

What Court Administration Wants You to Know When You eFile

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Topics For Today

- Common errors seen since Minnesota switched to electronic filing/electronic service
- Public accessibility of court records
- Recent/proposed rules changes related to:
 - Public access
 - Timing
 - Transcripts of audio-visual exhibits
- Goal: eliminate e-filing errors



2

It's Not "Just Administrative"

- Inattention to administrative responsibilities can have grievous consequences
 - Additional expenses
 - Sanctions
 - Losing your case
 - Losing the right to appeal
- Ethical issues
 - Competence
 - Duty to supervise staff
 - OLPR has requested eFS audit logs



3

Errors Are Avoidable – Part 1

- Award of \$999.00 in attorney's fees after attorney didn't respond to e-served interrogatories

First American Title Ins. Co. v. Nat'l Title Res. Corp., No. A15-0664 (Minn. Ct. App. Feb. 1, 2016) (unpublished)

- Minnesota Supreme Court denied petition for further review
- U.S. Supreme Court denied petition for writ of certiorari

Errors Are Avoidable – Part 2

- Use of e-mail instead of e-service resulted in forfeiture of appeal after client's parental rights were terminated

In re Welfare of the Children of: A.S. and D.A.S., Sr., Parents, No. A16-1725 (Minn. Ct. App. Nov. 22, 2016) (unpublished)

- Minnesota Supreme Court denied petition for further review

Errors Are Avoidable – Part 3

- Attorney's staff were unable to sign in to E-MACS due to a forgotten password

- Could not reset password themselves, because they no longer had access to the email address of record
- Delay meant appeal was not timely filed

- Attorney argued appeal "would have been timely filed absent the computer problem"

- Appeal dismissed, since E-MACS was operational at the time staff attempted to file

Jurca v. Jurca, No. A19-0350 (Minn. Ct. App. March 26, 2019) (order)

#readtherules

- Court rules are regularly amended
 - Wide-ranging amendments in 2015 facilitated transition to statewide e-filing
 - Juvenile Protection rules rewritten in 2019
 - New timing & exhibit transcription rules adopted in 2020
 - Other proposals under consideration
- Some rules apply to all e-filed documents
 - General Rule of Practice 11 (restricted identifiers)
 - General Rule of Practice 14 (e-filing and e-service)
 - Rules of Public Access to Records of the Judicial Branch

Public Access Rules †

- These rules govern access to all information held by Minnesota's courts
 - Not the Minnesota Government Data Practices Act
- Presumption is public access
- Assume the world will see everything you file with the court
 - Many confidentiality laws don't apply to court filings
 - HIPAA, FERPA, etc. do not apply
- You need a specific legal basis to make things non-public

No More Practical Obscurity

- Unnecessary personal information in court filings could embarrass your clients
 - If you wouldn't post it on social media, think carefully before putting it in a court filing
- In a paper world, "practical obscurity" meant many court records were effectively private
- This is no longer the case in an electronic world, where on-demand access is the norm

What is Non-Public?

- Public Access Rule 4 lists non-public case records
- Judges can issue protective orders limiting access to otherwise public case records in individual cases
- However, the judge must “make findings that are required by law, court rule, or case law precedent”
Public Access Rule 4, subd. 2
- Required findings vary based on the case type and the document type

Stipulation ≠ Confidentiality


- The late artist Prince was divorced in 2007
- Records were sealed based on parties' stipulation, and the parties relied on confidentiality during negotiations
- In 2016, the *Star Tribune* petitioned for access to the court records
- Over the objection of the surviving ex-spouse, the records were made public

Separate Public and Non-Public

- You control what you file, not court staff
- You are responsible for separating non-public information from public filings
Gen. R. Prac. 11.02, 14.06
- Follow the Supreme Court's Rules of Public Access
- Do not rely on court staff to screen your filings for non-public information
- Don't forget metadata

