

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

October 29, 2015

3:00 p.m.

MSBA Honors Room

Present: Charlie Bird – Chair, Don Betzold, Dan Cragg, Kevin Curry, Seth Levanthal, Patrick Stoneking, Julian Zebot, Nancy Mischel-MSBA Staff. **By phone:** Hon. Michele Davis, Margaret Erickson, Bart Gernander, Hon. Richard Kyle, Jr., Shawn Pearson, Jonathan Steinberg.

Proposed Amendments to Federal Rules of Bankruptcy and Evidence: These were sent to the Bankruptcy and Civil Litigation Sections of the MSBA with a deadline for comment of October 23. Neither section submitted any comments. Some of the amendments address ancient documents and authenticating data from electronic files. Committee members did not oppose the proposed changes but felt there was nothing in particular for the MSBA to add and decided not to propose any comments.

Report from Joint Court Rules & Administration/Judiciary Working Group: The working group was created due to encouragement from MSBA President Mike Unger that the bar be more proactively engaged in court rules. An intern for Mr. Cragg prepared very detailed memos comparing the Federal and Minnesota Rules of Civil Procedure and Rules of Evidence, and noting nonconformities. The group has met once so far and plans to have recommendations ready for the Court Rules Committee by the end of January. From the Court Rules Committee, the proposal will go to the Judiciary Committee and then to the Assembly in time for their April meeting.

Mr. Bird asked the group to keep an eye on recommended changes to the MN Rules of Evidence that will be coming from the Supreme Court Advisory Committee on the Rules of Evidence per Judge Kristin Laron, who serves as the MSBA representative to the Committee.

Discussion regarding one-year dismissal change to MN Rules of Civil Procedure 5.04(a): Mr. Stoneking raised this issue in an email to the Committee. Judge Davis indicated the language is problematic with court administration at the district court level. It appears the practice of court administration may not be uniform across all counties. Mr. Unger also received a copy of a letter from attorney Dan O’Leary to the Ramsey County court on the issue that he forwarded to the Committee. Mr. O’Leary’s letter to the court proposed a change to Rule 5.04. The Committee discussed the proposed change but also other alternatives. Members expressed interest in knowing more about the background to the one-year dismissal change to Rule 5.04 that was adopted in 2013. Mr. Bird agreed to draft a proposed revision to Rule 5.04 based on the discussion and send it to the Committee for their review.

There being no further items on the agenda, the meeting was adjourned.

The Committee’s next meeting is scheduled for February 11, 2016, at 8:00 a.m.