

Rule 14. E-Filing and E-Service**Rule 14.01 Mandatory and Voluntary E-File and E-Service**

(a) **Definitions.** For purposes of the General Rules of Practice, unless otherwise indicated, the following terms have the following meanings:

(1) "Confidential document" (which may include "Confidential 1" and "Confidential 2," etc., as available and defined by the E-Filing System document security classifications) means a document that will not be accessible to the public, but will be accessible to court staff and, where applicable, to certain governmental entities as authorized by law, court rule, or court order.

(2) "Conventionally" means, with respect to the filing or serving of documents or other materials, the filing or serving of documents or other materials through any means other than through the E-Filing System in accordance with Rule 14.

(3) "Court Integration Services" means computer systems that allow direct computer-system-to-computer-system integrations to facilitate the electronic exchange of documents and data between the court's electronic case management system and a government agency's electronic information system. Government agencies may register for Court Integration Services under the process established by the state court administrator.

(4) "Designated Provider" means the electronic filing service provider designated by the state court administrator.

(5) "Designated e-mail address" shall have the meaning set forth in rule 14.02(a).

(6) "E-Filing System" means the Designated Provider's Internet-accessible electronic filing and service system.

(7) "Electronic means" means transmission using computers or similar means of transmitting documents electronically, including facsimile transmission.

(8) "Registered User" means a person registered with the Designated Provider and authorized to file and serve documents electronically through the E-Filing System under these rules.

(9) "Sealed document" means a document that will not be accessible to the public but will be accessible to court staff with only the highest security level clearance.

(10) "Select Users" means the following appearing or submitting documents in a case:

- (i) Attorney;
- (ii) Government agency (including a sheriff); and
- (iii) Guardian ad litem.

(11) "Self-represented litigant" means an individual, other than a licensed attorney, who represents himself or herself in any case or proceeding before the court.

(b) **Scope and Effective Date of Mandatory and Voluntary E-File and E-Service.**

(1) **Cases Subject to Mandatory E-Filing and E-Service.** Effective July 1, 2015, unless otherwise required or authorized by these rules, other rules of court, or an order of the court, Select Users in any case in the Second Judicial District, Fourth Judicial District, and in the districts or portions thereof designated by the state court administrator, shall file all documents electronically with the court through the E-Filing System and shall serve documents electronically through the E-Filing System as required under Rule 14.03(d) of these rules.

Effective July 1, 2016, unless otherwise required or authorized by these rules, other rules of court, or an order of the court, Select Users in any case throughout the State of Minnesota shall file all documents electronically with the court through the E-Filing System and shall serve documents electronically through the E-Filing System as required under Rule 14.03(d) of these rules.

(2) Prohibited E-Filing. The following documents may not be filed electronically:

(i) Wills deposited for safekeeping under Minnesota Statutes, section 524.2-515 or original wills filed in probate cases under Rule 403(e) (provided that this shall not prohibit e-filing of a copy of an original will in probate cases); and

(ii) All documents in parental notification bypass proceedings under Minnesota Statutes, section 144.343.

(3) Request for Exception to Mandatory E-File and E-Service Requirement. A Select User required to file and serve electronically under this rule may request to be excused from mandatory e-filing and e-service in a particular case by motion to the Chief Judge of the judicial district or his or her designee. An opt-out request may be granted for good cause shown. If an opt-out request is granted, court personnel shall scan all documents filed conventionally into the court's computer system and charge the filing party a \$25 scanning fee for each 50 pages, or part thereof, of the filing.

(4) Voluntary E-File and E-Serve. Effective July 1, 2015, and ending July 1, 2016, Select Users designated by the state court administrator may, upon registering with the Designated Provider, electronically file documents with the court in the locations and cases designated by the state court administrator. In any designated case in which the designated and registered Select User has electronically filed a document with the district court, any other Select User designated by the state court administrator may also electronically file documents in the case after registering with the Designated Provider. Registered Select Users shall also electronically serve documents on other registered Select Users in such cases as required under Rule 14.03(d) of these rules.

