
Filing Documents with the eFS System	5
Documents that Cannot be Filed with the eFS System.....	6
Paying Filing Fees Through the eFS System.....	7
Serving Documents with the eFS System	7
How to Receive Documents Served Through the eFS System.....	8
Responsibilities of People who are to be Served Through the eFS System.....	8
Signing up for Service in Each Case.....	8
Maintaining a Working Email Address.....	9
Individual Usernames and Passwords.....	10
Availability of the eFS System	10
Troubleshooting and Technical Errors.....	11
Types of Signatures	12
Special Requirements for Signatures by the Filer	13
Non-Notarized Signatures Under Penalty of Perjury	13
Whether to Sign by Hand	13
When to Use a Cover Letter	14
Public Filings vs. Non-Public Filings	15
General Rule of Practice 11.....	16
Juvenile Protection Procedure Rule 8.04.....	17
Minor Victims in Criminal Sexual Conduct Cases.....	18
Medical Records and Medical Information.....	19
Rejection and Administrative Striking	20
Segregation and Redaction	21
Mandatory Formatting and Technical Requirements	23
<u>A.</u> PDF Format	24
Text-Based PDFs.....	24
Image-Based PDFs.....	24
Combining Text-Based and Image-Based Portions of PDFs.....	25
<u>B.</u> Viewable and Legible	26
<u>C.</u> Separate Documents as Separate PDFs	26
<u>D.</u> Limits on File Size	27
<u>E.</u> Resolution of Scanned (Image-Based) Documents	28

E. Page Formatting28
G. Prohibited Items29
H. Fonts29
I. Bookmarks and Hyperlinks29
J. Non-Conforming Documents30
K. Questions About Technical Compatibility.....31
Separate System for Appellate Courts32

Filing Documents with the eFS System

The Minnesota state trial court electronic filing and service system (called “Odyssey File and Serve” on the vendor’s website) is referred to in this guide as the “eFS System.” The eFS System is a web-based system that is used to electronically file documents in Minnesota’s state trial courts. This guide summarizes the legal requirements for using the eFS System, and contains mandatory formatting requirements.

Who must use the eFS System

Attorneys, government agencies, and guardians ad litem are required to use the eFS System to file documents in trial courts.¹ All government agencies are required to use the eFS System for filing. For example, social workers filing reports, and sheriff’s deputies filing proof of service documents as part of their work, are required to use the eFS System.²

All other filers, including self-represented litigants, can choose between using the eFS System and filing documents in paper form. Once a filer has filed a document through the eFS System, the filer **must continue to use the eFS System to file documents for the rest of the case.**³ Judges may order any filer to use the eFS System, and may prohibit any filer from using the eFS System.⁴

Judges will direct filers how to submit documents to the court for *in camera* review.⁵

¹ MINN. GEN. R. PRAC. 14.01(b)(1). Attorneys representing Indian tribes in juvenile protection or adoption cases are not required to use the eFS System. MINN. R. JUV. PROT. P. 3.06; MINN. R. ADOP. P. 3.09.

² MINN. GEN. R. PRAC. 14.01(b)(1).

³ MINN. GEN. R. PRAC. 14.01(b)(5)(i), (b)(6)(i).

⁴ MINN. GEN. R. PRAC. 14.01(b)(5)(ii), (b)(6)(ii).

⁵ MINN. GEN. R. PRAC. 14.07. “*In camera*” (“in a chamber”) means the judge is considering the documents privately, usually in the judge’s chambers.

OVERVIEW OF ELECTRONIC FILING AND SERVICE (eFS) SYSTEM

Documents that Cannot be Filed with the eFS System

A few types of documents cannot be filed with the eFS System:

- Criminal complaints, citations and tab charges
*(filed through other approved electronic systems)*⁶
- Juvenile delinquency petitions and citations
*(filed through other electronic systems when technology becomes available)*⁷
- Wills deposited for safekeeping or original wills filed in probate cases
*(filed on paper)*⁸
- Any documents filed in parental notification bypass proceedings
*(filed on paper)*⁹

The eFS System should not be used to file documents that are delivered to the court, but are not filed in any specific case file. For example, an affidavit of service should be filed through the eFS System, because affidavits of service are filed into specific case files. But an invoice for service of process paid by the court should not be filed through the eFS System, because the invoices are not filed into case files. Similarly, requests for copies of court records need not be filed into case files unless specifically directed by the court. Except for criminal omnibus hearings, evidentiary exhibits for a hearing or trial should not be filed through

⁶ Electronic filing of criminal charging documents is governed by Minnesota Rule of Criminal Procedure 1.06, subd. 2. Criminal complaints must be filed through the Bureau of Criminal Apprehension's eCharging system. Criminal citations, as well as tab charges, must be filed by an electronic filing method approved by the State Court Administrator. (In limited situations, criminal charging documents may be filed on paper. *See* Comments to MINN. R. CRIM. P. 1.06. Filers should contact local court administration with questions about whether a particular criminal charging document may be filed on paper.)

⁷ Electronic filing of juvenile delinquency petitions is governed by Minnesota Rule of Juvenile Delinquency Procedure 6.03, subd. 2; and electronic filing of juvenile delinquency citations is governed by Minnesota Rule of Juvenile Delinquency Procedure 6.02, subd. 2. The technology for electronic filing of juvenile delinquency petitions and citations is still in development; for that reason, juvenile delinquency petitions and citations must be filed in paper form unless the technology is available.

⁸ MINN. GEN. R. PRAC. 14.01(b)(2)(i).

⁹ MINN. GEN. R. PRAC. 14.01(b)(2)(ii).

OVERVIEW OF ELECTRONIC FILING AND SERVICE (eFS) SYSTEM

the eFS System. Documents that are not filed into case files should be delivered according to judicial directives and local court practices.

Paying Filing Fees Through the eFS System

All filing fees for electronically filed documents must be paid in the eFS System at the time of filing. The eFS System currently accepts MasterCard, Visa, and Discover credit or debit cards.