Help Prevent Identity Theft

- Restricted identifiers
 - Social Security Numbers
 - Employer Identification Numbers
 - Financial Account Numbers
- Remember to use Forms 11.1 and 11.2
 - Form 11.1 is ONLY for restricted identifiers
 - Form 11.2 is ONLY for financial source documents
- **You are responsible** for designating restricted identifiers/financial source documents when you file them – **non-compliance may result in striking**


 13

Medical Records vs. Medical Information

- “Medical records” are non-public:
 - Records from medical, health care, or scientific professionals, that relate to an individual’s health or genetic information

Minn. R. Pub. Acc. 4, subd. 1(f)
- Medical information is public:
 - Any party can include information from non-public documents in public court filings as long as it is necessary and relevant to the issues being addressed by the court


Minn. R. Pub. Acc. 4, subd. 4

 14

What could go wrong?


“The days of attorneys being able to ignore the computer and shift blame to support staff in the event of an error are gone. The consequences are simply too serious. ... It is the responsibility of *counsel* to ensure that personal identifiers are properly redacted.”
(emphasis in original)

Allstate Ins. Co. v. Linea Latina De Accidentes, Inc., No. 09-3681, 2010 WL 5014386 (D. Minn. Nov. 4, 2010)

 15

Pending Rules Proposals

- The Supreme Court is considering proposals to:
 - Allow court staff to reject your filings if you do not properly separate non-public documents/information
 - Expand administrative striking of filings, and shorten the cure period
 - Convert Form 11.2 to a cover sheet for all non-public documents
 - Clarify the definition of “restricted identifier”
 - Make paternity cases public from their inception
 - Provide that medical records are non-public only if the filer designates them as non-public


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16


eFiling Non-Public Information

- “Confidential” ≠ “Sealed”
- You must designate as “Public”, “Confidential” or “Sealed” when you eFile:

Filing Comments*

Is Document Public, Confidential, or Sealed? 


- Unless specific rule authorizes non-public filing, need an order
- In general, you can quote from non-public documents in public documents


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17

Follow Formatting Requirements

- Formatting requirements in the *Registered User Guide* are mandatory
Minn. Gen. R. Prac. 14.03(g)
- Non-compliance may result in technical failures/sanctions
- www.mncourts.gov/efile




 MINNESOTA JUDICIAL BRANCH

18

Paperless Court Records

- “Filers should not print documents on paper and scan them before filing them.”
- Scan only when “it is not possible to convert an electronic document directly to PDF format.”
- Scanned documents:
 - Have much larger file sizes
 - Are harder to read
 - Are harder for judges to copy information from
- Consecutive page numbers


Minn. Gen. R. Prac. 16



19

Electronic Signatures


- Two types of signatures are authorized:
 - Typographical signatures: */s/ Pat L. Smith*
 - Facsimile signatures (scanned from paper signature)
Minn. Gen. R. Prac. 14.04(b)
- It’s not necessary to notarize
Minn. Gen. R. Prac. 14.04(c), 15; Minn. Stat. § 358.116
- Minn. Stat. § 358.116 extends the penalty of perjury to non-notarized court filings:
 - “I declare under penalty of perjury that everything I have stated in this document is true and correct.”



20

Pen-and-Ink Signatures

- Pen-and-ink (facsimile) signatures are appropriate:
 - If there may be a dispute over the signature’s authenticity (e.g., settlement agreements)
 - If the original document was signed by hand (e.g., contracts signed on paper)
- For most documents, there’s no need to sign by hand
 - Certificates of representation, motions, memoranda of law, discovery disclosures, etc.
 - Attorneys **rarely** need to sign court filings by hand



21

Avoid Multiple Service Contacts



Requirements for Service Contacts


- Designate an email address for receipt of service in each individual case
 - Does not have to be your main work email address
 - Service contact emails are public records
- Can use group email addresses or eFS Administrative Copies to send to multiple recipients
 - Avoids cluttering up court record with unnecessary service entries
 - Must comply with Minn. Gen. R. Prac. 14.02
- NO designating service contacts for other parties

New Timing System

- On January 1, 2020, the state courts switched to a new timing system
 - Similar to the system used in the federal courts
 - Based on 7-, 14-, 21-, and 28-day deadlines
 - All days are counted in calculating deadlines
- Consult the rules for specific deadlines
- Applies to pending cases, unless court finds new system not feasible or unjust
- No change to criminal or juvenile cases