(5) Self-Represented Litigants Voluntary and Mandatory E-File and E-Serve.

(i) Election to Use E-Filing System. Unless otherwise required or authorized by these rules, other rules of court, or an order of the court, in any county where electronic filing and service is authorized, a self-represented litigant may elect to use the E-Filing System to electronically file and serve. But unless otherwise ordered by the presiding judge or judicial officer, a self-represented litigant is not required to do so. Once a self-represented litigant has elected or been ordered to use the E-Filing System for filing and service and has become a Registered User, that individual must thereafter electronically file and serve all documents in that case unless otherwise required or authorized by these rules or the court, and shall be subject to all applicable requirements and obligations imposed upon Registered Users as set forth in these rules.

(ii) Excuse and Prohibition. A self-represented litigant who has elected to use the E-Filing System may be excused from the requirement to electronically file and serve only upon motion to the court and for good cause shown. If the court becomes aware of any misuse of the E-Filing System by a self-represented litigant or deems it appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of every action, the court may, without prior notice, revoke the self-represented litigant's right to use the E-Filing System in the case and require the individual to file and serve all documents conventionally. Self-represented litigants are excused from using the E-Filing System while under any court-imposed restriction of access to use of the internet.

(iii) **Case-Initiating Documents.** Statutes or court rules may require that certain case-initiating documents be served by conventional means. See, e.g., Rule 5.02(b) of the rules of civil procedure (original complaint in civil cases).

(iv) **Other Electronic Filing and Service Options.** When authorized by order of the Supreme Court, self-represented litigants may use an alternative electronic filing system designated in such order. See, e.g., Order Authorizing E-Filing/E-Service Pilot Project for Self-Represented Petitioners, No. ADM10-8011, (Minn. filed June 24, 2013) (applicable to orders for protection and harassment restraining order proceedings in counties designated by the state court administrator; commonly referred to as the MyCourtMN portal).

(6) Non-Party Participants.

(i) **Election to Use E-Filing System.** In any county where electronic filing and service is authorized, individuals who are not Select Users or self-represented litigants (e.g., special masters, bondspersons, examiners, potential intervenors, etc.) but who need to submit documents to the court for filing may elect to use the E-Filing System and become a Registered User but unless otherwise ordered by the presiding judge or judicial officer shall not be required to do so. Any individual or entity authorized to use the E-Filing System pursuant to this paragraph, who becomes a Registered User and transmits documents for filing or service through the E-Filing System shall be subject to all applicable requirements and obligations imposed upon Registered Users as set forth in these rules, and that individual must thereafter electronically file and serve all documents in that case unless otherwise required or authorized by these rules or the court.

(ii) **Misuse.** If the court becomes aware of any misuse of the E-Filing System by a non-party participant or deems it appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of every action, the court may, without prior notice, revoke the non-party participant's right to use the E-Filing System in the case and require the individual to file and serve all documents conventionally.

(7) Court Integration Services. Government agencies, as authorized by the state court administrator, shall be allowed to electronically file documents, electronically transmit data to the court, and electronically receive documents and data from the court, via Court Integration Services.

(8) Guardians and Conservators. This rule applies to guardians and conservators appointed by the court. Conservator annual accounts and inventories, guardian annual personal well-being reports, corresponding affidavits of service, and any other account or report designated by the state court administrator, must be electronically filed with the court using a computer application designated by the state court administrator; provided that non-attorney guardians may continue to file guardian annual well-being reports and corresponding affidavits of service conventionally with leave of the court for good cause shown. Directions for reporting and designations shall be posted on the judicial branch website (www.mncourts.gov).

(c) Relief from Operation of this Rule.

(1) Technical Errors; Relief for Sending Party. Upon motion and a showing that electronic filing or electronic service of a document was not completed because of: (1) an error in the transmission of the document to the E-Filing System; (2) a failure of the E-Filing System to process the document when received; or (3) other technical problems experienced by the sending party or E-Filing System, the court may enter an order permitting the document to be deemed filed or served on the date and time it was first attempted to be transmitted electronically. If appropriate, the court may adjust the schedule for responding to these documents or the court's hearing.