Serving Documents with the eFS System

The eFS System can also be used to serve documents. Any person who is required to use the eFS System to file documents must, in most situations, use it to serve documents upon all other people who are required to use the eFS System for filing in the case.¹⁰

There are some exceptions to this rule. Discovery materials may be served through the eFS System, but may also be served by other means agreed to by the parties.¹¹ If there is a statute, court rule, or court order that requires some other means of service, documents must be served accordingly.¹² The eFS System can only be used to serve documents upon a recipient who has added him- or herself as a service contact to the case.¹³

¹⁰ MINN. GEN. R. PRAC. 14.03(d)(1).

¹¹ MINN. GEN. R. PRAC. 14.03(d)(3).

¹² MINN. GEN. R. PRAC. 14.03(d).

¹³ MINN. GEN. R. PRAC. 14.03(d).

OVERVIEW OF ELECTRONIC FILING AND SERVICE (eFS) SYSTEM

Example

There are three parties to a case. One party is represented by an attorney, and the other two parties are self-represented. One of the self-represented parties has used the eFS System to file a document in the case, but the other self-represented party has not. The attorney and the e-filing self-represented party must use the eFS System to serve documents upon each other, but must use other means to serve the non-e-filing self-represented party. The non-e-filing self-represented party must serve the other two parties by means other than the eFS System.

How to Receive Documents Served Through the eFS System

When a document is served through the eFS System, the recipient will receive an email containing a link to the document (unless the recipient has disabled the email notification feature for his or her eFS System account). **The document will be available for download for 30 days after the date of service. The recipient is responsible for downloading a copy of the document within that time.** All litigants are responsible for their own record-keeping. The eFS System is not a case management system for litigants, and should not be relied upon by any litigant to gain access to documents. Litigants who do not retain copies of documents they file or timely download copies of documents served upon them will not be able to obtain additional copies of the documents through the eFS System, and will need to contact court administration to obtain copies. Copy fees set by the Minnesota Statutes may apply. Public court documents may be reviewed without charge at courthouse public access terminals at any courthouse in Minnesota, and government agencies can use Minnesota Government Access (“MGA”) to access court documents.

Responsibilities of People who are to be Served Through the eFS System

Signing up for Service in Each Case

Every person required to be served through the eFS System must to sign up for service **in each case** in the eFS System. Registering for an account with the eFS System is not the same as signing up for service in a case. People cannot be served through the eFS System until they have signed up for service in the case. All filers are prohibited from signing other people up for service (except for members of the

OVERVIEW OF ELECTRONIC FILING AND SERVICE (eFS) SYSTEM

same law firm, or co-counsel), and court staff are prohibited from signing anyone up for service. Filers attempting to serve someone who has not signed up for service should contact the recipient and ask that the recipient sign up. Filers should keep in mind that they may be sanctioned by the court if they fail to sign themselves up for service, or if they improperly sign other filers up for service. An attorney who withdraws from representation on a case must also remove him- or herself as a service contact on the case in the eFS System.

Example

Both parties in a case are represented by attorneys. The complaint and answer have been filed, and the defendant's attorney is preparing to file and serve a motion to dismiss. The plaintiff's attorney has not added himself as a service contact to the case, which prevents the defendant's attorney from e-serving the motion to dismiss. The defendant's attorney contacts the plaintiff's attorney and reminds him to add himself as a service contact to the case, so that both attorneys can comply with the rules requiring e-service. If the plaintiff's attorney does not add himself as a service contact, he risks being sanctioned by the court.

Maintaining a Working Email Address

Every eFS filer must maintain a working email address for receipt of service.¹⁴ The filer is responsible for ensuring the eFS System has the correct email address, the email account is functioning properly, and the account has not exceeded its size limitation.¹⁵ Filers who fail to maintain and check their email accounts may not receive service of documents, and may be barred from contesting the validity of service.

Each party should designate only one email address for receipt of service in a case. If multiple attorneys and administrative staff are working on a case, only one email address should be designated for receipt of service in the case. Adding multiple email addresses for receipt of service will clutter the court record with unnecessary, duplicative records of service, and may slow case processing and performance.

¹⁴ MINN. GEN. R. PRAC. 14.02(a).

¹⁵ MINN. GEN. R. PRAC. 14.02(b)(4).

OVERVIEW OF ELECTRONIC FILING AND SERVICE (eFS) SYSTEM

Each party can designate alternate email addresses for receipt of service using the Administrative Copy field within the eFS System, or using the Other Service Contacts option.

Example

The Smith Law Firm represents a party in a civil case. Partner Jane Smith is handling the case, with the assistance of associate John Doe and paralegal Mary Roe. Jane Smith's email address is designated for receipt of service in the case. John Doe's and Mary Roe's email addresses are not added as separate service contacts in the eFS System. Instead, they are entered into the Administrative Copy field when Jane Smith's email address is designate for receipt of service.

As an alternative, the Smith Law Firm could also create an email address used solely for receipt of service ("service-mnstatecourts@smithlawfirm.com") and set up a distribution group in its email system so that each attorney and administrative staff person assigned to the case receives copies of documents.

Individual Usernames and Passwords

The eFS System requires all filers to select a username and password. Every filer must have his or her own username and password, and may not share the username and password with other filers, including filers who are members of the same law firm. Every filer is responsible for the use of his or her username and password, and documents filed with a filer's username and password are presumed to have been filed by that filer. If a filer's password is compromised, he or she must immediately change the password and notify the court.¹⁶

Filers may set up their usernames and passwords by registering within the eFS System. There is no fee to register with the eFS System.

Availability of the eFS System

The eFS System is available online 24 hours a day, seven days a week, by using the appropriate "eFile and eServe" link at www.mncourts.gov/efile. The eFS System will occasionally be unavailable for

¹⁶ MINN. GEN. R. PRAC. 14.02(b).

