

JUL 19 2023

STATE OF MINNESOTA
COUNTY OF CARVER

State of Minnesota

DISTRICT COURT
FIRST JUDICIAL DISTRICT
ALL CASE TYPES

In Re:

JUDICIAL STANDING ORDER

Exhibit Requirements

Effective September 1, 2023

IT IS HEREBY ORDERED:

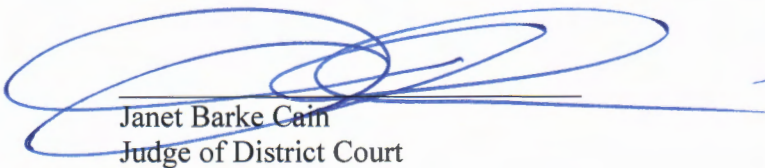
1. Prior to a Contested Hearing, Evidentiary Hearing, Court Trial or Jury Trial in Carver County, the parties must exchange exhibit lists and copies of proposed exhibits in a timely manner as outlined by the Rules or any Court Order, and if not provided in the Rules or Order, no later than the day before the hearing.¹
2. All proposed digital exhibits (audio, visual, images, and documents) must be uploaded to the Minnesota Digital Exhibit System (MNDES) no later than the day before the Contested Hearing, Evidentiary Hearing, Court Trial, or Jury Trial, unless otherwise specified by way of Court Order. Information and training on how to use MNDES is available at: www.mncourts.gov/mndes.
3. Parties must share exhibit(s) through MNDES by selecting the “Share” function and enter an email address or cell phone number. The share function can be used for service if both parties agree.
4. Unless otherwise specified by Court Order, Exhibits shall be numbered as follows:
 - a. Plaintiff/Petitioner shall number their proposed exhibits, using the Exhibit Number field in MNDES, beginning with number 001 and through number 099.
 - b. Respondent/Defendant shall number their proposed exhibits, using the Exhibit Number field in MNDES, beginning with number 100 through 199.
 - c. Other parties shall number their proposed exhibits, using the Exhibit Number field in MNDES, beginning with number 200-299, 300-399, etc. as agreed upon by the parties.
 - d. If any party has more than 99 exhibits to upload, seek further direction on numbering from the Court.
5. When uploading the proposed exhibit in MNDES you must update the Exhibit Name field with the exhibit number and a clear description of the proposed exhibit so that the exhibit is easily identifiable during court, this information should be identical to the exhibit list filed with the court (e.g., “Ex. 001 Picture of rear passenger door”).
6. Exhibits uploaded to MNDES are not admitted as evidence upon upload, they are proposed exhibits. The offering party must specifically “offer” or ask the judge to allow proposed exhibits to be accepted as evidence in the case during the hearing. Exhibits will only be reviewed and considered by the judge after being offered on the record.

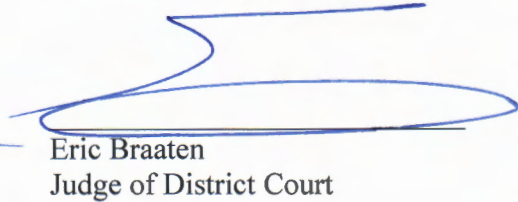
¹ Refer to Carver County Guidelines document for further information on exchanging, or sharing, exhibits through MNDES.

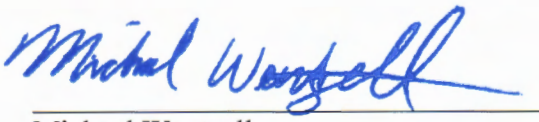
7. Unless the exhibit is classified as non-public or sealed, it is the responsibility of the offering party to display exhibits onto the courtroom display monitors during court. A personal computer or other device must be brought to the courtroom to display exhibits using the courtroom's technology (ClickShare or HDMI cables). If a party/attorney would like access to a courtroom prior to the hearing to test equipment, please contact court administration at 952-361-1420 to arrange access.
8. Unless otherwise specified by Court Order, for a Contested Hearing, Evidentiary Hearing, Court Trial, or Jury Trial, two certified² paper copies of visual, image, and document exhibits must be brought to court (1 copy for the Court and 1 copy for the witness stand which may be used in jury deliberation).
9. This order covers anticipated rebuttal exhibits as well. No other exhibits will be admitted in either party's case without a showing of good cause. In unforeseen circumstance, the Court may allow rebuttal exhibits to be submitted outside the MNDES system.
10. Until such time the necessary technology has been implemented and installed in the jury room(s) for audio and video exhibits to be securely viewed and reviewed in the jury room, any jury review of audio and video exhibits must occur in open court pursuant to Minn. R. Crim. P. 26.03, subd. 20(2)(b).
11. The Carver County Exhibit Guidelines, attached hereto, is incorporated by reference.

