


# Minnesota Digital Exhibit System (MNDES): New Requirements for Exhibits in Evidentiary Proceedings

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Business Practices Unit | Fourth Judicial District

October 18, 2024



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## Agenda

- Introduction to MNDES and use in court proceedings
- Supreme Court Order requiring use of MNDES beginning January 1, 2025
- MNDES Acceptable File Types requirements
- Live demonstration of MNDES: exhibit upload, numbering, and sharing
- Local Requirements: Discussion of Hennepin County Standing Order
- Tips and Best Practices



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## Vision

- Implement an electronic system for submitting, processing, and reviewing exhibits.
- Easy to access, easy to use.
- Provides a reliable and flexible solution for the submission, tracking, presentation, and storage of exhibits.
- Complies with MJB exhibit management processes and all applicable policies and rules.
- Permit review of admitted digital exhibits by the judicial officer or a by a jury during deliberations



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## Background: How did we get here?

- Digital / eCourt Evolution
  - Paper to Digital File Implementation (MNCIS)
  - E-Filing Implementation (eFS)
  - Increased Volume & Variety of Digital Evidence Offered in Contested Court Proceedings
    - Squad Cams, Surveillance Cams, Cell Phone Videos & Texts, Body Cams, Video Doorbells, etc. in a variety of formats
    - Security and Storage Challenges
      - Thumb Drives , Email Attachments, Cellphone Images and Recordings
  - Remote Hearings and Need for Centralized Standard Solution
    - Solutions Emerging Around the Country
    - Pandemic Onset & Providing Evidence to the Court


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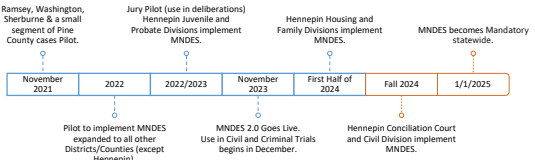
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## MNDES Implementation Timeline




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## MNDES: Intended Use

- MNDES *is* intended for use in Contested Evidentiary Hearings and Trials
  - To Provide digital exhibits to the Court
    - Audio, Video, Photos, and Documents
  - To Display Exhibits During Hearing
  - To Store Exhibits for the record on appeal.
  - To Share Exhibits with opposing party that a party plans to offer into evidence.
  - Note: Uploading is Not Offering
    - Must follow rules of evidence, lay foundation, offer exhibit for admission into evidence


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## MNDES: Not Used For

- MNDES *is not* intended for:
  - **Case Filing**
    - General Rule 14 requirements for E-Filing (eFS)
    - Case Record Retention Differs from Exhibit Retention
  - **Supporting Documents Attached to Motions**
    - Exhibits/affidavits part of civil motion should continue to be filed into the case (via eFS). See Minn. Gen. R. Prac. 14 and 115.
  - **Discovery Exchange**
    - Includes In Camera Review
  - **Editing Exhibits**
    - No redaction/annotating, A/V clipping or enhancement



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## MNDES Supreme Court Order

- The [MNDES Supreme Court Order](#) requires use of MNDES in district and appellate courts statewide beginning January 1, 2025
  - Sets standards for availability of MNDES audio and video exhibits in jury room
  - Requires submission of digital (electronic) exhibit files in appropriate formats
  - Anticipates changes to the Rules of Access, Procedure, and Evidence
  - Allows for public access to admitted Exhibits and deletion of exhibits by district court without notice



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## Key Requirements

- All electronic exhibits must be submitted using MNDES.
  - Exceptions permitting alternative submission method if:
    - (1) a party requests, and
    - (2) the presiding judge permits "for good cause shown."
- Only file types listed in [MNDES Acceptable File Type List](#) can be submitted via MNDES
  - Parties are required to make "reasonable efforts to convert any digital exhibit to a format that is on the MNDES Acceptable File Type List."
- For submissions outside of MNDES, submitting party must ensure any proprietary player and/or instructions necessary to access the digital file are provided with the exhibit



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## Key Requirements (cont.)

- Order implements Rule of Criminal Procedure 26.03, Subd. 20(1)
  - Supreme Court Order Issued February 24, 2023 with amendments effective July 3, 2023
  - Audio and Video Evidence “must” be allowed in Deliberation Room, except
    - Unless court determines doing so is not feasible, or that prejudice to a party is likely following an objection by the party.
    - Previously not permitted in the jury deliberation room and had to be reviewed in the courtroom
- Rules of Civil Procedure
  - Audio/Video in the jury deliberation room not addressed.



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## Key Requirements (cont.)

- Digital exhibits containing sexual content or nudity, as defined in Public Access Rule 4, subd. 1(s), or live links to the same, are **prohibited to be uploaded into MNDES**
  - Must be submitted by conventional means.
- Court staff will track all exhibits submitted via MNDES and provide them electronically in cases on appeal.