OVERVIEW OF ELECTRONIC FILING AND SERVICE (EFS) SYSTEM

technical upgrades. Notices of these scheduled downtimes will be posted on the Minnesota Judicial Branch's [website](#).

Documents may be filed through the eFS System at any time, except during scheduled downtimes. A document will be deemed filed as of a particular day if it has been successfully transmitted through the eFS System by 11:59 p.m. Minnesota time on that day, unless it is subsequently rejected for filing by court administration.¹⁷

Troubleshooting and Technical Errors

If technical errors prevent a document from being filed or served, the filer may file a motion asking the court to order that the document be deemed filed or served on the date attempted. The filer has the burden of showing there was a technical error. If appropriate, the court may adjust the time to respond to the document.¹⁸ Filers are responsible for complying with the formatting and technical requirements set out later in this guide. Filers who fail to comply with those requirements may face significant consequences, including missed filing deadlines and court-imposed sanctions.

Filers who encounter technical difficulties should contact the Judicial Branch eFS Support Center.

eFS Support Center Hours <i>(Closed on <u>court holidays</u>)</i>	Monday – Friday 8:30 a.m. – 4:30 p.m.
Phone numbers	612-902-9585 1-844-918-1724
Website	Support Center's website

¹⁷ MINN. GEN. R. PRAC. 14.03(c). Court administrators are authorized to reject filings for five reasons listed in the Minnesota Rules of Civil Procedure. See MINN. R. CIV. P. 5.04(c).

¹⁸ MINN. GEN. R. PRAC. 14.01(c).

Types of Signatures

Minnesota’s court rules recognize several types of signatures. Two of these are defined in court rules as “typographical signatures” and “facsimile signatures.” Typographical signatures are those typed in the form: /s/ Pat L. Smith. They can be typed in any word processing program without the use of paper. Facsimile signatures are optically scanned versions of signatures written by hand on paper. Unless a statute or court rule specifically requires a handwritten signature, a typographical signature can be used instead of a handwritten signature.¹⁹

In many situations, filers can choose between using typographical signatures and facsimile signatures. Filers should keep in mind that typographical signatures do not require scanning. Scanned (image-based) electronic documents have significantly larger file sizes, and cannot be searched electronically because optical character recognition data (OCR) is not allowed in court documents. This makes scanned (image-based) documents much more difficult for judges and other filers to work with, and means the documents will take more time to load and download. Scanned (image-based) documents may also encounter technical errors when submitted to the eFS System for filing.

Some filers have attempted to use digital signatures to sign their court filings. Minnesota’s court rules generally do not allow digital signatures for external filers. Unauthorized use of digital signatures may result in a document failing to process through the eFS System, or processing with the digital signature being removed, making it impossible to automatically route documents to judicial officers for review. For example, several district courts use a tool called Task Manager to process stipulations and proposed orders. When documents with digital signature have been processed through Task Manager, some digital signatures have been lost, making it impossible for the judicial officer to see that the parties

¹⁹ MINN. GEN. R. PRAC. 14.04(b).

have signed the stipulation. For these reasons, digital signatures are generally not authorized for external filers.

Special Requirements for Signatures by the Filer

Some documents must be signed by the filer. (For example, Minnesota Rule of Civil Procedure 11.01 requires the filer’s signature on many documents.) When these documents are filed through the eFS System, the filer’s signature must be accompanied by the filer’s typed name, address, telephone number, email address, and (for attorneys) attorney registration number.²⁰

Non-Notarized Signatures Under Penalty of Perjury

In general, court filings no longer need to be notarized.²¹ Documents may be signed under penalty of perjury, consistent with Minn. Stat. § 358.116, if the signature appears immediately below a declaration using substantially this language: “I declare under penalty of perjury that everything I have stated in this document is true and correct.” The date of signing, and the county and state where the document was signed, must be noted on the document.²² Just as with a notarized signature, a person who signs a document in this manner knowing that it is false in any material respect is guilty of the felony of perjury under Minn. Stat. § 358.116.

Whether to Sign by Hand

Some documents need to be signed by hand. For example, attorneys may choose to have clients sign contracts or marital termination agreements by hand to avoid disputes over the authenticity of signatures. Also, some clients, such as prison inmates, may not have the ability to sign documents

²⁰ MINN. GEN. R. PRAC. 14.04(b).

²¹ Some types of documents still require notarization, including admissions, settlement agreements, or consents to adoption filed in juvenile protection or adoption cases.

²² MINN. GEN. R. PRAC. 14.04(d), 15.

OVERVIEW OF SIGNATURE REQUIREMENTS

electronically. Court rules recognize the need for handwritten signatures, and do not prohibit signing documents by hand.

The disadvantage of handwritten signatures is that they require the document to be scanned. To avoid scanned documents, state and federal courts across the country allow typographical signatures. Under court rules, typographical signatures have the same legal force and effect as handwritten signatures. Typographical signatures should be used on court filings unless there is a specific reason to sign a document by hand.

When to Use a Cover Letter

Cover letters are often not necessary for court filings, because much of the information that was historically included in a cover letter (such as the identity of the filer, the case number, a list of the documents being filed, etc.) is entered into the eFS System. It is not necessary to repeat this information in a cover letter, which would result in an unnecessary entry to the case's register of actions. However, cover letters are appropriate when used to convey to the judge substantive, pertinent information such as whether the parties have stipulated to (reached an agreement on) an issue, whether a motion is unopposed, or suggested timelines for subsequent filings. Cover letters are also appropriate when necessary to alert court administration of a request for expedited handling.

