



Public Attorneys on the Move

The following people have recently retired from their positions in the public sector:

The Honorable Tom Kalitowski – Minnesota Court of Appeals
The Honorable Terri Stoneburner – Minnesota Court of Appeals
John Stuart – Minnesota State Public Defender
David Iverson – Minnesota Attorney General’s Office
George Widseth – Hennepin County Attorney’s Office
Eileen Wells – Mankato City Attorney (retiring in August)
Steve Alpert – Minnesota Attorney General’s Office (retiring in August)



Governor Dayton appointed **Dan Lipschultz** to the Minnesota Public Utilities Commission. Mr. Lipschultz replaces Dennis O’Brien whose term ended on January 6, 2014. Lipschultz practiced law in the areas regulated by the Public Utilities Commission for 23 years. Most recently, Lipschultz was an Attorney and Shareholder with the Moss & Barnett Law Firm in Minneapolis. Prior to joining Moss & Barnett, Lipschultz was Assistant General Counsel for McLeodUSA Telecom Inc., and was Assistant Attorney General for the Minnesota Attorney General’s Office where he served as lead attorney for the Attorney General’s residential and small business utilities division. From 1990 to 1996, Lipschultz was an Attorney for the Minnesota Public Utilities Commission. Additionally, Lipschultz previously served as Chair of the Public Utilities Law Section and Communications Law Section of the Minnesota State Bar Association. Lipschultz currently serves on the Executive Council of these two State Bar Association sections.



News from the Bench

Governor Dayton appointed the Honorable Denise D. Reilly and Peter M. Reyes, Jr. as judges on the Minnesota Court of Appeals. Judge Reilly and Mr. Reyes were appointed to at-large seats, which became vacant upon the retirements of the Honorable Thomas J. Kalitowski and the Honorable Terri J. Stoneburner on April 1, 2014.



The Honorable Denise D. Reilly was a District Court Judge in Minnesota's Fourth Judicial District, where presided since her appointment from Governor Carlson in 1997. Prior to her appointment, Judge Reilly was an Assistant United States Attorney for the District of Minnesota, serving as chief of the Firearms and Narcotics Section. Judge Reilly earned her B.A. from the College of Wooster, in Wooster, OH, and her J.D. with honors from the William Mitchell College of Law.

Additionally, Judge Reilly teaches trial practice as an adjunct professor at the University of Minnesota School of Law and currently serves on the Minnesota Supreme Court Children's Justice Initiative Advisory Committee.

Judge Reilly resides with her family in Long Lake, MN.



Peter M. Reyes, Jr. was a partner at Barnes and Thornburg, L.L.P., where his practice focused on all aspects of intellectual property and litigation in both state and federal court. Previously, Mr. Reyes was a senior intellectual property lawyer at Cargill, Inc., and, prior to that, was an associate at Robins, Kaplan, Miller & Ciresi. Reyes earned his B.A. from the University of St. Thomas and his J.D. with honors from the William Mitchell College of Law.

Additionally, Reyes is a former president of both the Minnesota Hispanic Bar Association and the

Hispanic National Bar Association, and is currently on the Board of Trustees for the William Mitchell College of Law.

Mr. Reyes resides with his family in Roseville, MN.

Governor Dayton appointed Jeffrey M. Kritzer and Kevin H. Siefken as District Court Judges in Minnesota's Third Judicial District. Kritzer and Siefken replace the Honorable Donald E. Rysavy and the Honorable Fred W. Wellmann. Both appointees will be chambered at Austin in Mower County.



Jeffrey M. Kritzer was a partner at Baudler, Maus, Forman, Kritzer & Wagner, L.L.P., where his practice focused on municipal law, employment law, commercial litigation, estate planning, and criminal prosecution on behalf of the cities of Austin and Mantorville. Previously, he was a corporate attorney for the Hormel Foods Corporation and an associate attorney for Alderson, Ondov, Leonard, Sween & Rizzi, P.A. Kritzer earned his B.A. from Stanford University and his J.D. from the University of Minnesota School of Law.

Additionally, Kritzer serves on the Board of Directors and Executive Committee of the Development Corporation of Austin and is a former member and Chair of the Austin Public School Board.



Kevin H. Siefken was President and shareholder with Christian and Peterson, P.A., where his caseload included family law, criminal, civil litigation, child protection, and civil commitments. He also served as Special Assistant Albert Lea Attorney, and previously was an Assistant Public Defender for the Third Judicial District. Siefken earned his B.A. from the University of Northern Iowa and his J.D. from the William Mitchell College of Law.

