

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

**February 11, 2016**

**8:00 a.m.**

**MSBA Honors Room**

**Present:** Charlie Bird – Chair, Don Betzold, Dan Cragg, Kevin Curry, Mike Dittberner, Seth Levanthal, Chuck Webber, Nancy Mischel-MSBA Staff. **By phone:** Margaret Erickson, Hon. Richard Kyle, Jr., Robin Wolpert.

**Discussion of Recommendations and Report from Joint Court Rules & Administration/Judiciary Working Group:**

Mr. Cragg presented the recommendations, which represent an effort to bring Minnesota's Rules of Civil Procedure and Evidence in conformity with the federal rules. The impetus behind this effort is to show the MSBA is being proactive, and not just reactive, with regard to court rules. Additionally, there has been no conformity update to the MN rules proposed for some time. The goal is to have the recommendations before the Assembly in June. The Judiciary Committee also needs to approve them. Mr. Bird had a number of questions and comments regarding the recommendations. He agreed to write up his concerns and circulate them via email to the Committee by February 19. Committee members will add any other comments by March 11. The final vote on the Working Group recommendations will take place during a conference call to be scheduled. Mr. Webber will draft his concern regarding Rule 37.05 and send it to Mr. Curry to bring to the attention of the Court's Advisory Committee on the Rules of General Practice.

**Update on MSBA amicus briefs in Cole and Gams cases regarding one-year dismissal change to MN Rules of Civil Procedure 5.04(a):** At the last meeting of the Committee, members voted to approve filing an amicus brief in the Cole and Gams cases. The MSBA Council later approved filing these amicus briefs in the name of the MSBA rather than just the Committee. Mr. Webber took the lead in drafting the briefs, with assistance provided by Mr. Cragg and Ms. Wolpert. The briefs have been filed.

**Discussion and vote on any proposed comments (due February 29) to the proposed amendments to the [Rules of Civil Appellate Procedure](#):** No comments were received from the Appellate Practice section. Mr. Webber, the MSBA's liaison to the Court's Advisory Committee on the Rules, stated there is nothing controversial in the proposed amendments. The Committee agreed to write a letter to the Court expressing its support for the proposed changes. Mr. Cragg offered to draft the letter by February 19.

**Review of the Court's request for comments (due March 25) on the following petitions:**

- Amendments to the [Rules of Evidence](#): Judge Larson is the MSBA's liaison to the Court's Advisory Committee on the Rules of Evidence but was not at the meeting. Mr. Bird will discuss with Judge Olson his concern regarding the proposed change to Rule 7.01 by February 19.

- Amendments to the [Code of Judicial Conduct](#): The proposed changes do not raise any concerns for the Committee. Ms. Mischel was charged with drafting a letter to the Court by February 29 indicating the Committee has reviewed the proposed changes and supports them.
- Amendments to the [Bar Admission Rules](#): The proposed changes do not raise any concerns for the committee. Ms. Mischel will draft a letter to the Court by February 29 indicating the Committee has reviewed the proposed changes and supports them.

**Proposed changes to Civil Commitment Rules (draft):** There being no urgency, this item was postponed to a future meeting.

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