(2) **Technical Errors; Relief for Other Parties.** Upon motion and a showing that an electronically served document was unavailable to or not received by a party served, the court may enter an order extending the time for responding to that document.

(Added effective September 1, 2012; amended effective September 16, 2013; amended effective July 1, 2015; amended effective July 1, 2016; amended effective September 1, 2018; amended effective November 22, 2023; amended effective April 15, 2024.)

Advisory Committee Comment - 2023 Amendments

Rule 14.01(b)(2) is modified in 2023 to avoid rejection of filings when a copy of an original will is e-filed.

Rule 14.01(b)(8) is modified in 2023 to recognize implementation of the MyMNGuardian System to collect guardian annual personal well-being reports and corresponding affidavits of service. Detailed information on the system is posted by the state court administrator on the main state court website (www.mncourts.gov).

Rule 14.02 Registration Process and Duty to Designate E-Mail Address for Service

(a) **Becoming a Registered User.** Only a Registered User may electronically file or serve documents through the E-Filing System. To become a Registered User, a Select User, self-represented litigant, or non-party participant must complete the registration process, as established by the state court administrator, and designate an e-mail address ("designated e-mail address") for receipt of electronic service and court notices. By registering with the Designated Provider and either electronically transmitting a document for filing in a case or designating an email address for receiving electronic service in the E-Filing System for the case, a Registered User consents to receive electronic service and court notices from the court and other Registered Users in the case through the E-Filing System at a designated e-mail address. This designated e-mail address may also be used by the court (but not other parties) to deliver notices by means other than the E-Filing System.

(b) **Obligations and Responsibilities of Registered Users.**

(1) A Registered User is responsible for all documents filed or served under the Registered User's username and password.

(2) If a Registered User knows that his or her login information has been misappropriated, misused, or compromised in any way, he or she must promptly notify the court and change his or her login password.

(3) Any electronic transmission, downloading, or viewing of an electronic document under a Registered User's login username and password shall be deemed to have been made with the authorization of that Registered User unless and until proven otherwise by a preponderance of the evidence.

(4) A Registered User shall maintain a designated e-mail address for receiving electronic service and court notices for the duration of any case in which he or she has electronically transmitted a document for filing as a party or participant and until all applicable appeal periods have expired. A Registered User shall ensure that his or her designated e-mail address and account is current, monitored regularly, has not exceeded its size limitation, and that all notices and document links transmitted to the designated e-mail account are timely opened and reviewed.

(5) A Registered User may not designate e-mail addresses for any other person or party who is not the Registered User's client, law firm staff, or co-counsel. The court may impose a

sanction against any Registered User who violates this rule. It shall not be a violation for a Registered User when filing or serving documents using the E-Filing System to select service recipients who have been added to the service list for a case by another Registered User.

(Added effective September 1, 2012; amended effective July 1, 2015; amended effective September 1, 2018.)

Rule 14.03 Filing and Service of Documents and Court Notices

(a) **Availability of E-Filing System.** Registered Users may electronically transmit documents for filing or service through the E-Filing System 24 hours a day, 7 days a week, except when the system is unavailable due to breakdown or scheduled maintenance.

(b) **Filed Upon Transmittal.** A document that is electronically filed is deemed to have been filed by the court administrator on the date and time of its transmittal to the court through the E-Filing System, and except for proposed orders, the filing shall be stamped with this date and time if it is subsequently accepted by the court administrator. Acceptance of electronic filings is governed by Rule 5.04(c) of the Rules of Civil Procedure, except that Rule 5.04(c)(4) shall not apply to criminal, civil commitment, juvenile protection, or juvenile delinquency cases, or to medical records in any type of case. If the filing is not subsequently accepted by the court administrator, no date stamp shall be applied, and the E-Filing System shall notify the filer that the filing was not accepted. Upon receipt of a document electronically transmitted for filing by a Registered User, the E-Filing System shall confirm to the Registered User, through an automatically generated notification to the Registered User's designated e-mail address, that the transmission of the document was completed and the date and time of the document's receipt. Absent confirmation of receipt, there is no presumption that the document was successfully transmitted to the court. The Registered User is solely responsible for verifying that the court received all electronically transmitted documents.

