FILED
February 12, 2026
OFFICE OF
APPELLATE COURTS

STATE OF MINNESOTA

IN SUPREME COURT

ADM09-8009
ADM10-8046
ADM10-8049

ORDER PROMULGATING AMENDMENTS TO THE GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS, RULES OF CRIMINAL PROCEDURE, AND SPECIAL RULES OF PROCEDURE GOVERNING PROCEEDINGS UNDER THE MINNESOTA COMMITMENT AND TREATMENT ACT

On October 2, 2024, we issued an order directing the Supreme Court Advisory Committees for the General Rules of Practice for the District Courts, the Rules of Criminal Procedure, and the Special Rules of Procedure Governing Proceedings Under the Minnesota Commitment and Treatment Act to "consider whether amendments to th[os]e rules are necessary to remove or amend rules that prohibit holding court proceedings remotely or [] constrain the use of remote technology to conduct court proceedings, or to implement the default format for hearings reflected in revised Judicial Council Policy 525." Order Governing the Continuing Operations of the Minnesota Judicial Branch, No. ADM20-8001, Order at 3, (Minn. filed Oct. 2, 2024). Each Advisory Committee timely filed their respective reports and recommendations. *See* Rep. and Proposed Amend. to the Minn. R. Crim. P., No. ADM10-8049 (filed May 15, 2025); Recommendations of Minn. Sup. Ct. Advisory Comm. on Minn. Gen. R. Prac., No. ADM09-8009 (filed May 27, 2025); Recommendations of Minn. Sup. Ct. Advisory Comm. on the Special Rules of Proc. Governing Proceedings Under the

Minn. Commitment and Treatment Act, No. ADM10-8046 (filed May 30, 2025). We opened a public comment period and no comments were received. *See, e.g.*, Order Establishing Public Comment Period on Proposed Amendments to the Minn. Gen. R. Prac., Minn. R. Crim. P., and Special Rules of Proc. Governing Proceedings Under the Minn. Commitment and Treatment Act, No. ADM09-8009, Order at 2 (Minn. filed June 27, 2025).

Having carefully considered the Advisory Committees' recommendations we adopt the proposed amendments, with modifications.[1]

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

IT IS HEREBY ORDERED that the attached amendments to the Minnesota General Rules of Practice for the District Courts, Minnesota Rules of Criminal Procedure, and Special Rules of Procedure Governing Proceedings Under the Minnesota Commitment and Treatment Act are each prescribed and promulgated, effective as of July 1, 2026. The Advisory Committee comments are included for convenience and do not reflect court approval of the comments.

Dated: February 12, 2026

BY THE COURT:



Karl C. Procaccini
Associate Justice

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[1] Minor modifications were made to the proposed amendments to the Minnesota Rules of Criminal Procedure. In addition, minor amendments to the Conciliation Court Rules proposed by the Advisory Committee to the General Rules of Practice are not included in this order. Instead, the court, by separate order, has adopted comprehensive amendments to the Conciliation Court Rules proposed by the advisory committee, which included within it amendments to comply with Judicial Council Policy 525.

AMENDMENTS TO THE GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS

[Note: In the following amendments, deletions are indicated by a line drawn through the words, and additions are indicated by a line drawn under the words.]

TITLE I. RULES APPLICABLE TO ALL COURT PROCEEDINGS

RULE 1. SCOPE OF RULES; MODIFICATION; SERVICE ON PARTIES; APPLICABILITY TO SELF-REPRESENTED LITIGANTS

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Rule 1.05. Hearing Format

Whenever these rules reference a hearing, proceeding, conference, session, courtroom, or appearance, those terms shall include those held in-person and by use of remote technology ("remotely") as directed by Judicial Council Policy, or the court.

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TITLE II. RULES GOVERNING CIVIL ACTIONS

PART B. SCHEDULING

RULE 111. SCHEDULING OF CASES

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Rule 111.03 Scheduling Order

(a) When issued. No sooner than the due date of the last civil cover sheet under Rule 104, and no longer than 90 days after an action has been filed, the court shall enter its scheduling order. The court may issue the order after ~~either~~ a ~~telephone or in-court~~ conference, or without a conference or hearing if none is needed.

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RULE 114. ALTERNATIVE DISPUTE RESOLUTION

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Rule 114.09 Arbitration Proceedings

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(b) Evidence.

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(2) The arbitrator shall receive evidence that the arbitrator deems necessary and relevant to understand and determine the dispute. Relevancy shall be liberally construed in favor of admission. The following principles apply:

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(ii) Other Reports. The written statement of any other witness, including written reports of expert witnesses not enumerated above and statements of opinion that the witness would be qualified to express if testifying ~~in person~~, shall be received in evidence if: (1) copies have been delivered to all other parties at least 14 days before the hearing; and (2) no other party has delivered to the proponent of the evidence a written demand at least 7 days before the hearing that the witness be produced ~~in person~~ to testify at the hearing. The arbitrator shall disregard any portion of a statement received pursuant to the rule that would be inadmissible if the witness were testifying ~~in person~~, but the inclusion of inadmissible matter does not render the entire statement inadmissible.

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Rule 114.12 ADR Rosters and Training

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Subdivision 1. Applicability of Rules; Definitions.

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(b) Definitions.

(1) "Classroom training" includes both interactive training conducted in person and interactive training conducted through ~~virtual means~~ remote technology. Classroom training also includes a "ride-along."

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Rule 114.13 Code of Ethics and Enforcement Procedures

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B. RULES OF THE MINNESOTA ADR ETHICS BOARD

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Subd. 3. Remedies and Sanctions.

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(d) Review Hearing.

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(2) *Appointment of the Referee.* The State Court Administrator's Office shall notify the Supreme Court of the request for hearing. The court shall appoint a referee to conduct the hearing. Unless the court otherwise directs, the proceedings shall be conducted in accordance with the Minnesota Rules of Civil Procedure and Minnesota Rules of Evidence and the referee shall have all powers of a district court judge. All prehearing conferences and hearings ~~shall be held at the Minnesota Judicial Center,~~ shall be recorded electronically by staff of the State Court Administrator's Office, and shall not be accessible by the public.

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PART C. MOTIONS

RULE 115. MOTION PRACTICE

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Rule 115.04 Nondispositive Motions.

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(d) **Expedited, Informal Non-Dispositive Motion Process.** The moving party is encouraged to consider whether the motion can be informally resolved through a ~~telephone~~ remote technology conference with the judge or judicial officer. The moving party may invoke this informal resolution process by written notice to the court and all opposing counsel and self-represented litigants. The moving party must also contact the appropriate court administrative or judicial staff to schedule a ~~phone~~ conference. The parties may (but are not required to) submit short letters, with or without a limited number of documents attached (no briefs, declarations or sworn affidavits are to be filed), prior to the conference to set forth their respective positions.