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## Access to Exhibits

- Court administration may provide parties, litigants, or other participants officially affiliated with a case access to evidentiary exhibits by email or other means of electronic transmission.
- For public access to exhibits:
  - Admitted exhibits available for public inspection at the court
  - Public access to evidentiary exhibits by email or other means of electronic transmission permitted only if expressly approved by the presiding judge.



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## MNDES Acceptable File Types

- [SCA Administrative Order RE Digital Accessibility](#)
  - Established requirements to limit upload to file types that can be access using MNDES
  - Upload only those file types that are playable or reviewable using the MNDES viewer.
  - Ensures security of MNDES and files stored therein
- Supreme Court Order requires State Court Administrator to maintain and update the [MNDES Acceptable File Type List](#)



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## Live Demonstration

- Login
- Individual vs. Shared Accounts
- Folder Creation and Viewing in Folder
  - Up to 10 tabs
  - Case Evidence tab
- Shares between parties
  - Shared By Me
  - Shared With Me (\*NEW)



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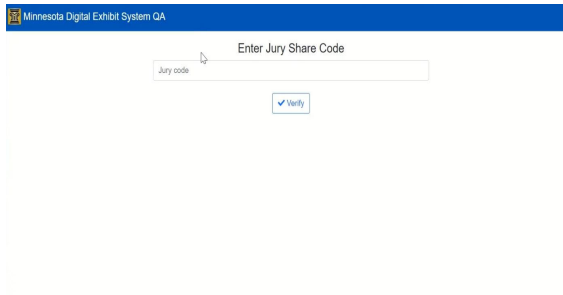
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## Jury Room View



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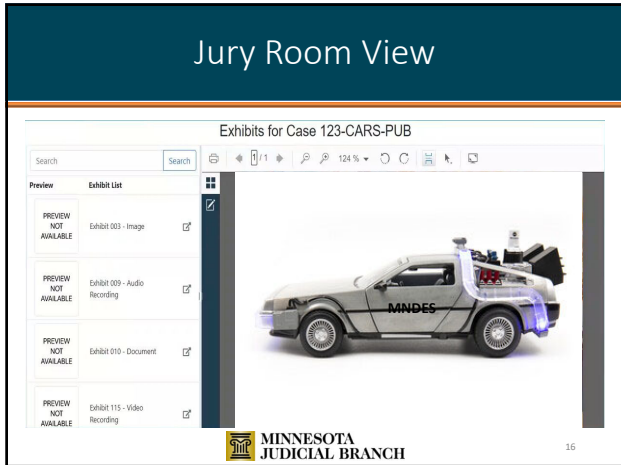
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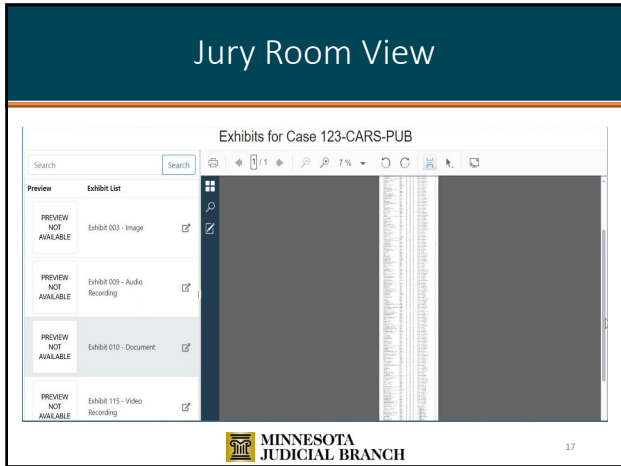
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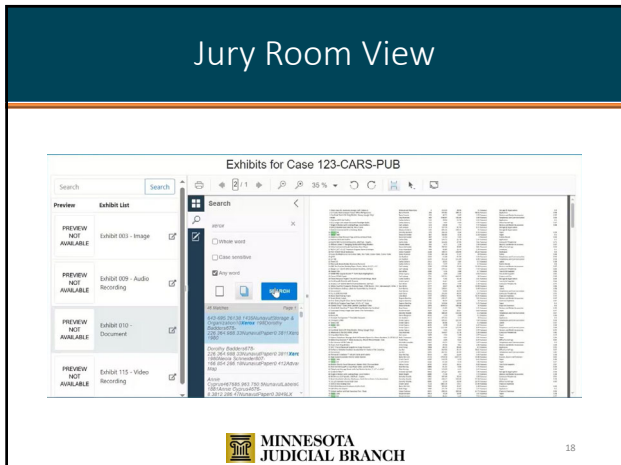
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**Local Requirements**

Fourth Judicial District (Hennepin County) Standing Orders

- [Order for Use of MNDES in Fourth District Civil Evidentiary Hearings, Jury Trials, and Court Trials](#)
- **MNDES Required in CIVIL Trials and evidentiary hearings**
  - Use of MNDES mandatory in all Hennepin Civil Court cases beginning September 30, 2024
  - Exhibit upload must comply with deadlines provided by the scheduling order or order for trial
  - Parties must share exhibits using the "Share" function
  - Provides general requirements, but refers parties to specific instructions in the assigned judge's order
  - Paper copies of exhibits still required

