DISTRICT COURT SPECIAL RULES

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TEXT OF RULES

Rule 5. Setting Cases for Trial and Scheduling of Joint Disposition Conference

Approximately 30 days before the Pretrial Conference, a Joint Disposition Conference may be scheduled between all parties in the case at the place, date and time designated by the Court. At the scheduled conference, the parties will meet in person and complete, sign and file a Joint Disposition Conference Report in the form prescribed by the Court. If the parties meet, complete, sign and file a Joint Disposition Conference Report required by this Rule before the court scheduled conference, it shall be vacated.

The Joint Disposition Conference Report must include the following:

1. The length of time estimated for trial and trial date.

2. A statement of whether discovery has been completed, as previously set by the court, or a schedule setting forth the proposed discovery to be completed and the reasons why the discovery was not completed by the time of the Joint Disposition Conference.

3. A summary of the stipulations of fact or issues that have been agreed to by the parties.

4. A general statement indicating the facts in dispute.

5. A general statement by each party indicating any known unresolved substantive issues. Any memoranda of law or citations to authority, upon which the parties will rely for their position on the unresolved issues, must be filed and served seven days before the Pretrial Conference. The parties shall attempt to identify unresolved substantive issues but the failure to identify such issues shall not constitute a waiver of the right to raise such issues at a later date, except for good cause shown.

6. A list of each party's prospective witnesses, including each witness' name and address, employer and occupation, including expert witnesses and the particular area of expertise each expert will be addressing. Only witnesses so listed shall be permitted to testify at the trial, except for good cause shown.

7. A list of each party's exhibits to be offered as evidence at the trial. Only exhibits so listed shall be offered in evidence at the trial, except for good cause shown.

8. A list of the depositions each party proposes to offer in lieu of live testimony.

If a Joint Disposition Conference is not held as scheduled or a report is not filed, or an incomplete report as determined by the DCM coordinator is filed, the Court shall set the matter for hearing. If the Court finds that any party has failed to proceed with due diligence in preparing a case or has

failed to cooperate, the Court may impose sanctions or take any action which it feels appropriate. (See Form DCM-2)

(Amended October 11, 1989, effective January 1, 1990; amended June 13, 1990, effective September 1, 1990; amended November 13, 1991, effective January 1, 1992, to comply with General Rules of Practice.)

FORM DCM-2
JOINT DISPOSITION CONFERENCE REPORT

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT
CIVIL DIVISION
FILE NO. _____

_____

Plaintiff,

vs.

JOINT DISPOSITION
CONFERENCE REPORT

Defendant.

_____

A time, date and place will be set for a Joint Disposition Conference. During this Conference, you are expected to discuss the issues required by Rule 5 and complete this report form. You have the option to arrange your own in-person meeting time and place so long as the report is filed by the conference time set by the Court. The failure to comply with Rule 5 may result in sanctions and a court appearance to show cause why the report was not filed timely or was incomplete.

1. All parties are prepared for trial which is scheduled to begin on _____ and will take ___ court days. A jury is ___ is not ___ requested.

2. As required by Rule 5, or as previously set by the Court, all discovery has been completed. If discovery has not been completed, attach to this form information setting forth the discovery that remains to be completed, the reason it has not been completed as required, and the estimated time needed to complete discovery. Any additional discovery must be completed by the time of the judicial pretrial conference.

3. The parties have stipulated to the following facts or issues:

_____

_____

_____

_____

4. The following facts are in dispute:

_____

_____

_____

_____

5. (a) As to substantive issues, plaintiff contends as follows:

_____

_____

_____

_____

(b) As to substantive issues, defendant contends as follows:

_____

_____

_____

_____

Each party shall attach an addendum containing the following items:

6. A list of witnesses with their name, address, employer, and occupation. Witnesses whom a party intends to qualify as expert witnesses and the area of expertise shall be indicated.

7. A list of all exhibits which a party intends to offer into evidence. All exhibits shall be made available for inspection by opposing counsel.

8. A description of depositions proposed to be offered in evidence in lieu of live testimony.

Plaintiff_____	Defendant_____
Attorney_____	Attorney_____
Attorney Reg. #_____	Attorney Reg. #_____
Firm_____	Firm_____
Address _____	Address_____
_____	_____
Telephone_____	Telephone_____
Date_____	Date_____
Plaintiff_____	Defendant_____
Attorney_____	Attorney_____
Attorney Reg. #_____	Attorney Reg. #_____
Firm_____	Firm_____
Address_____	Address_____
_____	_____
Telephone_____	Telephone_____
Date_____	Date_____

(If more space is needed to add additional information or parties, attach a separate sheet typed in the same format.)

The undersigned counsel have met and conferred this ___ day of _____ and certify the foregoing is true and correct.

_____	_____
Signature	Signature
_____	_____
Signature	Signature

(Amended November 8, 1989; effective January 1, 1990; amended November 13, 1991, effective January 1, 1992.)

Rule 24. Petty Misdemeanor Appeals From Referees

In petty misdemeanor trials heard by a referee, except Housing Court matters, the referee shall either (1) announce the recommended findings, conclusions and order orally, on the record, at the conclusion of the trial or (2) take the matter under advisement and issue written recommended findings, conclusions and order within seven days after the trial.

The referee's recommendation shall be deemed adopted when a judge reviews and countersigns the referee's sentence report calendar or written findings, conclusions and order. It shall be the duty of the criminal chambers judge to review and, if appropriate, countersign the referee's recommendation.

