

FILED

January 29, 2024

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM09-8009

**ORDER PROMULGATING AMENDMENTS TO THE MINNESOTA
GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS**

In a report dated June 23, 2023, the Minnesota Supreme Court Advisory Committee on General Rules of Practice proposed amendments to the General Rules of Practice for the District Courts. *See* Recommendations of Minnesota Supreme Court Advisory Committee on General Rules of Practice, No. ADM09-8009 (filed June 23, 2023). This order addresses four¹ recommendations by the committee: (1) updating Conciliation Court Rules 501, 507, and 521; (2) ordering that the committee conduct a comprehensive review of the conciliation court rules; (3) updating Expedited Process Rules 313, 370.04, and 371.04 to reflect current practices; and (4) updating Scheduling Rule 111.01 to reflect changes in statutes and rules to ensure consistency. We also make a housekeeping amendment to Minn. Gen. R. Prac. 306.01.

By order filed on August 15, 2023, we established a period for the public to file written comments in response to the report filed by the committee. *See* Order Establishing Comment

¹ Recommendation No. 1 as indicated in the report was put out for public comment in a separate order. Order Establishing Public Comment Period and Hearing on Proposed Amendments to Minnesota Rules of General Practice, Minnesota Rules of Civil Procedure, and Minnesota Rules of Civil Appellate Procedure, Nos. ADM09-8009, ADM04-8001, ADM09-8006 (Minn. filed Aug. 11, 2023).

Period on Proposed Amendments to the Minnesota General Rules of Practice for the District Courts, ADM09-8009 (Minn. filed Aug. 15, 2023). No comments were received.

Having carefully considered the Advisory Committee's recommendations, we agree with the proposed recommendations. Conciliation Court Rules 501, 507, and 521 should be updated to clarify the applicability of other General Rules of Practice on conciliation court proceedings. These amendments appropriately clarify current practice regarding the conciliation court's authority to regulate, in accord with the General Rules of Practice, courtroom decorum, limits on the use of cameras and audio recording, the provision of interpreters, submission of confidential documents and restricted identifiers, requiring notice of change of address, and electronic filing. We also agree that the conciliation rules would benefit from a comprehensive review by the committee. That comprehensive review should consider the extent to which the generally-applicable rules under the General Rules of Practice should apply to conciliation court proceedings. We also adopt the housekeeping updates to the expedited process rules, scheduling rules, and Minn. Gen. R. Prac. 306.01. The Advisory Committee requested that these amendments be effective immediately upon adoption by the court. To allow time for the amendments to be codified and distributed, they will be effective on March 1, 2024.

IT IS HEREBY ORDERED THAT:

1. The attached amendments to the Minnesota General Rules of Practice for the District Courts are prescribed and promulgated, effective on March 1, 2024. The Advisory Committee comments are included for convenience and do not reflect court approval of the comments.

2. The task of conducting a comprehensive review of the conciliation court rules is referred to the Minnesota Supreme Court Advisory Committee on General Rules of Practice. The committee is directed to file a report and recommendations on or before December 31, 2024.

Dated: January 29, 2024

BY THE COURT:

A handwritten signature in black ink, appearing to read "M. Chutich", written in a cursive style.

Margaret H. Chutich
Associate Justice

AMENDMENTS TO THE GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS

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

TITLE VI. CONCILIATION COURT RULES

RULE 501. APPLICABILITY OF RULES

Rules 501 through 525 apply to all conciliation court proceedings. Rules 1 through 16 of the Minnesota General Rules of Practice for the District Courts apply to proceedings in conciliation court unless inconsistent with Rules 501 through 525.

Advisory Committee Comment—2024 Amendments

Rule 501 is amended to clarify that many portions of Rules 1–16 of the Minnesota General Rules of Practice for the District Courts apply to proceedings in conciliation court unless inconsistent with Rules 501 through 525. This Rule clarifies the conciliation court’s authority to regulate, for example, courtroom decorum, limits on use of cameras and audio recording, provide interpreters, submission of confidential documents and restricted identifiers, require notice of change of address, and electronic filing.

