

FILED

June 20, 2019

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM09-8009

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

The Minnesota State Bar Association asked the court to adopt the system used in the Federal Rules of Civil Procedure to calculate rule-imposed deadlines. The Advisory Committee for the Minnesota Rules of Civil Procedure agreed with this proposal, subject to input from the Advisory Committee for the General Rules of Practice for the District Courts. Thus, in an order filed on March 13, 2018, we referred the recommendation of the Advisory Committee for the Rules of Civil Procedure to adjust time deadlines in Minnesota's rules of court—in general, to 7, 14, 21, and 28 days—to the Advisory Committee for the General Rules of Practice for review and recommendations regarding those rules. *See Order Promulgating Amendments to the Rules of Civil Proc.*, No. ADM04-8001, at 2 (Minn. filed Mar. 13, 2018).

The Advisory Committee for the General Rules of Practice filed a report on September 27, 2018, recommending that the rules be amended to redefine time limits and the calculation of deadlines in the rules. The committee agrees that implementing these changes in the General Rules of Practice for the District Courts will simplify the calculation of deadlines, which will benefit the parties and participants in litigation.

We opened a public comment period. No comments opposing the proposed amendments to the time limits and the calculation of deadlines in the General Rules of

Practice were filed. Based on our review of the work by the advisory committees for the General Rules of Practice and the Rules of Civil Procedure, we adopt the advisory committee's recommended amendments to the General Rules of Practice. We also agree with the committee's recommendation that the changes that will result from new time deadlines and the calculation of those deadlines favors an extended effective date for these amended rules.

Based on all of the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. The attached amendments to the General Rules of Practice for the District Courts are prescribed and promulgated to be effective as of January 1, 2020, and shall apply to all cases filed on or after the effective date.
2. The Advisory Committee comments are included for convenience and do not reflect court approval of the comments.

Dated: June 20, 2019

BY THE COURT:



Lorie S. Gildea
Chief 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 I. RULES APPLICABLE TO ALL COURT PROCEEDINGS

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RULE 4. PICTURES AND VOICE RECORDINGS

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Rule 4.03. Procedures Relating to Requests for Visual and Audio Coverage of Authorized District Court Proceedings

The following procedures apply to visual and audio coverage of district court proceedings where authorized under Rule 4.02:

* * *

(b) Objections. If a party opposes visual or audio 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~~ 72 hours before the commencement of the hearing or trial in cases where the media have given at least 7 days' notice of their intent to cover the proceedings. The media is not a party and is not entitled to file a written response to any objections. The judge shall rule on any objections and make a decision on visual or audio coverage before the commencement of the hearing or trial. However, the judge has the discretion to limit, terminate, or temporarily suspend visual or audio coverage of an entire case or portions of a case at any time.

* * *

RULE 7. PROOF OF SERVICE

When a document has been conventionally served before filing, proof of service shall be affixed to the document so that the identity of the document is not obscured. If a document is filed before conventional service has been made, proof of service shall be filed within ~~10~~ 7 days after service is made. When a document had been served through the E-Filing System in accordance with Rule 14, the record of service on the E-Filing System shall constitute proof of service.

RULE 8. INTERPRETERS

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Rule 8.07. Appeal of Denial of Certification

(a) Appeal of Certification Denial. Any applicant who is denied certification by the State Court Administrator's Office may appeal to the Review Panel by filing a petition for review with the Review Panel within ~~twenty (20)~~ 21 days of receipt by the applicant of a final decision by the State Court Administrator's Office.

The petition shall briefly state the facts that form the basis for the complaint and the applicant's reasons for believing that review is warranted. A copy of the petition must be provided to the State Court Administrator's Office.

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RULE 9. FRIVOLOUS LITIGATION

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Rule 9.04. Stay of Proceedings

When a motion pursuant to Rule 9.01 is properly filed ~~prior to~~ before trial, the action or proceeding is stayed and the moving party need not plead or respond to discovery or motions, until ~~14~~ 14 days after the motion is denied, or if granted, until ~~10~~ 14 days after the required security has been furnished and the moving party given written notice thereof. When a motion pursuant to Rule 9.01 is made at any time after commencement of trial, the action or proceeding may be stayed for such period after the denial of the motion or the furnishing of the required security as the court shall determine.

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TITLE II. RULES GOVERNING CIVIL ACTIONS PART A. PLEADINGS, PARTIES, AND LAWYERS

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RULE 104. CIVIL COVER SHEET AND CERTIFICATE OF REPRESENTATION AND PARTIES

Except as otherwise provided in these rules for specific types of cases and in cases where the action is commenced by filing by operation of statute, a party filing a civil case shall, at the time of filing, notify the court administrator in writing of:

(a) If the case is a family case or a civil case listed in Rule 111.01 of this rule, the name, postal address, e-mail address, and telephone number of all counsel and self-represented litigants, if known, in a Certificate of Representation and Parties (see Form CIV102

promulgated by the state court administrator and published on the website www.mncourts.gov) or

(b) If the case is a non-family civil case other than those listed in Rule 111.01, basic information about the case in a Civil Cover Sheet (see Form CIV117 promulgated by the state court administrator and published on the website www.mncourts.gov) which shall also include the information required in part (a) of this rule. Any other party to the action may, within ~~ten~~ 7 days of service of the filing party's civil cover sheet, file a supplemental civil cover sheet to provide additional information about the case.

If that information is not then known to the filing party, it shall be provided to the court administrator in writing by the filing party within ~~seven~~ 7 days of learning it. Any party impleading additional parties shall provide the same information to the court administrator. The court administrator shall, upon receipt of the completed certificate, notify all parties or their lawyers, if represented by counsel, of the date of filing the action and the file number assigned.

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RULE 107. PROCEDURE FOR CHALLENGE FOR HAVING A REFEREE HEAR A MATTER

Any party objecting to having any referee hear a contested trial, hearing, motion or petition shall serve and file the objection within ~~ten~~ 14 days of notice of the assignment of a referee to hear any aspect of the case, but not later than the commencement of any hearing before a referee.

RULE 108. GUARDIAN AD LITEM

Rule 108.01. Role of Guardian

Whenever the court appoints a guardian ad litem, the guardian ad litem shall be furnished copies of all pleadings, documents and reports by the party or agency which served or submitted them. A party or agency submitting, providing, or serving reports and documents to or on a party or the court, shall provide copies promptly thereafter to the guardian ad litem.

Upon motion, the court may extend the guardian ad litem's powers as it deems necessary. Except upon a showing of exigent circumstances, the guardian ad litem shall submit any recommendations, in writing, to the parties and to the court at least ~~10~~ 7 days ~~prior to~~ before any hearing at which such recommendations shall be made. For purposes of all oral communications between a guardian ad litem and the court, the guardian ad litem shall be treated as a party.

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PART B. SCHEDULING

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RULE 113. ASSIGNMENT OF CASE(S) TO A SINGLE JUDGE

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113.03. Assignment of Cases in More than One District to a Single Judge

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(b) Procedure. The motion shall identify by court, case title, case number, and judge assigned, if any, each case for which assignment to a single judge is requested. The motion shall also indicate the extent to which the movant anticipates that additional related cases may be filed. The motion shall be filed with the clerk of appellate courts and shall be served on other counsel and any self-represented litigants in all cases for which assignment is requested and shall be served on the chief judge of each district in which such an action is pending. Any party may file and serve a response within ~~5~~7 days after service of the motion. Any reply shall be filed and served within ~~2~~7 days of service of the response. Except as otherwise provided in this rule, the motion and any response shall comply with the requirements of Minn. R. Civ. App. P. 127 and 132.02.

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RULE 114. ALTERNATIVE DISPUTE RESOLUTION

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Rule 114.05. Selection of Neutral

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(c) Removal. Any party or the party's attorney may file with the court administrator within ~~10~~7 days of notice of the appointment of the neutral and serve on the opposing party a notice to remove. Upon receipt of the notice to remove the court administrator shall immediately assign another neutral. After a party has once disqualified a neutral as a matter of right, a substitute neutral may be disqualified by the party only by making an affirmative showing of prejudice to the chief judge or his or her designee.

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Rule 114.09. Arbitration Proceedings

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(b) Evidence.

(1) Except where a party 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.

(2) The arbitrator shall receive evidence that the arbitrator deems necessary to understand and determine the dispute. Relevancy shall be liberally construed in favor of admission. The following principles apply:

(i) Documents. If copies have been delivered to all other parties at least ~~10-14~~ days ~~prior to~~ before the hearing, the arbitrator may consider written medical and hospital reports, records, and 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. 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. If the property was repaired, the statement must indicate whether the estimated repairs were made in full or in part and must be accompanied by a copy of the receipted bill showing the items repaired and the amount paid. The arbitrator shall not consider any police report opinion as to ultimate fault. In family law matters, the arbitrator may consider property valuations, business valuations, custody reports, and similar documents.