Additionally, Siefken is the President of Habitat for Humanity Freeborn/Mower, an advisory board member of the Albert Lea Salvation Army, an Agency Representative to the United Way of Freeborn County, and a volunteer attorney with Southern Minnesota Regional Legal Services.

Minnesota's Third Judicial District consists of Dodge, Fillmore, Freeborn, Houston, Mower, Olmsted, Rice, Steele, Wabasha, Waseca, and Winona Counties.

Governor Dayton appointed Leslie E. Beiers and Ms. Theresa M. Neo as District Court Judges in Minnesota's Sixth Judicial District. Beiers replaces the Honorable Dale A. Wolf and Neo replaces the Honorable Heather L. Sweetland. Beiers will be chambered at Carlton in Carlton County while Neo will be chambered at Duluth in St. Louis County.



Leslie E. Beiers was a Senior Assistant St. Louis County Attorney, where she was assigned to the Civil Division representing the Assessor and the Sheriff's Office. Previously, she prosecuted adult and juvenile felony offenses in the St. Louis County Attorney's Office, and, prior to that, was an Assistant Carlton County Attorney. Beiers earned her B.A. from the University of North Dakota and her J.D. from the University of North Dakota School of Law.

Additionally, Beiers is a volunteer with Ruby's Pantry and the Courage Center, and is a former President of the 11th District Bar Association.



Theresa M. Neo was an Assistant City Attorney in the Duluth Attorney's Office, where she prosecuted traffic cases and petty misdemeanor, misdemeanor, and gross misdemeanor crimes. Previously, she has served as the staff attorney at the Indian Legal Assistance Program and the Safe Haven Shelter for Battered Women. Neo earned her B.A. from Metropolitan State University and her J.D. from the Hamline University School of Law.

Additionally, Neo is a former President of the 11th District Bar Association and previously served on the Board of Directors for the Red Cross of Northern Minnesota.

Minnesota's Sixth Judicial District consists of Carlton, Cook, Lake, and St. Louis Counties.



Governor Dayton appointed **Eric P. Schieferdecker** as District Court Judge in Minnesota's Ninth Judicial District. Mr. Schieferdecker replaces the Honorable Donald J. Aandal, who resigned earlier this year. The judgeship will be chambered at Warren in Marshall County.

Schieferdecker was an Assistant Attorney General for the State of Minnesota, primarily prosecuting murder, drug, and implied consent cases in the Seventh and Ninth Judicial Districts. Previously, he was the Chief Assistant Beltrami County Attorney, and, prior to that, was an associate attorney at

Drahos & Young in Bemidji, MN. Schieferdecker earned his B.A. from Minot State University and his J.D. from the University of North Dakota School of Law.

Additionally, Schieferdecker is a Students First Mentor at Bemidji High School and is a board member and vice-chair of Support Within Reach, a sexual violence resource center serving Aitkin, Beltrami, Cass, Hubbard, and Itasca Counties.

Mr. Schieferdecker resides in Bemidji, MN.

Minnesota's Ninth Judicial District consists of Aitkin, Beltrami, Cass, Clearwater, Crow Wing, Hubbard, Itasca, Kittson, Koochiching, Lake of the Woods, Mahnommen, Marshall, Norman, Pennington, Polk, Red Lake, and Roseau Counties.

Governor Dayton appointed Daniel A. Benson and Michael D. Fritz as District Court Judges in Minnesota's Seventh Judicial District. Benson replaces the Honorable Peter M. Irvine and Fritz replaces the Honorable Lisa N. Borgen. Benson will be chambered at Long Prairie in Todd County while Fritz will be chambered at Moorhead in Clay County.



Daniel A. Benson was a member of the criminal defense firm of Benson Law Office, L.L.C., and is a MSBA Board Certified Criminal Law Specialist. Previously, he was a member of the Minnesota State Forensic Trial Team, a managing attorney with the Office of the Seventh Judicial District Public Defender, and an Assistant Stearns County Attorney. Benson earned his B.S. from the University of Minnesota School of Management and his J.D. from the University of Minnesota School of Law.

Additionally, Benson served as a part-time Assistant Public Defender for the Seventh Judicial District, a panel member of the Criminal Justice Act Federal Defender Panel, and a member of the Public Defender DNA Working Group.

Mr. Benson resides with his family in St. Cloud, MN.