New Rules for Transcripts of Audio/Visual Exhibits


- For criminal cases, trial courts can't require transcripts of A/V exhibits
 - Parties can offer illustrative transcripts for A/V exhibits
 - Illustrative transcripts don't replace the A/V exhibits
State v. Steward, 643 N.W.2d 281, 293 (Minn. 2002)
- For all cases on appeal, either party can request a transcript of an A/V exhibit
 - Court reporter can transcribe the exhibit, or require the offering party to transcribe it within 30 days
 - Transcripts aren't certified, and don't replace the exhibit
- Goes into effect March 1, 2020



25

Trial Courts vs. Appellate Courts


- Minnesota's trial and appellate courts use different systems:
 - eFS is the trial court system
 - E-MACS is the appellate court system
- Separate registration is required
- In E-MACS, by registering for an E-MACS account you are agreeing to be served in future cases
- Permissible means of service differ in trial courts and in appellate courts



26

Questions?

- eFS Support Center
 - 651-227-2002 or 1-855-291-8246
- Resources for district courts:
 - www.mncourts.gov/efile
 - www.mncourts.gov/rules
 - www.mncourts.gov/forms
 - www.mncourts.gov/fees
- Resources for appellate courts:
 - emacs.courts.state.mn.us
- Appendix provided at this CLE



27

Appendix of Legal References

Slide 3: Minnesota Rules of Professional Conduct

RULE 1.1: COMPETENCE

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

Comment

...

Maintaining Competence

[8] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

RULE 5.3: RESPONSIBILITIES REGARDING NONLAWYER ASSISTANTS

With respect to a nonlawyer employed or retained by or associated with a lawyer:

(a) a partner and a lawyer, who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the nonlawyer's conduct is compatible with the professional obligations of the lawyer;

(b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

(c) a lawyer shall be responsible for the conduct of a nonlawyer that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

(1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Slide 4: eFS records are sufficient proof of service

General Rule of Practice 14.05 Proof of Service

The records of the E-Filing System indicating transmittal to a Registered User recipient shall be sufficient proof of service on the recipient for all purposes.

Note: e-service records only transmit to MNCIS when filers eFile and eServe simultaneously. Filers who eServe without simultaneously eFiling will need to file affidavits of service.

Slide 5: Electronic filing and service on appeal

Minnesota Supreme Court orders dated January 27, 2016 and June 30, 2016 in file no. ADM 09-8006 made use of E-MACS mandatory for all attorneys effective July 1, 2016

Rules of Civil Appellate Procedure

Rule 125 Filing and Service

Rule 125.01. Filing

Documents required or authorized to be filed by these rules shall be filed with the clerk of the appellate courts within the time limitations contained in the applicable rule. Filing with the clerk of the appellate courts may be accomplished by one of the following means:

- (1) By use of the appellate courts' electronic filing system if required by an order of the Minnesota Supreme Court.
- (2) If electronic filing is not required by an order of the Minnesota Supreme Court,
 - A. By United States Mail addressed to the clerk of the appellate courts,
 - B. By use of the appellate courts' electronic filing system if permitted by an order of the Minnesota Supreme Court; or
 - C. By hand delivery to the clerk of appellate courts or use of a commercial courier service.

(b) Filing by facsimile or electronic means other than as authorized or required by an order of the Minnesota Supreme Court is not allowed in the appellate courts, except with express leave of the court.

(c) Filing shall occur at the time and date of:

- (1) Electronic filing for any document electronically submitted for filing by 11:59 p.m. at the court's local time, so long as it is accepted by the clerk upon review;
- (2) mailing by United States Mail addressed to the clerk of the appellate courts; or

(3) receipt by the clerk of the appellate courts during normal office hours for documents filed by hand delivery or by use of a commercial courier service.