(ii) Other Reports. The written statement of any other witness, including written reports of expert witnesses not enumerated above and statements of opinion which the witness would be qualified to express if testifying in person, shall be received in evidence if: (1) copies have been delivered to all other parties at least ~~10-14~~ days ~~prior to~~ before the hearing; and (2) no other party has delivered to the proponent of the evidence a written demand at least ~~5-7~~ days before the hearing that the witness be produced in person to testify at the hearing. The arbitrator shall disregard any portion of a statement received pursuant to the 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.

(iii) Depositions. Subject to objections, the deposition of any witness shall be received in evidence, even if the deponent is not unavailable as a witness and if no exceptional circumstance exist, if: (1) the deposition was taken in the manner provided for by law or by stipulation of the parties; and (2) not fewer than ~~10-14~~ days ~~prior to~~ before the hearing, the proponent of the deposition serves on all other parties notice of the intention to offer the deposition in evidence.

* * *

(e) The Award.

(1) No later than ~~10-14~~ days ~~from~~ after the date of the arbitration hearing or the arbitrator's receipt of the final post-hearing memorandum, whichever is later, the arbitrator shall file with the court the decision, together with proof of service on all parties by first class mail or other method of service authorized by the rules or ordered by the court.

(2) If no party has filed a request for a trial within ~~20-21~~ days after the award is filed, the court administrator shall enter the decision as a judgment and shall promptly transmit notice of entry of judgment to the parties. The judgment shall have the same force and effect 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 may not be attacked or set aside. The judgment may be enforced as if it had been rendered by the court in which it is entered.

* * *

(f) Trial after Arbitration

(1) Within ~~20-21~~ days after the arbitrator files the decision with the court, any party may request a trial by filing a request for trial with the court, along with proof of service upon all other parties. This ~~20-21~~-day period shall not be extended.

(2) The court may set the matter for trial on the first available date, or shall restore the case to the civil calendar in the same position as it would have had if there had been no arbitration.

(3) Upon request for a trial, the decision of the arbitrator shall be sealed and placed in the court file.

(4) A trial de novo shall be conducted as if there had been no arbitration.

RULE 114 – APPENDIX

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CODE OF ETHICS ENFORCEMENT PROCEDURE

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Rule II. Procedure

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D. If the allegation(s) of the complaint, if true, constitute a violation of the Code of Ethics, the Board will undertake such review, investigation, and action it deems appropriate. In all such cases, the Board shall send to the neutral, by certified mail, a copy of the complaint, a list identifying the ethical rules which may have been violated, and a request for a written response to the allegations and to any specific questions posed by the Board. It shall not be considered a violation of Rule 114.08(e) of the Minnesota General Rules of Practice or of Rule IV of the Code of Ethics, Rule 114 Appendix, for the neutral to disclose notes, records, or recollections of the ADR process complained of as part of the complaint procedure. Except for good cause shown, if the neutral fails to respond to the complaint in writing within ~~thirty (30)~~ 28 days, the allegations(s) shall be deemed admitted.

* * *

G. The neutral shall be entitled to appeal the proposed sanctions and findings of the Board to the ADR Ethics Panel by written request within ~~fourteen~~ 14 days from receipt of the Board's action on the complaint. The Panel shall be appointed by the Judicial Council and shall be composed of two sitting or retired district court judges and one qualified neutral in good standing on the Rule 114 roster. Members of the Panel shall serve for a period to be determined by the Judicial Council. One member of the Panel shall be designated as the presiding member.

(1) Discovery. Within ~~30~~ 28 days after receipt of a request for an appeal hearing, counsel for the Board and the neutral shall exchange the names and addresses of all persons known to have knowledge of the relevant facts. The presiding member of the Panel shall set a date for the exchange of the names and addresses of all witnesses the parties intend to call at the hearing. The Panel may issue subpoenas for the attendance of witnesses and

production of documents or other evidentiary material. Counsel for the Board and the neutral shall exchange non-privileged evidence relevant to the alleged ethical violation(s), documents to be presented at the hearing, witness statements and summaries of interviews with witnesses who will be called at the hearing. Both the Board and the neutral have a continuing duty to supplement information required to be exchanged under this rule. All discovery must be completed ~~within 10 days of~~ at least 14 days before the scheduled appeal hearing.

(2) Procedure. The neutral has the right to be represented by an attorney at all parts of the proceedings. In the hearing, all testimony shall be under oath. The Panel shall receive such evidence as the Panel deems necessary to understand and determine the issues. The Minnesota Rules of Evidence shall apply, however, relevancy shall be liberally construed in favor of admission. Counsel for the Board shall present the matter to the Panel. The Board has the burden of proving the facts justifying action by clear and convincing evidence. The neutral shall be permitted to adduce evidence and produce and cross-examine witnesses, subject to the Minnesota Rules of Evidence. Every formal hearing conducted under this rule shall be recorded electronically by staff for the Panel. The Panel shall deliberate upon the close of evidence and shall present written Findings and Memorandum with regard to any ethical violations and sanction resulting there from. The panel shall serve and file the written decision on the Board, neutral and complainant within ~~forty five~~ 45 days of the hearing. The decision of the Panel is final.

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PART C. MOTIONS

RULE 115. MOTION PRACTICE

Rule 115.01. Scope and Application

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(b) Time. The time limits in this rule are to provide the court adequate opportunity to prepare for and promptly rule on matters, and the court may modify the time limits, provided, however, that in no event shall the time limited be less than the time established by Minn. R. Civ. P. 56.02. ~~Whenever this rule requires documents to be filed with the court administrator within a prescribed period of time before a specific event, and the documents are not required to be filed electronically, filing may be accomplished by mail, subject to the following: (1) 3 days shall be added to the prescribed period; and (2) filing shall not be considered timely unless the documents are deposited in the mail within the prescribed period. If service of documents on parties or counsel by mail is permitted, it is subject to the provisions of Minn. R. Civ. P. 5.02 and 6.05.~~ Computation of time under this rule is governed by Minn. R. Civ. P. 6.

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Rule 115.03. Dispositive Motions

a) Service by Moving Party. No motion shall be heard until the moving party pays any required motion filing fee, serves the following documents on all opposing counsel and self-represented litigants and files the documents with the court administrator at least 28 days ~~prior to~~ before the hearing:

- (1) Notice of motion and motion;
- (2) Proposed order;
- (3) Any affidavits and exhibits to be submitted in conjunction with the motion; and
- (4) Memorandum of law.

(b) Response to Motion. The party responding to the motion shall pay any required motion filing fee, serve the following documents on all opposing counsel and self-represented litigants and shall file the documents with the court administrator at least ~~9~~14 days ~~prior to~~ before the hearing:

- (1) Memorandum of law; and
- (2) Supplementary affidavits and exhibits.

(c) Reply Memoranda. The moving party may submit a reply memorandum, limited to new legal or factual matters raised by an opposing party's response to a motion, by serving it on all opposing counsel and self-represented litigants and filing it with the court administrator at least ~~3~~7 days before the hearing.

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Rule 115.04. Nondispositive Motions

(a) Service by Moving Party. No motion shall be heard until the moving party pays any required motion filing fee, serves the following documents on all opposing counsel and self-represented litigants, and files the documents with the court administrator at least ~~14~~21 days ~~prior to~~ before the hearing:

- (1) Notice of motion and motion;
- (2) Proposed order;
- (3) Any affidavits and exhibits to be submitted in conjunction with the motion; and
- (4) Any memorandum of law the party intends to submit.

(b) Response to Motion. The party responding to the motion shall pay any required motion filing fee, serve the following documents on all opposing counsel and self-represented litigants, and file the documents with the court administrator at least ~~7~~14 days ~~prior to~~ before the hearing:

- (1) Any memorandum of law the party intends to submit; and
- (2) Any relevant affidavits and exhibits.

(c) Reply Memoranda. The moving party may submit a reply memorandum, limited to new legal or factual matters raised by an opposing party's response to a motion, by serving it on all opposing counsel and self-represented litigants and filing it with the court administrator at least ~~3~~7 days before the hearing.

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PART D. MISCELLANEOUS MOTION PRACTICE

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RULE 119. APPLICATIONS FOR ATTORNEY FEES

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Rule 119.05. Attorneys' Fees in Default Proceedings

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(c) A defaulting party may request a hearing and further judicial review of the attorneys' fees requested by completing a "Request for Hearing" provided by the plaintiff substantially similar to Form 119.05 as published by the state court administrator. A party may serve the form, at any time after a default has occurred, provided that the defaulting party is given at least ~~twenty~~ 21 days' notice before the request for judgment is made. A defaulting party must serve the Request for Hearing upon the requesting party or its counsel within ~~twenty~~ 21 days of its receipt. Upon timely receipt of a Request for Hearing the party seeking fees shall request a judicial assignment and have the hearing scheduled.

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PART E. TRIAL MANAGEMENT

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RULE 122. CONTINUANCE

If a trial setting has been established by scheduling order after hearing the parties, the court shall decline to consider requests for continuance except those made by motion or when a judge determines that an emergency exists. A single request for a reasonable continuance of a trial setting set by notice without hearing should be granted by the court upon agreement of all parties, provided that the request is made within ~~20~~ 21 days after notice of the setting to the parties. All other requests for continuance shall be made by motion with notice to all parties.