A defendant may appeal from the referee's order by filing with the clerk of district court a notice of appeal. The notice of appeal must be filed within ten days after the oral announcement of the referee's recommended order or within 13 days after service by mail of the adopted written order. Service of the written order shall be deemed complete and effective upon the mailing of a copy of the order to the defendant's last known address.

Upon the timely filing of a notice of appeal, the order shall be stayed pending the determination of the appeal.

Within 15 days after filing a notice of appeal the defendant shall, at the defendant's sole expense, purchase a transcript of the trial before the referee. The transcript shall be available within 45 days after its purchase.

The appeal shall be assigned to be heard by a judge on the criminal court calendar and shall be confined to the trial record before the referee.

The parties may, but shall not be required to, present oral or written arguments or both. Written arguments shall be filed at least one day before the hearing date.

(Adopted April 11, 1990, effective April 11, 1990; amended effective February 13, 1991.)

Rule 25. Civil Alternative Dispute Resolution (ADR) Program

I. Authority.

Pursuant to Minnesota Statutes, sections 484.73 and 484.74, subdivision 4, the Second Judicial District has authorized the establishment of a system of Alternative Dispute Resolution (ADR) for civil cases. In this instance, ADR specifically refers to arbitration and/or mediation.

II. Initiation.

A. The court shall review all civil cases to determine current status and possible referral to arbitration or mediation. If appropriate, the court shall mail to all parties to a civil action information concerning arbitration and mediation as alternatives to litigation.

1. Plaintiff(s) shall be responsible for reporting to the court the following:

a. The current status of the case.

b. Whether or not the parties have discussed an ADR option and which form of ADR they have chosen.

c. If the parties decide NOT to enter ADR, written reason for this decision.

2. Status conference:

a. If no response is received within 30 days from the date of the court letter, the court shall set a status conference.

b. The parties may request a status conference to discuss ADR and other case-related issues.

c. The court may set a status conference on its own motion to discuss ADR and other case-related issues.

3. Attorneys/parties shall discuss ADR options and, by filing an informational statement, inform the court of the result of said discussions.

4. Upon motion by any party, by stipulation of the parties, at the case status conference, or within the scheduling order, the court may issue an order for arbitration or mediation.

III. Selection of Arbitrators and/or Mediators.

Once the parties or the court have selected an ADR process, the court will send all parties a list of a minimum of five court-approved arbitrators or court-approved private dispute resolution organizations or private mediators.

A. Within 15 days thereafter, the parties:

1. Shall jointly file with the court a stipulation as to the arbitrator and/or mediator drawn from the list.

2. If no agreement as to the selection of the arbitrator and/or mediator, shall separately file with the court a list with two neutrals stricken and others ranked in order of preference. The court shall, within five days, designate the arbitrator and/or mediator from those persons not stricken.

3. May request in writing an arbitrator and/or mediator from outside the court-approved list. Prior to issuing an order for either arbitration or mediation, the court may request a written statement of the arbitrator's and/or mediator's qualifications, including educational background and relevant training and experience in the field.

B. The court shall issue and serve an order designating the arbitrator and/or mediator chosen by the parties.

IV. Qualifications of the Arbitrator and/or Mediator.

The Second Judicial District Bench and the Ramsey County Bar Association Rules and Procedures Committee shall cooperatively determine the qualifications of arbitrators and/or mediators.

V. ADR Proceedings.

A. Within 14 days after the order designating the arbitrator and/or mediator, they/he/she shall inform the court of the initial arbitration hearing or mediation session which shall be scheduled no more than 60 days from the date of the court order.

B. ADR proceedings shall be completed no later than 90 days after the order is issued by the court.

C. Only the court may grant a continuance of the ADR proceedings beyond the time limits set forth above.

D. The arbitrator and/or mediator shall determine a suitable time and place for the ADR proceedings.

E. Pursuant to Minn. R. Civ. P. 16 and 37, failure to appear or refusal to participate in good faith and in a meaningful manner in a court-ordered ADR proceeding may result in sanctions.

VI. Ex Parte Communication.

A. Neither parties nor their counsel shall communicate ex parte with the arbitrator.

B. Parties or their counsel may communicate with the mediator so long as such communication encourages the facilitates settlement.

VII. Fees.

A. At the end of the proceeding, the parties shall divide equally and pay directly to the arbitrator and/or mediator a fee of $125 per hour. No later than at the time the final report is made to the court, other related costs, such as administrative fees and preparation costs, will be payable to the neutral as requested by the arbitrator and/or mediator.

B. If the arbitrator and/or mediator is someone outside the court-approved list, the arbitrator and/or mediator and the parties will determine an agreeable fee.

VIII. Report or Decision to the Court.

A. Arbitration.

1. No later than ten days from the date of the arbitration hearing or receipt of post-hearing memorandum, the arbitrator shall file with the court the decision together with proof of service by first-class mail to all parties.

2. Upon the expiration of 20 days after the award is filed, if no party has during that time period filed a request for trial as provided in these rules, the court administrator shall enter the decision as a judgment. Promptly upon entry of the decision as judgment, the court administrator shall mail notice of entry to the parties. The judgment so entered shall have the same force and effect as and is subject to all provisions of the law relating to a judgment in a civil action or proceeding, except that it is not subject to appeal and, except as provided in Sect. 4 below, may not be attacked or set aside. The judgment so entered may be enforced as if it had been rendered by the court in which it is entered.

3. No findings of fact and conclusions of law or opinions supporting an arbitrator's decision are required.

4. Within six months after its entry, a party against whom a judgment is entered pursuant to an arbitration award may move to vacate the judgment on the grounds set forth in the Uniform Arbitration Act, Minnesota Statutes, chapter 572, and upon no other ground.