(d) For any document that is required or permitted under these rules to be filed with the trial court, the filer may file or serve the document using the trial court's electronic service system or, except as otherwise excluded by Rule 125.03, any other means authorized by the trial court rules. Separate proof of such service must be filed with the clerk of the appellate courts. Any party to the trial court proceedings registered for use of the trial court's electronic service system shall be deemed to have consented to receive service in this manner.

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Rule 125.03. Manner of Service

Unless otherwise required by Rule 114.01, service may be electronic by use of the appellate courts' electronic filing system if required or permitted by court order, personal, or by United States Mail. Personal service includes delivery of a copy of the document to the attorney or other responsible person in the office of the attorney, or to the party, if not represented by counsel, in any manner provided by Rule 4, Minnesota Rules of Civil Procedure.

Electronic service is complete upon confirmation from the appellate courts' electronic filing system that it has been accomplished. Service by United States Mail is complete on mailing.

Whenever a party is required or permitted to do an act within a prescribed period after service and the document is served by United States Mail, 3 days shall be added to the prescribed period. If a document is served electronically or personally after 5:00 p.m. at the court's local time, 1 day shall be added to the prescribed period.

Personal service may be effected by use of a commercial courier service, and shall be effective upon receipt.

Service by facsimile or other electronic means other than as authorized or required by an order of the Minnesota Supreme Court is allowed only with the consent of the party to be served, and is effective upon receipt.

Rule 125.04. Proof of Service

Every document required by these rules to be served on other parties must be filed with proof of service contained on or affixed to the document. Service may be proven by any of the following means:

- (a) Confirmation of service by authorized use of the appellate courts' electronic filing system, in which event separate proof of service need not be filed
- (b) Written admission of service, or
- (c) An affidavit or certificate of service.

The clerk of the appellate courts may permit documents to be filed without proof of service, but shall require proof of service to be filed promptly after filing the documents.

Slide 6: Unavailability of E-Filing System extends time to file:

Rule 126 of the Rules of Civil Appellate Procedure provides that time periods are calculated as provided in Rule 6 of the Rules of Civil Procedure. Rule 6 of the Rules of Civil Procedure was rewritten, effective January 1, 2020, to more closely match its federal counterpart.

Rules of Civil Procedure

RULE 6. TIME

Pre-January 1, 2020 Version of Rule

6.01 Computation

(a) Computation of Time Periods. ... The last day of the period so computed shall be included, unless it is ...

(5) 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.

Post-January 1, 2020 Version of Rule

RULE 6. TIME

6.01 Computation

(a) Computing Time. 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.

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

(A) on the last day for filing or service under Rule 6.01(a)(1), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday; or

(B) during the last hour for filing under Rule 6.01(a)(1), 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.

Slide 8: Public Access Rules govern access

Public Access Rules

RULE 1. SCOPE OF RULES.

Subd. 1. Application; Conflicts; Local Rules. These rules govern access to the records of all courts and court administrators of the judicial branch of the state of Minnesota. To the extent that there is any conflict between these rules and other court rules, these rules shall govern. Any court may recommend rules, whether denominated as a rule or standing order, governing access to its records that do not conflict with these rules or the General Rules of Practice for the District Courts, and those recommended rules or standing orders shall become effective as ordered by the Supreme Court.

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RULE 2. GENERAL POLICY.

Records of all courts and court administrators in the state of Minnesota are presumed to be open to any member of the public for inspection or copying at all times during the regular office hours of the custodian of the records. Some records, however, are not accessible to the public, at least in the absence of a court order, and these exceptions to the general policy are set out in Rules 4, 5, 6, and 8.

The Minnesota Government Data Practices Act disclaims any applicability to Minnesota Judicial Branch records:

Minn. Stat. § 13.90. JUDICIARY EXEMPT.

Subdivision 1. **Definition.** For purposes of this section, “judiciary” means any office, officer, department, division, board, commission, committee, or agency of the courts of this state, whether or not of record, including but not limited to the Board of Law Examiners, the Lawyer’s Professional Responsibility Board, the Board of Judicial Standards, the Lawyer’s Trust Account Board, the State Law Library, the State Court Administrator’s Office, the District Court Administrator’s Office, and the Office of the Court Administrator.