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RULE 126. JUDGMENT—ENTRY BY ADVERSE PARTY

When a party is entitled to have judgment entered in that party's favor upon the verdict of a jury, report of a referee, or decision or finding of the court, and neglects to enter the same for ~~10~~ 14 days after the rendition of the verdict or notice of the filing of the report, decision or finding; or after the expiration a stay, the opposite party may cause judgment to be entered on ~~five~~ 7 days' notice to the party entitled thereto.

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RULE 128. RETRIEVAL OR DESTRUCTION OF EXHIBITS

It shall be the duty of the lawyer or party offering exhibits in evidence to remove all exhibits from the custody of the court upon final disposition of a case. Failure to do so within ~~15~~14 days of being notified to do so will be deemed authorization to destroy such exhibits.

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**RULE 131. USE OF INTERACTIVE VIDEO TELECONFERENCE
IN CIVIL CASES**

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Rule 131.02. Permissible Uses; Initiation

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(d) Use of ITV Upon Motion.

(1) Request. Any party may, by motion, request the use of ITV for a hearing or proceeding in accordance with this rule. No motion for use of ITV shall be heard until the moving party serves a copy of the motion on the opposing counsel and files the original with the court administrator at least ~~seven (7)~~7 days ~~prior to~~before the scheduled hearing or proceeding for which ITV use is requested. The moving party may, ex parte, contact the court for an expedited hearing date on the motion for use of ITV and for waiver of the usual notice of hearing. The moving party is responsible under Rule 131.02(c) for making arrangements to use any site that is outside the control of the court in the venue county, for providing the necessary contact information to the court administrator, and for ensuring the compatibility of the equipment. The motion shall include, as an attachment, a notice advising the other parties of their right to object to use of ITV, the consequences of failing to timely file an objection, the duty to exchange information under Rule 131.04, and the prohibition on recording in Rule 131.06(i). A sample notice is published by the state court administrator.

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PART F. SPECIAL PROCEDURES

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**RULE 136. GARNISHMENTS AND ATTACHMENTS-BONDS TO
RELEASE-ENTRY OF JUDGMENT AGAINST GARNISHEE**

Rule 136.01. Bond

Garnishments or attachments shall not be discharged through a personal bond under Minnesota Statutes, sections 571.931 and 571.932 without ~~one~~7 ~~day's~~days' written notice of the application therefor to the adverse party; but if a surety company's bond is given, notice shall not be required.

Advisory Committee Comment—2019 Amendments

Rule 136.01 is amended as part of the “timing” amendments recommended to the Court in 2018. The committee recommends the change from one to seven days because one day’s notice is usually inadequate time to allow the adverse party a meaningful opportunity to evaluate and respond to the request for the posting of a personal bond. The notice period applies only when a garnishee seeks to post a bond that is not issued by an approved surety company.

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RULE 141. CONDEMNATION

Rule 141.01. Objection to Commissioner

Within ~~ten (10)~~ 14 days after the order appointing the commissioners has been filed, the petitioner or any respondent may serve on all other parties and file with the appointing judge an affidavit objecting to the appointment of any one or more of the commissioners and setting forth the reasons for the objection. Within ~~five (5)~~ 7 days after receiving such an objection, the judge in the exercise of discretion may appoint a new commissioner to replace any commissioner concerning whom objection has been made. If the judge does not appoint a new commissioner within ~~five (5)~~ 7 days, the objection shall be deemed overruled.

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RULE 146. COMPLEX CASES

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Rule 146.03. Judge Assigned to Complex Cases

A single judge shall be assigned to all designated complex cases within ~~30~~ 28 days of filing in accordance with Rule 113 of these rules. In making the assignment the assigning judge should consider, among other factors, the needs of the court, the judge’s ability, interest, training, experience (including experience with complex cases), and willingness to participate in educational programs related to the management of complex cases.

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TITLE III. REGISTRATION OF LAND TITLES

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RULE 208. HEARINGS IN DEFAULT CASES—FILING DOCUMENTS

Initial applications, where no issue has been joined, shall be heard by the court at any special term, or they may be heard by an examiner, to whom the matter has been specially referred. In counties where the examiner checks the proceedings in advance of the hearings, all documents necessary to complete the files shall be filed; and all documentary evidence proposed to be used by the applicant or petitioner shall be delivered to the examiner at least ~~three~~ 7 days before the hearing, together with the proposed order for judgment and decree.

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TITLE IV. RULES OF FAMILY COURT PROCEDURE

PART A. PROCEEDINGS, MOTIONS, AND ORDERS

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RULE 303. MOTIONS; EMERGENCY RELIEF; ORDERS TO SHOW CAUSE

Rule 303.01. Scheduling of Motions

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(c) Notice of Time to Respond. All motions and orders to show cause shall contain the following statement:

The Rules establish deadlines for responding to motions. All responsive pleadings shall be served and filed with the court administrator no later than ~~five-7~~ 7 days ~~prior to before~~ the scheduled hearing. The court may, in its discretion, disregard any responsive pleadings served or filed with the court administrator less than ~~five-7~~ 7 days ~~prior to before~~ such hearing in ruling on the motion or matter in question.

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Rule 303.03. Motion Practice

(a) Requirements for Motions.

(1) *Moving Party, Supporting Documents, Time Limits.* No motion shall be heard unless the initial moving party pays any required motion filing fee, properly serves a copy of the following documents on all parties and files them with the court administrator at least ~~14-21~~ 14 days ~~prior to before~~ the hearing:

- (i) Notice of motion and motion in the form required by Minn. Gen. R. Prac. 303.01 and 303.02;
- (ii) Relevant affidavits and exhibits; and
- (iii) Any memorandum of law the party intends to submit.

(2) *Motion Raising New Issues.* A responding party raising new issues other than those raised in the initial motion shall pay any required motion filing fee, properly serve a copy of the following documents on all parties and file them with the court administrator at least ~~10-14~~ 14 days ~~prior to before~~ the hearing:

- (i) Notice of motion and motion in the form required by Minn. Gen. R. Prac. 303.01 and 303.02;
- (ii) Relevant affidavits and exhibits; and
- (iii) Any memorandum of law the party intends to submit.

(3) *Responding Party, Supporting Documents, Time Limits.* The party responding to issues raised in the initial motion, or the party responding to a motion that raises new issues, shall pay any required motion filing fee, properly serve a copy of the following documents on all parties and file them with the court administrator at least ~~5~~7 days ~~prior to~~ before the hearing, ~~inclusive of Saturdays, Sundays, and holidays:~~

- (i) Any memorandum of law the party intends to submit
- (ii) Any relevant affidavits and exhibits.

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RULE 304. SCHEDULING OF CASES

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Rule 304.03. Scheduling Order

(a) **When issued.** Within ~~thirty~~28 days after the expiration of the time set forth in Rule 304.02 for filing a 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.

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PART B. EXPEDITED CHILD SUPPORT PROCESS

I. GENERAL RULES

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RULE 353. TYPES OF PROCEEDINGS

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Rule 353.02. Procedure When Prohibited Issues

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Subd. 3. Prohibited Issues in Expedited Child Support Process. If a proceeding is commenced in the expedited process and the complaint, motion, answer, responsive motion, or counter motion raises one or more issues identified in Rule 353.01, subd. 3, all parties, including the county agency, may agree in writing to refer the entire matter to district court without first appearing before the child support magistrate. Notice of the agreement must be filed with the court at least ~~five (5)~~7 days ~~prior to~~ before the scheduled hearing in the expedited process. The child support magistrate shall issue an order referring the entire matter to district court. Absent an agreement by all parties and upon motion of a party or upon the child support magistrate's own initiative, the child support magistrate assigned to the matter shall, either before or at the time of the hearing, decide whether to:

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RULE 354. COMPUTATION OF TIME

Rule 354.01 Generally

~~All time periods shall be measured by starting to count on the first day after any event happens which by these rules starts the running of a time period. The last day of the time period shall be included, unless it is a~~

- ~~• Saturday,~~
- ~~• Sunday,~~
- ~~• legal holiday, or,~~
- ~~• when the act to be done is the filing of a document in court, a day on which weather or other conditions result in the closing of the office of the court administrator of the court where the action is pending, or~~
- ~~• where filing or service is either permitted or required to be made electronically, a day on which unavailability of the computer system used by the court for electronic filing and service makes it impossible to accomplish service or filing,~~

~~in which event the period runs until the end of the next day that is not one of the aforementioned days.~~

Rule 354.02 Time Periods Less Than Seven Days

~~When any prescribed time period is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.~~

Rule 354.03 "Legal Holiday" Defined

~~As used in these rules, "legal holiday" means New Year's Day, Martin Luther King's Birthday, Washington's and Lincoln's Birthday (Presidents' Day), Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Day, and any other day designated as a holiday by the President or Congress of the United States, by the State, or by a county, and with respect to service or filing by U.S. Mail, a day that the United States Mail does not operate.~~

Rule 354.04 Additional Time If Service by Mail or Service Late in Day

~~Whenever a person has the right or is required to do an act within a prescribed period of time after service of a notice or other paper and the notice or other document, and the notice or other document is permitted to be and is served, 3 days shall be added to the prescribed time period. If service is made by any means other than by U.S. mail and accomplished after 5:00 p.m. local Minnesota Time, 1 additional day shall be added to the prescribed time period.~~

Rule 354.01. Generally

The following rules apply in computing any time period specified in these rules, in any local rule or court order, or in any statute that does not specify a method of computing time.