* * *

RULE 507. STATEMENT OF CLAIM AND COUNTERCLAIM; CONTENTS; VERIFICATION

(a) Claim; Verification; Contents. Each statement of claim and each counterclaim shall be made in the form approved by the court and shall contain a brief statement of the amount and nature of the claim, including relevant dates, and the name and address of the plaintiff and the defendant. The court administrator shall assist with the completion of the statement of claim and counterclaim upon request. Each statement of claim and each counterclaim shall also be signed under penalty of perjury by the party, or the lawyer representing the party, pursuant to Minn. Stat. § 358.116, provided that the signature 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.

(b) Uniform Statement of Claim or Counterclaim; Acceptance by Court. A statement of claim or counterclaim in the uniform form as published by the state court

administrator shall be accepted by any conciliation court administrator when properly completed and filed with the applicable fees, if any.

(c) Confidential Records or Information. Every person filing non-public documents or information with the conciliation court is solely responsible for identifying and designating them as non-public by:

(1) For non-public documents, using a Form 11.2 Cover Sheet for Non-Public Documents (or if filed electronically using a specific filing code in the E-Filing system which defaults the document to Confidential or Sealed) as required in Rule 11 of the General Rules of Practice for the District Courts. Common non-public documents can include, but are not limited to, financial source documents as defined in Rule 11 (such as tax returns, wage stubs, credit card statements); for a more complete listing of nonpublic case records, the state court administrator publishes a table of non-public case records on the main state court website (www.mncourts.gov).

(2) For restricted identifiers as defined in Rule 11 (such as Social Security numbers, employer identification numbers, financial account numbers), by removing them from any public documents filed under and submitting them if needed only on a separate Confidential Information Form as required in Rule 11.

Noncompliance may result in rejection or striking of filings, and/or sanctions as provided in Rule 11 and in Rule 5.04(c) of the Minnesota Rules of Civil Procedure.

(d) Notice of Current Address. Parties or their counsel of record are required to keep the court and other parties aware of any changes to their street and email addresses as required under Rule 13 of the General Rules of Practice for the District Courts.

Advisory Committee Comment—2024 Amendments

Rule 507 is amended to call the filer’s attention to the requirements for submission of confidential documents and restricted identifiers and notice of change of address set forth in Rules 11 and 13 of the Minnesota General Rules of Practice for the District Courts.

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RULE 521. REMOVAL (APPEAL) TO DISTRICT COURT

(a) Trial de novo. Any person aggrieved by an order for judgment entered in conciliation court after contested trial may remove the cause to district court for trial de novo (new trial). An “aggrieved person” may be either the judgment debtor or creditor.

(b) Removal Procedure. To effect removal, the aggrieved party must perform all the following within 21 days after the date the court administrator transmitted to that party notice of the judgment order:

(1) Serve a demand for removal of the cause to district court by first class mail upon every opposing counsel or self-represented litigant. Service may also be by personal service in accordance with the provisions for personal service of a summons in district court. Service shall be by electronic means under Rule 14 if both the counsel or party serving the demand and the counsel or party to be served have agreed to or are required to accept electronic service under Rule 14. The demand for removal shall state whether trial demanded is to be by court or jury, and shall indicate the name, address, and telephone number of the aggrieved party's lawyer, if any. If the aggrieved party is a corporation, the demand for removal must be signed by the party's attorney.

(2) File with the court administrator of district court in a new civil file separate from the conciliation court file the original demand for removal with proof of service. The aggrieved party may file with the court administrator within the 21-day period the original ~~and a copy of the~~ demand together with an affidavit by the party or the party's lawyer showing that after due and diligent search the opposing party or opposing party's lawyer cannot be located. This affidavit shall serve in lieu of making service and filing proof of service. When an affidavit is filed, the court administrator shall mail the copy of the demand to the opposing party at the party's last known residence address.

(3) File with the court administrator of district court in a new civil file separate from the conciliation court file an affidavit by the aggrieved party or that party's lawyer stating that the removal is made in good faith and not for purposes of delay. The affidavit may be combined on the same form with the demand under part (2).

(4) Except as otherwise provided by law, pay to the court administrator of district court in a new civil file separate from the conciliation court file as the fee for removal the amount prescribed by law for filing a civil action in district court, and if a jury trial is demanded under Rule 521(b)(1) of these rules, pay to the court administrator the amount prescribed by law for requesting a jury trial in a civil action in district court. A party who is unable to pay the fees may apply for permission to proceed without payment of fees pursuant to the procedure set forth in Minnesota Statutes, section 563.01.

