

STATE OF MINNESOTA

IN SUPREME COURT

ADM09-8009

OFFICE OF
APPELLATE COURTS

DEC - 3 2013

FILED

**PROMULGATION OF AMENDMENTS TO
THE MINNESOTA GENERAL RULES OF PRACTICE
FOR THE DISTRICT COURTS TO CODIFY RULES
PERMITTING AUDIO AND VIDEO COVERAGE
OF DISTRICT COURT PROCEEDINGS IN CERTAIN
CIVIL COURT PROCEEDINGS AND TO CLARIFY
CERTAIN RULES FOR FAMILY COURT PROCEEDINGS**

O R D E R

By order filed March 11, 2011, the court established a pilot project on the use of cameras and other recording devices for certain civil court proceedings in Minnesota, which began on July 1, 2011. The pilot project allowed such coverage with the consent of the district court judge but without requiring the consent of all the parties. The Advisory Committee on the General Rules of Practice (Advisory Committee) monitored the pilot project. On October 1, 2013, the Advisory Committee reported on the status of the project and provided comments submitted by the News Media Petitioners.

The Advisory Committee also proposes amendments to the General Rules of Practice for the District Courts relating to scheduling in family court matters.

We have considered the Advisory Committee's report and the comments of the News Media Petitioners. No one recommends discontinuing the audio and video

coverage permitted under the pilot project, and we agree that such coverage should continue. Therefore, while the pilot project has come to an end with respect to the monitoring and reporting required by this court's order of March 11, 2011, the rules adopted for that project, as amended by this order, are hereby codified as the final procedures for requesting, permitting, and using cameras and other recording equipment in certain civil court proceedings.

IT IS HEREBY ORDERED THAT:

1. Except with respect to the amendments to Minn. Gen. R. Prac. 304.02 and 304.03, the attached amendments to the General Rules of Practice for the District Courts are prescribed and promulgated to be effective immediately. The attached amendments to Minn. Gen. R. Prac. 304.02 and 304.03 are prescribed and promulgated to be effective on January 1, 2014.

2. Except as otherwise provided, the attached amendments shall apply to all actions pending on the effective date and those filed thereafter.

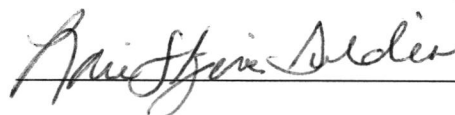
3. The inclusion of Advisory Committee comments is made for convenience and does not reflect court approval of the comments made therein.

4. The Advisory Committee on the Rules of Criminal Procedure shall review the proposal by the News Media Petitioners and consider expanding the use of audio and video coverage without the consent of all parties to certain criminal proceedings where concerns previously expressed regarding witnesses and jurors are minimized or largely absent, such as arraignments, pretrial hearings, and sentencing proceedings. The

Advisory Committee on the Rules of Criminal Procedure shall submit its report and recommendations to this Court no later than December 1, 2014.

Dated: December 3, 2013

BY THE COURT:

A handwritten signature in cursive script, reading "Lorie S. Gildea", is written over a horizontal line.

Lorie S. Gildea
Chief Justice

STATE OF MINNESOTA

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MEMORANDUM

PER CURIAM.

In March 2007, several media organizations filed a joint petition to allow expanded audio and video recording of Minnesota district court proceedings. After extensive study, deliberations, and public hearings, the Advisory Committee on the General Rules of Practice for the District Courts (Advisory Committee) presented to the court conclusions and recommendations that supported and opposed the use of audio and video recordings in Minnesota courtrooms. Following submission of written comments and a public hearing, in an order filed on February 12, 2009, the court declined to change the standard procedures used in Minnesota courts, which allowed cameras and recordings in certain cases when the district court judge and all the parties consented. Minn. Gen. R. Prac. 4.02(c). We did, however, direct the Advisory Committee to design a pilot project that would measure the impact of cameras on the proceedings and on the participants. After consideration of all feasible options, we ordered the use of the pilot project that was implemented in July 2011 for certain civil court proceedings.

