FILED
November 3, 2015
OFFICE OF
APPELLATE COURTS

STATE OF MINNESOTA

IN SUPREME COURT

ADM10-8051
ADM09-8009
ADM04-8001

ORDER RELATING TO THE CIVIL JUSTICE
REFORM TASK FORCE, AUTHORIZING MODIFICATIONS
TO EXPEDITED CIVIL LITIGATION TRACK PILOT PROJECT

By order filed May 8, 2013, the court authorized a pilot project in the First Judicial District in Dakota County and the Sixth Judicial District in St. Louis County in Duluth to test whether certain expedited processes improve the way trial courts process civil cases in order to secure the just, speedy, and inexpensive determination of every civil action ("Pilot Project"). The court also promulgated Special Rules for the Pilot Expedited Civil Litigation Track to govern the Pilot Project. The district courts are willing to increase the scope of the Pilot Project cases, and the Fourth Judicial District is willing to participate in the Pilot Project on a limited basis.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. The First Judicial District in Dakota County, the Fourth Judicial District, and the Sixth Judicial District in St. Louis County in Duluth ("Pilot District Courts") are hereby authorized to conduct a pilot project ("Pilot Project") under the Special Rules for the Pilot Expedited Civil Litigation Track.

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2. The Pilot Project shall continue to test whether the expedited processes authorized by the Special Rules for the Pilot Expedited Civil Litigation Track improve the way that trial courts process civil cases in order to secure the just, speedy, and inexpensive determination of every civil action. The Pilot District Courts shall, with the assistance of the State Court Administrator, evaluate the Pilot Project and report to this Court within twelve months after the date of this order, and as often thereafter as this Court shall direct. The report shall examine the Pilot Project processes in light of the core principles that support the establishment of a mandatory Expedited Civil Litigation Track, and determine whether the efficiency and effectiveness in which the Pilot District Courts process civil cases are improved.

3. The Fourth District's participation in the Pilot Project and the attached amendments to the Special Rules for the Pilot Project shall be effective January 1, 2016, and shall apply to all civil actions identified therein that are filed on or after the effective date. The Pilot Project shall continue until further order of the court. To the extent of any conflict between the terms of this order and the amended Special Rules for the Pilot Expedited Civil Litigation Track, and the provisions of the Rules of Civil Procedure and the General Rules of Practice for the District Courts, the terms of this order and its attached Special Rules for the Pilot Expedited Civil Litigation Track shall prevail.

Dated: November 3, 2015

BY THE COURT:

Lorie S. Gildea
Chief Justice

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Special Rules for the Pilot Expedited Civil Litigation Track

[Note: In the following amendments, deletions are indicated by a line drawn through the words and additions are indicated by a line drawn under the words.]

Preface

The purposes of the Expedited Litigation Track (ELT) are to promote efficiency in the processing of certain civil cases, reduce cost to the parties and the court system, maintain a system for resolution of claims that is relevant to the parties, and provide a quick and reduced-cost process for obtaining a jury trial when civil actions cannot be resolved by judicial decision (dispositive motions) or by settlement.

The core principles that support the establishment of a mandatory Expedited Litigation Track include:

1. Most civil actions can be resolved by court decision or settlement upon a sharing of basic facts regarding the claims and defenses of the parties;
2. Timely and assertive judicial attention to matters results in the resolution of actions that can be resolved through settlement and provides for customized discovery and trial procedures that will be most cost-effective for the court and the parties;
3. Attorneys and parties are hesitant to voluntarily elect expedited procedures, thus a mandatory system is required;
4. Extensive discovery through interrogatories, requests for production, and depositions is often unnecessary, unproductive, and leads to protracted litigation and unnecessary litigation costs;

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5. A compact discovery schedule will reduce the time and cost of litigation for courts and litigants;

6. Mandatory disclosure of relevant information, rigorously enforced by the court, will result in disclosure of facts and information necessary to evaluate the anticipated evidence for purposes of settlement and to allow parties to prepare for trial; ~~and~~

7. Expedited cases should be completed within 4-6 months~~.~~;

8. Having a trial date or week certain is key to minimizing cost and delay~~.~~; and

9. Assignment of an expedited case to a single judge is also highly desirable, but district courts may need flexibility to ensure that trial dates are observed. This may involve assignment of a case to a pool of judges for trial or the use of adjunct judicial officers to handle case management conferences. Where possible district courts should avoid assigning judges on the day of trial to prevent the last minute striking or removal of judges that necessitates a continuance.

RULE 1. MANDATORY ASSIGNMENT OF CERTAIN ACTIONS TO THE EXPEDITED LITIGATION TRACK

(a) General; Effective Date. Unless excluded by an order of the court made pursuant to Rule 1(c) herein, all civil actions identified in Rule 1(b) that are filed in the First Judicial District in Dakota County, the Fourth Judicial District, and ~~in~~ the Sixth Judicial District in St. Louis County in Duluth on or after ~~July 1, 2013,~~January 1, 2016,

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shall be assigned to the ELT and managed pursuant to these Special Expedited Litigation Track Rules (ELT Rules).

(b) Actions Included. The following civil actions shall be assigned to the ELT, unless excluded pursuant to Rule 1(c) herein:

(1) in the Sixth Judicial District in St. Louis County in Duluth and in the First Judicial District in Dakota County, all civil matters having the case type indicator Consumer Credit Contract, Other Contract, Personal Injury, ~~or~~ Other Civil, or Conciliation Appeal;

(2) in the ~~First~~Fourth Judicial District ~~in Dakota County~~, all civil matters having the case type indicator Consumer Credit Contract and Conciliation Appeal, and, where designated by the presiding judge by assignment to ELT (referred to in these rules as "Assignment to ELT"), matters having the case type indicator Other Contract, Personal Injury, or Other Civil; provided that this shall not prevent the Fourth Judicial District from initially requiring any Conciliation Appeal to first proceed with mediation before Assignment to ELT~~, and having been randomly assigned such as by a court-assigned case file number ending in an even number or some other random selection process at filing with notice to the parties~~;

(3) Any action where all the parties voluntarily agree to be governed by the ~~Special~~ ELT Rules by including an "ELT Election" in the civil cover sheet filed under the General Rules of Practice or by jointly filing an ELT Election certificate with the court, and the court has accepted such agreement by Assignment to ELT.

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