B. Mediation.

In the case of mediation, the only report to the court shall be a letter indicating whether or not the parties have settled.

1. If the case has settled, the attorneys shall cooperate in completing the appropriate court documents to bring the case to a final disposition.

2. If there has been no settlement, the parties may request that the matter be placed on the trial calendar on the first available date. If not so placed, the case shall be restored to the civil calendar in the same position as it would have had there been no ADR.

IX. Trial De Novo (for Arbitration Only).

A. Within 20 days after the arbitrator files the decision with the court, any party may request a trial by filing with the court a request for trial with proof of service upon all other parties. This 20-day period shall not be extended.

B. If discovery is complete, the court will set the matter for trial on the first available date. If not so set, the case shall be restored to the civil calendar in the same position as it would have had there been no ADR.

C. Upon request for a trial de novo, the decision of the arbitrator shall be sealed and placed in the court file.

D. If the party filing a demand for trial de novo does not improve his/her position, the prevailing party may move the court for payment of costs and disbursements, including payment of the arbitrator's fees.

E. A trial de novo shall be conducted as if there had been no arbitration. Without the consent of all parties and the approval of the court, no reference in the presence of the jury shall be made to prior arbitration proceedings.

X. Confidentiality.

A. Without the consent of all parties and an order of the court, no evidence that there has been ADR proceedings or any fact concerning them may be admitted in a trial de novo or in any subsequent proceeding involving any of the issues in or parties to the proceeding.

B. Arbitrators and attorneys for the parties cannot be called to testify as to their participation in the ADR proceeding in the trial de novo or in any subsequent trial or motion.

C. Without the agreement of the parties, there shall be no record made other than the report or decision of issues which are resolved.

D. Mediation proceedings under these rules are privileged, not subject to discovery, and without the written consent of both parties, inadmissible as evidence in any subsequent trial or motion.

XI. Rules of Evidence at Arbitration Proceeding.

A. Except where any of the parties has waived the right to be present or is absent after due notice of the hearing, the arbitrator and all parties shall be present at the taking of all evidence.

B. The Rules of Evidence apply to the conduct of the arbitration hearing and shall be construed liberally in favor of admission except:

1. Any party may offer and the arbitrator shall receive in evidence written medical and hospital reports, records and bills (including physiotherapy, nursing and prescription bills), documentary evidence of loss of income, property damage, repair bills or estimate, and police reports concerning an accident which gave rise to the case, if copies have been delivered to all other parties at least ten days prior to the hearing. Any other party may subpoena as a witness the author of a report, bill or estimate, and examine that person as if under cross-examination. Any repair estimate offered as an exhibit as well as copies delivered to other parties shall be accompanied by a statement indicating whether or not the property was repaired and, if it was, whether the estimated repairs were made in full or in part, and by copy of the receipted bill showing the items of repair made and the amount paid. The arbitrator shall not consider any police report opinion as to ultimate fault.

2. The written statement of any other witness, including written reports of expert witnesses not enumerated above, and including statements of opinion which the witness would be qualified to express if testifying in person, may be offered and shall be received in evidence if:

a. it is made by affidavit or by declaration under penalty of perjury;

b. copies have been delivered to all other parties at least ten days prior to the hearing; and

c. no other party has, at least five days before the hearing, delivered to the proponent of the evidence a written demand that the witness be produced in person to testify at the hearing. The arbitrator shall disregard any portion of a statement received pursuant to this 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.

3. Subject to objections, the deposition of any witness may be offered by any party and shall be received in evidence, notwithstanding that the deponent is not "unavailable as a witness" and no exceptional circumstances exist if:

a. the deposition was taken in the manner provided for by law or by stipulation of the parties and within the time provided for in these rules; and

b. not less than ten days prior to the hearing, the proponent of the deposition serves on all other parties notice of his/her intention to offer the deposition in evidence. Upon receiving the notice, the other party may subpoena the deponent and the arbitrator may admit or exclude the deposition into evidence. The party who subpoenaed the deponent may further cross-examine him or her. These limitations are not applicable to a deposition admissible under the terms of Minn. R. Civ. P. 32.01.

C. As provided in Minn. R. Civ. P. 45, subpoena shall issue for the attendance of witnesses at the arbitration hearings. It shall be the duty of the party requesting the subpoena to modify the form of subpoena to show that the appearance is before the arbitrator and to give the time and place set for the arbitration hearing. At the discretion of the arbitrator, nonappearance of a properly subpoenaed witness may be grounds for an adjournment or continuance of the hearing. If any

witness properly served with a subpoena fails to appear at the arbitration hearing or, having appeared, refuses to be sworn or to answer, the court may conduct proceedings to compel compliance.

D. Notwithstanding any other provisions in these rules, a party offering opinion testimony in the form of an affidavit or other statement or a deposition, shall have the right to withdraw such testimony and the attendance of the witness at the hearing shall not then be required.