The court may, in its discretion, direct the manner of submission of the letters. The court will read the written submissions of the parties before the ~~phone~~ conference, hear arguments of counsel and self-represented litigants at the conference, and issue its decision at the conclusion of the ~~phone~~ conference or shortly after the conference. Depending on the nature of the dispute, the court may or may not issue a written order. The court may also determine that the dispute must be presented to the court via formal motion and hearing. The ~~Telephone~~ conferences held under this rule will not be recorded or transcribed.

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Rule 115.09 ~~Telephone~~ Remote Technology Hearings.

~~When a motion is authorized by the court to be heard by telephone conference call, the moving party shall be responsible either to initiate the conference call or to comply with the court's instructions on initiation of the conference call. If necessary, adequate provision shall be made by the court for a record of the telephone hearing. No recording shall be made of any telephone hearing except the recording made as the official court record.~~ Whether a hearing will be held in-person or by remote technology is based on the type of case and the type of hearing, as set forth by Judicial Council Policy, which can be found on the Minnesota Judicial Branch website.

~~(Amended effective January 1, 1996.)~~

Rule 115.10 Settlement Efforts.

No motion will be heard unless the parties have conferred ~~either in person, or by telephone, or in writing~~ in an attempt to resolve their differences prior to the hearing. The moving party shall initiate the conference. The moving party shall certify to the court, before the time of the hearing, compliance with this rule or any reasons for not complying, including lack of availability or cooperation of opposing counsel. Whenever any pending motion is settled, the moving party shall promptly advise the court.

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PART D. MISCELLANEOUS MOTION PRACTICE

RULE 116. ORDERS TO SHOW CAUSE

An order to show cause will be issued only in a case where a statute or rule of civil procedure provides that such an order may be issued or where the court deems it necessary to require the party to appear ~~in person~~ at the hearing.

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RULE 131. ~~USE OF INTERACTIVE VIDEO TELECONFERENCE IN CIVIL CASES~~ Repealed February 12, 2026, eff. July 1, 2026

~~**Rule 131.01. Definitions.**~~

~~(a) "ITV" refers to interactive video teleconference.~~

~~(b) A "terminal site" is any location where ITV is used for any portion of a court proceeding.~~

~~(c) The "venue county" is the county where pleadings are filed and hearings are held under current court procedures.~~

~~**Rule 131.02. Permissible Uses; Initiation.**~~

~~In all civil actions and proceedings including commitment proceedings subject to the Special Rules of Procedure Governing Proceedings Under the Minnesota Commitment and Treatment Act, the court may conduct hearings and admit oral testimony, subject to cross-examination, by live audio-visual means, where authorized by this rule.~~

~~**(a) Scheduling Conflicts.** All scheduling conflicts and priorities shall be determined by the judge(s).~~

~~**(b) Use of ITV on Court's Initiative; Notice**. If the court on its own initiative orders the use of live audio-visual means (ITV) to conduct hearings and proceedings, it shall give notice in accordance with the Rules of Civil Procedure and General Rules of Practice, which notice shall advise the parties of the duty to exchange information under Rule 131.04, and the prohibition on recording in Rule 131.06(i).~~

~~**(c) Use of ITV Upon Stipulation.** The parties may, subject to court approval and site availability, stipulate that a hearing or proceeding be conducted by ITV in accordance with the procedures established in this rule. The parties shall contact the court administrator as soon as possible to permit scheduling of ITV facilities. A written, signed stipulation requesting the use of ITV shall be filed with the court at least 24 hours prior to the date set for the ITV hearing or proceeding. The stipulation shall be substantially in the form set forth in the Stipulation and Approval form as published by the state court administrator. The parties are responsible for making arrangements to use any site that is outside the control of the court in the venue county, for providing the necessary contact information to the court administrator, and for ensuring the compatibility of the equipment.~~

~~**(d) Use of ITV Upon Motion.**~~

~~**(1) Request.** Any party may, by motion, request the use of ITV for a hearing or proceeding in accordance with this rule. No motion for use of ITV shall be heard until the moving party serves a copy of the motion on the opposing counsel and files the original with the court administrator at least 7 days before the scheduled hearing or proceeding for which ITV use is requested. The moving party may, ex parte, contact the court for an expedited hearing date on the motion for use of ITV and for waiver of the usual notice of hearing. The moving party is responsible under Rule 131.02(c) for making arrangements to use any site that is outside the control of the court in the venue county, for providing the necessary contact information to the court administrator, and for ensuring the compatibility of the equipment. The motion shall include, as an attachment, a notice advising the other parties of their right to object to use of ITV, the consequences of failing to timely file an objection, the duty to exchange information under Rule 131.04, and the prohibition on recording in Rule 131.06(i). A sample notice is published by the state court administrator.~~

~~**(2) Objection.** Any party objecting to a motion for use of ITV may file and serve a response to the motion 48 hours prior to the hearing on the motion for use of ITV.~~

~~**(3) Burden of Proof.** The moving party must establish good cause for use of ITV by a preponderance of the evidence.~~

(4) Good Cause. The Court shall consider the following factors to determine "good cause":

(i) Whether a timely objection has been made;

(ii) Whether any undue surprise or prejudice would result;

(iii) The convenience of the parties, counsel, and the court;

(iv) The cost and time savings;

(v) The importance and complexity of the proceeding;

(vi) Whether the proponent has been unable, after due diligence, to procure the physical presence of a witness;

(vii) The convenience to the parties and the proposed witness, and the cost of producing the witness in relation to the importance of the offered testimony;

(viii) Whether the procedure would allow effective cross-examination, especially where documents and exhibits available to the witness may not be available to counsel;

(ix) Whether the surroundings maintain the solemnity and integrity of the proceedings and thereby impress upon the witness the duty to testify truthfully;

(x) Whether the witness is presently in prison or incarcerated; and,

(xi) Such other factors as the court may, in each individual case, determine to be relevant.

(5) Emergency Circumstances. The court may shorten the time periods provided in this rule 131.02(d) upon a showing of good cause.

(6) Determination. If the use of ITV is thereafter allowed and ordered by the court, the hearing shall proceed, by ITV, in accordance with the provisions of this rule. If the court determines that good cause for the use of ITV has not been established, the hearing or proceeding shall be heard as provided by the Rules of Civil Procedure and General Rules of Practice.

(Amended effective January 1, 2020.)

Rule 131.03. Costs and Arrangements; Certification.

(a) Costs. The party or parties, other than the court, requesting use of ITV for any hearing or proceeding shall be responsible for any additional use or other fees over and above those normally incurred by the venue county in connecting from one court site to another court site within the district or collaboration area.