Public Filings vs. Non-Public Filings

General Rule of Practice 11 requires all filers to identify and designate non-public filings. This is the filer's responsibility, not court administration's. Filers may be sanctioned if they fail to comply,²³ and as noted later in this document, risk having their filings rejected or administratively stricken. Filers may use the Form 11.02 Cover Sheet for Non-Public Documents to identify non-public filings; or, as an alternative, electronic filers may use a filing code which defaults to Confidential or Sealed to identify non-public filings.²⁴ General Rule of Practice 14.06 additionally requires electronic filers to appropriately designate each individual document as either public, confidential, or sealed in the eFS System.²⁵ Electronic filers designate documents by typing "public," "confidential," or "sealed" in the eFS System's "Filing Comments" field. Under General Rule of Practice 11.04, filers may only designate a document as confidential or sealed if there is a court rule that makes the document confidential or sealed, there is a court order authorizing the filing of the document as confidential or sealed, or the filer has filed a motion for leave to file the document as confidential or sealed by the time the document is filed. The eFS System will require filers to designate documents as public, confidential, or sealed in the "Filing Comments" field upon filing, and to check a box acknowledging they are aware of this legal requirement. If court administration staff become aware that a filer has incorrectly designated a document, they may correct the designation.

Filers should carefully review the Rules of Public Access to Records of the Judicial Branch, as well as the rules for the applicable case type, to determine whether a filing is public or non-public. The

²³ MINN. GEN. R. PRAC. 11.05.

²⁴ MINN. GEN. R. PRAC. 11.03(a).

²⁵ For purposes of Minnesota's state trial courts, the terms "confidential" and "sealed" mean two different things. "Confidential" means the document is not accessible to the public. MINN. GEN. R. PRAC. 14.01(a)(1). "Sealed" means the document is not accessible to the public and also is not accessible to the majority of court employees. MINN. GEN. R. PRAC. 14.01(a)(9).

SEGREGATION OF NON-PUBLIC INFORMATION

court rules, as well as detailed tables of non-public records maintained by the State Court Administrator's Office, are available at www.mncourts.gov/rules. Certain types of documents, such as tax returns, are non-public in their entirety. Additionally, documents may contain data elements, such as Social Security Numbers, which filers must redact or segregate onto a special, confidential form before submitting the documents for filing. The general process for submitting non-public documents and information, applicable in all case types, is set out in General Rule of Practice 11. Additional redaction and segregation requirements apply in juvenile protection matters, also summarized below. The summaries below in this guide do not contain all of the types of non-public information, but identify several that frequently affect filers. For a more extensive list, please consult the Rules of Public Access and the Case Records Table posted on the courts' public website at www.mncourts.gov/rules.

The distinction between medical records and medical information, and the distinction between redaction and segregation, are also briefly discussed below.

General Rule of Practice 11

Minnesota General Rule of Practice 11 applies to all documents filed with any trial court. The rule requires filers to segregate restricted identifiers, financial source documents, and other forms of non-public information from public court filings. "Restricted identifiers" include Social Security numbers, employer identification numbers, other taxpayer identification numbers, and financial account numbers. (Filers do not need to segregate the last four digits of a financial account number from a public filing unless the account number is also a Social Security number.) The State Court Administrator's Office has published a list of Examples of "Financial Account Numbers" to help guide filers on what is considered a "financial account number" requiring segregation. Restricted identifiers are only allowed when germane and necessary for the court's consideration of the issues then before it.²⁶

²⁶ MINN. GEN. R. PRAC. 11.02(a).

SEGREGATION OF NON-PUBLIC INFORMATION

The eFS System requires filers to check a box certifying that their filings contain no restricted identifiers, except as permitted by Rule 11.02. Filers should keep in mind that the certification applies only to documents *filed* through the eFS System. The eFS System will require filers to check the box for documents that are *served*, but not filed, through the eFS System even though the certification applies only to documents *filed* through the eFS System.

If it is necessary to submit restricted identifiers to the court, they must be submitted either on a Confidential Information Form 11.1, or on a non-public document filed under a Form 11.2 Cover Sheet for Non-Public Documents.²⁷ Form 11.2 can also be used for non-public documents that may not contain restricted identifiers, such as medical records, custody evaluations, or documents which a judge has ordered may be filed as confidential or under seal. Form 11.2 should not, however, be used for confidential documents governed by the Rules of Juvenile Protection Procedure, which apply to juvenile protection (CHIPS) cases.

Juvenile Protection Procedure Rule 8.04

Juvenile Protection Procedure Rule 8.04 lists several types of confidential information and confidential documents that must be segregated from public filings in juvenile protection (CHIPS) cases. The State Court Administrator's Office has published a form, Confidential Documents and Confidential Information in CHIPS Proceedings,²⁸ to help guide filers who are filing documents in juvenile protection cases. Filers should keep in mind that they may be subject to sanctions, including monetary fines, if they fail to properly segregate confidential information and confidential documents in juvenile protection cases.

²⁷ MINN. GEN. R. PRAC. 11.02(a).

²⁸ The form's content is taken directly from Minnesota Juvenile Protection Procedure Rule 8.04, subd. 2.

SEGREGATION OF NON-PUBLIC INFORMATION

Juvenile Protection Procedure Rule 8.04 requires filers to use a Form 11.3 cover sheet to submit confidential documents, and a Form 11.4 to submit confidential information. The Form 11.3 cover sheet is public, and allows the public to see what types of confidential documents have been filed. Form 11.3 should only be used to file the documents listed on Form 11.3. Filers may be sanctioned if they misuse Form 11.3 for documents not specifically listed on Form 11.3. A Form 11.4 is used only for pieces of confidential information (such as the location of a child in foster care) that cannot appear in public documents in juvenile protection cases. Unlike Form 11.3, Form 11.4 is a confidential document and cannot be used as a cover sheet for other documents.