Subd. 2. **Exemption.** The judiciary is not governed by this chapter. Access to data of the judiciary is governed by rules adopted by the supreme court.

Slide 10: Most case records are public

Public Access Rule 4 addresses case records:

- Subd. 1 lists specific non-public case records in paragraphs (a) through (s), and directs the State Court Administrator to publish a list of non-public case records (available at mncourts.gov/rules)

- Subd. 2 describes the procedure for restricting access to otherwise public case records, and identifies the governing legal standards for criminal, civil, child protection, and juvenile delinquency cases.
- Subd. 3 restricts access to recordings of district court proceedings, and prohibits transcription of conciliation court proceedings.
- Subd. 4 allows filers to, in general, refer to and quote from non-public documents in public court documents. Specific exceptions are listed in the rule.

Slide 11: Filers cannot make court documents confidential by agreement

In re the Marriage of Manuela Nelson and Prince Rogers Nelson, No. 27-FA-06-3597
(Hennepin County District Court Aug. 15 and Dec. 21, 2016)

Slide 12: Filers are responsible for separating non-public information from public records

General Rule of Practice 11.02 Restricted Identifiers

(a) Pleadings and Other Documents Submitted by a Party. No party shall submit restricted identifiers on any pleading or other document that is to be filed with the court except when the information is germane and necessary for the court's consideration of the issues then before the court. If it is necessary to provide restricted identifiers to the court, they must be submitted in either of the following two ways:

(1) on a separate form entitled Confidential Information Form (see Form 11.1 as published by the state court administrator) filed with the pleading or other document; or

(2) on Confidential Financial Source Documents under Rule 11.03.

The Confidential Information Form (Form 11.1) shall not be accessible to the public.

The parties are solely responsible for ensuring that restricted identifiers do not otherwise appear on the pleading or other document filed with the court. The court administrator will not review each pleading or document filed by a party for compliance with this rule. Notwithstanding this provision, the court administrator may take any action consistent with Rule 11.04.

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Rule 11.04 Failure to Comply

If a party fails to comply with the requirements of this rule in regard to any person's restricted identifiers or financial source documents, the court may upon motion or its own initiative impose appropriate sanctions, including costs necessary to prepare an appropriate document for filing.

Upon discovery that a document containing restricted identifiers has not been submitted in a confidential manner as required by this rule, the court administrator shall file it with a temporary non-public status pending redaction or court order and direct the filer to, within 21 days, either:

(1) serve and file a properly redacted filing and pay any prescribed monetary fee to the court, and, if the party desires that the filing date of the resubmitted document(s) relates back to the filing date of the original document(s), serve and file a motion requesting the relation-back to the original filing date; or

(2) file a motion for relief from the court.

Any other party may oppose the motion seeking relation-back to the original filing date within the same time limits as are provided by law for the type of document(s) being filed. If a filer timely pays the monetary fee, and timely requests relation-back of the filing date, the court may order that the filing date of the properly submitted document(s) relate back to the filing date of the original document(s).

If no action is taken within 21 days after notice, the filing shall be stricken.

...

General Rule of Practice 11.06 When Documents May Be Filed as Confidential or under Seal

A party may submit a document for filing as a “confidential document” or “sealed document” only if one of these circumstances exists:

- (a) The court has entered an order permitting the filing of the particular document or class of documents under seal or as confidential.
- (b) This rule or any applicable court rule, court order, or statute expressly authorizes or requires filing under seal or as confidential.
- (c) The party files a motion for leave to file under seal or as confidential not later than at the time of submission of the document.

The court may require a filing party to specify the authority for asserting that a filing is a “confidential document” or “sealed document.” For purposes of this rule, the terms “confidential document” and “sealed document” shall have the meanings set forth in Rule 14.01. Additional requirements for electronically submitting a document as confidential or sealed in the E-Filing System are set forth in Rule 14.06.

General Rule of Practice 14.06

...