(c) **Effective Time of Filing.** Any document electronically transmitted to the court through the E-Filing System for filing by 11:59 p.m. local Minnesota time shall be deemed filed on that date, so long as the document is not subsequently rejected for filing by the court administrator for a reason authorized by Rule 5.04 of the Rules of Civil Procedure. Filing by facsimile transmission, where authorized, is effective at the time the transmission is received by the court.

(d) **Service by Registered Users.** Unless personal service is otherwise required by statute, these rules, other rules of court, or an order of the court, a Registered User shall serve all documents required or permitted to be served upon another party or person in the following manner:

(1) **Service on Registered Users.** Except as otherwise permitted in subpart (3) below, where the party or person to be served is a Registered User, who has either electronically filed a document in the case or designated an email address for receiving electronic service in the E-Filing system for the case and the Court has accepted the initial filing in the case, service shall be accomplished through the E-Filing System by utilizing the electronic service function of the E-Filing System.

(2) **Service on Other Parties or Participants.** Where the party or participant to be served is not a Registered User or has not either designated an email address for receiving electronic service in the E-Filing system for the case or electronically filed a document in the case but has agreed to service by electronic means outside the E-Filing System (such as by e-mail or other electric means), service may be made in the agreed upon manner. The presiding judge or judicial officer may also order that service on the non-Registered User be made by electronic means outside of the E-Filing System. Where service by electronic means is not required or permitted, another method of service authorized under applicable rules or law must be used.

(3) **Service of Discovery Material.** Unless required by court order, electronic service of discovery material through the E-Filing System shall be voluntary, and discovery material may be served in any manner authorized by the court rules, as agreed by the parties, or as ordered by the court. For purposes of this rule, discovery material includes but is not limited to:

(i) disclosures under Minn. R. Civ. P. 26, expert disclosures and reports, depositions and interrogatories, requests for documents, requests for admission, answers and responses thereto, and any other material as designated by the presiding judge or judicial officer; and

(ii) discovery requests and responses as defined in any applicable court rules; and

(iii) any other material as designated by the presiding judge or judicial officer.

(e) **Effective Date of Service.** Service is complete upon completion of the electronic transmission of the document to the E-Filing System notwithstanding whether the document is subsequently rejected for filing by the court administrator. Service by facsimile transmission, where authorized, is complete upon the completion of the facsimile transmission. Service using other agreed upon electronic means pursuant to Rule 14.03(d)(2) is complete upon transmission of the document using that electronic means.

(f) **Court Notices.** Unless otherwise required by statute, these rules, other rules of court, or an order of the court, the court may transmit any document or notice in the following manner:

(1) to a Registered User through the E-Filing System. Notice is effective upon transmission of the document or notice to the E-Filing System by the court. The court may also transmit notices outside the E-Filing System as provided in Rule 14.02(a) or other applicable rules.

(2) to any Party or Participant who is not a Registered User through any electronic means agreed to by the Party or Participant, or as ordered by the court, or as permitted by any other rule. Notice is effective upon transmission of the document or notice using that electronic means.

(g) **Document Requirements and Format.** Unless otherwise authorized by these rules or court order, all documents filed electronically shall conform to the document technical and size requirements as established by the state court administrator in the *Minnesota District Court Registered User Guide for Electronic Filing*. The *Guide* shall be posted on the judicial branch website (www.mncourts.gov).