Minor Victims in Criminal Sexual Conduct Cases

The identity of a minor victim of sexual assault is non-public information in criminal and delinquency cases with charges of violations of Minn. Stat. §§ 609.322, .342, .343, .344, .345, .3451, or .3453 (sex trafficking and criminal sexual conduct charges).²⁹ Every person who files a document into these cases is responsible for ensuring that the minor victim is not identified in public documents. Public documents may identify minor victims by generic references such as “Child 1” or “Victim 2,” or by initials and by year of birth, or by descriptions such as “the defendant’s daughter.” The fact that members of the community may be able to deduce the victim’s identity from the initials does not change the fact that the document is public. Unless the presiding judge directs otherwise, the transcript of a public court hearing may contain the minor victim’s name if the name was used in a public court proceeding. The identity of an adult victim of sexual assault is public information. The identity of a minor victim of a crime other than one of the seven criminal statutes listed above is public information. The identity of a

²⁹ MINN. R. PUB. ACC. 4, subd. 1(m). The rule specifies the additional case types to which this restriction applies. There is a different standard in juvenile protection cases, in which the mere allegation that a child has committed or been subjected to any type of sexual assault makes the child’s identity confidential. MINN. R. JUV. PROT. P. 8.04, subd. 2(j).

minor victim of sexual assault is public in case types such as marital dissolutions or restraining orders, even if there also a pending criminal case in which the minor victim's identity is protected.

Medical Records and Medical Information

Medical records are, in general, non-public documents when filed with the courts.³⁰ But medical information may, in general, be disclosed in public documents. For example, a doctor's report filed in support of a motion for summary judgment would be a non-public document. But the memorandum of law supporting the motion would be a public document, even though it includes information or language quoted directly from the doctor's report. With very limited exceptions, a public document may refer to the contents of a non-public document.³¹

In general, medical records admitted into evidence as exhibits in public court hearings are available for public inspection.³² (Exhibits admitted at hearings are not "filed" with the courts, and so are not subject to the same rules as documents that are filed into a case.)

In most case types, General Rules of Practice 11.03 and 14.06 require filers to identify and designate medical records as non-public upon filing. Effective January 1, 2021, if a filer fails to identify and designate a medical record as non-public, the filing will be treated as public unless it is filed into a civil commitment case.³³ This process is designed to take court staff out of the business of having to determine which filings are "medical records," except in civil commitment cases. (Medical records are common in civil commitment cases, and identifying medical records in civil commitment cases has not

³⁰ MINN. R. PUB. ACC. 4, subd. 1(f).

³¹ MINN. R. PUB. ACC. 4, subd. 4.

³² MINN. R. PUB. ACC. 8, subd. 5(a). There is an exception: medical records filed in civil commitment proceedings are inaccessible, but medical records admitted as exhibits at hearings in civil commitment proceedings are publicly accessible to the extent ordered by the presiding judge. *Id.*, subd. 5(b).

³³ MINN. R. PUB. ACC. 4, subd. 1(f).

been an issue in practice.) Although medical records, except in civil commitment cases, will be treated as public unless designated as non-public by the filer, judges are free to sanction filers for failing to identify and designate medical records upon filing.

Rejection and Administrative Striking

Effective January 1, 2021, court administration staff are authorized to reject documents if the filer has failed to identify and designate non-public filings, as required by General Rule of Practice 11.³⁴ This expanded rejection authority does not extend to criminal, civil commitment, juvenile protection, or juvenile delinquency cases, to petitions for orders for protection or harassment restraining orders, to applications to proceed *in forma pauperis*,³⁵ or to medical records in any type of case. (As discussed above, if a filer fails to identify and designate medical records, court administration staff will accept the documents and classify them as public.) If a filing is rejected for this reason, the court may, upon motion and in the interests of justice, deem the filing to be filed as of the time and date it was originally submitted for filing.³⁶

Court administration staff are not responsible for verifying that non-public filings have been properly identified and separated. If, after a filing has been accepted and added to the court record, court administration staff are notified that the filing contains non-public information, they will initiate the administrative striking process. Under the administrative striking process, court administration staff restrict public access to the document and direct the filer to either file and serve a properly prepared filing, or file a motion for relief from the court. If the filer does neither within three days, court administration

³⁴ MINN. R. CIV. P. 5.04(c).

³⁵ *Order Exempting Certain Submissions from Administrative Filing Requirements and Clarifying the Application of the Rules of Public Access*, ADM04-8001, ADM09-8009, ADM10-8050 (Minn. Nov. 20, 2020) (exempting OFP and HRO petitions and IFP applications from the expanded rejection process, and providing other clarifications).

³⁶ MINN. R. CIV. P. 5.04(d).

SEGREGATION OF NON-PUBLIC INFORMATION

staff strike the filing so that neither the parties nor the judge can view it. The judge can order court administration to restore the document to the court record only upon a finding of the interests of justice under the circumstances of the individual case. Administrative striking is not authorized in criminal, civil commitment, and juvenile delinquency cases, for petitions for orders for protection or harassment restraining orders, for applications to proceed *in forma pauperis*, or for medical records filed in any type of case.³⁷

Segregation and Redaction

There are two ways of keeping non-public information out of public court filings: segregation and redaction.

“Segregation” means that the non-public information never becomes part of the public document.

Example

An attorney is drafting a petition for dissolution of marriage. She does not type the petitioner’s Social Security number in the petition. Instead, she types language such as “Petitioner’s Social Security number is listed on confidential form 11.1 and submitted along with the Petition.”, and types the Social Security number in a separate Form 11.1. The Social Security number is never part of the public dissolution petition.

“Redaction” is used to remove non-public information that is already present in a public document.

Example

An attorney is preparing to file statements from a charged-off credit card account in a consumer credit contract case. Statements from charged-off accounts can be filed as public documents under General Rule of Practice 11. But the account numbers continue to be non-public, even after the account has been charged off. The attorney redacts the account numbers from the account statements before filing them as public documents.

³⁷ MINN. GEN. R. PRAC. 11.05.