A Registered User electronically filing a document that is not accessible to the public in whole or in part under the Rules of Public Access to Records of the Judicial Branch or other applicable law, court rules or court order, is responsible for designating that document as confidential or sealed in the E-Filing System before transmitting it to the court.

Upon review, the court may modify the designation of any document incorrectly designated as sealed or confidential and shall provide prompt notice of any such change to the Registered User who filed the document. A Registered User must seek advance approval from the court to transmit a document for filing designated as sealed or confidential if that document is not already inaccessible to the public under the Rules of Public Access to Records of the Judicial Branch or other applicable law, court rules, or court order.

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A financial account numbers summary sheet is posted online at mncourts.gov/efile and is at the end of this appendix. Please note that the pending rules proposals, mentioned on Slide 16, include a proposal to clarify the definition of “financial account number.”

Slide 14: Medical Records vs. Medical Information

Public Access Rule 4, subd. 1. Accessibility. Subject to subdivision 4 of this rule (Records Referring to Information in Non-Public Documents) and Rule 8, subdivision 5 (Access to Certain Evidence), the following case records are not accessible to the public:

...

(f) Medical Records.

Records that are from medical, health care, or scientific professionals (including but not limited to reports and affidavits) that are of the following types:

- (1) Records that relate to the past, present, or future physical or mental health or condition of an individual, including but not limited to medical history, examinations, diagnoses and treatment, pre-petition screening reports, and court-appointed examiner reports and any other records designated by the presiding judge as medical records; and
- (2) Records on genetic information. For purposes of this rule, “genetic information” means information about a specific human being that is derived from the presence, absence, alteration, or mutation of a gene or genes, or the presence or absence of a specific deoxyribonucleic acid or ribonucleic acid marker or markers, and which has been obtained from an analysis of an individual's biological information or specimen or the biological information or specimen of a person to whom an individual is genetically related.

Public documents quoting from non-public documents

Public Access Rule 4, subd. 4. Records Referring to Information in Non-Public Documents. Generally, a rule or law precluding public access to an entire document such as a report or medical record shall not preclude the parties or the court from mentioning the contents of the document in open court or in otherwise publicly accessible pleadings or documents such as motions, affidavits, and memoranda of law where such discussion is necessary and relevant to the particular issues or legal argument being addressed in the proceeding. Except as otherwise

authorized by the presiding judge in a particular case, this rule permitting mention of otherwise non-public information shall not apply to:

- (a) Restricted identifiers governed by MINN. GEN. R. PRAC. 11;
- (b) Identity of a minor victim of sexual assault under Rule 4, subd. 1(m), except that unless otherwise ordered by the presiding judge, such victim may be referred to by initials and year of birth;
- (c) Specific data elements protected by applicable law, court rule or order, including but not limited to those protected by MINN. R. JUV. PROT. P. 8.04, subd. 1(e); and
- (d) Records sealed by order in individual cases, unless otherwise directed by the court issuing such order.

Unless otherwise directed by the presiding judge, data elements in (a) through (d) of this rule that appear in a transcript of a public proceeding need not be redacted from the transcript before such transcript is disclosed to the public.

Slide 16: Pending Rules Proposals

The proposed rules amendments are available in the appellate courts' PMACS system:

- The proposed amendments to the Rules of Civil Procedure are available in file ADM04-8001, filed June 4, 2019.
- The proposed amendments to the General Rules of Practice are available in file ADM09-8009, filed July 31, 2019.
- The proposed amendments to the Public Access Rules are available in file ADM10-8050, filed July 2, 2019.

Slide 17: eFiling Non-Public Information

Difference between "Confidential" and "Sealed"

General Rule of Practice 14.01(a) Definitions. For purposes of the General Rules of Practice, unless otherwise indicated, the following terms have the following meanings:

(1) "Confidential document" (which may include "Confidential 1" and "Confidential 2," etc., as available and defined by the E-Filing System document security classifications) means a document that will not be accessible to the public, but will be accessible to court staff and, where applicable, to certain governmental entities as authorized by law, court rule, or court order.

...

(9) "Sealed document" means a document that will not be accessible to the public but will be accessible to court staff with only the highest security level clearance.