(b) Arrangements. If the court on its own initiative orders ITV, the court shall, through the court administrator where the case is venued, establish and make arrangements to carry out the ITV procedures required in order for the court to hear the case as an ITV hearing or proceeding. In all other cases it will be the responsibility of the party requesting the use of ITV to contact the court administrator where the case is venued who shall, working with the judge assigned, establish a hearing date and time so that the case may be scheduled as an ITV hearing or proceeding. The court and counsel shall use reasonable efforts to confer with one another in scheduling ITV hearings or proceedings so as not to cause, delay or create scheduling conflicts.

(c) Service. The moving party shall have the responsibility of preparing, serving and filing the motion and notice of motion documents as required by this rule.

(d) Certification. By signing a stipulation or motion for use of ITV, a person certifies that the use of ITV will be in accordance with the provisions of this rule, including, without limitation, the requirement in Rule 131.06(i) that no recording shall be made of any ITV proceeding except the recording made as the official court record.

(Amended effective July 1, 2015.)

Rule 131.04. Exchange of information.

Whenever ITV is to be used to conduct a hearing or proceeding, evidentiary exhibits shall be exchanged with all other parties and submitted to the court, as appropriate, prior to the commencement of the hearing or proceeding.

Rule 131.05. Location of Participants.

During the ITV hearing:

(a) The judge may be at any terminal site.

(b) The court clerk shall be in the venue county unless otherwise authorized by the presiding judge.

(c) Except as otherwise provided in rule 131.05(d) regarding commitment proceedings, counsel for the parties shall be present at the site from which the party they

represent will participate in the hearing, unless the court approves another location prior to the hearing, and witnesses and other interested parties may be located at any terminal site that will allow satisfactory video and audio reception at all other sites.

(d) In commitment proceedings, the respondent's attorney shall be present at the ITV site from which the respondent will participate in the proceedings.

Rule 131.06. Proceedings.

In any proceeding conducted by ITV under this rule:

(a) Parties entitled to be heard shall be given prior notice of the manner and time of the hearing or proceeding.

(b) Witnesses may testify by ITV at all hearings, including contested matters.

(c) Regardless of the physical location of any party to the ITV hearing or proceeding, any waiver, stipulation, motion, objection, decision, order or any other actions taken by the court or a party has the same effect as if done in person. Court orders that bear the presiding judge's or judicial officer's signature may be transmitted electronically to the various ITV sites for the purpose of service.

(d) The court administrator of the venue county will keep court minutes and maintain court records as if the proceeding were heard in person.

(e) All proceedings held by ITV will be governed by the Minnesota Rules of Civil Procedure, the General Rules of Practice and state law, except as herein provided.

Courtroom decorum during ITV hearings will conform to the extent possible to that required during traditional court proceedings.

(f) A sheriff, sheriff's deputy, bailiff or other licensed peace officer shall be present at each ITV site for the purpose of maintaining order, as the court deems necessary.

(g) The court shall ensure that each party has adequate opportunity to speak privately with counsel, including, where appropriate, suspension of the audio transmission and recording or allowing counsel to leave the conference table to communicate with the client in private.

(h) Judges may continue any hearing that cannot proceed due to ITV equipment problems or failure, unless other arrangements to proceed with the hearing are agreed upon by all parties.

(i) No recording shall be made of any ITV proceeding except the recording made as the official court record. This Rule 131 does not supersede the provisions of the Minnesota Rules of Public Access to Records of the Judicial Branch.

(Amended effective July 1, 2015.)

Rule 131.07. Administrative Procedures.

The following administrative procedures are applicable to all ITV proceedings:

(a) Off-Camera Presence. During a hearing conducted by ITV, all off-camera persons at any participating ITV terminal site must be identified for the record. This shall not apply to members of the public located in general public seating areas of any courtroom.

(b) Court Administrator Duties. The court administrator for each county shall be responsible for the following:

(1) Ensure that the ITV equipment is ready and functioning properly in advance of any ITV hearing, so that there will be no interference with the punctual commencement of a hearing.

(2) Provide participants an opportunity to become familiar with use of the ITV equipment and courtroom procedure prior to commencement of the hearing.

(3) Set ITV system configuration as designated by the presiding judge. The presiding judge shall consider the objections or concerns of any party.

(4) Monitor audio and video quality, making adjustments and providing technical assistance throughout the hearing as necessary.

(5) Ensure that any court documents or exhibits that the judge or judicial officer will require prior to or during the course of the hearing are delivered or available to the judge or judicial officer prior to commencement of the hearing.

(6) Be familiar with problem management procedures, including steps to be taken in performing initial problem determination, identity and location of individual(s) who should be contacted if initial problem/resolution attempts fail, and service call placement procedures.

(c) Technical Standards. The following technical standards should be followed:

(1) To optimize picture clarity, the room should have diffused lighting and window shades to block external light.

(2) To optimize viewing, monitors should be placed in a darkened area of the room and be of sufficient size and number to allow convenient viewing by all participants.

(3) Cameras and microphones should be sufficient in number to allow video and audio coverage of all participants, prevent crowding of participants, facilitate security, and protect confidential communications.

(4) Audio and visual must be synchronized and undistorted.

(5) All hearing participants should speak directly into their microphones.

(Amended effective July 1, 2015.)

Advisory Committee Comments – 2008 Amendment

In October 1999 the Supreme Court informally approved the use of ITV in civil cases but did not adopt any specific rules. The addition of Rule 131 in 2008 is intended to provide a uniform procedure permitting the use of interactive video teleconferencing (ITV) to conduct hearings and admit oral testimony in civil cases. It is based on protocols developed and implemented for a pilot project in the Ninth Judicial District and later tweaked by a subcommittee of the Court's former Technology Planning Committee. The success of the pilot project is reported in NATIONAL CENTER FOR STATE COURTS, COURT SERVICES DIVISION, ASSESSMENT OF THE INTERACTIVE TELEVISION PROGRAM IN THE NINTH JUDICIAL DISTRICT OF MINNESOTA (Sept. 1999).

Rule 131.02 identifies the situations in which the district court may authorize the use of ITV by order: upon the court's own initiative, upon stipulation by the parties, or upon a showing of good cause. The court as part of its overall case management practice initiated the bulk of the orders in the Ninth Judicial District pilot project. It is anticipated that use of ITV will vary by district, depending on factors such as geographical size and the nature of the cases.

Rule 131.02(b) recognizes that when a court orders the use of ITV on its own initiative, the court must notify the parties of the use of ITV. Notices are to be in accordance with rules of civil procedure and the general rules of practice. Once an order is filed, MINN. R. CIV. P. 77.04 requires the court administrator to serve notice of the order immediately by mail, and MINN. GEN. R. PRAC. 1.03 requires that service be made on a party's attorney if represented, otherwise on the party directly. The notice of ITV use may also be incorporated into a scheduling order issued under MINN. GEN. R. PRAC. 111.03. Regardless of the precise mechanism, the notice of ITV use must include the information required in Rule 131.02(b). A sample notice is set forth for publication by the state court administrator.