SEGREGATION OF NON-PUBLIC INFORMATION

Filers should take care to ensure that the redaction removes the confidential information in a way that it cannot be retrieved. **Redaction methods that were sufficient for paper documents (such as blackening out) may not be sufficient for electronic documents.** Covering text with a black rectangle,³⁸ highlighting it in black, reducing its size, or changing its color to white are generally not effective means of redaction. It is usually easy to retrieve text that has been “redacted” by these means. Filers should also ensure that there is no confidential information in any document’s metadata. Any filer who fails to properly redact confidential information may be sanctioned by the court.

³⁸ Some software can effectively redact documents using black rectangles, but not all software that can draw black rectangles can effectively redact documents. Every filer is responsible for ensuring that he or she uses an effective form of redaction when redaction is necessary.

These formatting and technical requirements are established by the State Court Administrator under Minnesota General Rule of Practice 14.03(g). All electronically filed documents *must* comply with these requirements.

FORMATTING AND TECHNICAL REQUIREMENTS

Mandatory Formatting and Technical Requirements

These formatting and technical requirements are designed to ensure that every document can be readily processed through the eFS System. The requirements also help make the documents readily accessible to judges, court employees, government agencies, and members of the public who request access to court documents. Every filer is responsible for complying with these formatting and technical requirements. Documents that do not comply with these requirements may fail to process through the eFS System. In those situations, the filer is responsible for preparing the document again and resubmitting it to the court. Documents that have failed to process through the eFS System have not been filed with the court. Thus, filers who do not prepare documents in accordance with these formatting and technical requirements risk missing filing deadlines. The responsibility lies on the filer.

The transition to electronic documents does require some changes from paper-based document systems. The best practice is to prepare and file court documents electronically, without creating paper versions. As described earlier in this guide, court documents almost never require handwritten signatures, and almost never require notarization. Filers should not print documents on paper and scan them before filing them. **Scanned (image-based) documents are much more likely to fail to process through the eFS System.** Filers who choose to print documents on paper and scan them before filing are responsible if the document fails to process through the eFS System.

These formatting and technical requirements are established by the State Court Administrator under Minnesota General Rule of Practice 14.03(g). All electronically filed documents *must* comply with these requirements.

FORMATTING AND TECHNICAL REQUIREMENTS

A. PDF Format

All electronically filed documents must be submitted as PDF files. When possible, PDFs should be text-based.

Text-Based PDFs

Word processing programs can convert documents directly to text-based PDFs. Converting documents directly to text-based PDF format helps ensure they are readily usable by judges and court employees, and helps ensure they are accessible to members of the public.

Converted, text-based PDFs are preferable to scanned, image-based PDFs:

1. In general, text-based PDFs have significantly smaller file sizes than image-based PDFs. The smaller file size allows the documents to be opened more rapidly in the court's electronic records system, facilitates record-keeping by litigants, and allows for faster downloads of documents once they are served.
2. Litigants can prepare text-based PDFs much faster, and much more cheaply, than image-based PDFs. Image-based PDFs generally require both paper and a document scanner.
3. Text-based PDFs are readily text-searchable, which makes the documents much easier for judges and litigants to work with. Image-based PDFs are not text-searchable without the addition of OCR (optical character recognition data). Image-based PDFs with OCR are less functional than text-based PDFs, and OCR is prohibited in all court filings because it can cause technical failures in document submission.
4. Text-based PDFs are more accessible for people who use screen readers or other forms of assistive technology. Adding OCR to an image-based document does not necessarily make it accessible.

Image-Based PDFs

Scanners work by taking a picture of each page of the document, and using those pictures to create an image-based PDF. Scanned image-based PDFs are accepted by the courts, but they should be the exception, not the norm, for court filings. In the limited situations where it is not possible to convert a document directly to a text-based PDF, the document may be scanned as a non-searchable, image-based PDF. The documents shall not contain any optical character recognition (OCR) data. Some scanners are

These formatting and technical requirements are established by the State Court Administrator under Minnesota General Rule of Practice 14.03(g). All electronically filed documents *must* comply with these requirements.

FORMATTING AND TECHNICAL REQUIREMENTS

set to add OCR data to PDF files; these scanners should be set to omit OCR data before being used to scan documents for filing. **Including OCR data may cause the eFS System to reject the document for filing, which can result in missed filing deadlines.**

If it is necessary to scan a document, the document should not be scanned in color. For example, a document that has been signed on paper in blue ink (despite the lack of a legal requirement for a handwritten signature) should be scanned in black and white, not in color. Documents that are scanned in color may not be fully viewable by the appellate courts if the case is appealed. Additionally, documents scanned in color have even larger file sizes than documents scanned in black and white. The larger file size makes the document even more difficult for judges, court staff, and other parties to work with. Color is not prohibited in documents converted directly to text-based PDF format.

Some examples of documents that may be scanned, rather than converted, are:

- Documents that are only available in paper form
- Contracts or marital termination agreements signed on paper to avoid disputes over the authenticity of the signatures
- Handwritten documents
- Photographs not available in electronic form

Combining Text-Based and Image-Based Portions of PDFs

It is permissible to combine a text-based portion of a document with an image-based portion:

Example

A stipulated proposed order is signed on paper, because one of the parties does not have access to an electronic device to create a typographical signature. The signature page could be scanned as an image-based PDF, while the body of the stipulated proposed order could be converted directly to a text-based PDF. The two PDFs could then be combined into a single document, the majority of which is searchable.

These formatting and technical requirements are established by the State Court Administrator under Minnesota General Rule of Practice 14.03(g). All electronically filed documents *must* comply with these requirements.

FORMATTING AND TECHNICAL REQUIREMENTS

B. Viewable and Legible

Every document filed must be readily viewable in its entirety with PDF viewing software.

Corrupt or incomplete files may fail to process through the eFS System. Before filing documents, filers should verify that the files are complete and are not corrupted.

Documents shall include only legible words and viewable images. Filers who submit scanned documents are responsible for ensuring that the documents are viewable and legible after scanning. (This requirement does not prevent the submission of a document for the purpose of showing that the document is illegible.)