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**Local Requirements**

Fourth Judicial District (Hennepin County) Standing Orders

- [Order for Use of MNDES in Fourth District Conciliation Court Hearings](#)
- **MNDES Required in Conciliation Court**
  - Use of MNDES mandatory in all Hennepin Conciliation Court cases beginning September 3, 2024
  - Exhibits must be uploaded no later than seven days before the hearing
  - No paper copies required (remote hearings)
  - Additional requirements and instruction provided in the Conciliation Court Summons

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**Tips and Best Practices for MNDES Use**

- Upload exhibits individually so they are listed separately in MNDES. Do not combine multiple exhibits into a single file.
- Do not zip or compress an exhibit file.
- File should be uploaded in the original format, such as a pdf, jpg, etc., so long as the format is on the MNDES Acceptable File Types List.
  - Take reasonable efforts to convert any digital exhibit to a format that is on the MNDES Acceptable File Type List.
- Update the Exhibit Name so that it briefly describes the content and is easily identifiable (for example, "picture of rear passenger door").
- Only include an Exhibit Number if the judicial officer instructs you to do so. Check to see whether your judicial officer issued a "scheduling order" and, if so, follow any numbering instructions that were included.

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## Tips and Best Practices for MNDES Use

- Follow any standing order, pre-trial, or scheduling order from the court.
- Best Practices Checklist provides guidance absent court specified direction.
  - Use three digits (001, 002, 003) and avoid alpha characters.
  - Include only those portions of the exhibit that will be offered as evidence.

[MNDES Webpage](#) and [MNDES Login](#)



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## Tips and Best Practices for MNDES Use

- Jury Trial: things to consider
  - Consider stipulating to exhibit list that will go to the jury.

Exhibit Index

Exhibit #	Description
101	3 cars
102	2 cars
103	Items by trees
104	Items and snowmobile by driveway
105A	2 cars with grill on right
106A	Items along garage
107	License plate
110	Deed



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## Tips and Best Practices for MNDES Use

- Jury Trial: things to consider
  - Any mark-ups by witnesses would need to be memorialized and uploaded as a separate exhibit if you want the mark-ups to go to the jury.
- Jury Instructions:

### Jury Instruction Guide (JIG) – Digital Exhibits

During your deliberations, you will have with you in the jury room the *physical* exhibits that were received into evidence. You will also have dedicated equipment and an access code to review the *digital* exhibits. [You will also have instructions on how to use the equipment.]

[Do not hesitate to send out a note asking for help if you have any technical problems reviewing the digital exhibits.]



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## Tips and Best Practices for MNDES Use

- Evidence basics are the same:
  - Lay foundation, offer exhibit, ask to publish
- Close out any other programs (Outlook, Teams, Slack, etc.)
- Make the exhibit full screen before asking to publish



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## Questions?

- MNDES Support
  - Twin Cities Metro: (651) 413-8160
  - Toll-Free: (833) 707-2791
  - [www.mncourts.gov/MNDES/contact.aspx](http://www.mncourts.gov/MNDES/contact.aspx)
- Appendix for this CLE includes Supreme Court Order, Fourth Judicial District Standing Orders and Checklist of Best Practices



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# Appendix

**FILED**

August 30, 2024

**OFFICE OF  
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM09-8010

**ORDER REGARDING USE OF THE MINNESOTA DIGITAL EXHIBIT  
SYSTEM IN MINNESOTA DISTRICT AND APPELLATE COURTS**

By order filed on November 8, 2021, in response to the increase in court proceedings held virtually and the submission of digital exhibits in district court cases, this court established a pilot to (1) test the feasibility of using the Minnesota Digital Exhibit System (MNDES) to streamline exhibit management by providing a secure tool and standardized process for submitting, accessing, and managing exhibits in district court cases; (2) allow deliberating jurors to view admitted digital exhibits in compliance with Rule 26.03, subdivision 20 of the Rules of Criminal Procedure; and (3) provide the appellate courts with access to digital exhibits in cases on appeal. *See In re the Minnesota Digital Exhibit System Pilot, No. ADM09-8010 (Minn. Filed Nov. 8, 2021).*

The State Court Administrator was ordered to establish procedures to monitor the MNDES pilot and file a report providing recommendations on the continuation, expansion, or discontinuance of MNDES. On July 1, 2022, and September 15, 2022, the State Court Administrator reported successful implementation and use of MNDES and recommended updates and enhancements to MNDES, expansion of the MNDES pilot to all district courts, a pilot for use of MNDES during jury deliberations, and changes to the Rules of Public Access to Records of the Judicial Branch to address the public accessibility of exhibits

uploaded into MNDES. *See* Minnesota Digital Exhibit System Pilot Project Report, No. ADM09-8010 (filed July 1, 2022), *and* Minnesota Digital Exhibit System Pilot Project Report – Supplement to July 1, 2022 Report, ADM09-8010 (filed Aug. 2, 2024) (report dated Sept. 15, 2022).