~~*Parties may, subject to court approval, stipulate to the use of ITV under rule 131.02(c). Upon reaching a stipulation, the parties must contact the court administrator as soon as possible to obtain a date and time for the ITV hearing. Failure to provide adequate lead time may result in rejection of the stipulation. The parties are responsible for making arrangements to use any site that is outside the control of the court in the venue county. Parties should be aware that use of court and other governmental terminal sites might be subject to collaboration agreements entered into between courts and other government agencies. This may limit the availability of, or control the costs of using or accessing certain terminal sites, particularly those outside the county or district where the action is venued or outside the state's dedicated MNET network. Under Rule 131.03 parties requesting use of ITV for any hearing or proceeding are responsible for any additional use or other fees over and above those normally incurred by the venue county in connecting from one collaboration site to another. Parties are also responsible for ensuring compatibility of equipment for sites outside the control of the venue county.*~~

~~*Finally, a written, signed stipulation in the format substantially similar to the form appended to the rule must be filed with the court no later than twenty-four (24) hours prior to the hearing. By signing the stipulation the parties certify that they will follow the protocol, including, without limitation, the requirement in Rule 131.06(i) that no recording shall be made of the ITV proceeding except a recording made as the official record of the proceeding. Access to recordings of proceedings is governed by Rule 4, subd. 3, of the RULES OF PUBLIC ACCESS TO RECORDS OF THE JUDICIAL BRANCH.*~~

~~*Rule 131.02(d) sets forth requirements for requesting ITV use when there is no stipulation by the parties. A formal motion is required, and it must be served and filed at least seven days prior to the scheduled hearing or proceeding for which ITV use is requested. The rule authorizes ex parte contact with the court for purposes of obtaining an expedited hearing date on the motion for use of ITV. See MINN. GEN. R. PRAC. 115.04 (non-dispositive motions normally must be served and filed at 14 days in advance of the hearing). The moving party is responsible under Rule 131.03 for making arrangements to use any site that is outside the control of the court in the venue county, for providing the necessary contact information to the court administrator, for ensuring the compatibility of the equipment, and paying any additional costs incurred by the court in facilitating the ITV session. The motion must also include or be accompanied by a notice informing opposing parties of their right to object, consequences of failure to object, requirements for exchange of information, and prohibitions on recording an ITV session (a sample notice is provided for publication by the state court administrator).*~~

~~*Objections to a motion for use of ITV must be made prior to the hearing on the motion. The failure of an opposing party to object may be considered along with other factors set forth in Rule 131.02(d)(4) that may determine good cause for use of ITV. The moving party has the burden of establishing good cause.*~~

~~*Rule 131.02(d)(5) permits the court to shorten the time periods provided for in Rule 131.02 in emergent circumstances upon a proper showing. As of the time of the drafting of this commentary, a different time period is established for requesting ITV use in commitment cases under Rule 14 of the SPECIAL RULES OF PROCEDURE UNDER THE MINNESOTA COMMITMENT AND TREATMENT ACT (requires notice to the other party at least 24 hours in advance of the hearing, and court approval). The drafting committee is of the opinion that following the protocol with the ability to shorten the time frames when necessary will be sufficient to address the needs of commitment and other matters covered by this rule.*~~

~~*Rule 131.03 places responsibility for costs and site arrangements with those seeking to use ITV. The court assumes this responsibility when ordering ITV on its own initiative, as is done for the bulk of the ITV proceedings in the Ninth Judicial District pilot project. When a party or parties initiate the request, however, Rules 131.02(c) and 131.02(d) shift some of the responsibility to the requesting party or parties. Parties also certify that they will comply with the protocol, including the prohibition in Rule 131.06(i) against recording ITV sessions.*~~

~~*Rule 131.04 attempts to highlight an important logistical requirement when ITV is used. Documents and other information need to be exchanged and submitted to the court, where appropriate, prior to the ITV session. This is particularly important when the parties are located at different sites.*~~

~~*Rule 131.07(b) recognizes that ITV use imposes new logistical duties on court administration staff. This section is intended to assist courts as they implement ITV use and to train new staff.*~~

~~*Rules 131.05 .07 set forth the ground rules for conducting ITV sessions. The prohibition on recording ITV sessions set forth in Rule 131.06(i) and echoed throughout the rule is identical to that applicable to telephone hearings under MINN. GEN. R. PRAC. 115.09. This requirement is consistent with the directives of the supreme court regarding use of cameras in the courtroom. See In re Modification of Section 3A(10) of the Minnesota Code of Judicial Conduct, No. C7-81-300 (Minn. S. Ct., filed Jan. 11, 1996) (order reinstating experimental program for audio and video coverage of trial court proceedings); Order for Interactive Audio-Video Communications Experiment in First Judicial District Mental Illness Commitment Proceedings, No. C6-90-649 (Minn. S. Ct., filed April 5, 1995); Order re Interactive Audio-Video communications Pilot Program in Third Judicial District Mental Illness Commitment Proceedings, No. C6-90-649*~~

~~*(Minn. S. Ct., filed Jan. 29, 1999); Order for Interactive Audio and Video Communications, Fourth Judicial District, Mental Health Division, Price and Jarvis Proceedings, No. C6-90-649 (Minn. S. Ct., filed April 8, 1991).*~~

~~*Rule 131.05(c) requires that counsel and their party must be present at the same terminal site unless otherwise permitted by the court. In commitment cases, court rules do not permit counsel for the patient and the patient to be present at different sites. See rule 14 of the Special Rules of Procedure Under the Minnesota Commitment and Treatment Act. Witnesses and other participants may be located at any terminal site that allows satisfactory video and audio reception.*~~

~~*Rule 131.07(c) describes equipment and room standards in functional terms. A more detailed discussion of technical issues and terminology can be found in STATEWIDE VIDEOCONFERENCING COMMITTEE, BRIDGING THE DISTANCE: IMPLEMENTING VIDEOCONFERENCING IN WISCONSIN (10/30/2007) (a dynamic document that is continually updated and that is currently available for download from the Wisconsin Supreme Court website, located at http://www.wicourts.gov/about/committees/ppacvidconf.htm).*~~

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TITLE IV. RULES OF FAMILY COURT PROCEDURE

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RULE 303. MOTIONS; EMERGENCY RELIEF; ORDERS TO SHOW CAUSE

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Rule 303.05 Orders to Show Cause

Orders to show cause shall be obtained in the same manner specified for ex-parte relief in Rule 3 of these rules. Such orders may require production of limited financial information. An order to show cause shall be issued only where the motion seeks a finding of contempt under Rule 309 or the supporting affidavit makes an affirmative showing of:

(a) a need to require the party to appear ~~in person~~ at the hearing, or

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RULE 304. SCHEDULING OF CASES

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Rule 304.03 Scheduling Order

(a) **When issued.** Within 28 days after the expiration of the time set forth in Rule 304.02 for filing a Scheduling Statement, the court shall enter its scheduling order. The court may issue the order after a conference or hearing ~~either a telephone or in court conference~~, or without a conference or hearing if none is needed.