(c) Demand for Jury Trial. Where no jury trial is demanded on removal under Rule 521(b) by the aggrieved party, if the opposing party desires a jury trial that party shall perform all the following within 21 days after the demand for removal was served on the party or lawyer:

(1) Serve a jury trial demand by first class mail upon every opposing counsel or self-represented litigant. Service may also be by personal service in accordance with the provisions for personal service of a summons in district court. Service shall be by electronic means under Rule 14 if both the counsel or party serving the demand and

the counsel or party to be served have agreed to or are required to accept electronic service under Rule 14.

(2) File the jury trial demand and proof of service with the court administrator of district court.

(3) Pay to the court administrator of district court the amount prescribed by law for requesting a jury trial in a civil action in district court and, if the demand is the first document filed by the party in the district court proceeding, pay to the administrator the amount prescribed by law for filing a civil action in district court. A party who is unable to pay the fees may apply for permission to proceed without payment of fees pursuant to the procedure set forth in Minnesota Statutes, section 563.01.

(d) Removal Perfected; Vacating Judgment; Transmitting File. When all removal documents have been filed properly and all requisite fees paid as provided under Rule 521(b), the removal is perfected, and the court shall issue an order vacating the order for judgment in conciliation court as to the parties to the removal, and the pertinent portions of the conciliation court file of the cause shall be filed in district court.

(e) Limited Removal.

(1) When a motion for vacation of an order for judgment, or judgment under Rule 520(a) or (b) of these rules, is denied, the aggrieved party may demand limited removal to the district court for hearing de novo (new hearing) on the motion. Procedure for service and filing of the demand for limited removal and notice of hearing de novo, proof of service of the notice, and procedure in case of inability of the aggrieved party to make service on the opposing party or the opposing party's lawyer shall be in the same manner prescribed in part (b) of this rule, except that the deadline for effecting limited removal shall be 21 days after the date that the court administrator transmits notice of the denial of the motion for vacation of the order for judgment or judgment. The fee payable by the aggrieved party to the court administrator of district court for limited removal shall be the same as the filing fee prescribed by law for filing of a civil action in district court. The court administrator of district court shall then place the matter on the special term calendar for the date specified in the notice. At the hearing in district court, either party may be represented by a lawyer.

(2) A judge other than the conciliation court judge who denied the motion, shall hear the motion de novo (anew) and may (A) deny the motion or (B) grant the motion. In determining the motion the judge shall consider the entire file plus any affidavits submitted by either party or their lawyers.

(3) The court administrator of district court shall transmit a copy of the order made in district court after de novo hearing to both parties and the venue shall be transferred back to conciliation court.

Advisory Committee Comment—2024 Amendments

Rule 521 is amended to help clarify that removal documents are filed in a new civil matter in the district court, with a new civil file number, and not in the conciliation court

file. This is particularly important for electronic filing as the current technology does not readily allow court staff to simply move a removal document erroneously filed in conciliation court to the district court. Rule 521(b)(3) is also modified to reflect that state court removal forms (CCT402 and CCT502) now combine the demand and affidavit of good faith into a single document, which might otherwise be confusing for litigants.

AMENDMENTS TO THE GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS

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

TITLE IV. RULES OF FAMILY COURT PROCEDURE

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RULE 306. DEFAULT

Rule 306.01 Scheduling of Final Hearing

Except when proceeding under Rule 302.01(~~bc~~) by Joint Petition, Agreement and Judgment and Decree, to place a marriage dissolution matter on the default calendar for final hearing or for approval without hearing pursuant to Minnesota Statutes, section 518.13, subdivision 5, the moving party shall submit a Default Scheduling Request form developed by the state court administrator and shall comply with the following, as applicable:

* * *

RULE 313. CONFIDENTIAL NUMBERS AND TAX RETURNS

The requirements of Rule 11 of these rules regarding submission of restricted identifiers (such as Social Security numbers, employer identification numbers, financial account numbers) and non-public documents including, without limitation, financial source documents (such as tax returns, wage stubs, credit card statements) apply to all family court matters.

Advisory Committee Comment—2024 Amendments

Rule 313 is amended to recognize that in 2021 the filer's duty to designate non-public documents at the time of filing under Rule 11 was expanded beyond just financial source documents to include all non-public documents. Use of a new Cover Sheet for Non-Public Documents also replaced the Confidential Financial Source Documents cover sheet.

