

**MSBA Court Rules and Administration Committee
Meeting Summary**

March 31, 2016

8:00 a.m.

MSBA Honors Room

Present: Kevin Curry (substitute Chair), Don Betzold, Mike Dittberner, Seth Levanthal, Mike Unger, Chuck Webber, Julian Zebot, Nancy Mischel-MSBA Staff. **By phone:** Charlie Bird, Dan Cragg, Margaret Erickson, Hon. Richard Kyle, Jr., Hon. Kristin Larson, Galen Robinson.

Cy Pres Proposal: Jean Lastine and Julian Zebot from the Legal Assistance to the Disadvantaged Committee (LAD) presented background information on the proposal. The proposal creates a new Minnesota rule of civil procedure which directs half of residual funds from class action lawsuits in state court be provided to the Legal Aid Foundation. Foundation funds are distributed by the Court's Legal Services Advisory Committee to a number of different legal aid organizations across the state. One member suggested adding language that would direct part of the residual funds to the Legal Aid Foundation only if the parties were not able to agree where they should go. A vote was taken. The proposal passed, although the vote was not unanimous. Ms. Erickson and Mr. Zebot abstained.

Discussion of Recommendations and Report from Joint Court Rules & Administration/Judiciary Working Group: This item was discussed at the Committee's February meeting. The recommendations represent an effort to bring Minnesota's Rules of Civil Procedure in conformity with the federal rules. Mr. Bird's concerns were raised at the last meeting and they were sent to the Committee in writing. Mr. Robinson also provided comments to the Committee. The matter is scheduled to be taken up by the Judiciary Committee on April 6 and from there it goes to the MSBA Assembly. If the Court Rules Committee and the Judiciary Committee differ on their recommendations, that information will be relayed to the Assembly for their consideration. Mr. Unger stated there was no need to rush the proposal so that is ready for the April Assembly. It is better to have a thoughtful proposal. Members decided the best way to proceed for the time being is to ask members to vote on the various recommendations. A survey may be the best format for this approach and Ms. Mischel will work on it with Mr. Bird and Mr. Curry.

Proposed changes to Civil Commitment Rules: Mr. Betzold, who serves on the Court's Advisory Committee on the Civil Commitment Rules, provided background on the proposed changes. The Court Committee's report is due to the Court April 1. Presumably, the court will post it for comment at some point and the MSBA could weigh in then with comments.