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RULE 307. FINAL HEARINGS

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(b) **Stipulations Entered on the Record ~~in Open Court~~ Preparation of Findings.** Where a stipulation has been entered orally upon the record, the lawyer directed to prepare the decree shall submit it to the court with a copy to each party. Unless a written, fully executed stipulation is filed or unless the decree contains the written approval of the other party or their legal representative, a transcript of the oral stipulation shall be filed by the lawyer directed to prepare the decree. Responsibility for the cost of the transcript shall be determined by the court. Entry of the decree shall be deferred for 14 days to allow for objections unless the decree contains the written approval of the lawyer for each party, or the other party if he or she is self-represented.

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RULE 309. CONTEMPT

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Rule 309.02 Hearing

The alleged contemnor must appear ~~in person~~ before the court to be afforded the opportunity to respond to the motion for contempt by sworn testimony. The court shall not act upon affidavit alone, absent express waiver by the alleged contemnor of the right to offer sworn testimony.

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RULE 359. ~~TELEPHONE AND INTERACTIVE VIDEO~~ Repealed February 12, 2026, eff. July 1, 2026

~~Rule 359.01 Telephone and Interactive Video Permitted~~

~~A child support magistrate may on the magistrate's own initiative conduct a hearing by telephone or, where available, interactive video. Any party may make a written or oral request to the court administrator or the court administrator's designee to appear at a scheduled hearing by telephone or, where available, interactive video. In the event the request is for interactive video, the request shall be made at least 7 days before the date of the scheduled hearing. A child support magistrate may deny any request to appear at a hearing by telephone or interactive video.~~

~~(Amended effective January 1, 2020.)~~

~~*Advisory Committee Comment*~~

~~*The Advisory Committee encourages the use of telephone and, where available, interactive video, to conduct proceedings in the expedited process.*~~

~~Rule 359.02 Procedure~~

~~The court administrator or court administrator's designee shall arrange remote participation in a hearing by telephone or other remote video means, as approved by the child support magistrate. When conducting a remote proceeding with a party or witness that resides out of state, the child support magistrate shall ensure that the requirements of Minn. Stat. § 518C.316 are met. Court Administration shall make adequate provision for a record of any remote proceeding. No recording may be made of any remote proceeding except the recording made as the official court record.~~

~~(Amended effective November 22, 2023.)~~

~~*Advisory Committee Comment – 2023 Amendments*~~

~~*Rule 359.02 is modified in 2023 to recognize broader use of remote hearing technology and that court staff make arrangements for recording such proceedings.*~~

~~Rule 359.03 In-Court Appearance Not Precluded~~

~~Rule 359.01 does not preclude any party or the county attorney from being present in person before the child support magistrate at any motion or hearing.~~

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RULE 365. DECISION AND ORDER OF CHILD SUPPORT MAGISTRATE

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Rule 365.04 Notice of Filing of Order or Notice of Entry of Judgment

Subdivision 1. Service by Court Administrator. Within 7 days of receipt of the decision and order of the child support magistrate the court administrator shall serve a notice of filing of order or notice of entry of judgment upon each party by U.S. mail, together with a copy of the order or judgment ~~if a copy of the order was not served at the hearing~~. The court administrator shall use the notice of filing form prepared by the state court administrator which shall set forth the information required in subdivision 2. The notices shall be sent by electronic means in accordance with Rule 14 to any party who has agreed to or is required to accept electronic service under Rule 14.

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TITLE V. PROBATE RULES

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RULE 406. UNCONTESTED FORMAL PROCEEDINGS

(a) Uncontested Formal Proceedings; Hearings and Proof. The court shall ~~call the calendar in open court for all hearings~~ set all hearings for a designated time. If a petition in a formal proceeding is unopposed, the court will enter in the record the fact that there was no appearance in opposition to the petition and that no objection has been filed with the court. Thereupon, the court shall:

(1) Make its determination after conducting a hearing ~~in open court~~, requiring appearance of petitioner and testimony or other proof of the matters necessary to support the order sought; or

* * *

TITLE VIII. RULES RELATING TO CRIMINAL MATTERS

* * *

RULE 708. ~~ITV IN CRIMINAL CASES~~ Repealed February 12, 2026, eff. July 1, 2026

~~Use of ITV in criminal cases is governed by the Rules of Criminal Procedure and Rule 131.07 of these Rules.~~

~~(Adopted effective March 1, 2009.)~~

~~***Advisory Committee Comments – 2008 Amendment***~~

~~*On November 19, 2007, the Supreme Court issued an order promulgating Minn. R. Crim. P. 1.05 governing the use of interactive video teleconference (ITV) in criminal proceedings. The order referred the task of developing rules governing the administrative procedures for conducting ITV hearings in criminal matters to the Advisory Committee on General Rules of Practice for the District Courts. In the interim, the Court ordered the State Court Administrator to develop temporary administrative procedures. The administrative procedures are set forth in Rule 131.07 of the General Rules of Practice for the District Courts.*~~

* * *

Special Rules for the Pilot Expedited Civil Litigation Track

* * *

RULE 3. CASE MANAGEMENT CONFERENCE

* * *

(b) Format; Alternative Judicial Intervention. The court may conduct the CMC by ~~telephone~~ remote technology or may substitute other judicial intervention (including but not limited to ~~one or more telephone~~ discussions with the parties or issuing a scheduling order based on information supplied by the parties in their civil cover sheet) that addresses the above subjects.

* * *

RULE 4. LIMITATIONS ON DISCOVERY

* * *

(d) Meet and Confer Requirement. Prior to any motion to compel discovery, the party seeking the discovery and the party from whom responses are being sought must, by and through their counsel (or a pro se litigant if unrepresented by counsel), confer in an attempt to resolve the dispute. If the dispute is not resolved, the party seeking the discovery shall contact the court and schedule a ~~telephone~~ conference with the court, and provide notice of the date and time of the ~~telephone~~ conference to all adverse parties. No later than 5 days prior to the date of the discovery dispute ~~telephone~~ conference, each party shall serve and file with the court a letter not exceeding 2 pages in length setting forth the party's

position on the discovery dispute and providing copies of the disputed discovery. The court, in its discretion, may allow additional argument at the ~~telephone~~ conference. The court shall promptly rule on the discovery dispute.