(h) **Non-Conforming Documents.** Where it is not feasible for a Registered User to convert a document to an authorized electronic form by scanning, imaging, or other means, or where a document cannot reasonably be transmitted through the E-Filing System in conformance with the document's technical and size requirements as established by the state court administrator, the court may allow the Registered User to file the document conventionally. A motion to file a non-conforming document must be filed electronically. If the court grants the Registered User's motion to file a non-conforming document, the Registered User shall file and serve the non-conforming document conventionally.

(Added effective September 1, 2012; amended effective September 16, 2013; amended effective July 1, 2015; amended effective September 1, 2018; amended effective January 1, 2021; amended effective November 22, 2023.)

Advisory Committee Comment - 2018 Amendments

Rule 14.03(d) is amended in 2018 to address issues relating to service using the e-filing system of the courts.

Advisory Committee Comment - 2023 Amendments

Rule 14.03 is modified in 2023 to reflect broader use of remote court proceedings and participation by self-represented litigants who may not be Registered Users of the E-Filing System. The rule permits, for example, court notices and orders to be served via email or other electronic means if the receiving party agrees, and that such service is effective upon transmission.

Rule 14.04 Signatures

(a) **Judge and Administrator Signatures.** All electronically filed and served documents that require a judge's, judicial officer's, or court administrator's signature shall either capture the signature electronically under a process approved by the state court administrator pursuant to judicial branch policy or begin with a handwritten signature on paper that is then converted to electronic form by scanning, imaging, or other means such that the final electronic document has the judge's, judicial officer's, or court administrator's signature depicted thereon. The final electronic document shall constitute an original.

(b) **Registered User and Non-Registered User Signatures.**

(1) **Registered Users.** Every document electronically filed or served through the E-Filing System that requires the signature of the Registered User filing or serving the document shall be deemed to have been signed by the Registered User and shall bear the facsimile or typographical signature of such person, along with the typed name, address, telephone number, designated e-mail address, and, if applicable, attorney registration number of a signing attorney. The typographical or facsimile signatures of a Registered User shall be considered the functional equivalent of an original, handwritten signature produced on paper. A typographical signature shall be in the form: */s/ Pat L. Smith*.

(2) **Non-Registered Users.** Any document electronically filed or served through the E-Filing System that requires the signature of a person who is not the Registered User filing or serving the document shall bear the typed name, along with the facsimile or typographical signature, of such person. The person's typographical or facsimile signature shall be considered the functional equivalent of an original, handwritten signature produced on paper. A typographical signature shall be in the form: */s/ Pat L. Smith*.

(c) **Notary Signature, Stamp.** Unless specifically required by court rule, documents, including affidavits, electronically filed or served through the E-Filing System are not required to be notarized. Where a signature under penalty of perjury is otherwise required, the provisions of part (d) of this rule apply. A document electronically filed or served through the E-Filing System that by court rule, specifically requires a signature of a notary public shall be deemed signed by the notary public if, before filing or service, the notary public has signed a printed or electronic form of the document and the electronically filed or served document bears a facsimile or typographical notary signature and stamp.

(d) **Perjury Penalty Acknowledgment.** A document electronically filed or served through the E-Filing System that requires a signature under penalty of perjury may, with the same force and effect and in lieu of an oath, be supported by an unsworn declaration, provided that the typographical or facsimile signature of the declarant is affixed immediately below a declaration using substantially the following language: "I declare under penalty of perjury that everything I have stated in this document is true and correct." In addition to the signature, the date of signing and the county and state where the document was signed shall be noted on the document.

(e) **Certification; Retention.** By electronically filing or serving a document through the E-Filing System, the Registered User is certifying compliance with the signature requirements of

these rules for all signatures on the document, and the signatures on the document shall be considered the functional equivalent of original, handwritten signatures produced on paper.

(Added effective September 1, 2012; amended effective July 1, 2015.)

Rule 14.05 Proof of Service

When a document is both eFiled and eServed together using the E-Filing system, the records of the E-Filing system indicating transmittal to the Registered User recipient shall be sufficient proof of service on the recipient for all purposes.

(Added effective September 1, 2012; amended effective July 1, 2015; amended effective January 1, 2021.)