This court then issued an amended order (1) permitting expansion of the MNDES pilot; (2) requiring additional security measures for devices used during jury deliberations; (3) providing a presiding judge discretion to mandate use of MNDES in district court proceedings; (4) clarifying that only those exhibits in MNDES offered in a court proceeding are “case records” as defined in the Rules of Public Access to Records of the Judicial Branch and that “pre-hearing” exhibits in MNDES that are not offered at the hearing are not case records and are not publicly accessible; and (5) directing that Minnesota Judicial Council Policy 502, Records Disposition, and State Court Administrator Policy 502(a), Records Retention Schedule, govern exhibits in MNDES that are part of a case record, and allowing for pre-hearing exhibits to be deleted from the system at the discretion of court administration or the presiding judicial officer. *See* *In re the Minnesota Digital Exhibit System Pilot*, No. ADM09-8010 (Minn. filed Oct. 5, 2022).

On May 30, 2024, the State Court Administrator’s Office submitted a third report detailing the work of a subgroup of the MNDES pilot team that included judicial officers, court staff, staff attorneys, and information technology staff that met regularly to plan for and implement the pilot for use of MNDES during jury deliberations. *See* *Minnesota Digital Exhibit System Update and Jury Pilot Project Report*, ADM09-8010 (filed Aug. 2, 2024) (report dated May 30, 2024).

### ***Jury Pilot Results.***

Prior to use of MNDES in jury deliberations, the MNDES pilot team and the jury subgroup ensured computers installed in jury deliberation rooms complied with strict cybersecurity protocols permitting juror access to only those digital exhibits admitted into evidence. The team also developed and disseminated best trial practice advice, jury instruction materials, and local equipment instructions. The State Court Administrator reported that between December 2023 until April 2024, 11 judges across 9 judicial districts participated in the pilot use of MNDES with deliberating juries in 15 cases. The number of exhibits in the pilot trials ranged from 2 to 84. Jurors reported ease of use of MNDES to view all types of digital exhibits and none of the jurors in the pilot trials requested technological assistance or reported technological problems during deliberations. Surveyed judicial officers also indicated that MNDES was effective and relayed their intent to continue to use MNDES during jury deliberations.

Due to the success of the pilot, the State Court Administrator recommended that the pilot for use of MNDES during jury deliberations end and that use of MNDES by deliberating juries be implemented statewide in a manner that ensures security of devices used by jurors.

### ***Need for Consistency Statewide.***

As established during the pilot, once MNDES is implemented in a district, it becomes the only system where judicial branch staff make official entries regarding the exhibits offered and admitted in district court cases within that district. However, because MNDES use is discretionary statewide under the pilot, requirements for parties to use

MNDES for the actual submission of hearing and trial exhibits are subject to varying orders, sometimes differing between counties within the same judicial district or between courtrooms within the same county, as presiding judicial officers issue orders directing MNDES use and specifying requirements for submissions in MNDES. This creates a gap where in some cases MNDES lists all offered exhibits for a particular case, but few or none of the digital exhibits are uploaded and available in MNDES.

To ensure consistency in exhibit management and case processing throughout all district courts, the State Court Administrator recommended that use of MNDES for digital exhibit submission and exhibit management be made mandatory statewide.

In addition to effectuating consistency in use of MNDES statewide, the State Court Administrator's report also identified the need for the court to place limits on the submission, access, use, and retention of digital court and case exhibit records.

***Digital File Type Issues.***

With the changes in technology and increase in use and proliferation of audio, video, and other digital media systems, evidence offered in court proceedings is increasingly and primarily digital in nature. Digital exhibits and digital exhibit file types have presented challenges for the courts both before and after the implementation of MNDES. Digital files requiring proprietary audio or video players have most often been played by the offering party at hearings and trials and then offered into evidence on a disc with a wide variety of files and at times without instructions for how to play the files, resulting in the audio or video files being rendered inaccessible and unplayable on appeal.

MNDES initially allowed all file types to be uploaded into MNDES. While MNDES can play the vast majority of uploaded digital file types, certain file types are not playable or viewable in MNDES. For example, certain proprietary file types, zipped files, and file types not compatible with commonly used media players cannot be played using MNDES. This can create confusion or frustration when a user or the court cannot view or play incompatible uploaded exhibits. In some instances, the inability of a reviewing court to view or play an admitted audio or video evidentiary file was not detected until well into the appeals process, requiring considerable work by the Clerk of Appellate Courts, the Centralized Appeals Unit, and district and appellate judicial officers to address the gaps in the record. In addition to the playback challenges, permitting the submission of all file types without specific guidelines and requirements increases the possibility that malicious files and programs could be introduced into judicial branch systems.