The pilot project period has come to an end, and the comments submitted by the Advisory Committee and the News Media Petitioners, while drawn from fewer media requests for coverage than may have been anticipated, report no problems, complaints,

delays, or known prejudice to the parties during the project. Further, the Advisory Committee and the News Media Petitioners report that the rules worked as intended and worked well. Thus, there is no reason to retreat from the controlled use of cameras and recordings in certain civil court proceedings, and there is every reason to, as we have stated previously, allow such coverage. As we observed several years ago, most states have already reached the conclusions reported by the Advisory Committee in its recent report. At the same time, the Advisory Committee and the News Media Petitioners did not identify any impediments to the use of cameras and recording equipment in civil cases that are attributable to the restrictions that exist in the rules. We therefore maintain the prohibitions on audio and video coverage in certain types of proceedings, including child custody proceedings, marriage dissolution proceedings, juvenile proceedings, child protection proceedings, paternity proceedings, civil commitment proceedings, and petitions for orders for protection. Minn. Gen. R. Prac. 4.02(c)(vi). We also maintain the prohibitions on audio and video coverage of jurors, Minn. Gen. R. Prac. 4.02(c)(i), and audio and video coverage of witnesses who object to coverage of their testimony, Minn. Gen. R. Prac. 4.02(c)(ii).

The Advisory Committee and the News Media Petitioners offered comments on a possible expansion of audio and video coverage to certain criminal court proceedings, if concerns previously expressed regarding witnesses and jurors are minimized or largely absent. We have previously recognized the concerns expressed by participants in the criminal justice system about expanded audio and video coverage of criminal court proceedings. We have not, however, considered appropriate limits on that coverage. We

therefore direct the Advisory Committee on the Rules of Criminal Procedure to evaluate possible audio and video coverage of certain criminal court proceedings, in particular those in which concerns regarding witnesses and jurors are minimized or largely absent, such as arraignments, pretrial hearings, and sentencing proceedings. The Advisory Committee on the Rules of Criminal Procedure is directed to provide recommendations to the court regarding such coverage.

We once again express our thanks to the members of the Advisory Committee and the Media Coordinators for their work on the pilot project.

AMENDMENTS TO THE MINNESOTA GENERAL RULES OF PRACTICE FOR THE
DISTRICT COURTS

[Note to publishers: Deletions are indicated by a line drawn through the text; additions are underlined. Markings are omitted for the new advisory committee comments, regardless of their derivation.]

RULE 4. PICTURES AND VOICE RECORDINGS

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Rule 4.03. Procedures Relating to Requests for Audio or Video Coverage of Authorized District Court Civil Proceedings

The following procedures apply to audio and video coverage of civil proceedings where authorized under Rule 4.02(c):

(a) **Notice.** Unless notice is waived by the trial judge, the media shall provide written notice of their intent to cover authorized district court civil proceedings by either audio or video means to the trial judge, all counsel of record, and any parties appearing without counsel as far in advance as practicable, and at least 10 days before the commencement of the hearing or trial. A copy of the written notice shall also be provided to the State Court Administrator's Court Information Office. ~~In civil proceedings subject to the pilot project authorized by supreme court order,~~ The media shall also notify their respective media coordinator, identified as provided under part (e) of this rule, of the request to cover proceedings in advance of submitting the request to the trial judge, if possible, or as soon thereafter as possible.

(b) **Objections ~~in Civil Cases.~~** ~~In civil proceedings,~~ If a party opposes audio or video coverage, the party shall provide written notice of the party's objections to the

presiding judge, the other parties, and the media requesting coverage as soon as practicable, and at least 3 days before the commencement of the hearing or trial in cases where the media have given at least 10 days' notice of their intent to cover the proceedings. The judge shall rule on any objections and make a decision on audio or video coverage before the commencement of the hearing or trial. However, the judge has the discretion to limit, terminate, or temporarily suspend audio or video coverage of an entire case or portions of a case at any time.

(c) Witness Information and Objection to Coverage. At or before the commencement of the hearing or trial in cases with audio or video coverage, each party shall inform all witnesses the party plans to call that their testimony will be subject to audio or video recording unless the witness objects in writing or on the record before testifying.

(d) Appeals. No ruling of the trial judge relating to the implementation or management of audio or video coverage under this rule shall be appealable until the trial has been completed, and then only by a party.