C. Separate Documents as Separate PDFs

Frequently, filers will submit multiple documents together. Separate documents must be submitted as separate PDF files, and should not be submitted as a single PDF file. A confidential attachment to a public document should be submitted as a separate document from the public document. A public cover sheet for confidential documents should be submitted as a separate document from the confidential documents. A stipulation and proposed order based upon the stipulation should be filed as two separate documents. However, an affidavit and attached exhibits may be filed as a single PDF, unless one or more of the exhibits is non-public.

The eFS System allows filers to place multiple documents within the same “envelope” when filing. Documents that are related to each other should be filed as part of the same envelope when they are filed through the eFS System. This makes it easier for court administration staff to properly process the documents. For example, a motion and a supporting affidavit should be filed in the same envelope.

Example

The parties and their attorneys have signed a stipulation, and want to ask the judge to sign an order based on the stipulation. The stipulation and the proposed order are filed as two separate documents, within the same

These formatting and technical requirements are established by the State Court Administrator under Minnesota General Rule of Practice 14.03(g). All electronically filed documents *must* comply with these requirements.

FORMATTING AND TECHNICAL REQUIREMENTS

envelope. This makes it possible to automatically apply accurate file stamps: the stipulation's file stamp will reflect the date the parties filed it, and the order's file stamp will reflect the date the judge signed and filed it.

Example

A plaintiff with a medical malpractice case files an affidavit with medical records attached as exhibits. The affidavit is public, but the medical records are (if designated as medical records by the filer) non-public under Rule of Public Access 4, subd. 1(f). The plaintiff files the affidavit and the exhibits as two separate documents in the same envelope, using separate filing codes. To designate the medical records as medical records, the plaintiff either uses an appropriate electronic filing code, or files a Form 11.2 Cover Sheet for Non-Public Documents as a separate PDF. This makes it possible to classify the affidavit and Form 11.2 Cover Sheet as public, and the medical records themselves as non-public.

D. Limits on File Size

The filer is responsible for ensuring that all filings comply with the following file size limits:

- **Single document:** 25 megabytes
- **Envelope of documents:** 35 megabytes

Documents that exceed the size limits may not be transmitted successfully to the court through the eFS System. If a filing exceeds the size limits, it must be submitted in parts that comply with the size limits. Each part must be clearly labeled in order ("Part 1 of 3", "Part 2 of 3", etc.) in the comments field in the eFS System when it is filed.

These formatting and technical requirements are established by the State Court Administrator under Minnesota General Rule of Practice 14.03(g). All electronically filed documents *must* comply with these requirements.

FORMATTING AND TECHNICAL REQUIREMENTS

Tips:

- It is best to keep file sizes as small as reasonably possible. Larger files take longer to download and open.
- Documents with smaller file sizes are much easier for judges to open and review, especially when judges review court records on portable electronic devices such as tablets.
- Several factors can make file sizes larger:
 - Using image-based PDFs instead of text-based PDFs
 - Scanning documents in color or grayscale instead of black and white
 - Including pictures

E. Resolution of Scanned (Image-Based) Documents

Every scanned document must be set within the following minimum and maximum resolutions:

- **Minimum resolution:** 200 DPI (dots per inch)
- **Maximum resolution (recommended):** 300 DPI

Documents scanned at resolutions higher than 300 DPI may be rejected by the eFS System for filing.

F. Page Formatting

All documents must meet these page and formatting requirements:

- **Page Size:** 8.5-by-11-inch pages
- **Orientation:** Portrait
- **Margins:** The top margin must be at least one inch, and be free of all written matter.

(Portrait orientation and a blank top margin are necessary for the eFS System to properly apply electronic file stamps.)

- **Page Numbers:** All documents must have consecutive page numbers. The page numbers must continue through any attachments to the document.³⁹

³⁹ MINN. GEN. R. PRAC. 16.

These formatting and technical requirements are established by the State Court Administrator under Minnesota General Rule of Practice 14.03(g). All electronically filed documents *must* comply with these requirements.

FORMATTING AND TECHNICAL REQUIREMENTS

G. Prohibited Items

No document shall contain any:

- Embedded files
- Encryption or password protection, or other features that limit access
- Unreadable words, unviewable images, or invalid or corrupted tables
- Any other form of information that cannot readily be viewed in its entirety with PDF viewing software

H. Fonts

Character identifier (CID) fonts and embedded fonts *are not* permitted. Documents that contain character identifier fonts or embedded fonts may fail to process through the eFS System.

Some software programs and scanners that generate PDF files have a default setting that embeds fonts, so that the device that displays the PDF file can display all the fonts even though a particular font is not installed on the device. To avoid this problem, filers should change the settings on their PDF-generating software or scanner to exclude embedded fonts.

I. Bookmarks and Hyperlinks

Documents may contain bookmarks, which help the reader more quickly navigate through the document. While bookmarks are not required, many judges find bookmarks very useful for finding information in lengthy pleadings and attachments.

Documents may contain internal and external hyperlinks:

- **Internal hyperlinks:** A destination *within* the same document
- **External hyperlinks:** A destination *outside* the document

Hyperlinks are allowed for the purpose of providing convenient access to the material cited in the document. External hyperlinks are restricted to publicly available sources of law or court opinions. The

These formatting and technical requirements are established by the State Court Administrator under Minnesota General Rule of Practice 14.03(g). All electronically filed documents *must* comply with these requirements.

FORMATTING AND TECHNICAL REQUIREMENTS

linked-to material is not part of the court’s record, and the court does not exercise any responsibility over the content or destination of any hyperlink. In order to preserve the court record, complete citations are required: hyperlinks may not be used as a substitute for standard citations.

Example

A document citing the Minnesota Human Rights Act could include a hyperlink to the text of the Act on the Revisor of Statutes’ website. This is permissible if a standard citation is provided. “Minnesota Human Rights Act” by itself would not be sufficient; but “Minnesota Human Rights Act, Minn. Stat. §§ 363A.01-.43” would be sufficient.