(a) Period Stated in Days or a Longer Unit of Time.

When the period is stated in days or a longer unit of time:

- (1) exclude the day of the event that triggers the period;
- (2) count every day, including intermediate Saturdays, Sundays, and legal holidays; and
- (3) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

(b) Periods Shorter than 7 Days.

Only if expressly so provided by any other rule or statute, a time period that is less than 7 days may exclude intermediate Saturdays, Sundays, and legal holidays. Otherwise, all time periods include Saturdays, Sundays, and legal holidays.

(c) Period Stated in Hours.

When the period is stated in hours:

- (1) begin counting immediately on the occurrence of the event that triggers the period;
- (2) count every hour, including hours occurring during intermediate Saturdays, Sundays, and legal holidays; and
- (3) if the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday.

(d) Inaccessibility of the Court Administrator's Office. Unless the court orders otherwise, if the court administrator's office is inaccessible:

- (1) on the last day for filing or service under Rule 354.01(a) and (b), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday; or
- (2) during the last hour for filing under Rule 354.01(b) and (c), then the time for filing is extended to the same time on the first accessible day that is not a Saturday, Sunday, or legal holiday.

(e) "Last Day" Defined Unless a different time is set by a statute, local rule, or court order, the last day ends:

- (1) for electronic filing, at 11:59 p.m. local Minnesota time; and
- (2) for filing by other means, when the Court Administrator's office is scheduled to close.

(f) "Next Day" Defined. The "next day" is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

Rule 354.02. Definition of Legal Holiday

As used in these rules, "legal holiday" includes any holiday designated in Minn. Stat. § 645.44, subd. 5, as a holiday for the state or any state-wide branch of government and any day that the United States Mail does not operate.

Rule 354.03. Additional Time After Service by Mail or Service Late in Day

Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other document upon the party, and the

notice or document is served upon the party by United States Mail, 3 days shall be added to the prescribed period.

If service is made by any means other than United States Mail and accomplished after 5:00 p.m. local Minnesota time on the day of service, 1 additional day shall be added to the prescribed period.

Advisory Committee Comment—2019 Amendments

This amended Rule 354 is drawn directly to Rule 6.01 as amended as part of the extensive revamping of the timing rules for all civil matters. These amendments implement the adoption of a standard “day” for counting deadlines under the rules—counting all days regardless of the length of the period and standardizing the time periods, where practicable, to a 7-, 14-, 21- or 28-day schedule. The most important establishes “a day is a day”—all days during a period under the rules, regardless of length, are included, including weekends and legal holidays. This change mirrors a set of changes made in the Federal Rules of Civil Procedure, and is intended to create substantial similarity between “state days” and “federal days.” The amended rule also adopts the same definition of “legal holidays” as used in Minn. R. Civ. P. 6.

Rule 354.01(f) is an important provision that will affect many deadlines. It establishes an explicit rule for how days are counted when counting “backwards” from a deadline. The rule requires that, when counting backwards from an event, and the last day falls on a weekend or holiday, the counting continues to the next *earlier* date that is not a weekend or holiday. This rule is modeled on its federal counterpart and is intended to create greater uniformity in timing between all state and federal court matters.

* * *

RULE 359. TELEPHONE AND INTERACTIVE VIDEO

Rule 359.01. Telephone and Interactive Video Permitted

A child support magistrate may on the magistrate’s own initiative conduct a hearing by telephone or, where available, interactive video. Any party may make a written or oral request to the court administrator or the court administrator’s designee to appear at a scheduled hearing by telephone or, where available, interactive video. In the event the request is for interactive video, the request shall be made at least ~~five (5)~~ 7 days before the date of the scheduled hearing. A child support magistrate may deny any request to appear at a hearing by telephone or interactive video.

* * *

RULE 360. INTERVENTION

* * *

Rule 360.02. Other Individuals

* * *

Subd. 3. Objection to Permissive Intervention. Any existing party may file with the court and serve upon all parties and the intervenor a written objection within ~~ten (10)~~ 14 days of service of the motion to intervene.

* * *

RULE 361. DISCOVERY

Rule 361.01. Witnesses

Any party may call witnesses to testify at any hearing. Any party intending to call a witness other than an employee of the county agency or any party to the proceeding shall, at least ~~five (5)~~ 7 days before the hearing, provide to the other parties and the county agency written notice of the name and address of each witness.

Rule 361.02. Exchange of Documents

Subdivision 1. Documents Required to be Provided Upon Request. If a complaint or motion has been served and filed in the expedited process, a party may request any of the documents listed below. The request must be in writing and served upon the appropriate party. The request may be served along with the pleadings. A party shall provide the following documents to the requesting party no later than ~~ten (10)~~ 14 days from the date of service of the written request.

- (a) Verification of income, costs and availability of dependent health coverage, child care costs, and expenses.
- (b) Copies of last three months of pay stubs.
- (c) A copy of last two years' State and Federal income tax returns with all schedules and attachments, including Schedule Cs, W-2s and/or 1099s.
- (d) Written verification of any voluntary payments made for support of a joint child.
- (e) Written verification of any other court-ordered child support obligations for a nonjoint child.
- (f) Written verification of any court-ordered spousal maintenance obligation.

* * *

Subd. 3. Financial Statement. If a complaint or motion has been served, any party may request in writing that a financial statement be completed by a party, other than a county agency, and submitted ~~five (5)~~ 7 days ~~prior to~~ before a hearing, or if no hearing is scheduled, within ~~ten (10)~~ 14 days ~~from~~ after the request being served. Failure to comply is subject to remedies under Rule 361.04. Where a financial statement requests supporting documentation, it shall be attached.

* * *

Rule 361.03. Other Discovery

Subdivision 1. Motion for Discovery. Any additional means of discovery available under the Minnesota Rules of Civil Procedure may be allowed only by order of the child support magistrate. The party seeking discovery shall ~~bring~~ serve and file a motion before the child

support magistrate for an order permitting additional means of discovery. The motion shall include the reason for the request and shall notify the other parties of the opportunity to respond within ~~five (5)~~7 days. The party seeking discovery has the burden of showing that the discovery is needed for the party's case, is not for purposes of delay or harassment, and that the issues or amounts in dispute justify the requested discovery. The motion shall be decided without a hearing unless the child support magistrate determines that a hearing is necessary. The child support magistrate shall issue an order granting or denying the discovery motion. If the discovery motion is granted, the requesting party must serve the approved discovery requests upon the responding party and the discovery responses are due ~~ten (10)~~14 days following service of the discovery request, unless otherwise ordered.

Subd. 2. Objections to Discovery. If a party objects to discovery that party may serve and file a motion within ~~five (5)~~7 days of service of discovery. The motion may be decided without a hearing unless the child support magistrate determines that a hearing is necessary.

Rule 361.04. Discovery Remedies

Subdivision 1. Motions to Compel. If a party fails to comply with an approved request for discovery or a request for documents under Rule 361.02, the party requesting the discovery may serve and file a motion for an order compelling an answer or compliance with the discovery request. The motion shall notify the other parties of the opportunity to respond within ~~five (5)~~7 days. The motion shall be decided without a hearing unless the child support magistrate determines that a hearing is necessary.

* * *

RULE 363. DEFAULT

* * *

Rule 363.04. Order Not Accepted

* * *

The court administrator shall transmit the notice of deficiency to the initiating party. The initiating party shall either correct the deficiency or set the case on for a hearing and serve notice of the date, time, and location of the hearing upon all parties pursuant to Rule 364. If the initiating party submits a revised order that raises new issues beyond the scope of the complaint or motion, amended pleadings shall be served on all parties and filed within ~~10~~14 days from the date the notice of deficiency was transmitted. If the noninitiating party chooses to respond to the amended pleadings, the response must be served and filed within ~~10~~14 days from service of the amended pleadings. If the initiating party fails to schedule a hearing or comply with the notice of deficiency within ~~45~~30 days of the date the notice was transmitted, the child support magistrate shall dismiss the matter without prejudice.

RULE 364. HEARING PROCESS

* * *

Rule 364.03. Timing of Hearing

In the event the parties are unable to resolve the matter, a hearing shall be held no sooner than ~~twenty (20)~~21 days after service of the summons and complaint or notice of motion and motion, unless the time period is waived by the parties. Every effort shall be made to conduct the hearing no later than ~~sixty (60)~~60 days after service of the summons and complaint or notice of motion and motion on the last person served or, in an establishment of parentage case, no later than ~~sixty (60)~~60 days after receipt of the genetic test results. If conducted later than ~~sixty (60)~~60 days, the court administrator shall report that fact to the chief judge of the judicial district. Conducting a hearing later than ~~sixty (60)~~60 days after service or receipt of blood or genetic test results does not deprive the child support magistrate of jurisdiction.