Rule 14.06 Submission of Non-Public Information–E-Filing System

(a) **Filer's Duty to Designate as Confidential or Sealed.** In addition to filing a separate non-public cover sheet as required in Rule 11.03(a) or selecting a non-public document filing code from a drop-down box in the E-Filing system as required in Rule 11.03(a)(ii), a Registered User electronically filing a document that is not accessible to the public in whole or in part under the Rules of Public Access to Records of the Judicial Branch or other applicable law, court rules or court order, is responsible for designating that document as confidential or sealed in the E-Filing System before transmitting it to the court. This designation is made in the E-Filing system in a field marked "Filing Comments" containing the text, "Is Document Public, Confidential or Sealed?" The Registered User must file any Form 11.2 Cover Sheet for Non-Public Documents required by Rule 11.03(a)(i) as separate documents, and must designate them as public. The Registered User must separate all non-public documents from public documents when filing.

(b) **Correction of Designation by the Court.** Upon review, the court may modify the designation of any document incorrectly designated as confidential or sealed and shall provide prompt notice of any such change to the Registered User who filed the document. A Registered User must seek advance approval from the court to transmit a document for filing designated as confidential or sealed if that document is not already inaccessible to the public under the Rules of Public Access to Records of the Judicial Branch or other applicable law, court rules, or court order.

(c) **Filing Confidential or Sealed Document in Paper Form When Not Seeking In Camera Review.** A document to be filed as confidential or under seal may be filed in paper form if required or permitted by the court. A motion to file a document in paper form as confidential or under seal must be filed and served electronically.

(Added effective September 1, 2012; amended effective July 1, 2015; amended effective July 1, 2019; amended effective January 1, 2021.)

Advisory Committee Comment - 2019 Amendment

Rule 14.06 is amended in 2019 to improve readability and clarify the process for submitting motions under the rule. An "in camera" review is defined as "[i]n the judge's private chambers" or "[i]n the courtroom with all spectators excluded." Black's Law Dictionary 763 (7th ed. 1999).

Rule 14.07 Procedures for In Camera Review

(a) **Request To Submit Document for In Camera Review.** Any interested person must seek and obtain advance approval from the court by motion, with notice thereof to all parties, to submit a document to the court for in camera review. The motion must be filed and served electronically.

(b) **Process When Submission for In Camera Review Granted.** A document submitted for in camera review as permitted by the court under part (a) of this rule shall be submitted to the court outside the E-Filing System by either:

(1) causing the document to be conventionally mailed or hand-delivered to the presiding judge or judicial officer; or

(2) upon approval of the presiding judge or judicial officer, transmitting the document to the presiding judge or judicial officer, via e-mail, as an attachment to an e-mail address as directed by the presiding judge or judicial officer. Any document submitted for in camera review must be clearly labeled "For In Camera Review" and, unless otherwise ordered by the court, shall be sealed and preserved as a court exhibit.

(Added effective January 1, 2021.)

Rule 14.08 Records: Official; Appeal; Certified Copies

Documents electronically filed and paper documents conventionally filed but converted into electronic form by the court are official court records for all purposes. Certified copies may be issued in the conventional manner or in any manner authorized by law, provided that no certified copies shall be made of any proposed orders. Unless otherwise provided in these rules or by court order, a conventionally filed paper document need not be maintained or retained by the court after the court digitizes, records, scans, or otherwise reproduces the document into an electronic record, document, or image.

(Added effective September 1, 2012; amended effective July 1, 2015; renumbered effective January 1, 2021.)

Advisory Committee Comment - 2012 Amendment

Rule 14 is a new rule, drafted to provide a uniform structure for implementation of e-filing and e-service in the district courts. The rule is derived in substantial part, with modification, from the Judicial District E-Filing Pilot Project Provisions, adopted by the Minnesota Supreme Court on October 21, 2010, and amended on March 10, 2011.