J. Non-Conforming Documents

Occasionally, it will not be feasible to convert a document to an electronic format that complies with the requirements in this section. Some examples are large maps or blueprints, audio recordings, and video recordings. Before filing these documents, the filer must electronically file a motion for leave to file them conventionally. The filer may file the documents conventionally only if the court grants the motion.⁴⁰

Evidentiary exhibits offered into evidence at a trial or testimonial hearing are not filed through the eFS System, except for exhibits offered an omnibus hearing under the Rules of Criminal Procedure.⁴¹

⁴⁰ MINN. GEN. R. PRAC. 14.03(h).

⁴¹ MINN. R. CRIM. P. 11.10, subd. 3.

These formatting and technical requirements are established by the State Court Administrator under Minnesota General Rule of Practice 14.03(g). All electronically filed documents *must* comply with these requirements.

FORMATTING AND TECHNICAL REQUIREMENTS

K. Questions About Technical Compatibility

Filers who have questions about whether a document is compatible with the eFS System's technology are encouraged to contact the Judicial Branch eFS Support Center:

eFS Support Center Hours <i>(Closed on <u>court holidays</u>)</i>	Monday – Friday 8:30 a.m. – 4:30 p.m.
Phone numbers	651-902-9585 1-844-918-1724 (if calling long distance from a landline)
Website	<u>Support Center's website</u>

Separate System for Appellate Courts

This Guide applies only Minnesota's district courts. The Minnesota Court of Appeals and the Minnesota Supreme Court use a separate electronic filing system, E-MACS. This Guide does not apply to E-MACS. Information about using E-MACS is available at emacs.courts.state.mn.us. The legal and formatting requirements for using E-MACS differ in several respects from the eFS System requirements, and use of E-MACS is mandatory for many filers. Thus, everyone who files documents with Minnesota's state appellate courts should make sure he or she is familiar with E-MACS in addition to the eFS System.

Judicial Branch website:

www.mncourts.gov

Court Rules:

www.mncourts.gov/rules

Access to Case Records Table:

<https://mncourts.gov/mncourtsgov/media/Appellate/Supreme%20Court/Court%20Rules/CASE-REC-TABLE.pdf>

eFS System, Resources, Training Materials, and Support Center:

www.mncourts.gov/efile

Examples of Financial Account Numbers:

https://mncourts.gov/mncourtsgov/media/scao_library/eFS/Examples-of-Financial-Account-Numbers.pdf

Confidential Documents and Confidential Information in CHIPS Proceedings:

www.mncourts.gov/mncourtsgov/media/CourtForms/CON115.pdf?ext=.pdf

REVISION HISTORY

Date	Description of Revisions
July 1, 2015	<i>Registered User Guide</i> formatting requirements become mandatory for e-filers.
October 2, 2015	Layout is updated to make <i>Guide</i> more user-friendly. Overviews of permissible forms of signatures and filers’ duty to separate public and non-public information upon filing are expanded. Mandatory formatting requirements are updated to make more clear that filers should not print documents on paper and scan them unless necessary, and to emphasize that filers are responsible for filing separate documents as separate PDFs. A “Useful URLs” section is added to assist filers who print off a paper copy of the <i>Guide</i> .
July 1, 2016	<i>Guide</i> is updated to replace broken URLs in hyperlinks.
January 13, 2017	<p>“About this Guide” description is reworded to emphasize that filers are responsible for designating non-public information and separating it from public court filings, and that non-compliance with formatting requirements can result in failure to e-file documents and missed filing deadlines. Overview of eFS System clarifies that the <i>Guide</i> does not apply to the appellate courts’ E-MACS system. Outdated references to eCourtMN pilot counties are removed. Reminder added that eFS System should only be used for documents that belong in the case file, and should not be used for documents, such as invoices for service of process, that do not become part of the case file. Clarification of options for getting copies of court documents.</p> <p>Description of filers’ responsibility to designate information as public, confidential, or sealed is expanded. Additional information is provided about when the identities of minor victims of criminal sexual conduct are non-public, the distinction between medical records (non-public) and medical information (public), and the difference between segregating non-public information and redacting non-public information.</p> <p>Formatting requirements are updated to emphasize the risks of scanning documents on paper, and emphasizing that court documents should be prepared electronically and generally do not need to be signed by hand. Formatting requirements prohibit scanning documents in color.</p> <p>Link to Court Rules is added in the “Useful URLs” section.</p>
September 1, 2018	<p>Language about filing wills and adding oneself as a service conduct is updated to reflect 2018 amendments to General Rule of Practice 14.</p> <p>Language is added that filers should only designate a single email address for receipt of service in each case.</p> <p>Language is added to Overview of Signature Requirements to remind attorneys that typographical signatures are legally valid and are appropriate for routine use in court filings. Minor clarifications are made to description of filers’ duty to separate public and non-public information.</p>

REVISION HISTORY

	<p>Terminology “text-based PDF” and “image-based PDF” is added, as these terms are more easily understood than “converted PDF” and “scanned PDF.”</p> <p>Prohibition on bullet points, checkboxes, and special characters is removed as they no longer appear to be a technical issue.</p> <p>Section about E-MACS is added to emphasize that the appellate courts use a separate e-filing system.</p> <p>Revision History Section is added.</p>
February 10, 2020	Contact information for the eFS Support Center is updated.
January 1, 2021	<p>Reference to eFS being used to submit materials for <i>in camera</i> review is removed due to the prevalence of chambers email addresses for this purpose.</p> <p>Language is added to clarify that evidentiary exhibits are generally not filed through eFS.</p> <p>Explanation for the prohibition on digital signatures is added.</p> <p>Discussion of appropriate use of cover letters is added.</p> <p>Description of expansion of administrative rejection and striking of filings for failure to separate non-public information is added.</p> <p>Examples of how to file separate documents as separate PDFs are updated.</p>