* * *

Rule 364.05. Continuance of Hearing

Upon agreement of the parties or a showing of good cause, the child support magistrate may grant a request for continuance of a hearing. An order granting a continuance may be stated orally on the record or may be in writing. Unless time does not permit, a request for continuance shall be made in writing, and shall be filed with the court and served upon all parties at least ~~five (5)~~7 days before the hearing. In determining whether good cause exists, due regard shall be given to the ability of the party requesting a continuance to effectively proceed without a continuance.

* * *

Rule 364.09. Right to Present Evidence

* * *

Subd. 3. Necessary Preparation Required. The parties shall exchange copies of documents ~~five (5)~~7 days before the hearing. If the exchange is not completed within the required time frame, each party shall bring to the hearing all evidence, both oral and written, the party intends to present. Each party must have enough copies of each exhibit the party intends to offer so that a copy can be provided to all other parties and the child support magistrate at the time of the hearing. The child support magistrate shall have the discretion in determining whether evidence that was not timely exchanged ~~prior to~~before the hearing should or should not be admitted into evidence.

* * *

Rule 364.14. Discretion to Leave Record Open

At the conclusion of a hearing, the child support magistrate may leave the record open and request or permit submission of additional documentation. Unless otherwise ordered by the child support magistrate, such additional documentation shall be submitted to the court within ~~ten (10)~~ 14 days ~~of~~ after the conclusion of the hearing. Documents submitted after the due date or without permission of the child support magistrate shall be returned to the sender and shall not be considered by the child support magistrate when deciding the case.

* * *

RULE 365. DECISION AND ORDER OF CHILD SUPPORT MAGISTRATE

* * *

Rule 365.02. Timing

Within ~~thirty (30)~~ 30 days of the close of the record the child support magistrate shall file with the court a decision and order. The child support magistrate may serve the order upon the parties at the hearing.

* * *

Rule 365.04. Notice of Filing of Order or Notice of Entry of Judgment

Subdivision 1. Service by Court Administrator. Within ~~five (5)~~ 7 days of receipt of the decision and order of the child support magistrate the court administrator shall serve a notice of filing of order or notice of entry of judgment upon each party by U.S. mail, together with a copy of the order or judgment if a copy of the order was not served at the hearing. The court administrator shall use the notice of filing form prepared by the state court administrator which shall set forth the information required in subdivision 2. The notices shall be sent by electronic means in accordance with Rule 14 to any party who has agreed to or is required to accept electronic service under Rule 14.

* * *

RULE 366. TRANSCRIPT

Rule 366.01. Ordering of Transcript

Subdivision 1. Informational Request. Any person may request a transcript of any proceeding held before a child support magistrate, except as prohibited by statute or rule, by filing a request for transcript form with the court. The person requesting the transcript must make satisfactory arrangements for payment with the transcriber within ~~thirty (30)~~ 28 days ~~of~~ after ordering the transcript or the request for the transcript shall be deemed cancelled. The person requesting the transcript may withdraw the request any time ~~prior to~~ before the time transcription

has begun. The transcriber shall file the original with the court and serve a copy upon the requesting person. The transcriber shall also file with the court an affidavit of service verifying that service has been made upon the requesting person.

Subd. 2. Clerical or Review Requests. If a party chooses to request a transcript for purposes of bringing or responding to a motion to correct clerical mistakes, a motion for review, or a combined motion, a request for transcript form shall be filed with the court within the time required under Rule 377.02 and 377.04. The party requesting the transcript must make satisfactory arrangements for payment with the transcriber within ~~thirty (30)~~ 28 days of ordering the transcript or the request for the transcript shall be deemed cancelled. The requesting party may withdraw that party's request for a transcript any time ~~prior to the time before~~ transcription has begun. The transcriber shall file the original with the court and serve each party, including the county agency if a party, with a copy. The transcriber shall also file with the court an affidavit of service verifying that service has been made upon all parties. Ordering and filing of a transcript does not delay the due dates for the submissions described in Rule 377.02 and Rule 377.04. Filing of the transcript with the court closes the record for purposes of Rule 377.09, subd. 1.

* * *

2. PROCEEDINGS

RULE 370. ESTABLISHMENT OF SUPPORT PROCEEDINGS

Rule 370.01. Commencement

An initial proceeding to establish support shall be commenced in the expedited process by service of a summons and complaint pursuant to Rule 370.03. If the summons does not contain a hearing date, a request for hearing form and a supporting affidavit shall be attached to the summons and complaint. In addition to service of the summons and complaint, an order to show cause may be issued pursuant to Minn. Gen. R. Prac. 303.05. Service shall be made at least ~~twenty (20)~~ 21 days ~~prior to before~~ any scheduled hearing.

* * *

Rule 370.04. Filing Requirements

Subdivision 1. Initiating Party. No later than ~~five (5)~~ 7 days before any scheduled hearing or, if no hearing is scheduled, within ~~fourteen (14)~~ 14 days ~~from the date after~~ the last party was served, the initiating party shall file the following with the court:

- (a) the original summons;
- (b) the original complaint;
- (c) the original supporting affidavit, if served;
- (d) the request for hearing form, if returned to the initiating party; and
- (e) proof of service upon each party pursuant to Rule 355.04.

Subd. 2. Responding Party. If a noninitiating party responds with a written answer pursuant to Rule 370.05, the following shall be filed with the court no later than ~~five (5)~~ 7 days

before any scheduled hearing or, if no hearing is scheduled, within ~~fourteen (14)~~ 14 days ~~from the date after~~ the last party was served:

- (a) the original written answer;
- (b) a financial affidavit pursuant to Minnesota Statutes 2006, section 518A.28; and
- (c) proof of service upon each party pursuant to Rule 355.04.

* * *

Rule 370.05. Response

Subdivision 1. Hearing Date in Summons. Inclusion of a hearing date does not preclude a noninitiating party from serving and filing a written answer. Within ~~twenty (20)~~ 21 days from service of the summons and complaint, a noninitiating party may serve upon all parties a written answer to the complaint. The service and filing of a written answer or the failure of a noninitiating party to appear at a hearing does not preclude the hearing from going forward, and the child support magistrate may issue an order based upon the information in the file or evidence presented at the hearing.

Subd. 2. Hearing Date Not in Summons. If the summons does not contain a hearing date, within ~~twenty (20)~~ 21 days from service of the summons and complaint, a noninitiating party shall either:

- (a) request a hearing by returning the request for hearing form to the initiating party; or
- (b) serve upon all other parties and file with the court a written answer to the complaint.

The initiating party shall schedule a hearing upon receipt of the request for hearing form or the service of a written answer.

Rule 370.06. Amended Pleadings

Subdivision 1. Service. At any time up to ~~ten (10)~~ 14 days before a scheduled hearing, the initiating party may serve and file amended pleadings. If no hearing date has been scheduled, the initiating party may serve and file amended pleadings within the time remaining for response.

Subd. 2. Response. If the noninitiating party chooses to respond to amended pleadings, the response must be made within the time remaining for response to the original pleading or within ~~ten (10)~~ 14 days after service of the amended pleadings, whichever period is longer, unless the court otherwise orders.

* * *

RULE 371. PARENTAGE ACTIONS

Rule 371.01. Commencement

A proceeding to establish parentage shall be commenced in the expedited process by service of a summons and complaint pursuant to Rule 371.03. A supporting affidavit may also be served. Unless blood or genetic testing has already been completed, a request for blood or genetic testing shall be served with the summons and complaint. In addition to service of the

summons and complaint, an order to show cause may be issued pursuant to Minn. Gen. R. Prac. 303.05. Service shall be completed at least ~~twenty (20)~~ 21 days ~~prior to~~ before any scheduled hearing.

* * *

Rule 371.04. Filing Requirements

Subdivision 1. Initiating Party. No later than ~~five (5)~~ 7 days before any scheduled hearing the initiating party shall file the following with the court:

- (a) the original summons;
- (b) the original complaint;
- (c) the original supporting affidavit, if served; and
- (d) proof of service upon each party pursuant to Rule 355.04.

Subd. 2. Responding Party. If a noninitiating party responds with a written response pursuant to Rule 371.05, the following, if served, shall be filed with the court no later than ~~five (5)~~ 7 days before any scheduled hearing:

- (a) the original written answer along with a financial affidavit pursuant to Minnesota Statutes 2006 section 518A.28; or
- (b) a request for blood or genetic testing; and
- (c) proof of service upon each party pursuant to Rule 355.04.

* * *

Rule 371.05. Response

Subdivision 1. Response Options. In addition to appearing at the hearing as required under Rule 371.10, subd. 1, a noninitiating party may do one or more of the following:

- (a) contact the initiating party to discuss settlement; or
- (b) within ~~twenty (20)~~ 21 days of service of the summons and complaint, serve upon all parties one or more of the written responses pursuant to subdivision 2.

Subd. 2. Types of Written Response.

(a) Request for Blood or Genetic Test. A noninitiating party may serve and file a request for blood or genetic testing either alleging or denying paternity. Filing of a request for blood or genetic testing shall, with the consent of the parties, extend the time for filing and serving a written answer until the blood or genetic test results have been mailed to the parties. In this event, the alleged parent shall have ~~ten (10)~~ 14 days from the day the test results are mailed to the alleged parent in which to file and serve a written answer to the complaint.