XII. Conduct of the Arbitration Hearing.

The arbitrator shall have the following powers:

A. to administer oaths or affirmations to witnesses;

B. upon the request of a party or upon his/her own initiative, to take adjournments;

C. to permit testimony to be offered by deposition;

D. to permit evidence to be offered and introduced as provided by these rules;

E. to rule upon the admissibility and relevance of the evidence offered;

F. on reasonable notice, to invite the parties to submit prehearing or posthearing briefs or prehearing statements of evidence;

G. to decide the law and facts of the case and make an award accordingly;

H. to award costs, within limits of statutory costs of the action;

I. to view any site or object relevant to the case; and

J. any other powers agreed upon by the parties.

The arbitrator may make a record of the proceedings. Any record so made is deemed the arbitrator's personal notes and is not subject to discovery. The arbitrator shall not deliver the record to any party to the case or to any other person except to an employee using the record under the arbitrator's supervision or pursuant to a subpoena issued in a criminal investigation or prosecution for perjury. Except as expressly permitted by this rule, no other record shall be made. At the hearing, the arbitrator shall not permit the presence of a stenographer or court reporter or the use of any recording device.

(Adopted June 13, 1990, effective September 1, 1990; amended effective January 1, 1992.)

Fourth Judicial District

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Fourth Judicial District E-Filing Pilot Project Provisions

TEXT OF RULES

1.01 Format/Places of Holding Court

All pleadings, motions and other documents filed in nonfelony criminal and traffic matters shall bear a caption designating the venue by division as follows:

STATE OF MINNESOTA DISTRICT COURT

COUNTY OF HENNEPIN — FOURTH JUDICIAL DISTRICT
DIVISION I, MINNEAPOLIS

STATE OF MINNESOTA — DISTRICT COURT
COUNTY OF HENNEPIN — FOURTH JUDICIAL DISTRICT
DIVISION II, BROOKDALE

STATE OF MINNESOTA — DISTRICT COURT
COUNTY OF HENNEPIN — FOURTH JUDICIAL DISTRICT
DIVISION III, RIDGEDALE

STATE OF MINNESOTA — DISTRICT COURT
COUNTY OF HENNEPIN — FOURTH JUDICIAL DISTRICT
DIVISION IV, SOUTHDALE

Arraignments and trial of nonfelony criminal and traffic matters will be held in the following places for the municipalities specified:

First

At: Government Center
Minneapolis

For: Fort Snelling
Medicine Lake
Metropolitan Airport
Minneapolis
Rockford
St. Anthony

Second

At: 6125 Shingle Creek Parkway
Brooklyn Center

For: Brooklyn Center
Brooklyn Park
Champlin
Corcoran

Crystal
Dayton
Greenfield
Hassan
Hanover
Maple Grove
New Hope
Osseo
Robbinsdale
Rogers

Third

At: 12601 Ridgedale Drive
Minnetonka

For: Chanhassen
Deephaven
Excelsior
Golden Valley
Greenwood
Hopkins
Independence
Long Lake
Loretto
Maple Plain
Medina
Minnetonka
Minnetonka Beach
Minnetrista
Mound
Orono
Plymouth
St. Bonifacius
Shorewood
Spring Park

Tonka Bay

Wayzata

Woodland

Fourth

At: 7009 York Avenue South

Edina

For: Bloomington

Eden Prairie

Edina

Richfield

St. Louis Park

Rule 2. Mediation in Conciliation Court

2.1 Scope of Rule

This rule applies to all conciliation court cases in the fourth judicial district.

(Added effective January 1, 2000.)

2.2 Notice and Explanation

The court may require the parties to participate in court sponsored mediation prior to their initial hearing in conciliation court. The court administrator shall notify parties that their case has been assigned to the mediation calendar and provide them with an explanation of the procedures. The notice and explanation may be in the form of a flyer or other attachment to be mailed or served with the summons and complaint.

(Added effective January 1, 2000.)

2.3 Attendance; Confidentiality

Attendance at, and confidentiality of, mediation sessions is governed by Minn. Gen. R. Prac. 114.07 and 114.08 for the District Court.

(Added effective January 1, 2000.)

2.4 Mediator Assignment, Qualifications and Communications

Mediators shall be assigned by the court. Communications between parties and the mediator is governed by Rule 114.10 of those rules.

(Added effective January 1, 2000.)

2.5 Funding

The parties shall not be required to pay for mediation services under this rule.

(Added effective January 1, 2000.)

2.6 Failure to Reach Settlement

If the parties are unable to agree to a settlement of their dispute during the mediation session, the conciliation court shall promptly hear the case on the same day as the mediation session.

(Added effective January 1, 2000.)

2.7 Settlement Agreement

If a settlement agreement is reached, all parties, the mediator, and the referee or judge will sign a mediated settlement agreement that includes the following terms:

(a) either party may rescind the agreement within seventy-two hours after signing it;

(b) parties must keep the court advised of their current address;

(c) if the terms of the settlement agreement are not met by the deadline agreed to, a party may request entry of judgment by filing an affidavit of non-compliance with the court;

(d) after a hearing to determine compliance issues, a judge may order that final judgment be entered in conciliation court effective immediately, and the judgment may be immediately transcribed to district court; and

(e) the parties agree to waive the thirty-day period for enforcement of a judgment set forth in Minn. Gen. R. Prac. 518(b) for the District Courts.

(Added effective January 1, 2000.)

2.8 Non-Compliance Hearing; Judgment

Upon the filing of an affidavit of non-compliance with the court, the court administrator shall schedule a non-compliance hearing and advise the parties by mail of the date, time, and location of the hearing. If after the hearing the judge determines that a party failed to comply with the terms of the settlement agreement, the judge shall order that final judgment be entered in conciliation court effective immediately. Upon entry, the judgment may be immediately transcribed to, and enforced in, district court.

(Added effective January 1, 2000.)