Michael Fritz served as the Becker County Attorney, where he represented the Board of Commissioners and various departments for Becker County, while maintaining a caseload of criminal and child protection matters. He previously served as the Assistant Becker County Attorney and was a partner with Hummel, Sinclair, Evans, Hunt, Heisler and Fritz, P.A. Mr. Fritz earned his B.S. from St. John's University and his J.D. from the University of North Dakota

School of Law.

Additionally, Fritz is a member of the Becker County Child Abuse Prevention Council (KARE Council) and is a past president of the Becker County Bar Association.

Mr. Fritz resides with his family in Detroit Lakes, MN.

Minnesota's Seventh Judicial District consists of Becker, Benton, Clay, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, and Wadena Counties.

Announcements

Chief Judge Michael J. Davis announced the renaming of the United States Courthouse in Fergus Falls, Minnesota located at 118 South Mill Street. The courthouse has been renamed after the late Judge Edward J. Devitt, one of Minnesota's most distinguished public servants. The renaming took place in a special session of court in Fergus Falls on April 22, 2014. The official name of the building is now the Edward J. Devitt United States Courthouse and Federal Building.

The United States District Court for the District of Minnesota has approved amendments to the Court's Local Rules, effective May 14, 2014. The following Local Rules are amended: 16.5, 83.5, and 83.6. To see the public notice and the rule amendments, visit the Court's website at www.mnd.uscourts.gov.

In its report filed April 7, 2014, the Supreme Court Advisory Committee on the Rules of Juvenile Protection Procedure recommended amendments to the Rules of Juvenile Protection Procedure and the Rules of Adoption Procedure to address the establishment of paternity in child protection cases, the content of reports to the court by social workers and guardians ad litem, adoption procedures for children under the guardianship of the commissioner of human services, and technical amendments to conform the rules to the statutes. These Rules were promulgated by the Minnesota Supreme Court on June 12, 2014, to be effective as of on July 1, 2014, and apply to all cases pending or commenced on or after the effective date. The Rules can be found at <http://mn.gov/lawlib/archive/supct/1302/ORADM108051-020413.pdf>.

ADM04-8001

ADM09-8009

ORDER ADOPTING AMENDMENTS TO THE MINNESOTA GENERAL RULES OF PRACTICE RELATED TO SUBMISSION OF CONFIDENTIAL INFORMATION

The eCourt Steering Committee has recommended amendments to the Minnesota Rules of Civil Procedure and the General Rules of Practice for the District Courts related to the submission of confidential information in pleadings or other documents filed with the district courts. By order filed March 28, 2014, this court solicited comments on the proposals. The court has reviewed the proposed amendments and the comments and is fully advised in the premises.

IT IS HEREBY ORDERED THAT:

1. The attached amendments to the General Rules of Practice for the District Courts be and the same are hereby adopted effective July 1, 2014, and shall apply to all actions or proceedings pending on the effective date and those filed thereafter.
2. The Advisory Committee on the General Rules of Practice shall review the May 30, 2014, comments submitted by the Hon. Frank Connolly, chair of the Advisory Committee on the Rules of Civil Procedure, and consider adding an admonition and commentary to Minn. Gen. R. Prac. 11 regarding confidential and sensitive information in court filings. The Advisory Committee on the General Rules of Practice is directed to report to the court, with any proposed comments or other matter in response to Judge Connolly's comment, by December 31, 2014.
3. The Advisory Committee on the Rules of Civil Procedure shall consider the eCourt Steering Committee's proposed amendments to Minn. R. Civ. P. 5 that were attached to the March 28, 2014, order of this Court, and the comments submitted in response thereto, and shall report to this court on any recommended amendments to the rules by December 31, 2014.
4. To the extent possible, the advisory committees on the Rules of Civil Procedure and the General Rules of Practice shall keep each other apprised of their efforts relating to Minn. R. Civ. P. 5 and Minn. Gen. R. Prac. 11.

Dated: June 25, 2014

Minnesota General Rules of Practice for the District Courts

TITLE I. RULES APPLICABLE TO ALL COURT PROCEEDINGS

RULE 11. Submission of Confidential Information

Rule 11.01 Definitions

The following definitions apply for the purposes of this rule:

(a) "Restricted identifiers" shall mean the following numbers of a party or other person: complete or partial social security number, complete or partial employer identification number, and financial account numbers other than the last four numbers of a financial account number that is not also a social security number of a party or other person.

