



Exhibit Process Overview

Overview

Processing exhibits for remote court hearings poses questions for courts. Judicial officers have discretion to determine when and how exhibits are submitted to the court. This is typically addressed through pre-trial orders, but there are also cases where specific instructions for parties are not available in advance of a hearing. This document addresses some of these issues and provides guidance to submit remote hearing exhibits.

Party Notification

Parties, attorneys, and other hearing participants may receive information about submitting exhibits before their hearing in two ways:

- **Judicial Orders.** Judicial officers may issue a prehearing order directing how and when parties should provide proposed exhibits to the court and to other parties. Judicial orders may cover delivery methods, marking of exhibits, and viewing exhibits before and during the hearing.
- **Hearing Notices.** Statewide hearing notices direct parties to provide documents or other items they may want the court to consider during their hearing to the court before the date of the hearing. In these notices, parties are encouraged to visit the website (mncourts.gov/remot-hearings) or call the court for more information. If parties or hearing participants review the website only, the language is consistent with the statewide hearing notices and directs questions to the court where the hearing is scheduled to occur.



Specific local instructions, including contact information can be included in the judicial order, hearing notices, and/or on the public website, depending on local court preferences.

Exhibits Provided in Advance

If a court does not have an established process to receive potential exhibits prior to an evidentiary hearing, court administration or chambers staff may decide to receive the exhibits following any of these recommended options. If parties still have questions, contact the court administration office where the case is located.

Documents and other items that can be received electronically

- **U.S. mail, fax, or email delivery.** Possible recipients include chambers staff, court administration staff, or a generic address (e.g., CountyNameExhibits@courts.state.mn.us).
- **In-person delivery.** Proposed exhibits may be left in physical drop boxes at courthouses where available, or delivered to a court counter. Courts may also decide to receive exhibits by appointment, as arranged with parties and/or attorneys.



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Audio, video, other large digital files

- **Email delivery.** Consider the same suggestions for documents and smaller electronic files noted above. Depending on the size of the file, consulting local IT staff may be helpful to determine the possibility of email delivery. If too large to send electronically, contact court administration for guidance on using U.S mail, fax, or in person delivery.
- **Non-email delivery.** Large files, placed on a CD or thumb drive, delivered by U.S. mail or using any of the in-person delivery methods listed above.

Physical exhibits

If a physical exhibit cannot be imaged and sent electronically to the court, the court may choose any of the in-person delivery methods above to receive the exhibit(s). The court may also require a photo of the exhibit that can be shared electronically. Judicial officers, chambers staff, and/or court administration staff may develop and communicate a plan for when physical exhibits are submitted prior to the hearing.



Parties, attorneys, and participants are responsible for sharing their proposed exhibits with other parties in advance. Establishing alternate methods for submitting exhibits for remote hearings does not shift this responsibility to the court.

Exhibits Not Provided in Advance

A party, attorney, or participant may want to offer an exhibit that was not provided to the court prior to the hearing. If the judicial officer agrees to consider receiving the exhibit, options and considerations for delivery include:

- Direct the offering party to email the exhibit to a designated court contact and the other parties.
 - If the other parties do not have access to email, the judicial officer may decide to describe the exhibit to them. The other party should then be asked if they object to moving forward without seeing the offered exhibit.
- If all parties are using video technology to participate in the hearing, screen sharing features can be used to view the offered exhibit.
 - The judicial officer will likely require the party to send an electronic or physical copy to the court and other parties after the hearing.
- The judicial officer may leave the record open for post-hearing submissions and responses, or continue the hearing.