Advisory Committee Comment - 1999 Adoption

The mandatory mediation program authorized under rule 2 began as a pilot project in 1996. See Order, In re Fourth Judicial District Pilot Program for Mandatory Mediation in Conciliation Court, No. CX-89-1863 (Minn. Sup. Ct., Oct. 29, 1996). The pilot project was successful in resolving conciliation court cases in a manner that minimized delay and financial burdens for litigants. REPORT TO THE MINNESOTA SUPREME COURT AND MINNESOTA CONFERENCE OF CHIEF JUDGES ON HENNEPIN COUNTY DISTRICT COURT MANDATORY MEDIATION PROJECT, pp. 7-11 (June 30, 1997). As a result, the program was permanently established in 1999, with directions that the program should be codified in a published court rule. See Order, In re Fourth Judicial District Pilot Program for Mandatory Mediation in Conciliation Court, No. CX-89-1863 (Minn. Sup. Ct., Mar. 23, 1999).

The references in Rules 2.3 and 2.4 to selected portions of Minn. Gen. R. Prac. 114 for the District Court recognize that Rule 114 is generally not applicable to conciliation court cases. Only specific provisions of Rule 114 are made applicable to conciliation court mediation under this Rule 2.

The committee considered recommending this rule for statewide adoption, but does not believe that step would be warranted because this program is not being considered for use in other districts and because the advisory committee has not fully analyzed its operation in Hennepin County or its potential operation in other districts.

Rule 5. Arbitration

5.01 Authority

Pursuant to Minnesota Statutes, section 484.73, the Fourth Judicial District has authorized the establishment of a system of arbitration for civil cases.

5.02 Actions Subject to Arbitration

(a) All civil actions are subject to arbitration except:

1. Actions for money damages in excess of $50,000.00;

2. Actions for money damages within the jurisdictional limit of the Hennepin County Conciliation Court;

3. Actions that include a claim for equitable relief that is neither insubstantial nor frivolous;

4. Actions removed from the Hennepin County Conciliation Court for trial de novo;

5. Class actions;

6. Actions involving family law matters;

7. Unlawful detainer actions; or

8. Actions involving the title to real estate.

(b) The Chief Judge or the judge that the case is assigned to shall have authority to order that particular actions otherwise excluded shall be submitted to arbitration.

(c) Any action otherwise excluded above may be submitted to arbitration by agreement of all parties.

5.03 Qualifications of Arbitrator

Unless otherwise ordered by the Chief Judge or his/her designee or agreed to by all parties, an arbitrator must be admitted to practice in the State of Minnesota for a minimum of five years and must sign and file an Oath of Office with the Chief Judge of the District Court.

5.04 Selection of Arbitrators

(a) Arbitrators shall be selected from members of the Bar who reside or practice in Hennepin County and who are qualified in accordance with Rule 5.03.

(b) The Court Administrator shall randomly assign arbitrators from a list of qualified arbitrators maintained by the Court.

(c) Any party or his/her attorney may file with the Court Administrator within five days of the notice of appointment and serve on the opposing party a notice to remove. Upon receipt of the notice to remove, the Court Administrator shall immediately assign another arbitrator. After a party has once disqualified an arbitrator as a matter of right, a substitute arbitrator may be disqualified by that party only by making an affirmative showing of prejudice to the Chief Judge or his/her designee.

5.05 Arbitrator's Fees

(a) The arbitrator's award or a notice of settlement signed by the parties or their counsel must be timely filed with the Court Administrator before a fee may be paid to the arbitrator.

(b) On the arbitrator's verified ex parte application, the Court may for good cause authorize payment of a fee when the award was not timely filed.

(c) The arbitrator's fee statement shall be submitted to the Court Administrator promptly upon the completion of the arbitrator's duties and shall set forth the title and number of the cause arbitrated, the date of the arbitration hearing, and the date the award or settlement was filed.

(d) The arbitrator's fee will be set by the Court with a maximum of $150 per day.

5.06 Communication with the Arbitrator

No ex parte disclosure of any offers of settlement shall be made to the arbitrator prior to the filing of the award.

5.07 Arbitration Hearing

(a) Within 30 days after assignment, the Court Administrator shall schedule an arbitration hearing, which hearing shall be set for not more than 60 days after the deadline for completion of discovery at a specified time and place. No further extensions for discovery shall be allowed unless granted by the Chief Judge or his/her designee on motion.

(b) By agreement of all parties, or by order of the court, an action may be submitted to arbitration before the deadline for completion of discovery.

(c) Failure to appear at the arbitration hearing may subject the nonappearing party or counsel, or both, to imposition by the assigned judge of appropriate sanctions.

(Amended January 22, 1992.)

5.08 Continuances

A continuance of the arbitration hearing may be granted only by the Court Administrator.

5.09 Rules of Evidence at Hearing

(a) All evidence shall be taken in the presence of the arbitrator and all parties, except where any of the parties has waived the right to be present or is absent after due notice of the hearing.

(b) The Rules of Evidence, construed liberally in favor of admission, apply to the conduct of the arbitration hearing, except:

1. Any party may offer, and the arbitrator shall receive in evidence, written medical and hospital reports, records and bills (including physiotherapy, nursing and prescription bills), documentary evidence of loss of income, property damage, repair bills or estimates, and police reports concerning an accident which gave rise to the case, if copies have been delivered to all opposing parties at least ten days prior to the hearing. Any other party may subpoena the author of a report, bill or estimate as a witness and examine that person as if under cross-examination. Any repair estimate offered as an exhibit, and the copies delivered to opposing parties, shall be accompanied by a statement indicating whether or not the property was repaired and if it was, whether the estimated repairs were made in full or in part, and by a copy of the receipted bill showing the items of repair made and the amount paid. The arbitrator shall not consider any opinion expressed in a police report as to ultimate fault.