(b) "Financial source documents" means income tax returns, W-2 forms and schedules, wage stubs, credit card statements, financial institution statements, check registers, and other financial information deemed financial source documents by court order.

Rule 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:

- (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 ~~Sealed~~ Financial Source Documents under Rule 11.03.

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

(b) Records Generated by the Court. Restricted identifiers maintained by the court in its register of actions (i.e., activity summary or similar information that lists the title, origination, activities, proceedings and filings in each case), calendars, indexes, and judgment docket shall not be accessible to the public. Courts shall not include restricted identifiers on judgments, orders, decisions, and notices except on the Confidential Information Form (Form 11.1), which shall not be accessible to the public.

Rule 11.03 ~~Sealing~~Confidential Financial Source Documents

Financial source documents shall be submitted to the court under a cover sheet designated “Confidential Sealed Financial Source Documents” and substantially in the form set forth as Form 11.2 as published by the state court administrator. Financial source documents submitted with the required cover sheet are not accessible to the public except to the extent that they are admitted into evidence in a testimonial hearing or trial or as provided in Rule 11.05 of these rules. The cover sheet or copy of it shall be accessible to the public. Statements from a permanently closed (also known as “charged off”) credit card or financial institution account that has been identified as a closed account in the related pleading need not be submitted as a confidential financial source document under rule 11.03 of these rules unless desired by the filing party or as directed by the court. Financial source documents that are not submitted with the required cover sheet ~~and that contain restricted identifiers~~ are accessible to the public, but the court may, upon motion or on its own initiative, order that any such financial source document be confidential sealed.

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Rule 11.05 Procedure for Requesting Access to ~~Sealed~~Confidential Financial Source Documents

(a) Motion. Any person may file a motion, supported by affidavit showing good cause, for access to Confidential~~Sealed~~ Financial Source Documents or portions of the documents. Written notice of the motion shall be required.

(b) Waiver of Notice. If the person seeking access cannot locate a party to provide the notice required under this rule, after making a good faith reasonable effort to provide such notice as required by applicable court rules, an affidavit may be filed with the court setting forth the efforts to locate the party and requesting waiver of the notice provisions of this rule. The court may waive the notice requirement of this rule if the court finds that further good faith efforts to locate the party are unlikely to be successful.

(c) Balancing Test. The court shall allow access to Confidential~~Sealed~~ Financial Source Documents, or relevant portions of the documents, if the court finds that the public interest

in granting access or the personal interest of the person seeking access outweighs the privacy interests of the parties or dependent children. In granting access the court may impose conditions necessary to balance the interests consistent with this rule court.

Appendices No Longer Allowed in Appellate Courts, Trial Court Documents Indexed

Effective July 1, 2014, attorneys and self-represented litigants may no longer submit appendices to briefs in any appellate proceedings. This is due to an amendment to the Rules of Civil Appellate Procedure (RCAP) promulgated on Feb. 28, 2014, by order of the Minnesota Supreme Court. Currently, appendices consist of copies of district court documents that filers have cited in their briefs. Effective July 1, RCAP 128.03 will govern how to cite to documents in the district court records.

Since June 27, 2014, all documents filed in the district (trial) courts have been given a unique document index number that is automatically added to the registers of actions for cases. This change will provide a unique identifier for each document in the electronic trial court record so that judges, litigants, and court staff have a convenient and consistent way to cite documents.

Below is an example of how the index numbers appear in the trial court record:

DATE	DOCUMENT TITLE
02/10/2014	Order-Other (Judicial Officer: Marrinan, Margaret M.)
06/17/2014	Correspondence Doc ID# 1
06/19/2014	Correspondence Doc ID# 2
06/20/2014	Correspondence Doc ID# 3
01/22/2015	Settlement Conference (11:00 AM) (Judicial Officer I
02/10/2015	Settlement Conference (10:00 AM) (Judicial Officer: Marrinan, Margaret M.)

There is currently no rule mandating or authorizing the use of the index numbers. Until the Court amends the RCAP or issues an order, litigants should follow 128.03, and may also include the index numbers in their briefs.

Registers of actions for district (trial) court cases display on Minnesota Public Access (“MPA”), both at courthouses and remotely (<http://www.mncourts.gov/default.aspx?page=1927>). However, only certain public cases are available remotely. If a member of the public needs a register of actions for a case that does not display remotely, that request needs to be made at the courthouse. Fees may apply.

