

ONE SOURCE FOR RULES GOVERNING CIVIL ACTIONS IN MINNESOTA

BY MICHAEL R. SCHECHTER & JAY W. RAMOS

As most practitioners in Minnesota know, the state rules of civil procedure are not wholly contained in the Minnesota Rules of Civil Procedure. Nor in the combined Minnesota Rules of Civil Procedure and the General Rules of Practice for the District Courts. Rather, they are divided among the Minnesota Rules of Civil Procedure, the General Rules of Practice for the District Courts — which includes the Civil Trialbook — and the Special Rules of Practice for the District Courts — which includes local rules for the Second, Fourth and Tenth judicial districts. The Rules of Professional Conduct and other such topical rules also come into play.

Dividing the rules among various sources seems at times both unruly (excuse the pun) and unnecessary. To the new or foreign practitioner, it invites confusion or error. There is no cross-reference, mention in the commentary, or other indication instructing the practitioner to consult parallel rules in other sources. For instance, nothing in Rule 55 of the Minnesota Rules of Civil Procedure tells a party that a default judgment is obtained by a hearing scheduled in which the party must prove his claim. This detail is found in Rule 117 of the General Rules of Practice. Or, nothing in Rule 4.01 of the Minnesota Rules of Civil Procedure regarding the form of a summons states that the summons must include a statement regarding the availability of alternative dispute resolution. See Minn. Stat. § 543.22. In short, one may be unaware that other sources contain parallel rules bearing on the civil procedures of their case.

The division of the rules also makes locating a particular rule at times difficult. There is no clear indication which source would contain the rule governing the *pro hac vice* motions, for instance. In addition, the sources follow no consistent form of ordering or citation.

The following chart, though not complete, is an attempt to help

ease this confusion by indexing and cross-referencing parallel rules among the Minnesota Rules of Civil Procedure, the Minnesota Rules of General Practice, the Minnesota Civil Trialbook, and the Special Rules of Practice for the Second and Fourth districts. The topical rules (e.g., rules particular to conciliation court, family court, professional conduct, etc.) are not included.

In reading the chart, please note the following guidelines:

- A bolded rule number refers to a rule that directly pertains to the topic for that row.
- A blank space does not necessarily mean that there are *no rules* that apply to a situation to which that particular topic is relevant.
- A rule in parentheses refers to a rule that is not directly on point but relates to the topic for that row.

NOTES

1 The Summons must contain a statement regarding ADR as described in Rule 114.

2 Rule 11 has recently been changed, adopting the language in Minnesota Statute § 549.211.

3 Minnesota Statute § 543.22 requires a statement about the alternative dispute resolution process as set forth in the Minnesota General Rules of Practice.

Michael R. Schechter graduated from New York University School of Law in 1993 and practices commercial litigation with Felhaber, Larson, Fenlon & Vogt PA in Minneapolis. He is a member of the MSBA Civil Litigation Governing Council and Court Rules Committee. Jay W. Ramos is a student at the University of Minnesota Law School, expecting his J.D. in 2001.

Subject	<u>Minn. R. Civ. P.</u>	<u>Minn. Gen. R. Prac.</u>	<u>Minn. Civ. Trialbook (Minn. Gen. R. Prac. Part H)</u>	<u>Spec. R. Prac. Second District</u>	<u>Spec. R. Prac. Fourth District</u>
	Action: Commencement of the Action.	3.01	114 ¹		
Admissions.	36, 37.03				
Alternative Dispute Resolution/Arbitration.	(16.03)	114		25	5
Attorneys: Appearance by Out of State Lawyers.		5			
Attorneys: Certificate of Representation and Parties.		104			
Attorneys Fees.	11 ² ; 16.06; 30.04; 37	9; 119			
Attorneys: Withdrawal of Counsel.		105			
Cases: Assignment of Cases.	40	113			
Class Actions.	23				
Continuance.	40	122; 140.03			5.08
Costs.	54.04, 58.01, 65.03				

<u>Subject</u>	<u>Minn. R. Civ. P.</u>	<u>Minn. Gen. R. Prac.</u>	<u>Minn. Civ. Trialbook (Minn. Gen. R. Prac. Part H)</u>	<u>Spec. R. Prac. Second District</u>	<u>Spec. R. Prac. Fourth District</u>
Counterclaim / Cross-Claim.	13				
Court: Decorum; Conduct of Judges and Lawyers.		2; 4			
Default Hearings: Scheduling Hearings; Proof of Claim.	55	117			
Deposit in Court.	67				
Discovery.	26-32	115.04			
Dispositive Motions.	12; 56.03	115.03			
Ex Parte Orders: Notice; Prior Application.	(77.02)	3			
Exhibits.	10.03	128; 130	12-14		
Harmless Error.	61				
Injunctions.	62.02; 65	118			
Interpreters.	43.07	8	11		
Joint Statement of the Case.		112			
Judges: Assignment / Removal.	40; 63	2.02; 106; 113			
Judgment: Against Garnishee.		136.02			
Judgment: Entry of Judgment; Stay.	54; 58; 62.06	125; 126; 136.02			
Judgment: Relief from Judgment or Order.	60	109			
Jurors.	39.03; 47; 48; 49.01; 51	123	6; 7; 15; 18		
Motion Practice.	7.02; 56.03	115			
Orders to Show Cause.		116			
Parties: Certificate of Representation and Names.	10.01	104			
Parties: Infant or Incompetent Persons.	17.02; 25.02	145			
Pleadings.	9				
Pretrial Conferences.	16	111	5	5	
Receivers.	66	137			
Referees.	53	107; 140.02			
Scheduling of Cases.	16.01-16.03	111; 122	5	5	
Scope of Rules.	1; 81; 82; 86	1; 101	1		5.02
Service.	4, 5	1.03, 7, 114 ³			
Settlement.	16.03(i); 23.05; 68	115.10; 121; 145.06			
Subpoena.	45		§9(e)		
Taking of Testimony.	43		§§9(c); 10; 11		
Time.	6	(109); 115.07			
Trial: Opening Statement and Final Arguments.	39.04	124	8		
Verdicts: Special Verdicts and Interrogatories.	49		17		
Witnesses.	43.01; 45.05; 45.06	115.08	9; 10		