2. The written statement of any other witness, including written reports of expert witnesses not enumerated above, and including statements of opinion which the witness would be qualified to express if testifying in person, may be offered and shall be received in evidence if: (i) they are made by affidavit or by declaration under penalty of perjury; (ii) copies have been delivered to all opposing parties at least ten days prior to the hearing; and (iii) no opposing party has, at least five days before the hearing, delivered to the proponent of the evidence a written demand that the witness be produced in person to testify at the hearing. The arbitrator shall disregard any portion of a statement received pursuant to this 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.

3. The deposition of any witness may be offered by any party and shall be received in evidence, subject to objections, notwithstanding that the deponent is not "unavailable as a witness" and no exceptional circumstances exist, if: (i) the deposition was taken in the manner provided for by law or by stipulation of the parties and within the time provided for in these rules; and (ii) not less than ten days prior to the hearing the proponent of the deposition serves on all opposing parties notice of his/her intention to offer the deposition in evidence. The opposing party, upon receiving the notice, may subpoena the deponent and if he does so, at the discretion of the arbitrator, either the deposition may be excluded from evidence or the deposition may be admitted and the deponent may be further cross-examined by the party who subpoenaed him or her. These limitations are not applicable to a deposition admissible under the terms of Minn. R. Civ. P. 32.01.

(c) Subpoenas shall issue for the attendance of witnesses at arbitration hearings as provided in Minn. R. Civ. P. 45. It shall be the duty of the party requesting the subpoena to modify the form of subpoena to show that the appearance is before an arbitrator, and to give the time and place set for the arbitration hearing. At the discretion of the arbitrator, nonappearance of a properly subpoenaed witness may be a ground for an adjournment or continuance of the hearing. If any witness properly served with a subpoena fails to appear at the arbitration hearing or, having appeared, refuses to be sworn or to answer, proceedings to compel compliance with the subpoena on penalty of contempt may be had before the Court.

(d) Notwithstanding any other provisions in these rules, a party offering opinion testimony in the form of an affidavit or other statement, or a deposition, shall have the right to withdraw such testimony, whereupon the attendance of the witness at the hearing shall not be required.

5.10 Conduct of the Hearing

(a) The arbitrator shall have the following powers:

1. To administer oaths or affirmations to witnesses;

2. To take adjournments upon the request of party or upon his/her own initiative when deemed necessary;

3. To permit testimony to be offered by deposition;

4. To permit evidence to be offered and introduced as provided in these rules;

5. To rule upon the admissibility and relevancy of evidence offered;

6. To invite the parties, on reasonable notice, to submit prehearing or posthearing briefs or prehearing statements of evidence;

7. To decide the law and facts of the case and make an award accordingly;

8. To award costs, not to exceed the statutory costs of the action;

9. To view any site or object relevant to the case; and

10. Any other powers agreed upon by the parties.

(b) The arbitrator may, but is not required to, make a record of the proceedings. Any records of the proceedings made by or at the direction of the arbitrator shall be deemed the arbitrator's personal notes and are not subject to discovery, and the arbitrator shall not deliver them to any party to the case or to any other person, except to an employee using the records under the arbitrator's supervision or pursuant to a subpoena issued in a criminal investigation or prosecution for perjury. No other record shall be made, and the arbitrator shall not permit the presence of a stenographer or court reporter or the use of any recording device at the hearing, except as expressly permitted by this rule.

5.11 The Award

(a) The award shall be in writing and signed by the arbitrator. It shall determine all issues properly raised by the pleadings, including a determination of any damages and an award of costs if appropriate. The arbitrator is not required to make findings of fact or conclusions of law.

(b) Within ten days after the conclusion of the arbitration hearing, the arbitrator shall file his/her award with the Court Administrator, with proof of service on each party to the arbitration. On the arbitrator's application in cases of unusual length or complexity, the court may allow up to 20 additional days for the filing and service of the award. Within the time for filing the award, the arbitrator may file and serve an amended award.

(c) The Court Administrator shall enter the award as a judgment forthwith upon the expiration of 20 days after the award is filed if no party has, during that period, served and filed a request for trial as provided in these rules. Promptly upon entry of the award as a judgment, the Court Administrator shall mail notice of entry of judgment to all parties who have appeared in the case and shall execute a certificate of mailing and place it in the court's file in the case. The judgment so entered shall have the same force and effect in all respects as, and is subject to all provisions of law relating to, a judgment in a civil action or proceeding, except that it is not subject to appeal and it may not be attacked or set aside except as provided in subdivision (d). The judgment so entered may be enforced as if it had been rendered by the court in which it is entered.

(d) A party against whom a judgment is entered pursuant to an arbitration award may, within six months after its entry, move to vacate the judgment on the ground that the arbitrator was subject to a disqualification not disclosed before the hearing and of which the arbitrator was then aware, or upon one of the grounds set forth in the Uniform Arbitration Act, Minnesota Statutes, chapter 572, and upon no other grounds. The motion shall be heard by the Court upon notice to the adverse parties and to the arbitrator, and may be granted only upon clear and convincing evidence that the grounds alleged are true, and that the motion was made as soon as practicable after the moving party learned of the existence of those grounds.

5.12 Trial after Arbitration

(a) Within 20 days after the arbitration award is filed with the Court Administrator, any party may request a trial by filing with the Court Administrator a request for trial, with proof of service of a copy upon all other parties appearing in the case. The 20-day period within which to request trial may not be extended.