* * *

Rule 371.07. Amended Pleadings

Subdivision 1. Service. At any time up to ~~ten (10)~~ 14 days before a scheduled hearing, the initiating party may serve and file amended pleadings.

Subd. 2. Response. If the noninitiating party chooses to respond to amended pleadings, the response must be made within the time remaining for response to the original pleading or within ~~ten (10)~~ 14 days after service of the amended pleadings, whichever period is longer, unless the court otherwise orders.

* * *

RULE 372. MOTIONS TO MODIFY, MOTIONS TO SET SUPPORT, AND OTHER MATTERS

Rule 372.01. Commencement

Subdivision 1. Motions to Modify and Motions to Set Support. A proceeding to modify an existing support order shall be commenced in the expedited process by service of a notice of motion, motion, and supporting affidavit pursuant to Rule 372.03. A proceeding to set support where a prior order reserved support may be commenced in the expedited process by service of a notice of motion and motion and supporting affidavit pursuant to Rule 372.03. If the notice of motion does not contain a hearing date, a request for hearing form shall be attached to the notice of motion. In addition to service of the notice of motion and motion, an order to show cause may be issued pursuant to Minn. Gen. R. Prac. 303.05. Service shall be made at least ~~twenty (20)~~ 21 days ~~prior to before~~ any scheduled hearing.

Subd. 2. Other Motions. Except as otherwise provided in these rules, all proceedings shall be commenced in the expedited process by service of a notice of motion, motion, and supporting affidavit. Service shall be made at least ~~fourteen (14)~~ 14 days ~~prior to before~~ the scheduled hearing.

* * *

Rule 372.04. Filing Requirements

Subdivision 1. Initiating Party. No later than ~~five (5)~~ 7 days before any scheduled hearing or, if no hearing is scheduled, within ~~fourteen (14)~~ 14 days ~~from the date~~ after the last party was served, the initiating party shall file the following with the court:

- (a) the original notice of motion;
- (b) the original motion;
- (c) the original supporting affidavit;
- (d) the request for hearing form, if returned to the initiating party; and
- (e) proof of service upon each party pursuant to Rule 355.04.

Subd. 2. Responding Party. If a noninitiating party responds with a responsive motion or counter motion pursuant to Rule 372.05, the following shall be filed with the court no later

than ~~five (5)~~ 7 days before any scheduled hearing or, if no hearing is scheduled, within ~~fourteen (14)~~ 21 days ~~from the date after~~ the last party was served:

- (a) the original responsive motion or counter motion; and
- (b) proof of service upon each party pursuant to Rule 355.04.

* * *

Rule 372.06. Amended Motions

Subdivision 1. Service. At any time up to ~~ten (10)~~ 14 days before a scheduled hearing, the initiating party may serve and file an amended motion. If no hearing date has been scheduled, the initiating party may serve and file an amended motion within the time remaining for response.

Subd. 2. Response. If the noninitiating party chooses to respond to an amended motion, the response must be made within the time remaining for response to the original motion or within ~~ten (10)~~ 14 days after service of the amended motion, whichever period is longer, unless the court otherwise orders.

* * *

3. REVIEW AND APPEAL

* * *

RULE 377. PROCEDURE ON A MOTION TO CORRECT CLERICAL MISTAKES, MOTION FOR REVIEW, OR COMBINED MOTION

* * *

Rule 377.02. Timing of Motion

To bring a motion to correct clerical mistakes, the aggrieved party shall perform items (a) through (e) as soon as practicable after discovery of the error. To bring a motion for review or a combined motion, the aggrieved party shall perform items (a) through (f) within ~~twenty (20)~~ 21 days of the date the court administrator served that party with the notice form as required by Rule 365.04.

* * *

Rule 377.04. Response to Motion

Subdivision. 1. Timing of Response to Motion. A party may respond to a motion to correct clerical mistakes or a motion for review. Any response shall state why the relief requested in the motion should or should not be granted. If a responding party wishes to raise other issues, the responding party must set forth those issues as a counter motion in the response. To respond to a motion to correct clerical mistakes the party shall perform items (a) through (e) within ~~ten (10)~~ 14 days ~~of the date after~~ the party was served with the motion. To respond to a motion for review or a combined motion the party shall perform (a) through (f) within ~~thirty (30)~~

28 days of the date after the party was served with the notice under Rule 365.04. To respond to a counter motion, the party shall perform items (a) through (f) within ~~forty (40)~~40 days ~~of the date after~~ the party was served with the notice under Rule 365.04.

* * *

Rule 377.05. Calculation of Time

Subdivision 1. Timing for Response to Motion to Correct Clerical Mistakes. To calculate the time to respond to a motion to correct clerical mistakes, three (3) days shall be added to the ~~ten (10)~~14 days for a total of ~~thirteen (13)~~17 days within which to respond when the motion is served by mail.

Subd. 2. Timing for Service of Motion for Review or Combined Motion. To calculate the time to serve a motion for review or combined motion, three (3) days shall be added to the ~~twenty (20)~~21 days for a total of ~~twenty-three (23)~~24 days within which to serve a motion when the notice form as required by Rule 365.04 is served by mail.

Subd. 3. Timing for Response to Motion for Review or Combined Motion. To calculate the time to serve a response to a motion for review or combined motion, three (3) days shall be added to the ~~thirty (30)~~28 days for a total of ~~thirty-three (33)~~31 days within which to respond when the notice form as required under Rule 365.04 is served by mail. If the motion for review or combined motion is served by mail, an additional three (3) days shall be added to the ~~thirty-three (33)~~31 days for a total of ~~thirty-six (36)~~34 days within which to respond.

* * *

Rule 377.09. Basis of Decision and Order

Subdivision 1. Timing. Within ~~thirty (30)~~30 days of the close of the record, the child support magistrate or district court judge shall file with the court an order deciding the motion. In the event a notice to remove is granted pursuant to Rule 368, the ~~thirty (30)~~30 days begins on the date the substitute child support magistrate or district court judge is assigned. The record shall be deemed closed upon occurrence of one of the following, whichever occurs later:

- (a) filing of a response pursuant to Rule 377.04;
- (b) filing of a transcript pursuant to Rule 366;
- (c) withdrawal or cancellation of a request for transcript pursuant to Rule 366; or
- (d) submission of new evidence under subdivision 4.

If none of the above events occur, the record on a motion for review or combined motion shall be deemed closed forty-six (46) days after service of the notice of filing as required by Rule 365.04, despite the requirements of Rule 354.04. For a motion to correct clerical mistakes and none of the above events occur, the record shall be deemed closed 15 days after service of the motion to correct clerical mistakes.

* * *

Rule 377.10. Notice of Order or Judgment

Within ~~five (5)~~7 days of receipt of an order issued as a result of a motion to correct clerical mistakes, a motion for review, or a combined motion, the court administrator shall serve a notice of filing of order or notice of entry of judgment upon each party by United States mail,

along with a copy of the order or judgment. The notice shall state that the parties have a right to appeal to the court of appeals under Rule 378. If the order was issued by a district court judge, the court administrator shall provide a copy of the order to the child support magistrate.

* * *

RULE 378. APPEAL TO COURT OF APPEALS

Rule 378.01. Generally

An appeal may be taken to the court of appeals from a final order or judgment of a child support magistrate or from a final order deciding a motion for review under Rule 376. Such an appeal shall be taken in accordance with the procedures set forth in the Minnesota Rules of Civil Appellate Procedure within ~~sixty (60)~~ 60 days of the date the court administrator serves upon the parties the notice of filing of order or notice of entry of judgment. If any party brings a timely motion to correct clerical mistakes under Rule 375 or a timely motion for review under Rule 376, the time for appeal is extended for all parties while that motion is pending. Once the last such pending motion is decided by the child support magistrate or district court judge, the ~~sixty (60)~~ 60 days to appeal from the final order or judgment of a child support magistrate or from a final order deciding a motion to correct clerical mistakes or a motion for review runs for all parties from the date the court administrator serves upon the parties the notice of filing of order or notice of entry of judgment disposing of that motion. A notice of appeal filed before the disposition of a timely motion to correct clerical mistakes or for review is premature and of no effect, and it does not divest the child support magistrate of jurisdiction to dispose of the motion. Except as otherwise provided in these rules, the Minnesota Rules of Civil Appellate Procedure shall govern the taking and processing of such appeals.

TITLE V. PROBATE RULES

* * *

RULE 410. TRANSFER OF REAL ESTATE

(a) Transfers of Real Estate in Supervised and Unsupervised Administration; Transfer by Personal Representative of Real Property for Value; Documents Required. A personal representative shall provide a transferee of real property for value with the following documents:

- (1) A certified copy of unrestricted letters (~~30~~28 days must have elapsed since date of issuance of letters to an informally appointed personal representative);

* * *

(b) Distribution of Real Property; Documents Required. A personal representative shall provide a distributee of real property with the following documents:

- (1) When distribution is made by decree, a certified copy of the decree of distribution assigning any interest in real property to the distributee.

