FILED
March 20, 2020
OFFICE OF
APPELLATE COURTS

STATE OF MINNESOTA

IN SUPREME COURT

ADM20-8001

CONTINUING OPERATIONS OF THE COURTS OF THE STATE OF MINNESOTA UNDER A STATEWIDE PEACETIME DECLARATION OF EMERGENCY

O R D E R

The Governor of the State of Minnesota declared a peacetime emergency on March 13, 2020. Exec. Order No. 20-01 (Mar. 13, 2020); Minn. Stat. § 12.31, subd. 2(a) (2018). Additional restrictions on public activities have thereafter been imposed for public health and safety reasons. State government facilities have remained open for business, including the judicial branch's district and appellate courts, though operations have been limited as recommended by public health officials.

The continuing operations of the state's district and appellate courts are currently governed by the order filed on March 13, 2020. *See Continuing Operations of the Courts of the State of Minnesota Under a Statewide Peacetime Declaration of Emergency*, No. ADM20-8001 (Minn. filed Mar. 13, 2020). The health and safety of judicial branch employees and the general public, the preservation of access to justice, and the protection of constitutional rights has led the Judicial Branch, through the Chief Justice, to require additional limitations on the on-going work of the courts. The judicial branch has the inherent authority necessary to ensure the performance of judicial functions, *see, e.g.*, *In re Clerk of Court's Comp. for Lyon Cty.*, 241 N.W.2d 781, 784 (Minn. 1976), and the Chief

Justice has general supervisory and administrative authority over the courts of the State of Minnesota, Minn. Stat. § 2.724 (2018); Minn. Stat. § 480.16 (2018). Based on the most recent guidance from public health officials,

IT IS HEREBY ORDERED that the following provisions shall govern the operations of the Minnesota Judicial Branch, including in cases filed in Minnesota's district and appellate courts, until further order of this court.

A. Case Proceedings: appellate courts.

1. Proceedings in appeals pending before the Minnesota Court of Appeals and the Minnesota Supreme Court shall continue as and when scheduled by those courts. The appellate courts shall implement procedures to allow hearings to be conducted remotely, if necessary and appropriate to do so for any case, and may determine for any case that oral argument is unnecessary in light of the issues presented. *See* Minn. R. Civ. App. P. 134.01(e). The appellate courts are authorized to grant reasonable extensions of the deadlines established by court rule to initiate an appeal or a request for review, up to a maximum of 30 days, notwithstanding Rule 126.02 of the Rules of Civil Appellate Procedure, and until further order of this court. The deadline for the district court to transmit physical exhibits that are part of the record on appeal, *see* Minn. R. Civ. App. P. 111.01, is extended to April 22, 2020 or until further order of this court, whichever occurs first.

2. Proceedings before the Supreme Court Commitment Appeal Panel under Minn. Stat. ch. 253B (2018) or Minn. Stat. ch. 253D (2018), continue as scheduled by the panel. The panel is authorized to conduct any proceedings or hearings by Interactive Video

Teleconference (ITV) or other video or telephone conferencing to the extent possible. Rule 14 of the Special Rules of Procedure Governing Proceedings under the Minnesota Commitment and Treatment Act remains suspended for purposes of these proceedings.

3. The Office of Lawyers Professional Responsibility shall continue to conduct the business of the office consistent with the sound discretion of the Director and the Rules on Lawyers Professional Responsibility (RLPR). The Director is authorized to use remote technology or other distancing measures to the extent feasible and as needed for any activity or proceeding. Public access to the office is subject to limits imposed by the Director. Referees appointed by this court to conduct public hearings are authorized to conduct those hearings remotely, if necessary and appropriate to do so, and until further order of this court. The Director is authorized to suspend the scheduling of panel hearings under Rules 9 and 18, RLPR, through April 22, 2020 or until further order of this court, whichever occurs first.

B. Case Proceedings: district courts.

4. Trials in any case type for which a jury has been empaneled and sworn and the trial has commenced as of March 13, 2020; or the district court is sitting as a trier of fact in a criminal matter and has heard evidence as of March 13, 2020, shall continue unless there is a manifest necessity to suspend the trial based on the individual health and safety circumstances of any case participant. Other than for jury trials currently on-going, no new jury trials shall commence before April 22, 2020 or until further order of this court, whichever occurs first.

5. Effective as of March 23, 2020, any grand jury that has been empaneled and is currently taking evidence on a case shall continue its proceedings. No other grand jury proceedings shall commence before April 22, 2020 or until further order of this court, whichever occurs first.

6. Effective as of March 23, 2020, in adult criminal matters in which the defendant is in custody, the following hearings will be held in the courtroom: bail review; hearings under Rule 8 of the Rules of Criminal Procedure; omnibus hearings that do not require live testimony; plea hearings; sentencing hearings; and probation revocation hearings if any necessary testimony can be provided remotely. The defendant and the attorneys may appear remotely. Victim impact information may be provided remotely. Unless they can be conducted remotely, all other proceedings in adult criminal matters are suspended until April 22, 2020 or until further order of this court, whichever occurs first.