...

Slide 18: Follow Formatting Requirements

General Rule of Practice 14.03 Filing and Service of Documents and Court Notices

...

(g) Document Requirements and Format. Unless otherwise authorized by these rules or court order, all documents filed electronically shall conform to the document technical and size requirements as established by the state court administrator in the *Minnesota District Court Registered User Guide for Electronic Filing*. The *Guide* shall be posted on the judicial branch website (www.mncourts.gov).

Slide 21: Pen-and-ink signatures are not necessary

General Rule of Practice 14.04 Signatures

...

(b) Registered User and Non-Registered User Signatures.

(1) Registered Users. Every document electronically filed or served through the E-Filing System that requires the signature of the Registered User filing or serving the document shall be deemed to have been signed by the Registered User and shall bear the facsimile or typographical signature of such person, along with the typed name, address, telephone number, designated e-mail address, and, if applicable, attorney registration number of a signing attorney. The typographical or facsimile signatures of a Registered User shall be considered the functional equivalent of an original, handwritten signature produced on paper. A typographical signature shall be in the form: /s/ Pat L. Smith.

(2) Non-Registered Users. Any document electronically filed or served through the E-Filing System that requires the signature of a person who is not the Registered User filing or serving the document shall bear the typed name, along with the facsimile or typographical signature, of such person. The person's typographical or facsimile signature shall be considered the functional equivalent of an original, handwritten signature produced on paper. A typographical signature shall be in the form: /s/ Pat L. Smith.

(c) Notary Signature, Stamp. Unless specifically required by court rule, documents, including affidavits, electronically filed or served through the E-Filing System are not required to be notarized. Where a signature under penalty of perjury is otherwise required, the provisions of part (d) of this rule apply. A document electronically filed or served through the E-Filing System that by court rule, specifically requires a signature of a notary public shall be deemed signed by the notary public if, before filing or service, the notary public has signed a printed or electronic form of the document and the electronically filed or served document bears a facsimile or typographical notary signature and stamp.

(d) Perjury Penalty Acknowledgment. A document electronically filed or served through the E-Filing System that requires a signature under penalty of perjury may, with the same force and effect and in lieu of an oath, be supported by an unsworn declaration, provided that the typographical or facsimile signature of the declarant is affixed immediately below a declaration using substantially the following language: “I declare under penalty of perjury that everything I have stated in this document is true and correct.” In addition to the signature, the date of signing and the county and state where the document was signed shall be noted on the document.

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General Rule of Practice 15 AFFIDAVITS

Unless otherwise specified in any court rule, the term “affidavit” means:

(a) a document that has been signed, sworn, and notarized; and

(b) a document that has been signed under penalty of perjury pursuant to Minn. Stat. § 358.116, provided that the signature is affixed immediately below a declaration using substantially the following language: “I declare under penalty of perjury that everything I have stated in this document is true and correct.” In addition to the signature, the date of signing and the county and state where the document was signed shall be noted on the document.

Slide 22: Legal Requirements for Service Contacts

Rule 14.02 Registration Process and Duty to Designate E-Mail Address for Service

(a) **Becoming a Registered User.** Only a Registered User may electronically file or serve documents through the E-Filing System. To become a Registered User, a Select User, self-represented litigant, or non-party participant must complete the registration process, as established by the state court administrator, and designate an e-mail address ... for receipt of electronic service and court notices. By registering with the Designated Provider and either electronically transmitting a document for filing in a case or designating an email address for receiving electronic service in the E-Filing System for the case, a Registered User consents to receive electronic service and court notices from the court and other Registered Users in the case through the E-Filing System at a designated e-mail address. This designated e-mail address may also be used by the court (but not other parties) to deliver notices by means other than the E-Filing System.

(b) Obligations and Responsibilities of Registered Users.

(1) A Registered User is responsible for all documents filed or served under the Registered User’s username and password.

(2) If a Registered User knows that his or her login information has been misappropriated, misused, or compromised in any way, he or she must promptly notify the court and change his or her login password.