In response to the problems associated with uploading incompatible, inappropriate, or potentially unsafe file types, cybersecurity and information technology personnel in the State Court Administrator's Office analyzed the file types uploaded to MNDES and created a list of Acceptable File Types that both work with the MNDES player and do not pose a cybersecurity threat to Minnesota Judicial Branch systems. On April 8, 2024, the State Court Administrator issued an Order, effective June 1, 2024, requiring that the upload permissions for MNDES file types be set to permit users to upload only those file types that are playable or reviewable using MNDES, and directed that an Acceptable File Types List be published. Order Establishing Permitted File Types for the Minnesota Digital Exhibit Systems, No. SCA-AO-24-1 (filed Apr. 8, 2024).

To mitigate the challenges associated with the submission of non-conforming file types, the State Court Administrator recommended that parties be required to submit exhibits to the court only in a format on the Acceptable File Types List as directed in the State Court Administrator's Order.

***Digital Exhibit Retention and Access.***

Rule 128 of the General Rules of Practice for the District Courts, Retrieval or Destruction of Exhibits, states that the offering party of exhibits must “remove all exhibits from the custody of the court upon final disposition of a case” and that “[f]ailure to do so within 14 days of being notified to do so will be deemed authorization to destroy such exhibits.” Notably, Rule 128 was implemented when exhibits were offered into evidence and retained in original, physical form pending the final disposition of a case. Digital exhibits uploaded into MNDES are inherently copies of digital records provided by the party offering the exhibit, and are not unique, original physical items. Parties submitting digital exhibits into MNDES are presumed to retain the exhibit they uploaded to MNDES. Thus, parties submitting digital exhibits to MNDES do not require the same notice to retrieve exhibits deposited with the court before such exhibits may be destroyed by the court.

To streamline the destruction of digital exhibits maintained in MNDES, the State Court Administrator has requested that district courts be able to destroy digital exhibits in MNDES according to Minnesota Judicial Council Policy 502, Records Disposition, and State Court Administrator Policy 502(a), Records Retention Schedule, and to do so without notice to the submitting party.



Finally, Rule 8, subdivision 2(i)(2) of the Rules of Public Access to Records of the Judicial Branch provides that the record custodian may “provide public access by e-mail or other means of transmission to publicly accessible records that would not otherwise be remotely accessible under parts (b) through (h)” of Rule 8. Exhibits are not covered in subdivision 2, parts (b) through (h). Exhibits are instead addressed in Rule 8, subdivision 5, which states in part at paragraph (c) that “[e]videntiary exhibits from a hearing or trial shall not be remotely accessible . . . .” Thus, while the record custodian has discretion to provide public access by e-mail or other means to certain publicly accessible records that would not otherwise be remotely accessible, there is no exception allowing the court to provide access by e-mail or other means to exhibits. Explaining this limitation, the 2015 Advisory Committee Comment states:

Rule 8, subd. 5, is also amended to clarify that trial exhibits are not remotely accessible. Many exhibits because of their physical nature cannot be digitized, and therefore would not be remotely accessible. This clarification attempts to provide consistency for remote public access treatment of exhibits.

Currently when a member of the public or the media requests access to publicly accessible digital exhibits, the court must either arrange and facilitate a public viewing of the exhibit or download the exhibit onto some type of drive to provide it to the requestor. However, because MNDES is an online exhibit management system, it may be feasible in some circumstances for the court to fulfill a digital exhibit access request by providing a hyperlink to an exhibit in MNDES—if approved by the presiding judge—which will save district court staff time and resources.

The State Court Administrator has requested that amendments to the public access rules be considered—and that, in the interim, the court by this order permit—that district courts be given the discretion to provide remote access to publicly accessible digital exhibits, if and when the presiding judge approves of that method of transmission.

***Court Rules Governing Digital Exhibits.***

In January 2020 and February 2023, this court recognized the nature and impact of digital evidence in criminal proceedings when it permitted certain audio and video evidence into the jury room during jury deliberations and subsequently amended Rule 26.03, subdivision 20 of the Rules of Criminal Procedure to require audio and video exhibits admitted during a trial to be permitted into the jury room, with some exceptions. *See In re Pilot Project in Certain Criminal Jury Trials*, No. ADM10-8049 (Minn. filed Jan. 8, 2020), *and Order Promulgating Amendments to the Minnesota Rules of Criminal Procedure*, No. ADM10-8049 (Minn. filed February 24, 2023).

While the Rules of Criminal Procedure address the use of digital evidence in court proceedings, neither the General Rules of Practice for the District Courts nor the Rules of Civil Procedure address digital or electronic evidence submitted in non-criminal district court proceedings. Additionally, while the Rules of Public Access to Records of the Judicial Branch address electronic access to judicial branch records and the provision of both physical and digital records, the rules do not differentiate between digital and physical exhibits or directly address access to digital exhibits.

This court previously recognized the need to modernize court rules and practice when it developed and implemented Rule 14 of the General Rules of Practice for the

District Courts requiring mandatory electronic filing and service of pleadings or documents, with certain exceptions. Similarly, we recognized the need to develop standardized formatting requirements by further amending the Rules of General Practice to require that “all pleadings or documents filed electronically must comply with the format requirements established by the state court administrator in the *Minnesota District Court Registered User Guide for Electronic Filing*.” See Minn. Gen. R. Prac. 6.01.