(b) The case shall be restored to the civil calendar in the same position on the list it would have had if there had been no arbitration in the case, unless the Court orders otherwise for good cause.

(c) The case shall be tried as though no arbitration proceedings had occurred. No reference may be made during the trial to the arbitration award, to the fact that there had been arbitration proceedings, to the evidence adduced at the arbitration hearing, or to any other aspect of the arbitration proceedings, and none of the foregoing may be used as affirmative evidence, or by way of impeachment, or for any other purpose during the trial.

TEXT OF ORDERS

Fourth Judicial District E-Filing Pilot Project Provisions

1. **Who May Electronically File and Serve.** During the pilot project, attorneys, law firms and parties designated by the Fourth Judicial District ("District Court") may, upon registering with the electronic filing service provider designated by the District Court ("Designated Provider"), electronically file documents with the District Court in civil cases designated by the District Court. Once the District Court has determined that the E-Filing System and process is working satisfactorily and can support additional users, in any designated case in which the designated and registered attorneys, law firms or parties have electronically filed a document with the District Court, any other attorney or law firm representing a party in the case and any party designated by the District Court may also electronically file documents in the case after registering with the Designated Provider. Registered attorneys and parties may also electronically serve documents on other registered attorneys and parties in such cases provided that the attorney or party to be served has designated an e-mail address for receiving electronic service in the E-Filing System after the District Court has accepted the initial filing in the case. The District Court may electronically file and serve on registered attorneys and parties any judgments, orders, notices or other documents prepared by the District Court in such cases provided that the attorney or party to be served has designated an e-mail address for receiving electronic serve in the E-Filing System after the District Court has accepted the initial filing in the case. Electronic filing and electronic service shall be accomplished through the Designated Provider's Internet-accessible electronic filing and service system ("E-Filing System").

2. **Registration and Designation of E-Mail Address for Service.** An attorney, firm or party is registered with the Designated Provider when they have entered into a subscriber agreement with the Designated Provider and obtained an E-Filing System user identification and password generated according to the Designated Provider's protocols. The registered attorney or party electronically filing the initial document in any case as provided herein shall diligently monitor the E-Filing System filing queue for the case for notice from the District Court that the Court has either accepted or rejected the filing, and immediately upon accessing or viewing notice of acceptance of the filing, the registered attorney or party shall designate in the E-Filing System an e-mail address for receiving electronic service in the case. Once an initial filing has been accepted in a case, all other registered attorneys and parties shall, upon filing their initial document in a case, designate in the E-Filing System an e-mail address for receiving electronic service in the case. Registered attorneys and parties shall maintain a designated e-mail address for receiving electronic service until all applicable appeal periods have expired for the case.

3. **Document Format.** Notwithstanding Minn. Gen. R. Prac. 6, the District Court shall specify the form and formats for documents to be electronically filed or served using the E-Filing System.

4. **Effect of Electronic Filing or Service.** A document electronically filed or served by the District Court or a registered attorney, law firm or party under this order has the same legal effect as an original document filed or served in paper form.

5. **Signatures.**

a. **Judge Signature.** All electronically filed and served documents that require a judge's or judicial officer's signature shall either capture the signature electronically under a process approved by the supreme court or begin with an actual signature on paper that is then scanned into an electronic document format such that the final electronic document has the judge's or judicial officer's signature depicted thereon. The final electronic document shall constitute an original.

b. **Attorney or Declarant Signature.** A document electronically filed or served using the E-Filing System shall be deemed to have been signed by the attorney or declarant and shall bear a facsimile or typographical signature of such person, along with the typed name, address, telephone number, and attorney registration number of a signing attorney. Typographical signatures of an attorney or declarant shall be treated as a personal signature and shall be in the form: */s/ John L. Smith*.

c. **Notary Signature, Stamp.** A document electronically filed or served using the E-Filing System that 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 using the E-Filing System that requires a signature under penalty of perjury is deemed signed by the declarant if, before filing or service, the declarant has signed a printed form of the document and the electronically filed or served document bears the declarant's facsimile or typographical signature.

e. **Certification; Retention.** By electronically filing or submitting a document using the E-Filing System, the registered attorney or party filing or serving is indicating compliance with the signature requirements of this order, and the signatures on the document shall have the same legal effect as the signatures on the original document. A registered attorney or party electronically filing or serving a document using the E-Filing System shall maintain the original document bearing actual signatures, if in paper form, or electronic signatures if the original is in electronic form and shall make the original document available upon reasonable request of the District Court, the signatories, or other parties.

6. **Time of Filing; Fees.** A document that is electronically filed under this order 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 (e.g., for nonpayment of all applicable fees, attempted filing into the wrong case, or clearly incorrect venue as indicated in the caption), the date stamp shall be removed and the document electronically returned to the person who filed it. The District Court shall establish procedures for payment of fees electronically.

7. **Time of Service; Proof.** Except where service is otherwise prohibited (e.g., holidays), electronic service under this order is complete upon the date and time of its transmittal through the E-Filing System to the registered recipient who has designated an e-mail address for service of process in the case. The records of the E-Filing System indicating transmittal to a registered recipient who has designated an e-mail address for service of process in the case shall be sufficient proof of service on the recipient under Minn. R. Civ. P. 5.04 and Minn. Gen. R. Prac. 7, and shall be retained by the E-Filing System for the retention period designated by the District Court. Notice of filing or entry under Minn. R. Civ. P. 77.04 may be served electronically as provided in this order.