Rule 14.01 defines the cases that are subject to mandatory e-filing and e-service. This rule is intended to evolve by amendment by order of the supreme court as additional case categories or additional judicial districts are added to the pilot project. The other requirements for e-filing and e-service are not intended to see frequent amendment, and the committee believes the rules for e-filing and e-service, when authorized, should be maintained as uniform rules statewide.

Rule 14.01(d) provides for requests to be excused from required use of e-filing and e-service, and creates a "good cause" standard for granting that relief. There are few circumstances where the court should grant exemption from the requirements.

Because cases in Minnesota may be commenced by service rather than by filing with the court, the use of e-service under the court's system is possible only after the action has been commenced and is filed, and service may then be effected electronically only on an attorney or party who registers with the system and provides an e-mail address at which service from other parties and notices from the court can be delivered. Rule 14.02 sets forth this procedure. Rule 13.01 imposes an affirmative duty on parties and their attorneys to advise the court of any changes in their address, including their e-mail address.

The format requirements for documents are superficially the same as for other documents - they should be based on an 8-1/2 by 11 inch format, with a caption at the top and signature block

at the end. But they are in fact filed as electronic records on a computer service and served on other parties by e-mail. Rule 14.03 defines the available electronic format for these documents and other requirements applicable to e-filed and e-served documents.

Rule 14.04 establishes the means by which electronic documents are "signed." The rule explicitly states the standard that e-filed and e-served documents as they reside on the computer system used by the court constitute originals, and are not mere copies of documents. The rule does not require the signing or retention of a paper copy of any filed document. It may be prudent for a litigant to maintain copies of these documents as duplicate originals in some limited circumstances, such as where an affidavit is signed by a non-party who may not be available if a dispute were to arise over authenticity.

Rule 14.06 establishes a specific procedure for filing electronic documents that either contain confidential information or are filed under seal. This rule establishes the requirements for electronic documents that are consistent with the requirements in Rule 11.06. Neither rule is intended to expand or limit the confidentiality concerns that might justify special treatment of any document. Under Rule 11.06, filing parties do not have a unilateral right to designate any filing as confidential, and prior permission in some form is required. This permission may flow from a statute or rule explicitly requiring that a particular document or portion of a document be filed confidentially or from a court order that documents be filed under seal. Rule 112 of the Minnesota Rules of Civil Appellate Procedure contains useful guidance on how confidential information can be handled. Where documents contain both confidential and non-confidential information, it may be appropriate to file redacted "public" versions of confidential or sealed documents.

Rule 14.06 also permits a party to seek either permission or a requirement that certain sealed or confidential documents be filed in paper format. This provision recognizes that certain information may be so sensitive or valuable that placing it in a sealed envelope with a clear warning that it is not to be opened except by court order may be the appropriate means to assure confidentiality.

The security designations "confidential" and "sealed" reflect the security classifications available in the courts case management system. In addition to court staff access, some confidential documents (e.g., in Domestic Violence, Juvenile Delinquency, and Parent/Child relationship cases) may be accessible to certain government entities who have demonstrated a need for access and have signed appropriate nondisclosure agreements. See, e.g., Rule 8, subd. 4(b), of the Rules of Public Access to Records of the Judicial Branch (authorizing access by county attorneys and public defenders, among others).

Pursuant to Minn. R. Civ. P. 5.06, a document that is electronically filed is deemed to have been filed by the court administrator on the date and time of its transmittal to the District Court through the E-Filing System, and the filing shall be stamped with this date and time subject to acceptance by the court administrator. If the filing is not subsequently accepted by the court administrator for reasons authorized by Minn. R. Civ. P. 5.04, the date stamp shall be removed and the document electronically returned to the person who filed it.

Advisory Committee Comment - 2015 Amendments

The amendments to Rule 14 address several important aspects of the use of the court's e-filing and e-service system. This rule is the workhorse rule for implementation of e-filing and e-service, and governs in all courts and types of cases where e-filing is either required or permitted.