Just as the promulgation of Rule 14 modernized electronic filing and service, new and amended rules of procedure are needed to address the submission, access, use, and retention of digital exhibits in district court proceedings. This will likely require amendments to the General Rules of Practice for the District Courts and the Rules of Public Access to Records of the Judicial Branch. The Rules of Criminal Procedure, Rules of Civil Procedure, Rules of Civil Appellate Procedure, and Rules of Evidence may also require amendment to address issues relating to digital exhibits in the near future.

Until any such amendments to the respective rules can be considered and promulgated, the following order of this court is necessary to address the submission, access, use, and retention of digital exhibits in court proceedings.

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

IT IS HEREBY ORDERED THAT:

1. Parties and attorneys must use MNDES for the submission of all electronic (digital) exhibits, including documents, photographs, audio files, and video files, for all district court cases statewide, unless the presiding judge permits, for good cause shown, an alternative submission method pursuant to a direct request by the submitting party. Court

staff must use MNDES to track all exhibit submissions and to provide the exhibits that are part of the case record on appeal for all district court cases statewide.

2. Because the use of MNDES makes it feasible to send audio and video exhibits into the jury deliberation room, in compliance with Minn. R. Crim P. 26.03, subd. 20(1)—which requires that the court must permit received exhibits or copies into the jury room subject to certain exceptions—the district courts must permit admitted audio and video exhibits in MNDES into the jury room in criminal proceedings unless the trial judge excludes an exhibit from the jury room in a particular case under the exceptions delineated in that rule.

3. The district courts may permit admitted audio and video exhibits in MNDES into the jury room in civil proceedings at the discretion of the trial judge.

4. The trial judge must ensure that proper protocol is used to confirm that devices provided to jurors in the deliberation room to view exhibits in MNDES meet cybersecurity requirements established by the State Court Administrator and that jurors can only use the devices to view exhibits the presiding judge has authorized the jurors to view during deliberations.

5. Parties shall submit exhibits into MNDES in a format that complies with the MNDES Acceptable File Types List. The List shall be maintained, periodically reviewed, and published by the State Court Administrator on the Minnesota Judicial Branch website.

6. Parties shall make reasonable efforts to convert any exhibit that requires a proprietary player and/or codecs into a file type listed on the MNDES Acceptable File Types List. If the file cannot be converted to an acceptable file type, the party shall contact

the presiding judge to request permission to submit the exhibit to the court outside of MNDES. If submission outside of MNDES is approved by the presiding judge and if the exhibit is admitted into evidence, the submitting party must ensure the submitted file is readable and reviewable, provide to the district court any proprietary player and/or codecs necessary to play the file, provide instructions for how to play the file, and facilitate requests for public access and appellate review.

7. District courts may delete exhibits in MNDES from the system subject to the Minnesota Judicial Branch Policy on Records Disposition (Policy 502) and the Records Retention Schedule (Policy 502(a)) without the notice to the submitting party that is otherwise required by Minn. Gen. R. Prac. 128.

8. If authorized by the presiding judge, court administration may provide public access by e-mail or other means of transmission to publicly accessible exhibits in MNDES. Court administration is also authorized to provide access by e-mail or other electronic means to exhibits in MNDES to parties, litigants, or other participants officially affiliated with a case in district court or on appeal.

9. Exhibits in MNDES offered in court proceedings are “case records” as defined in Rule 3 of the Rules of Public Access to Records of the Judicial Branch. Exhibits uploaded and stored in MNDES but not offered to the court (those exhibits in “pre-hearing status”) are not case records of the Minnesota Judicial Branch as defined in the Rules of Public Access and are not publicly accessible.

10. Exhibits containing or alleged to contain sexual content or nudity, as defined in Rule 4, subd. 1(s), of the Rules of Public Access to Records of the Judicial Branch, or

containing live hyperlinks to such content, must not be uploaded into MNDES. Such exhibits must be submitted by conventional means.

11. This order supersedes all prior orders regarding the MNDES pilot, is effective January 1, 2025, and will continue until further order of this court.

Dated: August 30, 2024

BY THE COURT:

A handwritten signature in black ink, appearing to read "Natalie E. Hudson". The signature is written in a cursive, flowing style.

Natalie E. Hudson  
Chief Justice

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In re:

Exhibit Requirements and Mandatory Use of the  
Minnesota Digital Exhibit System in Civil Cases<sup>1</sup>

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**STANDING ORDER DIRECTING PARTIES TO USE THE MINNESOTA DIGITAL  
EXHIBIT SYSTEM IN FOURTH JUDICIAL DISTRICT CIVIL DIVISION  
EVIDENTIARY HEARINGS, JURY TRIALS, AND COURT TRIALS**

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**WHEREAS**, in November 2021, the Minnesota Supreme Court established a pilot program for the Minnesota Digital Exhibit System (MNDES) in response to the increased volume of remote court proceedings and the submission of digital exhibits in district court cases.