8. **Confidential or Sealed Documents.** A person electronically filing a document that is not accessible to the public in whole or in part is responsible for designating that document as

confidential or sealed in the E-Filing System before transmitting it to the District Court. If that designation is not available as part of the E-Filing System at the time of transmittal, the person electronically filing the document shall add a note to the court administrator at the time of transmittal indicating that the document is to be marked as confidential or sealed and the court administrator shall so mark the document. A document marked as "confidential" means that the document will not be accessible to the public but will be accessible to District Court staff. A document marked as "sealed" will not be accessible to the public but will be accessible to District Court staff with only the highest security level clearance. Upon review District Court staff may modify the designation of any document incorrectly designated as sealed or confidential. It is the responsibility of the parties to seek advance approval from the District Court for submitting a document as sealed or confidential 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.

9. **Records: Official; Appeal; Certified Copies.** For purposes of this pilot project, documents electronically filed with the District Court under this order are official court records and may be transmitted as the record on appeal subject to procedures established by the Clerk of the Appellate Courts. Certified copies shall be issued in the conventional manner.

10. **Access to E-Filing System.** A document electronically filed or served using the E-Filing System under this order shall be accessible as provided in the applicable court rules and statutes, including the Rules of Public Access to Records of the Judicial Branch, provided that such a document may be made remotely accessible to the person filing or serving the same, and the recipient of the same, on the E-Filing System for the period designated by the District Court, and on the District Court's case management system to the extent technically feasible.

(Added effective October 22, 2010.)

Tenth Judicial District

TABLE OF HEADNOTES

Rule 14. Juvenile Court Proceedings

TEXT OF RULES

Rule 14. Juvenile Court Proceedings

Note: References to "Rule" or "Rules" are to Rules of Procedure for Juvenile Courts.

14.01 Venue

Unless otherwise ordered by the court for good cause shown, a delinquency, petty matter or traffic trial and hearings pursuant to Rules 25 and 26 of the Rules of Procedure for Juvenile Courts, shall be held in the county where the offense is alleged to have occurred.

(Amended effective January 1, 1994.)

14.02 Discretionary Release by the Court With Conditions

Whenever the court releases a child with conditions pursuant to Rule 18.02, Subd. 2(C)(2), the conditions shall be stated on the record by the court or shall be reduced to writing and filed with the court the next court day after the conditions are imposed. [Supplementary to Rule 18.02, Subd. 2(C)(2).]

14.03 Photograph of a Line-up

Every line-up which includes a child in custody shall be photographed and the photograph shall be filed with the court with the report required pursuant to Rule 18.04, Subd. 2(D). [Supplementary to Rule 18.04, Subd. 2 (Line-up).]

14.04 Request for a Formal Review Hearing

A request for a formal review hearing pursuant to Rule 18.09, Subd. 2(B) and Rule 62.07, Subd. 2 shall be in writing and state the reasons for the request. To find a substantial basis or good cause to hold a review hearing, the court must find that the written request sets forth a showing of a significant change of circumstances so that there is good cause to believe that (a) there appears to be a change of circumstances sufficient to indicate that a change of disposition is necessary or (b) it appears that the disposition is inappropriate. [Supplementary to Rule 18.09, Subd. 2(B) and Rule 62.07, Subd. 2.]

14.05 Denial of Petition Without Personal Appearance

A denial of a petition without personal appearance pursuant to Rule 21.02, Subd. 1 (delinquency or petty matter) or Rule 36.02, Subd. 15 (traffic) may be entered by counsel with the consent of the court only after counsel has consulted with the child on the matter. In entering a denial, either on the record or in writing, counsel will assert that counsel has consulted with the child on the matter and that counsel will accept responsibility to have the child present at the next hearing at which the child's attendance is required.

A denial of a petition without personal appearance pursuant to Rule 55.02, Subd. 1 (child protection matter) may be entered by counsel with the consent of the court, only after counsel has consulted with his/her client(s) in the matter, unless counsel's client is a child under the age of 12, in which case counsel will consult with the child's guardian ad litem if there is one. In entering a denial, either on the record or in writing, counsel will assert that counsel has consulted with his/her client(s) if consultation is required by this special rule and that counsel will accept responsibility to have his/her client(s) present at the next hearing at which the attendance of the client(s) is required. [Supplementary to Rule 21.02, Subd. 1, Rule 36.02, Subd. 15 and Rule 55.02, Subd. 1.]

14.06 Counsel For Child in a Traffic Matter

For any child charged with a traffic offense which would be a misdemeanor or gross misdemeanor if committed by an adult, Rule 4.01 is adopted in lieu of Rule 36.01, Subd. 3. [Supplementary to Rule 36.01, Subd. 3 (Counsel for Child).]

14.07 Sequestration of Witnesses

Except for counsel, the child and the child's parent or guardian, the court may in its discretion sequester any witness during any hearing. In deciding whether to sequester a parent when he or she is also a witness, the court should consider whether a custodial parent will remain with the child after sequestration of a parent who is a witness. The court should also consider whether the parent is alleged to be the victim of the delinquency or is alleged to have neglected the child or to have done acts to make the child dependent. No parent shall be sequestered when he or she is a witness in an action to terminate that parent's parental rights. [Supplementary to Rule 7, Rule 36.02, Subd. 6 and Rule 42.]

14.08 Discovery of Police Reports

In addition to any court order or rule in any traffic matter, the county attorney shall make available to the child's counsel copies of any police reports concerning the alleged traffic offense, within five days after receipt of a request or as soon thereafter as the information becomes known to the county attorney. [Supplementary to Rule 36.02, Subd. 17 (Discovery).]