It is worthwhile to understand the reason for "required or permitted" language in the rules. As a means to accomplish orderly and efficient transition to judicial branch-wide requirement for e-filing and e-service, the courts have generally begun with permissive use of e-filing and e-service

for a subset of the court's business. The courts have then gradually moved to mandatory use in these matters, by all attorney filers.

Several of the changes are not substantive in nature or intended effect. The replacement of "paper" with "document" is made throughout these rules, and simply advances precision in choice of language. Most documents will not be filed as "paper" documents, so paper is retired as a descriptor of them. "Self-represented litigant" is being used uniformly throughout the judicial branch, and is preferable to "non-represented party" and "pro se party," both to avoid a Latin phrase not used outside legal jargon and to facilitate the drafting of clearer rules.

Rule 14.01(a) is amended to update the definitions, and includes terms previously defined in Rule 14.06. The term "Self-Represented Litigant" is defined and is used in preference to "pro se party" to use a term more readily understood. The rule also makes it clear that only non-lawyers are treated as "Self-Represented Litigants." A lawyer who is licensed to practice, is a party to a case, and is not otherwise represented is treated as a represented party.

Rule 14.01(b) is updated to establish the current status of electronic filing and electronic service, and to provide for the expanding requirements for use of the electronic means for these functions. The rule implements a clear mandate that represented parties and government agencies must serve and file using the court's system unless otherwise provided by rule or order. Government agencies here would include governmental parties to litigation and other agencies, such as a county sheriff's office, that are regularly involved in the litigation process.

Rule 14.03(d)(2) recognizes that any means of service may suffice under the rules if the party to be served has consented to its use. Thus, service by e-mail outside the court's system is acceptable and effective if the parties have consented to it. In the event a stipulation is made on this subject, however, the parties should specify when that service is effective, as the rules may not establish that date or time. Although there is virtually no limit on how service could be effected with consent of the party being served, in the absence of consent only the methods explicitly authorized by the rules are effective. Rule 14.03(d)(2) deals particularly with special categories of cases where there typically are non-party participants, such as non-party guardians ad litem, probation officers or other court services personnel, victim advocates, or similar interested persons.

The effective date for service is important for most documents. Rule 14.03(e) provides the default rule for most service events. In the event the E-Filing System is not available, Rule 14.01(c) may provide some relief to a party who might otherwise miss a deadline. Rule 14.03(f) recognizes that courts may wish to provide notices to the parties by e-mail without using the court's E-Filing System. This desire is driven by a lack of integration between the court's MNCIS case management system and the e-serve function in the court's E-Filing System. Where the notice is substantively important, such as in child support magistrate cases where the date and time of notice begins the appeal period, the courts should avoid giving formal notices outside the e-service system. Efforts should be made by the courts to remove any barriers to use of the E-Filing System by court personnel since that process will be understood by the parties and generates a record that may be of interest to the parties.

Rule 14.06 is amended to delete the definitions of how various confidential and sealed records will be accessible within the judiciary. These definitions are now set forth in Rule 14.01(a), along with other definitions.

Rule 14.07 is amended to make it clear that even when documents are filed in paper form, the court may scan and digitize their content, and retain only the electronic record of the filing. Ultimately, the duration of retention of that electronic record will be governed by the court's record

retention schedule. See District Court Record Retention Schedule 2014, published on the main Minnesota Courts website, www.mncourts.gov, under "Justice Partner Resources."

Advisory Committee Comment - 2020 Amendments

Rule 14 is modified in 2020 to separate its related in camera review portions and move them to a new rule, 14.07, and renumber current 14.07 as 14.08. Changes are also made to clarify the process for designating non-public documents being e-filed as Confidential or Sealed and distinguish that process from selection of a filing code under Rule 11.03(a)(ii). See the comments under Rule 11 for a full description. Changes are also made to Rule 14.03(b) to recognize an exemption to rejection of filings in criminal, commitment, juvenile protection, and juvenile delinquency matters for violations of Rule 11; Rule 11 also exempts most of these cases from striking of filings in Rule 11.05. See Rule 11 and its comments for a full description.