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Rule 370.04 Filing Requirements

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Subd. 4. Treatment of Confidential Information. To retain privacy, restricted identifiers as defined in Rule 11 (such as sSocial sSecurity numbers, employer identification numbers, financial account numbers) must be removed from any documents provided under this rule and may only be submitted on a separate Confidential Information Form as required in Rule 11. In addition, non-public documents including, without limitation, financial source documents as defined in Rule 11 (such as tax returns, wage stubs, credit card statements) must be submitted under a cover sheet entitled “~~Confidential Financial Source~~ Cover Sheet for Non-Public Documents” as required in Rule 11.

Advisory Committee Comment—2024 Amendments

Rule 370.04, subd. 4, is amended to recognize that in 2021 the filer’s duty to designate non-public documents at the time of filing under Rule 11 was expanded beyond just financial source documents to include all non-public documents. Use of a new Cover Sheet for Non-Public Documents also replaced the Confidential Financial Source Documents cover sheet.

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Rule 371.04 Filing Requirements

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Subd. 4. Treatment of Confidential Information. To retain privacy, restricted identifiers as defined in Rule 11 (such as sSocial sSecurity numbers, employer identification numbers, financial account numbers) must be removed from any documents provided under this rule and may only be submitted on a separate Confidential Information Form as required in Rule 11. In addition, non-public documents including, without limitation, financial source documents as defined in Rule 11 (such as tax returns, wage stubs, credit card statements) must be submitted under a cover sheet entitled “~~Confidential Financial Source~~ Cover Sheet for Non-Public Documents” as required in Rule 11.

Advisory Committee Comment—2024 Amendments

Rule 371.04, subd. 4, is amended to recognize that in 2021 the filer’s duty to designate non-public documents at the time of filing under Rule 11 was expanded beyond just financial source documents to include all non-public documents. Use of a new Cover Sheet for Non-Public Documents also replaced the Confidential Financial Source Documents cover sheet.

AMENDMENTS TO THE GENERAL RULES OF PRACTICE FOR THE DISTRICT COURTS

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TITLE II. RULES GOVERNING CIVIL ACTIONS

Rule 111.01 Scope

The purpose of this rule is to provide a uniform system for scheduling matters for disposition and trial in civil cases, excluding only the following:

- (a) Conciliation court actions and conciliation court appeals where no jury trial is demanded;
- (b) Family court matters governed by Minn. Gen. R. Prac. 301 through 379;
- (c) Public assistance appeals under Minnesota Statutes, section 256.045, subdivision 7;
- (d) ~~Unlawful detainer~~ Eviction actions pursuant to Minnesota Statutes, sections 504B.281, et seq.;
- (e) Implied consent proceedings pursuant to Minnesota Statutes, section ~~169.123~~ 169A.53, and refusal to comply with test under a search warrant pursuant to Minnesota Statutes section 171.177;
- (f) Juvenile court proceedings;
- (g) Civil commitment proceedings subject to the Special Rules of Procedure Governing Proceedings Under the Minnesota Commitment Act of 1982;
- (h) Probate court proceedings;
- (i) Periodic trust accountings pursuant to Minn. Gen. R. Prac. 417;
- (j) Proceedings under Minnesota Statutes, section 609.748 relating to harassment restraining orders, and section 518B.01 relating to orders for protection;
- (k) Proceedings for registration of land titles pursuant to Minnesota Statutes, chapter 508;
- (l) Election contests pursuant to Minnesota Statutes, chapter 209; and
- (m) Applications to compel or stay arbitration under Minnesota Statutes, chapter 572;
- (n) consumer credit contract actions (~~see Case Type 3A, Minn. R. Civ. P. Form 23~~); and
- (o) mechanics' lien actions.

The court may invoke the procedures of this rule in any action where not otherwise required.

Advisory Committee Comment—2024 Amendments

Rule 111 is amended to change “unlawful detainer” to the newer terminology “eviction,” update the statutory reference for implied consent proceedings and provide similar treatment for refusal to comply with test under a search warrant, apply consistent treatment of harassment restraining orders and orders for protection, and recognize that the case type index has been converted from a form appended to the rules of civil procedure into a document maintained by the state court administrator and posted on the main judicial branch website. Inclusion on this list also means that a Civil Cover sheet is not required under Rule 104 of these rules.