- (2) When distribution is made by deed from a personal representative in unsupervised administration:

- (i) A certified copy of unrestricted letters (~~30~~28 days must have elapsed since date of issuance of letters to an informally appointed personal representative);

* * *

RULE 416. GUARDIANSHIPS AND CONSERVATORSHIPS

* * *

(b) Visitors in Guardianship and Conservatorship Proceedings. A visitor, as defined by law, may be appointed in every general guardianship or conservatorship proceeding.

Every visitor shall have training and experience in law, health care or social work, as the case may be, depending upon the circumstances of the proposed ward or conservatee.

The visitor shall be an officer of the court and shall be disinterested in the guardianship or conservatorship proceedings. If the court at any time determines that the visitor, or the firm or agency by which he or she is employed, has or had, at the time of the hearing, a conflict of interest, the court shall immediately appoint a new visitor and may, if necessary, require a hearing de novo.

The visitor shall, (a) without outside interferences, meet with the proposed ward or conservatee, either once or more than once as the visitor deems necessary, (b) observe his or her appearance, lucidity and surroundings, (c) serve, read aloud, if requested, and explain the petition and notice of hearing, (d) assist, if requested, in obtaining a private or court appointed lawyer, (e) advise the proposed ward or conservatee that a report will be filed at least ~~five (5)~~ 7 days before the hearing and that the report is available to the proposed ward or conservatee or the ward's or conservatee's lawyer, (f) prepare a written report to the court setting forth all matters the visitor deems relevant in determining the need for a guardian or conservator, including recommendations concerning appointment and limitation of powers, (g) file the original report with the court and, (h) serve a copy upon the petitioner or petitioner's lawyer at least ~~five (5)~~ 7 days ~~prior to~~ before the hearing, (i) appear, testify and submit to cross examination at the hearing concerning his or her observations and recommendations, unless such appearance is excused by the court.

* * *

RULE 418. DEPOSIT OF WILLS

* * *

(c) Examination by Guardian or Conservator. A guardian or conservator of the testator may review the will upon presentation of identification bearing the photograph of the person seeking review and a copy of valid letters of guardianship or conservatorship. If the guardianship or conservatorship proceedings are venued in a county other than that where the will is filed, the required copy of the letters shall be certified by the issuing court within ~~30~~ 28 days of the request to review the will. The will may only be examined by the guardian or conservator in the presence of the court administrator or deputy administrator, who shall reseal it after the review is completed and shall endorse on the resealed envelope the date it was opened, by whom it was opened and that the original was placed back in the envelope.

* * *

TITLE VI. CONCILIATION COURT RULES

* * *

RULE 503. COMPUTATION OF TIME

~~(a) — General. All time periods shall be measured by starting to count on the first day after any event happens which by these rules starts the running of a time period. The last day of the time period shall be included unless it is a~~

- ~~• Saturday,~~
- ~~• Sunday,~~
- ~~• legal holiday, or,~~
- ~~• when the act to be done is the filing of a document in court, a day on which weather or other conditions result in the closing of the office of the court administrator of the court where the action is pending, or~~
- ~~• where filing or service is either permitted or required to be made electronically, a day on which unavailability of the computer system used by the court for electronic filing and service makes it impossible to accomplish service or filing,~~

~~in which event the period runs until the end of the next day that is not one of the aforementioned days.~~

~~(b) — Time Periods Less Than Seven Days. When the time period is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.~~

~~(c) — Legal Holiday. For purposes of this rule, a legal holiday includes all state level judicial branch holidays established pursuant to law and any other day on which county offices in the county in which the conciliation court is held are closed pursuant to law or court order, and with respect to service or filing by U.S. Mail, a day that the United States Mail does not operate.~~

~~(d) — Additional Time if Service By Mail or Service Late in Day. Whenever a person has the right or is required to do an act within a prescribed period after the service of a notice or other document, and the notice or document is permitted to be and is served by U. S. Mail, 3 days shall be added to the prescribed time period. If service is made by any means other than United States Mail and accomplished after 5:00 p.m. local Minnesota time, 1 additional day shall be added to the prescribed time period.~~

Rule 503.01. Generally

The following rules apply in computing any time period specified in these rules, in any local rule or court order, or in any statute that does not specify a method of computing time.

(a) Period Stated in Days or a Longer Unit of Time. When the period is stated in days or a longer unit of time:

- (1) exclude the day of the event that triggers the period;
- (2) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(3) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

(b) Periods Shorter than 7 Days. Only if expressly so provided by any other rule or statute, a time period that is less than 7 days may exclude intermediate Saturdays, Sundays, and legal holidays. Otherwise, all time periods include Saturdays, Sundays, and legal holidays.

(c) Period Stated in Hours. When the period is stated in hours:

(1) begin counting immediately on the occurrence of the event that triggers the period;

(2) count every hour, including hours occurring during intermediate Saturdays, Sundays, and legal holidays; and

(3) if the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday.

(d) Inaccessibility of the Court Administrator's Office. Unless the court orders otherwise, if the court administrator's office is inaccessible:

(1) on the last day for filing or service under Rule 503.01(a) and (b), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday; or

(2) during the last hour for filing under Rule 503.01(b) and (c), then the time for filing is extended to the same time on the first accessible day that is not a Saturday, Sunday, or legal holiday.

(e) "Last Day" Defined Unless a different time is set by a statute, local rule, or court order, the last day ends:

(1) for electronic filing, at 11:59 p.m. local Minnesota time; and

(2) for filing by other means, when the Court Administrator's office is scheduled to close.

(f) "Next Day" Defined. The "next day" is determined by continuing to count forward 1 when the period is measured after an event and backward when measured before an event.

Rule 503.02. Definition of Legal Holiday

As used in these rules, "legal holiday" includes any holiday designated in Minn. Stat. § 645.44, subd. 5, as a holiday for the state or any state-wide branch of government and any day that the United States Mail does not operate.

Rule 503.03. Additional Time After Service by Mail or Service Late in Day

Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other document upon the party, and the notice or document is served upon the party by United States Mail, 3 days shall be added to the prescribed period.

If service is made by any means other than United States Mail and accomplished after 5:00 p.m. local Minnesota time on the day of service, 1 additional day shall be added to the prescribed period.

Advisory Committee Comment—2019 Amendments

This amended Rule 503 is drawn directly to Rule 6.01 as amended as part of the extensive revamping in 2019 of the timing rules for all civil matters. These amendments implement the adoption of a standard “day” for counting deadlines under the rules—counting all days regardless of the length of the period and standardizing the time periods, where practicable, to a 7-, 14-, 21- or 28-day schedule. The most important establishes “a day is a day”—all days during a period under the rules, regardless of length, are included, including weekends and legal holidays. This change mirrors a set of changes made in the Federal Rules of Civil Procedure, and is intended to create substantial similarity between “state days” and “federal days.” The amended rule also adopts the same definition of “legal holidays” as set used in Minn. R. Civ. P. 6.

Rule 503.01(f) is an important provision that will affect many deadlines. It establishes an explicit rule for how days are counted when counting “backwards” from a deadline. The rule requires that, when counting backwards from an event, and the last day falls on a weekend or holiday, the counting continues to the next earlier date that is not a weekend or holiday. This rule is modeled on its federal counterpart and is intended to create greater uniformity in timing between all state and federal court matters.

* * *

RULE 508. SUMMONS; TRIAL DATE

(a) Trial Date. When an action has been properly commenced, the court administrator shall set a trial date and prepare a summons. Unless otherwise ordered by a judge, the trial date shall not be less than ~~10~~14 days from the date of mailing or service of the summons.

* * *

RULE 509. COUNTERCLAIM

* * *

(b) Assertion of Counterclaim. To assert a counterclaim the defendant shall perform all the following not less than ~~five days prior to~~7 days before the date set for trial of plaintiff's claim:

- (1) file with the court administrator a counterclaim required by Rule 507;
- (2) pay to the court administrator the applicable fees or file with the administrator the affidavit in lieu of fees prescribed in Rule 506.

Where authorized or required by Rule 14 of the General Rules of Practice for the District Courts, documents may, and where required shall, be filed by electronic means by following the procedures of Rule 14.

* * *

(d) Late Filing. No counterclaim shall be heard if filed less than ~~five~~7 days before the trial date of plaintiff's claim except by permission of the judge, who has discretion to allow a filing within the ~~five~~7-day period. Should a continuance be requested by and granted to plaintiff

because of the late filing, the judge may require payment of costs by defendant, absolute or conditional, not to exceed \$50.

RULE 510. COUNTERCLAIM IN EXCESS OF COURT'S JURISDICTION

(a) The court administrator shall strike plaintiff's action from the calendar if the defendant not less than ~~five~~7 days of the date set for trial of plaintiff's claim, files with the court administrator an affidavit stating that:

(1) the defendant has a counterclaim against plaintiff arising out of the same transaction or occurrence as plaintiff's claim, the amount of which is beyond monetary jurisdiction of the conciliation court, and

(2) the defendant has commenced or will commence within ~~30~~28 days an action against plaintiff in a court of competent jurisdiction based on such claim.