7. Effective as of March 23, 2020, in juvenile proceedings governed by the Rules of Juvenile Delinquency Procedure and for which the juvenile is in custody, the following hearings shall be held in the courtroom: detention review; omnibus hearings that do not require live testimony; plea hearings; certification hearings; extended juvenile jurisdiction hearings; disposition hearings; and probation revocation hearings if any necessary testimony can be provided remotely. The juvenile and the attorneys may appear remotely. Unless they can be conducted remotely, all other proceedings in juvenile criminal matters are suspended until April 22, 2020 or until further order of this court, whichever occurs first.

8. Effective as of March 23, 2020, for juvenile protection proceedings governed by the Rules of Juvenile Protection Procedure, hearings shall be held in the courtroom for emergency protective care (EPC) for children in placement. The EPC hearing shall be combined with an admit/deny hearing if possible. Attendance in the courtroom shall be limited to parties and parent-participants, and their attorneys. All other proceedings in juvenile protection matters can be held remotely or will be conducted based on the presiding judge's review of the parties' written submissions, as determined by the presiding judge. The provisions of this paragraph remain in effect until April 22, 2020 or until further order of this court, whichever occurs first.

9. Effective as of March 23, 2020, hearings shall be held in the courtroom on an emergency basis in the following case types: housing/eviction matters when there is a showing of individual or public health or safety at risk; civil commitment; emergency change-of-custody requests; guardianship; and orders for protection (OFP). The parties and the attorneys may appear remotely. In all other housing/eviction matters, the presiding judge is authorized to conduct the proceeding remotely or based on the parties' written submissions.

10. Hearings shall be conducted in the courtroom for any case type in which the request for relief presents an immediate liberty concern, or when public or personal safety concerns are paramount. Hearings shall also be conducted in the courtroom for garnishment exemption hearings requested under Minn. Stat. § 571.914, subd. 1 (2018).

11. Other than those that require an in-person hearing as set forth in paragraphs 6–10 above, all other proceedings in all other case types shall be held by ITV or any other

remote technology that permits the parties and attorneys to appear without being in the courtroom, or by review of the parties' submissions without oral argument, to the extent feasible, practicable, and in the interests of justice. For proceedings conducted in the courtroom under paragraphs 6–10, court officials will ensure, to the extent practicable, that limitations dictated by recent guidance from public health officials, including limits on the number of people present in one location and social distancing, are followed. Rule 1.05 of the Rules of Criminal Procedure remains suspended until further order of this court in order to facilitate the use of ITV and video or telephone conferencing.

C. Court Facilities, Public Access, and Court Administration.

12. Courtrooms remain open for business on a limited basis, with access to court facilities subject to conditions imposed at some locations by county officials. The clerk's counter in the court facility and self-help services and facilities will be limited to electronic and telephone services until further order of this court. Emergency contact e-mail information is located on the Judicial Branch's website for each county court facility, and court staff will consistently monitor those e-mail accounts. The State Law Library is closed to the public effective March 19, 2020.

13. The courts will continue to accept filings in all case types. Filings and submissions must be made electronically if the filer is required by court rule or an existing court order to use the judicial branch's electronic case filing systems for either the appellate courts or the district courts. Unless required to file through an electronic case management system, parties should submit filings by e-mail as directed by court administration, by mail, in a drop box designated for court filings, as available, or by other means provided by court

administration, if any. Other than at facilities for which access is necessary to access drop-box or other available filing means, the parties and the public will not be permitted access to the court facility to submit documents for filing.

14. Public access to courtrooms will be limited to the parties in the case who are participating in the hearing, attorneys who represent those parties, any necessary court staff, and other individuals the presiding judge determines are necessary to conduct the hearing. Representatives of the media are permitted to attend hearings held in courtrooms but otherwise do not have access to judicial branch facilities and services, including public access terminals. Unless waived by the presiding judge or a representative of the court information office, requests by media representatives to attend any hearing other than in Hennepin County District Court must be coordinated through the Judicial Branch Court Information Office at least 24 hours before the scheduled time of the hearing. Media requested attendance at court hearings in Hennepin County must be coordinated with the Hennepin County District Court Information Officer. It is the intention of this paragraph that court administration may limit the number of persons in attendance at hearings, including the number of media representatives, in a manner that is consistent with guidelines issued by public health officials for public gatherings.

15. Courtrooms and court buildings that have access to virtual courtroom technology shall use and deploy that technology as directed by the presiding judge. Court staff shall continue to process cases and case filings as required by judicial branch policies, working remotely if feasible and approved by court administration. In order to facilitate the provisions of this order and ensure the Judicial Branch's commitment to the delivery

of justice, the State Court Administrator is authorized to adjust work assignments based on need and availability of judicial branch personnel.

16. Except as set forth above in paragraphs 2 and 11 regarding the continued suspension of Minn. R. Crim. P. 1.05 and Minn. R. Commit. P. 14, this order supersedes the order of March 13, 2020. Orders issued by the chief judge of a judicial district remain in effect to the extent not inconsistent with this order.

Dated: March 20, 2020

BY THE COURT:

Lorie S. Gildea
Chief Justice