* * *

APPENDIX OF SAMPLE FORMS

* * *

Appendix A: Sample Expedited Litigation Track Assignment Order

* * *

It is ORDERED:

1. This case is assigned to the pilot project ("ELT Pilot") under the Special Rules For a Pilot Expedited Civil Litigation Track ("ELT Rules");

2. A party objecting to this assignment must make a formal motion under ELT Rule 1(c) or (d), for removal from the ELT Pilot;

3. Each party shall provide the Automatic Disclosure Of Information required under ELT Rule 2;

4. A Case Management conference shall be held on :_____via_____, and each party shall attend the conference prepared to discuss the subjects identified in ELT Rule 3; and

5. The Limitations on Discovery set forth in ELT Rule 4 apply.

* * *

Appendix C: Sample Expedited Litigation Track Scheduling Order (No CMC)

* * *

3. No discovery dispute may be brought before the court unless the parties have conferred and made a good faith effort to settle their dispute as contemplated by Minn. R. Civ. P. 37.01(b) and Minn. Gen. R. Prac. 115.10. The party raising an unresolved discovery issue shall first arrange a ~~telephone~~ conference with the court and the other party or parties to determine if the dispute can be resolved without a formal motion. In the event a ~~telephone~~ conference is scheduled, the party requesting the ~~telephone~~ conference may submit to the Court, 72 hours before the conference, a letter, no longer than two pages outlining with specificity the issues to be addressed with the Court. The other party or

parties may submit a responsive letter subject to the same length and specificity conditions 24 hours before the conference. The correspondence must be filed with the Court as well as courtesy copied by email to [CLERK'S EMAIL HERE]. No motion or submission other than these letters shall be filed before the ~~telephone~~ conference. Only if the ~~telephone~~ conference does not resolve the dispute may a formal motion be scheduled.

* * *

6. All dispositive and non-dispositive motions are subject to the following requirements:

* * *

e. No motion will be heard unless the parties have conferred ~~either in person or by telephone~~ in an attempt to resolve their difference before the scheduled hearing. The moving party shall initiate such communications. The moving party shall certify to the Court, before the time of the hearing, compliance with this order or any reason for not complying. Whenever any pending motion is settled, the moving party shall promptly advise the Court.

AMENDMENTS TO MINNESOTA RULES OF CRIMINAL PROCEDURE

[Note: In the following amendments, deletions are indicated by a line drawn through the words and additions are indicated by a line drawn under the words.]

RULE 1. SCOPE AND PURPOSE OF THE RULES

* * *

Rule 1.05 Repealed February 12, 2026, eff. July 1, 2026

~~**Rule 1.05. Use of Interactive Video Teleconference in Criminal Proceedings**~~

~~**Subd. 1. Definitions.**~~

~~(1) ITV. "ITV" refers to interactive video teleconference.~~

~~(2) Terminal Site. A "terminal site" is any location where ITV is used for any part of a court proceeding.~~

~~(3) Venue County. The "venue county" is the county where pleadings are filed and hearings are held under current court procedures.~~

~~(4) District. The "district" is the judicial district in which the venue county is located.~~

~~**Subd. 2. Appearance; How Made.** Appearances in proceedings governed by the Minnesota Rules of Criminal Procedure must be made in person except as authorized to be made by ITV in this rule, by written petition in Rules 14.02, subd. 2 and 15.03, subd. 2, and by phone in Rule 26.03, subd. 1(3)5.~~

~~**Subd. 3. Permissible Use of ITV.** ITV may be used to conduct the proceedings specified in subdivisions 4 and 5:~~

~~(1) When no judge is available in the venue county;~~

~~(2) When the defendant is in custody and is being held in a location other than the venue county; or~~

~~(3) In the interests of justice.~~

Subd. 4. Felony, Gross Misdemeanor, or Misdemeanor Proceedings.

(1) Subject to the requirements in subdivisions 6 and 7, ITV may be used to conduct the following felony, gross misdemeanor, or misdemeanor proceedings:

(a) Rule 5 or Rule 6 hearings;

(b) Rule 8 hearings;

(c) Rule 11 hearings for the purpose of waiving an omnibus hearing;

(d) Plea;

(e) Sentencing;

(f) Probation revocation hearings;

(g) Any hearing for which the defendant's personal presence is not required under Rules 14.02, subd. 2 and 26.03, subd. 1(3).

(2) ITV cannot be used to conduct a trial, contested omnibus hearing, contested pretrial hearing, or any other evidentiary matter except as provided in this rule.

Subd. 5. Petty Misdemeanor and Regulatory or Administrative Criminal Offenses. A defendant may appear by ITV for all hearings, including trials, related to petty misdemeanors and regulatory or administrative criminal offenses not punishable by imprisonment.

Subd. 6. Request for In-Person Hearing; Consent Requirements.

(1) Rule 5 or Rule 6 Hearings. When a defendant appears before the court by ITV for a Rule 5 or Rule 6 hearing, the defendant may request to appear in person before a judge. If the request is made, the hearing will be held within 3 business days of the ITV hearing and is deemed a continuance of the ITV hearing.

(2) Other Hearings; Consent. In all proceedings other than a Rule 5 or Rule 6 hearing, prior to the commencement of the hearing, the defendant, defense attorney, prosecutor, and judge must consent to holding the hearing by ITV. Otherwise, an in-person court appearance for that hearing must be scheduled to be held within the time limits as otherwise provided by these rules or other law.

~~Subd. 7. Location of Participants.~~

~~(1) Defendant's Attorney. The defendant and the defendant's attorney must be present at the same terminal site unless unusual or emergency circumstances specifically related to the defendant's case exist, or the defendant and defendant's attorney consent to being at different terminal sites, and only if all parties agree on the record and the court approves. The defendant and his attorney must be present at the same terminal site in:~~

~~(a) felony plea proceedings when the defendant is entering a guilty plea; or~~

~~(b) felony sentencing proceedings.~~

~~(2) Prosecutor. Subject to paragraph (4), the prosecutor may appear from any terminal site.~~

~~(3) Judge. Subject to paragraph (4), the judge may appear from any terminal site.~~

~~(4) Defendant's Attorney or Prosecutor at Same Terminal Site as Judge. When the right to counsel applies, ITV cannot be used in a situation in which only the defense attorney or prosecutor is physically present before the judge unless all parties agree on the record.~~

~~(5) Witnesses, Victims, Other Persons. Witnesses, victims, and other persons may be located at any terminal site.~~

~~Subd. 8. Consolidated Proceeding for Charges Pending in Multiple counties.~~

~~(1) Consolidated Proceeding. When a defendant has pending charges in more than one county the charges may be heard in a consolidated proceeding conducted by ITV.~~

~~(2) Judge. The proceedings shall be heard by a judge in the county in which the most serious offense is pending, unless the parties agree otherwise.~~

~~(3) Prosecutor. Each prosecutor having authority to charge the offenses included in the proceeding may attend the hearing in person or by ITV or waive appearance. Any prosecutor authorized to appear on behalf of another prosecutor in the ITV proceeding must make an oral record of the authorization.~~

~~(4) Defense Attorney. If the defendant is represented by multiple defense attorneys, each attorney may choose to attend the hearing in person or by ITV or assign responsibility as the attorney of record to one attorney. Any~~

~~defense attorney appearing in the ITV proceeding must make an oral record of representation.~~