**WHEREAS**, MNDES is an electronic system for submitting and processing exhibits that provides a reliable and flexible tool for submitting, sharing, tracking, presenting, and storing exhibits.

**WHEREAS**, the pilot program demonstrated that MNDES streamlines exhibit management in the district court, and provides appellate courts with ready access to exhibits in cases that are appealed.

**WHEREAS**, the Minnesota Supreme Court issued an Order on [October 5, 2022](#), addressing the expansion of the MNDES pilot to all judicial districts, and establishing guidelines or the use of MNDES in criminal and civil proceedings by parties, litigants, jurors, or other participants officially affiliated with a case in district court or on appeal.

**WHEREAS**, the Supreme Court's Order states that MNDES is not required to be used in a district court case unless ordered by a presiding judge.

NOW THEREFORE:

**IT IS HEREBY ORDERED**

1. Use of MNDES is mandatory for all counsel and self-represented litigants beginning September 30, 2024, in Fourth District Civil Division cases for evidentiary hearings, jury trials, and court trials.<sup>2</sup>

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<sup>1</sup> See separate standing order for MNDES requirements for conciliation court cases.

<sup>2</sup> Exhibits submitted as part of a civil motion should continue to be filed into the case via the Minnesota Court Information System (MNCIS). *See* Minn. Gen. R. Prac. 14 and 115.

2. Prior to an evidentiary hearing, court trial, or jury trial in a Civil Division case, the parties must exchange exhibit lists and copies of proposed exhibits as required either by the Rules<sup>3</sup> or any court order, and in accordance with the deadlines therein.
3. All proposed digital exhibits (documents, images, audio, or visual media) must be uploaded to MNDES in accordance with the deadlines provided in the scheduling order or order for trial, and if not provided in such an order, no later than the day before the hearing or trial. Information regarding registration and how to use MNDES is available at: [www.mncourts.gov/mndes](http://www.mncourts.gov/mndes).
4. Parties must share exhibits through MNDES by selecting the “Share” function and entering an email address or cell phone number.
5. Unless otherwise specified by court order, exhibits must be numbered as follows:
  - a. Plaintiff/Petitioner shall number their proposed exhibits, using the “Exhibit #” field in MNDES, beginning with number 001 and through number 499.
  - b. Defendant/Respondent shall number their proposed exhibits, using the “Exhibit #” field in MNDES, beginning with number 500 through 999.
  - c. Additional parties shall number their proposed exhibits, using the “Exhibit #” field in MNDES, beginning with number 1000-1999, 2000-2999, etc., as agreed to by the parties or set forth in a court order in the case.
6. When uploading a proposed exhibit in MNDES, a party must update the “Description” field with information that briefly describes the exhibit’s content in a neutral manner that is easily identifiable. Include names, dates, and locations where appropriate (e.g., “Plaintiff’s image of red car taken 1/1/2023 at Defendant’s home”). The description should be identical to the information in the exhibit list filed with the court.
7. Exhibits uploaded to MNDES are not automatically admitted into evidence upon upload. The exhibits are proposed or “pre-hearing” exhibits, and the uploading party must still offer the exhibits to be accepted as evidence during the hearing or trial. Exhibits will only be reviewed and considered by the judge after being offered on the record and received into evidence by the court.
8. Unless an exhibit is classified as non-public or sealed, if a party plans to use MNDES for purposes of displaying exhibits in the courtroom, it is the responsibility of the offering party to display exhibits using a personal computer or other device brought to the courtroom by that party. The party may use their device to display the exhibit using their own display technology or courtroom display technology (if available). If a party would like access to a courtroom prior to a hearing or trial to test equipment, please contact chambered staff to arrange access.

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<sup>3</sup> See Minn. Gen. R. Prac. Part H, § 12 (Exhibits).



9. This Order applies to all proposed hearing or trial exhibits, including rebuttal exhibits. No other exhibits will be admitted in either party's case in chief without a showing of good cause. In unforeseen circumstances, the court may allow rebuttal exhibits to be offered outside the MNDES system, but the offering party must upload such exhibits to MNDES within 24 hours if the exhibits are received as evidence by the court.
10. Unless otherwise specified by court order, the parties must bring to court two paper copies of all documentary, visual, or photographic exhibits at the time of the hearing or trial—one copy for the court and one copy for the witness stand which may also be supplied to jurors during deliberation. Counsel or self-represented litigants must certify that the paper copies provided to the court are true and accurate copies of the exhibits that were uploaded to MNDES.
11. Relief from Operation of this Order:
  - a. Upon motion and a showing that uploading of exhibit(s) to MNDES was not completed because of: (1) an error in the transmission of the document to MNDES; (2) a failure of MNDES to process the document when received; or (3) other technical problems experienced by the sending party or MNDES, the court may enter an order permitting the exhibit(s) to be deemed uploaded on the date and time it was first attempted to be uploaded. If appropriate, the court may adjust the schedule for responding to the exhibit(s).
  - b. Upon motion and a showing that an uploaded exhibit was unavailable to or not received by an opposing party, the court may enter an order extending the time for responding to that exhibit.
12. Counsel or a party required by this Order to use MNDES for exhibits at an evidentiary hearing or trial may request to be excused from MNDES by filing a motion with the court. Where no judicial officer is assigned to the case, the motion should be addressed to the Presiding Judge of the Civil Division as the designee of the Chief Judge of the Fourth Judicial District. An opt-out request may be granted for good cause shown. If an opt-out request is granted, the court will make arrangements for court personnel to upload all exhibits into MNDES or for such other accommodation as the court deems appropriate.

