FILED
January 27, 2016
OFFICE OF
APPELLATE COURTS

STATE OF MINNESOTA

IN SUPREME COURT

ADM09-8006

ORDER REGARDING MANDATORY AND PERMISSIVE ELECTRONIC FILING AND SERVICE IN THE APPELLATE COURTS

By order filed February 5, 2015, the court authorized the Clerk of the Appellate Courts to permit use of the appellate courts' electronic file and service system in all case types in which all parties to the appeal are represented by an attorney admitted to practice in the state of Minnesota. Additionally, the clerk was authorized to permit e-filing by court reporters and executive branch records managers in all case types, regardless of whether the parties to the appeal filed any documents electronically. The February 5 order also directed the clerk to provide recommendations for mandatory use of the appellate courts' electronic file and service system, if any, by case type or by case participants, and recommendations for permissive or mandatory use of that system by self-represented litigants. On December 16, 2015, the clerk provided a report and recommendations to the court.

The court has considered the report and recommendations by the Clerk of Appellate Courts for expanded use of the appellate courts' electronic file and service system. Based upon all of the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. In all appeals or administrative matters pending on or filed after July 1, 2016, use of the appellate courts' electronic file and service system is required in all case

types in which all parties to the appeal or matter are represented by an attorney admitted to practice in the state of Minnesota, or admitted pro hac vice to practice before the appellate courts of Minnesota. For the purpose of this order, "appeals" includes any case filed with the Clerk of the Appellate Courts that requests action by either the court of appeals or the supreme court, including but not limited to disciplinary petitions filed pursuant to the Rules on Lawyers Professional Responsibility or the Rules of the Board on Judicial Standards, matters considered by judicial appeal panels appointed pursuant to Minnesota Statutes chapters 253B and 253D (2014), and claims considered by panels appointed pursuant to Minn. Stat. § 611.363 (2014). For the purpose of this order, "administrative matters" includes, without limitation, petitions for amendments to the court's rules and comments submitted on those petitions or proposed amendments.

2. In all appeals or administrative matters pending on or filed after July 1, 2016, court reporters, executive branch records managers, court-appointed examiners, and panels appointed by the appellate courts to act as the trier of fact and/or referee over a petition, including panels appointed pursuant to Minnesota Statutes chapters 253B and 253D, and Minn. Stat. § 611.363, are required to use the appellate courts' electronic file and service system to file and/or transmit documents to the appellate courts, in all case types, regardless of whether the parties to the appeal do so. Referees and panels appointed to consider and make recommendations on a petition filed pursuant to the Rules on Lawyers Professional Responsibility or the Rules of the Board on Judicial Standards shall use the appellate courts' electronic file and service system to file and/or transmit documents to the appellate courts when feasible and practical to do so.

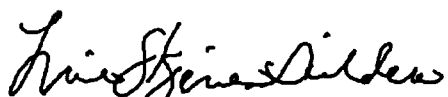
3. Effective on or before March 1, 2016, if the request of a self-represented party to register as an authorized user of the appellate courts' electronic file and service system is approved, the Clerk of the Appellate Courts may permit self-represented parties to use the appellate courts' electronic file and service system in all case types. The decision to approve or deny the request of a self-represented party to use the appellate courts' electronic file and service system is within the clerk's discretion. Unless the clerk permits otherwise based on individual case circumstances, once a self-represented party's e-file account is approved and the self-represented party has e-filed documents for an appeal or matter with the clerk, all further filings by that party shall be made using the appellate courts' electronic file and service system.

4. Other than as authorized by this order, use of the appellate courts' electronic file and service system is not authorized for purposes of Rule 125 of the Rules of Civil Appellate Procedure.

5. Until January 1, 2018 or further order of this court, the Clerk of the Appellate Courts is authorized to temporarily waive convenience fees associated with the processing of filing fees or other payments related to appeals that are filed using the appellate courts' electronic file and service system.

Dated: January 27, 2016

BY THE COURT:



Lorie S. Gildea
Chief Justice