(e) Media Coordinators ~~for Civil Pilot Project.~~ ~~For civil proceedings subject to the pilot project authorized by order of the supreme court, m~~Media coordinators for various areas of the state shall be identified on the main state court web site. The media coordinators shall facilitate interaction between the courts and the electronic media regarding audio or video coverage of authorized district court civil proceedings ~~during the course of the pilot project.~~ Responsibilities of the media coordinators include:

(i) Compiling basic information (e.g., case identifiers, judge, parties, attorneys, dates and coverage duration) on all requests for use of audio or video coverage of authorized civil trial court proceedings for their respective court location(s) as identified on the main state court web site, and making aggregate forms of the information publicly available;

(ii) Notifying the Minnesota Court Information Office of all requests for audio and video coverage of civil trial court proceedings for their respective court location(s) as identified on the main state court web site;

(iii) Explaining to persons requesting video or audio coverage of civil trial court proceedings for their respective court location(s) the local practices, procedures, and logistical details of the court related to audio and video coverage;

(iv) Resolving all issues related to pooling of cameras and microphones related to video or audio coverage of civil trial court proceedings for their respective court location(s);

~~(v) Making available to participants in the pilot project survey information as directed by the supreme court's advisory committee on the general rules of practice.~~

Rule 4.04. Technical Standards for Photography, Electronic and Broadcast Coverage of Judicial Proceedings

The trial court may regulate any aspect of the proceedings to ensure that the means of recording will not distract participants or impair the dignity of the proceedings. In the

absence of a specific order imposing additional or different conditions, the following provisions apply to all proceedings.

* * *

(b) Sound and light.

(1) Only television cameraphotographic and audio equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. Excepting modifications and additions made pursuant to Paragraph (e) below, no artificial, mobile lighting device of any kind shall be employed with the television equipmentcamera.

(2) Only still camera equipment which does not produce distracting sound or light shall be employed to cover judicial proceedings. ~~Specifically, such still camera equipment shall produce no greater sound or light than a 35 mm Leica "M" Series Rangefinder camera, and no artificial lighting device of any kind shall be employed in connection with a still camera.~~

(3) Media personnel must demonstrate to the trial judge adequately in advance of any proceeding that the equipment sought to be utilized meets the sound and light requirements of this rule. A failure to demonstrate that these criteria have been met for specific equipment shall preclude its use in any proceeding.

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TITLE IV. RULES OF FAMILY COURT PROCEDURE

PART A. PROCEEDINGS, MOTIONS, AND ORDERS

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Rule 304. SCHEDULING OF CASES

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Rule 304.02 ~~Initial Case Management~~ Scheduling Statement

(a) Except where the court orders the parties to use an Initial Case Management Conference (“ICMC”), Wwithin 60 days after the initial filing in a case, or sooner if the court requires, the parties shall file an ~~Initial Case Management~~ Scheduling Statement that substantially conforms to the form developed by the state court administrator.

(b) In cases where the court orders the parties to use an Initial Case Management Conference, the parties shall comply with the order issued by the court as to what form to submit, its due date, and whether it should be filed or submitted to the court without filing.

* * *

Rule 304.03 Scheduling Order

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

* * *

Advisory Committee Comment—2014 Amendment

The amendments to Rules 304.02 and 304.03 recognize that different districts and counties use different processes for scheduling family law matters. Rule 304.02 is amended to rename the Initial Case Management Statement (formerly known as the Informational Statement) as the Scheduling Statement. This change is intended to make clear the distinction between it and the Initial Case Management Conference (ICMC) Data Sheet used in the many counties that hold Initial Case Management Conferences (ICMCs) and find them useful tools in managing their cases. Pursuant to Judicial Branch Policy 520.1 § IV, the ICMC Data Sheet is not to be filed with the court, but is provided to the court in advance of the ICMC to assist the court in preparing for and holding the ICMC. Further information on the ICMC process, if in use in a particular court, may be obtained on the individual court's websites, which may be accessed through the state court website, www.mncourts.gov.

The Scheduling Statement is formally filed with the court within 60 days of filing of the case. The court's management of the case from and after the ICMC ensures the case is concluded in a timely manner, alleviating the necessity of filing a Scheduling Statement. In counties that do not utilize ICMCs as part of case management, the filing of the Scheduling Statement will assist the court in scheduling appropriate court appearances to conclude the case in a timely manner.