~~**Subd. 9. Witness Testimony.** Witnesses may testify by ITV if the court and all parties agree.~~

~~**Subd. 10. Proceedings; Record; Decorum.**~~

~~(1) Where Conducted. When an ITV proceeding is conducted, the terminal site(s) for the defendant, defense attorney, prosecutor, and judge must be located in a courtroom unless otherwise approved by the court prior to the hearing. The terminal site(s) for witnesses, victims, and other persons may be located in a courtroom or another suitable room reasonably accessible to the public as approved by the judge conducting the proceeding.~~

~~(2) Effect of ITV Hearing. Regardless of the physical location of any party to the ITV hearing, any waiver, stipulation, motion, objection, order, or any other action taken by the court or a party at an ITV hearing has the same effect as if done in person.~~

~~(3) Defendant Right to Counsel. The court must ensure that the defendant has adequate opportunity to confidentially communicate with counsel, including, where appropriate, suspension of the audio transmission and recording or allowing counsel to leave the conference table to communicate with the defendant in private.~~

~~(4) Record. The court administrator of the venue county must maintain court records as if the proceeding were heard in person. If the hearing requires a written record, a court reporter must be in simultaneous voice communication with all ITV terminal sites, and must make the appropriate verbatim record of the proceeding as if heard in person. No recording of the ITV proceeding other than the recording made as the official court record is permitted.~~

~~(5) Decorum. Courtroom decorum during~~ remote ~~ITV hearings must conform to the extent possible to that required during traditional court proceedings. This may include the presence of one or more sheriff's personnel at any ITV site.~~

~~**Subd. 11. Administrative Procedures.** Administrative procedures for conducting ITV hearings are governed by the General Rules of Practice.~~

* * *

Rule 1.07. Manner of Appearance in Criminal Proceedings

Subd. 1. Appearance; How Made.

(a) Any requirement in the Rules of Criminal Procedure that a defendant appear "personally" or be "present" is satisfied by either an in-person appearance in the courtroom or by a remote appearance using remote technology, if the remote or hybrid hearing is being held as authorized by subd. 1(b) and (c).

(b) Whether to hold any hearing in person or remotely or allow a witness to appear remotely is at the discretion of the presiding judge consistent with Judicial Council policy and the defendant's right of confrontation.

(c) If the hearing is a trial or other proceeding with testimony, and if the defendant objects to the proceeding being held remotely or to a witness appearing remotely, the district court must not allow the remote proceeding or appearance unless the court makes a case-specific finding that the remote proceeding or appearance does not violate the defendant's right of confrontation. The objection may be made orally or in writing.

Subd. 2. Proceedings; Decorum.

(a) Defendant Right to Counsel. The court must ensure that the defendant has adequate opportunity to confidentially communicate with counsel, including, where appropriate, suspension of the audio transmission and recording or allowing counsel to communicate with the defendant in private.

(b) Decorum. Courtroom decorum during remote hearings must conform to the extent possible to that required during traditional court proceedings.

Comment—Rule 1

* * *

~~*Rule 1.05, subd. 8(3) and (4) clarify that when charges from multiple counties are consolidated into a single ITV proceeding, each prosecutor having authority to charge the offenses and each defense attorney representing the defendant for any of those offenses may choose to attend the hearing in person or by ITV or to waive appearance. But the provision in paragraph (4) permitting one defense attorney to represent the defendant on all pending charges is not intended to be invoked by the court when a defense attorney is simply delayed by a proceeding occurring in another courtroom. Rather, the decision to attend the hearing is individual to the attorney.*~~

~~*The signatures of the following persons must be affixed electronically when a complaint is e-filed pursuant to Rule 1.06:*~~

- ~~*the complainant, as required under Rule 2.01, subd. 1;*~~
- ~~*the judge, court administrator, or notary public before whom a complaint is made upon oath, as required under Rule 2.01, subd. 2;*~~
- ~~*the prosecutor, as required under Rule 2.02; and*~~
- ~~*the judge, indicating a written finding of probable cause, as required under Rule 4.03, subd. 4.*~~

~~*There are currently no signature requirements in the rules for citations or tab charges.*~~

~~*It is anticipated that if a complaint is commenced electronically, and the technology becomes unavailable due to a system failure, any actor in the chain (e.g., prosecutor or judge) may need to print the complaint and proceed by filing a hard copy. If paper filing occurs, Rule 1.06, subd. 3, clarifies that any signatures affixed electronically and shown on the hard copy complaint are valid.*~~ *It is ~~also~~ anticipated that certain complaints, including complaints and citations, filed by a prosecutor from a county other than the county of venue in a conflict case and complaints and citations filed by agencies without a federal Originating Agency Identification (ORI) number, must be filed on paper for the foreseeable future because the current e-filing system does not support electronic filing of those documents. The current e-filing system used for filing charging documents also does not support the creation and filing of an indictment; however, if a criminal case has already been initiated by the filing of a complaint, an indictment may be filed into that case by the prosecutor using the E-Filing system defined in Minnesota General Rules of Practice 14.*

~~*Electronic Notarization, as required under Rule 1.06, subd. 4, is governed by Minnesota Statutes, chapters 358 and 359.*~~

RULE 2. COMPLAINT

Rule 2.01. Contents; Before Whom Made

* * *

Subd. 2. Before Whom Made. The probable cause statement must be made under oath before a judge, court administrator, or notary public, or signed under penalty of perjury pursuant to Minnesota Statutes, section 358.116. If sworn witness testimony is taken under

subdivision 3, the oath must be administered by a judge, but the oath may be administered by telephone or other electronic means~~, ITV, or similar device~~.

* * *

RULE 4. PROCEDURE UPON ARREST WITH A WARRANT FOLLOWING A COMPLAINT OR WITHOUT A WARRANT

* * *

Rule 4.03. Probable Cause Determination

* * *

Subd. 2. Application and Record. The facts establishing probable cause to believe that an offense has been committed, and that the person arrested committed it, must be submitted under oath, either orally or in writing, or signed under penalty of perjury pursuant to Minnesota Statutes, section 358.116. The oath may be administered by the court administrator or notary public for any facts submitted in writing. If oral testimony is taken, the oath must be administered by a judge, but it may be administered by telephone or other electronic means~~, ITV, or similar device~~. Any oral testimony must be recorded by reporter or recording instrument and must be retained by the court or by the judge's designee.

The person requesting a probable cause determination must advise the reviewing judge of any prior request for a probable cause determination on this same incident, or of any prior release of the arrested person on this same incident, for failure to obtain a probable cause determination within the time limit as provided by this rule.

* * *

RULE 14. PLEAS

* * *

Rule 14.02. Who May Plead

Subd. 1. Felony Charges. A plea in cases involving felony charges must be made personally by an individual defendant ~~in person~~ on the record.