(b) The plaintiff's action shall be subject to reinstatement on the trial calendar at any time after ~~30~~28 days and up to three years, upon the filing by plaintiff of an affidavit showing that the plaintiff has not been served with a summons by defendant. If the action is reinstated, the court administrator shall set the case for trial and mail notice of the trial date to the parties.

* * *

RULE 515. ENTRY OF JUDGMENT

The court administrator shall promptly enter judgment as ordered by the judge. The judgment shall be dated as of the date notice is sent to the parties. The judgment so entered becomes finally effective ~~twenty~~21 days after the transmission of the notice, unless:

- (a) payment has been made in full, or
- (b) removal to district court has been perfected, or
- (c) an order vacating the prior order for judgment has been filed, or
- (d) ordered by a judge.

As authorized by law, any judgment ordered may provide for satisfaction by payment in installments in amounts and at times, as the judge determines. Should any installment not be paid when due, the entire unpaid balance of the judgment ordered, becomes immediately due and payable.

* * *

RULE 519. DOCKETING OF JUDGMENT PAYABLE IN INSTALLMENTS

No transcript of a judgment of conciliation court payable in installments shall be issued and filed until ~~20~~21 days after default in payment of an installment due.

RULE 520. VACATION OF JUDGMENT ORDER AND JUDGMENT

(a) Vacation of Order for Judgment Within ~~20~~-21 Days. When a default judgment or judgment of dismissal on the merits has been ordered for failure to appear, the judge within ~~20~~ 21 days after notice was transmitted may vacate said judgment order ex parte and grant a new trial on a proper showing by the defaulting party of lack of notice, mistake, inadvertence or excusable neglect as the cause of that party's failure to appear. Absolute or conditional costs not to exceed \$50 to the other party may be ordered as a prerequisite to that relief.

(b) Vacation of Judgment After ~~20~~-21 Days. A default judgment may be vacated by the judge upon a proper showing by the defendant that: (1) the defendant did not receive a summons before the trial within sufficient time to permit a defense and did not receive notice of the order for default judgment within sufficient time to permit application for relief within ~~20~~-21 days after notice, or (2) upon other good cause shown. Application for relief pursuant to this Rule 520(b) shall be made within a reasonable time after the applicant learns of the existence of the judgment and shall be made by motion in accordance with the procedure governing motions in the district court, except that the motion is filed with the court administrator of conciliation court. The order vacating the judgment shall grant a new trial on the merits and may be conditioned upon payment of absolute or conditional costs not to exceed \$50.

* * *

RULE 521. REMOVAL (APPEAL) TO DISTRICT COURT

* * *

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

* * *

(2) File with the court administrator the original demand for removal with proof of service. The aggrieved party may file with the court administrator within the ~~20~~21-day period the original and 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.

* * *

(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 ~~20~~21 days after the demand for removal was served on the party or lawyer:

* * *

(c) 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 ~~20~~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 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 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.

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TITLE VII. HOUSING COURT RULES—HENNEPIN AND RAMSEY COUNTIES

* * *

RULE 602. HOUSING COURT REFEREE

The housing court referee may preside over all actions brought under Minnesota Statutes, chapter 504B, criminal and civil proceedings related to violations of any health, safety, housing, building, fire prevention or housing maintenance code, escrow of rent proceedings, landlord and tenant damage actions, and actions for rent and rent abatement.

A party may request that a judge hear a case by filing such request in writing with the court administrator at least ~~one day~~24 hours ~~prior to~~ before the scheduled hearing date.

* * *

RULE 605. RETURN OF SUMMONS

All summons shall be served in the manner required by Minnesota Statutes, Chapter 504B, and the affidavit of service shall be filed with the court by 3:00 o'clock p.m. ~~3 business days before the hearing, excluding intervening Saturdays, Sundays or legal holidays,~~ or the matter may be dismissed. The affidavit must contain the printed or typed name of the person who served the summons.

* * *

RULE 610. MOTIONS

Any motion otherwise allowed by the Minnesota Rules of Civil Procedure may be made by any party orally or in writing at any time including the day of trial. Whenever possible, oral or

written notice of any dispositive motions and the grounds therefore shall be provided by the moving party to all parties ~~prior to~~ before the hearing.

All motions shall be heard by the court as soon as practicable. The court may grant a request by any party for time to prepare a response to any motion for good cause shown by the requesting party or by agreement of the parties.

The requirements of service of notice of motions and any time periods set forth in the Minnesota Rules of Civil Procedure and Minnesota General Rules of Practice 115 do not apply.

RULE 611. REVIEW OF REFEREE'S DECISION

(a) Notice. In all cases except conciliation court actions, a party not in default may seek review by a judge of a decision or sentence recommended by the referee by serving and filing a notice of review on the form prescribed by the court administrator. The notice must be served and filed within ~~ten~~ 10 days after an oral announcement in court by the referee of the recommended order or, if there is no announcement of the order in court, within 13 days after service by electronic means or mail of the adopted written order. Service by mail of the written order shall be deemed complete and effective upon the mailing of a copy of the order to the last known address of the petitioner. Service of the notice of review shall be in accordance with Rule 14 of these rules.

A judge's review of a decision recommended by the referee shall be based upon the record established before the referee. Upon the request of any party, a hearing shall be scheduled before the reviewing judge.

* * *

(c) Transcripts. The petitioner must obtain a transcript from the referee's court reporter. The petitioner must make satisfactory arrangements for payment with the court reporter or arrange for payment in forma pauperis.

Any transcript request by the petitioner must be made within one day, excluding weekend days and legal holidays, of the date the notice of review is filed. The transcript must be provided within ~~five business~~ 7 days after its purchase by the petitioner.

For good cause the reviewing judge may extend any of the time periods described in this Rule 611(c).

* * *

TITLE VIII. RULES RELATING TO CRIMINAL MATTERS

RULE 702. BAIL

* * *

(c) Surety Insolvency. Whenever a corporate surety becomes insolvent, the local agent shall notify the State Court Administrator's Office and the court in every county in which it has issued or applied to issue bonds, in writing immediately. Within ~~fourteen (14)~~ 14 days after such notice to the court, the agent shall file with the trial court administrator a security bond to cover outstanding obligations of insolvent surety, which may be reduced automatically as the

obligations are reduced. In the absence of such surety or security bond, a summons shall be sent to all principals on the bonds of the surety.

* * *

(e) Forfeiture of Bonds. Whenever a bail bond is forfeited by a judge, the surety and bondsman shall be notified by the court administrator in writing, and be directed to make payment in accordance with the terms of the bond within ~~ninety (90)~~90 days from the date of the order of forfeiture. A copy of the order of forfeiture shall be forwarded with the notice.

(f) Reinstatement. Any motion for reinstatement of a forfeited bond or cash bail shall be supported by a petition and affidavit and shall be filed with the court administrator. A copy of said petition and affidavit shall be served upon the prosecuting attorney and the principal of the bond in the manner required by Minn. R. Civ. P. 4.03(e)(1). A petition for reinstatement filed within ~~ninety (90)~~90 days of the date of the order of forfeiture shall be heard and determined by the judge who ordered the forfeiture, or the chief judge. Reinstatement may be ordered on such terms and conditions as the court may require. A petition for reinstatement filed between ~~ninety (90) days and one hundred eighty (180)~~90 and 180 days from date of forfeiture shall be heard and determined by the judge who ordered forfeiture or the judge's successor and reinstatement may be ordered on such terms and conditions as the court may require, but only with the concurrence of the chief judge and upon the condition that a minimum penalty of not less than ten per cent (10%) of the forfeited bail be imposed. No reinstatement of a forfeited bond or cash bail shall be allowed unless the petition and affidavit are filed within ~~one hundred eighty (180)~~180 days from the date of the order of forfeiture.

* * *

(h) Bonding Privilege Suspension. A failure to make payment on a forfeited bail within ~~ninety (90)~~90 days as above provided shall automatically suspend the surety and its agent from writing further bonds. Such suspension shall apply throughout the State of Minnesota and shall continue for a period of ~~thirty (30)~~30 days from the date the principal amount of the bond is deposited in cash with the court administrator.

RULE 703. CERTIFICATES OF REPRESENTATION

In any criminal case, a lawyer representing a client, other than a public defender, shall file with the court administrator on the first appearance a "certificate of representation," in such form and substance as a majority of judges in the district specifies.

Once a lawyer has filed a certificate of representation, that lawyer cannot withdraw from the case until all proceedings have been completed, except upon written order of the court pursuant to a written motion, or upon written substitution of counsel approved by the court ex parte.

A lawyer who wishes to withdraw from a criminal case must file a written motion and serve it by mail or personal service upon the client and upon the prosecutor by mail, personal service or electronic service if required or permitted by Rule 14. The lawyer shall then have the

matter heard by the court. No motion of withdrawal will be heard within ~~ten~~14 days of a date certain for hearing or trial.

If the court approves the withdrawal, it shall be effective when the order has been served on the client and the prosecutor and due proof of such service has been filed with the court administrator.