(3) Any electronic transmission, downloading, or viewing of an electronic document under a Registered User's login username and password shall be deemed to have been made with the authorization of that Registered User unless and until proven otherwise by a preponderance of the evidence.

(4) A Registered User shall maintain a designated e-mail address for receiving electronic service and court notices for the duration of any case in which he or she has electronically transmitted a document for filing as a party or participant and until all applicable appeal periods have expired. A Registered User shall ensure that his or her designated e-mail address and account is current, monitored regularly, has not exceeded its size limitation, and that all notices and document links transmitted to the designated e-mail account are timely opened and reviewed.

(5) A Registered User may not designate e-mail addresses for any other person or party who is not the Registered User's client, law firm staff, or co-counsel. The court may impose a sanction against any Registered User who violates this rule. It shall not be a violation for a Registered User when filing or serving documents using the E-Filing System to select service recipients who have been added to the service list for a case by another Registered User.

Slide 24: New Timing System

Details of the new timing amendments are available in the appellate courts' PMACS system, in orders filed June 20, 2019:

- The amendments to the Rules of Civil Procedure are available in file ADM04-8001.
- The amendments to the General Rules of Practice are available in file ADM09-8009.
- The amendments to the Rules of Civil Appellate Procedure are available in file ADM09-8006.

Slide 25: New Rules for Transcripts of Audio/Visual Exhibits

Details of the new rules are available in the appellate courts' PMACS system, in orders filed December 10, 2019:

- The amendments to the Rules of Criminal Procedure are available in file ADM10-8049.
- The amendments to the Rules of Civil Appellate Procedure are available in file ADM09-8006.

Slide 26: Appeals affected by lack of knowledge of e-filing requirement

Lakour v. Roof Tech, Inc., No. A17-0795 (Minn. Ct. App. June 13, 2017): Appeal dismissed for lack of jurisdiction because attorney attempted to file appeal by mail; no PFR filed

Bradley v. Karma Entertainment LLC, No. A17-0984 (Minn. Ct. App. July 18, 2017): Appeal dismissed for lack of jurisdiction because attorney attempted to file by mail; PFR denied September 19, 2017

Bandemer v. Ford Motor Company, No. A17-1182 (Minn. Ct. App. Aug. 29, 2017): Appeal nearly dismissed because attorney attempted to file by mail; appeal saved due to finding that court administrator had erroneously entered judgment



Financial Account Numbers Cheat Sheet

These numbers have been identified in questions escalated to the State Document Classification email group and State Court Administration’s Legal Counsel Division. Numbers that are financial account numbers *and* are more than four digits in length are restricted identifiers under Minnesota General Rule of Practice 11, except that the last four digits of a Social Security Number are a restricted identifier. Filers may only use the last four digits of financial account numbers in publicly-accessible court documents. If the full financial account number must be submitted to the court, it must be submitted only on Form 11.1 or in a document made confidential under the Form 11.2 Confidential Financial Source Document cover sheet.

Number Type	Financial Account Number?
Alien Registration Number	No
Annuity contract number	Yes
Another agency’s case number (county attorney, child support, etc.)	No
Billing number from a service provider (medical facility account, fuel oil account, telephone account, etc.)	Yes
Certificate of Deposit number	Yes
Credit account number	Yes
Insurance claim number	No
Insurance policy number ¹	Yes
Loan, savings, or checking account number	Yes
Medicaid Recipient ID (MMIS)	Yes
Mortgage Identification Number (MIN)	No
Number for a charged-off-credit or debit account	Yes
Professional License Number	No
Property Tax ID Number	No

¹ A Payer ID number on an insurance card where the number appears to be uniquely associated with a single individual and a single account is a financial account number. In contrast, an insurance Group ID number is generally not a financial account number.



MINNESOTA JUDICIAL BRANCH

Retirement Account Number	Yes
Series EE Bond Serial Number	No
SSIS (Social Services Information System) Number	No
Student ID Number (students of all ages)	Yes
Treasury Direct Account Number	Yes
Vehicle Title Number	No
Veterans Affairs (VA) Identifying Number	Yes