Subd. 2. Gross Misdemeanor and Misdemeanor Charges. A plea in cases involving misdemeanor or gross misdemeanor charges may be made personally by an individual defendant either ~~in person~~ on the record, ~~by ITV,~~ or by petition to plead guilty under Rule 15.03, subd. 2. The plea may be entered by counsel ~~or by ITV~~ if the court is satisfied that the defendant has knowingly and voluntarily waived the right to be present.

* * *

RULE 15. GUILTY PLEA PROCEDURES

* * *

Rule 15.10. Guilty Plea to Offenses From Other Jurisdictions

Following a guilty plea or a verdict or finding of guilty, the defendant may request permission to plead guilty to any other offense committed by the defendant within the jurisdiction of other courts in the state. The offense must be charged, and the plea must be approved, by the prosecutor having authority to charge the offenses. The prosecutor having authority to charge the offenses may participate in the plea and sentencing hearings ~~by ITV under Rule 1.05~~.

* * *

Comment—Rule 15

* * *

Under Rule 15.03, subd. 2, a "Misdemeanor/Gross Misdemeanor Petition to Enter Plea of Guilty" as provided for in the Appendix B to Rule 15, may be completed and filed with the court. This petition in written form contains in substance the information and questions required by Rule 15.02, subd. 1, questions 2-5. When properly completed, the petition may be filed by either the defendant or defense counsel. It is not necessary for the defendant to personally appear ~~in court~~ when the petition is presented to the court. If the court is satisfied that the plea is being knowingly and voluntarily entered according to the standards of Rule 15.02, subd. 1 it will dispose of the plea in the same manner as if the defendant personally entered the plea ~~in person~~.

* * *

RULE 26. TRIAL

* * *

Rule 26.03. Procedures During Trial

Subd. 1. Defendant's Presence.

* * *

(3) Presence Not Required.

1. Corporations. A corporation may appear by counsel.

2. Felony. In felony cases, the court may, on the defendant's motion, excuse the defendant's presence except at arraignment, plea, trial, and sentencing.

3. Gross Misdemeanors. In gross misdemeanor cases, the court may, on the defendant's motion, excuse the defendant's presence except at trial.

4. Misdemeanors. In misdemeanor cases, if the defendant consents either in writing or on the record, the court must excuse the defendant from appearing for arraignment or plea, and the court may excuse the defendant from appearing at trial or sentencing.

~~5. ITV or Telephone. If a defendant consents, the court may allow the parties, lawyers, or the court to appear using ITV or telephone in any proceeding where the defendant could waive appearance under these rules.~~

* * *

RULE 36. SEARCH WARRANTS ON ORAL TESTIMONY

Rule 36.01. General Rule

A request for a search warrant may be made, in whole or in part, on sworn oral testimony, to a judge, subject to the limitations in this rule. Oral testimony may be presented via telephone or other electronic~~, radio, or other similar~~ means of communication. Written submissions may be presented by facsimile or electronic transmission, or by other appropriate means.

* * *

RULE 37. SEARCH WARRANTS ON WRITTEN APPLICATION

* * *

Rule 37.02. Electronic Transmission and Signature

Search warrant applications, including requests for orders under Minnesota Statutes, Chapter 626A, search warrants, and orders may be signed and transmitted electronically. A search warrant or order signed electronically or sent by electronic means is valid and enforceable.

If the judge administers an oath via telephone or other electronic~~, radio, or similar~~ means of communication, and the applicant does no more than attest to the contents of a signed statement that was transmitted electronically, a verbatim recording of the oath and attestation is not required. The judge must note on the warrant that the person submitting

the application was duly sworn and by what means of communication. If any oral testimony is to be taken in support of the application, the judge must proceed as required by Rule 36.

AMENDMENTS TO THE SPECIAL RULES GOVERNING PROCEEDINGS UNDER THE MINNESOTA COMMITMENT AND TREATMENT ACT

[Note: In the following amendments, deletions are indicated by a line drawn through the words and additions are indicated by a line drawn under the words.]

RULE 14. REMOTE AND IN-PERSON HEARINGS~~LOCATION OF HEARING~~, RULES OF DECORUM, ALTERNATIVE METHODS OF PRESENTING EVIDENCE

(a) **Decorum:** The judge or judicial officer shall assure the decorum and orderliness of any hearing held pursuant to Minn. Stat. ch. 253B or Minn. Stat. ch. 253D. The judge or judicial officer shall afford to respondent an opportunity to be dressed in conformity with the dignity of court appearances.

(b) **Hearing Format:** All hearings under these rules shall be conducted using remote technology ("remotely"), in-person, or in a hybrid format as provided by Judicial Council Policy and the presiding judge or judicial officer.

(c) **Appearances:** Those appearing at a hearing must do so in the manner required by Judicial Council Policy, unless granted an exception pursuant to policy or as follows:

(1) **Respondent.** At any hearing, the court may permit respondent to waive their appearance, or excuse respondent, as provided in Minn. Stat. § 253B.08, subd. 5.

(2) **Respondent's Counsel.** If respondent is physically present in the courtroom, respondent's counsel shall be present with respondent unless there is prior court approval for respondent's counsel to appear remotely. Respondent's counsel is not required to be physically present with respondent when respondent is appearing remotely.

(3) **Examiner.** If the hearing is in-person or a hybrid, a court examiner may directly request court approval to appear and/or testify remotely.

(4) **Witnesses.** If the hearing is in-person or a hybrid, a party may request court approval to have a witness testify remotely. The request must be filed with the court and served on the opposing party at least 24 hours before the hearing. The requesting party must provide the opposing party's counsel with sufficient information to contact the witness in advance of the hearing.

(d) **Attorney-Client Communication:** During the hearing, the judge or judicial officer shall ensure that respondent is given a reasonable opportunity to speak privately with counsel.

(e) This rule does not supersede Minn. Stat. §§ 595.02-08 (competency and privilege).

~~A hearing may be conducted or an attorney for a party, a party, or a witness may appear by telephone, audiovisual, or other electronic means if the party intending to use electronic means notifies the other party or parties at least 24 hours in advance of the hearing and the court approves. If a witness will be testifying electronically, the notice must include the name, address, and telephone number where the witness may be reached in advance of the hearing. This rule does not supersede Minn. Stat. §§ 595.02-.08 (competency and privilege). Respondent's counsel will be physically present with the respondent. The court shall insure that the respondent has adequate opportunity to speak privately with counsel, including, where appropriate, suspension of the audio recording or allowing counsel to leave the conference table to communicate with the client in private.~~

Advisory Committee Comment – 2026 Amendments

Judicial Council Policy 525 sets default hearing formats (in-person or remote) by case and hearing type and authorizes exceptions, which may result in hybrid hearings. This rule is amended to comport with Judicial Council Policy 525 and clarify that those appearing for a hearing, including non-parties and non-attorneys, are required to appear in the manner required by Policy 525, unless granted an exception.