BY THE COURT:

Dated: August 21, 2024



Sande, Christian  
2024.08.21 13:02:03 -05'00'

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Christian M. Sande, Presiding Judge  
Fourth Judicial District Civil Division

In re:

Exhibit Requirements and Mandatory Use of the  
Minnesota Digital Exhibit System in Conciliation  
Cases

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**STANDING ORDER DIRECTING PARTIES TO USE THE MINNESOTA DIGITAL  
EXHIBIT SYSTEM IN FOURTH JUDICIAL DISTRICT  
CONCILIATION COURT HEARINGS**

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**WHEREAS**, in November 2021, the Minnesota Supreme Court established a pilot program for the Minnesota Digital Exhibit System (MNDES) in response to the increased volume of remote court proceedings and the submission of digital exhibits in district court cases.

**WHEREAS**, MNDES is an electronic system for submitting and processing exhibits that provides a reliable and flexible tool for submitting, sharing, tracking, presenting, and storing exhibits.

**WHEREAS**, the pilot program demonstrated that MNDES streamlines exhibit management in the district court and provides appellate courts with ready access to exhibits in cases that are appealed.

**WHEREAS**, the Minnesota Supreme Court issued an Order on [October 5, 2022](#), addressing the expansion of the MNDES pilot to all judicial districts, and establishing guidelines for the use of MNDES in criminal and civil proceedings by parties, litigants, jurors, or other participants officially affiliated with a case in district court or on appeal.

**WHEREAS**, the Supreme Court's Order states that MNDES is not required to be used in a district court case unless ordered by a presiding judge.

NOW THEREFORE:

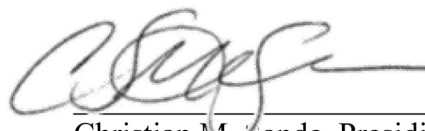
**IT IS HEREBY ORDERED**

1. Use of MNDES is mandatory for all counsel and self-represented litigants beginning September 3, 2024, in Fourth Judicial District Conciliation Court cases.

2. All proposed exhibits (documents, images, audio, or visual media) must be uploaded to MNDES no later than seven (7) days in advance of a scheduled hearing. Information regarding registration and how to use MNDES is available at [www.mncourts.gov/mndes](http://www.mncourts.gov/mndes).
3. Prior to a hearing in a Conciliation case, the same exhibits provided to the court must be sent to the opposing parties at least seven (7) days prior to the scheduled hearing date.
4. Counsel or a party required by this Order to use MNDES for exhibits at a hearing may request to be excused from MNDES by filing a motion with the Court. The Presiding Judge of the Civil Division, as designee of the Chief Judge of the Fourth Judicial District, may grant the request for good cause shown. If an opt-out request is granted, the court will make arrangements for court personnel to upload all exhibits into MNDES or for such other accommodation as the court deems appropriate.
5. All requirements for submitting exhibits for a conciliation court hearing are contained in the Conciliation Court Summons issued by the court.

BY THE COURT:

Dated: August 21, 2024



Sande, Christian

2024.08.21 13:03:02

Christian M. Sande, Presiding Judge  
Fourth Judicial District Civil Division



## **Checklist – Best Practices for Parties Using the Minnesota Digital Exhibit System (MNDES) with a Jury**

The purpose of this document is to provide best practices for parties using MNDES both before and during a jury trial.

**Reminder:** An exhibit in MNDES is not evidence until the court has admitted it during trial. The party offering the exhibit must provide the foundation or a stipulation before offering exhibits for admission.

- Number exhibits for identification using three digits (e.g., 001, 002, 003).
- Do not use alpha characters in your exhibit numbers (e.g., A, B, C). If exhibits are related, use dashes or decimals (e.g., 001-1 or 001.1). This ensures exhibits are sorted correctly and are listed in sequential order.
- Refer to exhibits by the exhibit number not the tracking number in court. This identifies the exhibits consistently for the jury’s review during deliberations.
- Include only those portions of exhibits that will be offered as evidence.
- Discuss potential redactions early, such as during Motions in Limine, to prevent delays when the jury share is created.
- Use sufficient descriptions for exhibits. (Examples: “2022 Plaintiff Target paystubs” or “Officer Terry body cam video 10/2/22” or “Johnson left leg injury photo”). This ensures parties can quickly locate the exhibit needed during trial.
- If possible, any party intending to play a video, audio recording, or use other technology in the courtroom during trial should make arrangements with court administration in advance of the trial to test the equipment.