Date: 7/19/23

BY THE COURT:


Janet Barke Cain
Judge of District Court


Eric Braaten
Judge of District Court


Michael Wentzell
Judge of District Court


Martin Fallon
Judge of District Court

²Unless required by rule or statute, here, the attorneys and/or Self-Represented Litigants merely need to certify to the Court that the paper copies are a true and accurate copy of what has been uploaded to MNDES.

MINNESOTA DIGITAL EXHIBIT SYSTEM (MNDES)

Carver County Guidelines

MNDES is an electronic system for submitting and processing exhibits. It provides a reliable and flexible solution for sharing, submitting, tracking, presenting, and storing exhibits. Below are guidelines to follow.

Resources:

1. MNDES is used to submit exhibits to the court and to provide access to uploaded exhibits to others, including opposing parties. Any court rules or court orders regarding exhibits also apply to exhibits submitted through MNDES and need to be followed (e.g., providing discovery and/or exhibits to opposing parties, etc.).
2. Information and training resources, such as quick reference guides and frequently asked questions, are available under the Evidence and Exhibits Help Topic at www.mncourts.gov/mndes.
3. If you do not yet have a MNDES account, one should be created prior to the hearing so that exhibits can be uploaded prior to the hearing and retrieved during the hearing. For assistance creating an account or for support with MNDES, select the Contact Us button at www.mncourts.gov/mndes or call (651) 413-8160 from the Twin Cities Metro, or (833) 707- 2791 from other locations.

MNDES Exhibit Submissions:

1. Uploading Exhibits
 - Exhibits should be numbered as detailed in the Carver County Judicial Standing Order
 - Exhibit descriptions should be detailed as reflected in the Carver County Judicial Standing Order
 - Exhibit list filed with the court should be identical to the MNDES Exhibit Name field description (e.g., Ex. 001 Picture of rear passenger door)
 - Exhibits should be uploaded in their native format - do not zip or compress an exhibit file
 - Exhibits should be uploaded individually so they are listed separately in MNDES - multiple exhibits should not be combined into a single uploaded file
 - If the exhibit is too large to be submitted in MNDES (size limit is over 100 GB), you must submit as a physical exhibit
 - An exhibit should be uploaded as “public”¹ unless it meets one of the following criteria:
 - Medical record admitted in Civil Commitment Case
 - Judicial Order restricting public access to exhibits
 - If an exhibit contains sensitive information that is not relevant or necessary to the case, you may redact that information before uploading the exhibit.
2. If you need to submit a certified copy for the purposes of authenticating that exhibit as an original copy, the certified original should be provided to the court as a physical exhibit.
3. Physical exhibits that cannot be digitized (e.g., weapons, drugs, etc.) should be brought into the courtroom. Once offered and accepted, court staff will label and upload a physical exhibit tracking sheet into MNDES.
4. You cannot upload exhibits in sealed cases. If the case is sealed, you must contact Court Administration at (952) 361-1420 to upload the exhibits on your behalf.
5. In-Camera Review exhibits are not uploaded to MNDES.

Viewing and Sharing Exhibits Submitted Through MNDES:

1. The person who submitted the exhibits can view their own public exhibits through MNDES, using the same sign on that was used when submitting.
2. The person who submitted the exhibits must share exhibit(s) through MNDES by selecting the “Share” function and entering an email or cell phone number. The share function can be used for service if both parties agree. A Quick Reference Guide-Sharing Exhibits is available under the MNDES Portal Training Materials at www.mncourts.gov/mndes.

¹ By Order of the Supreme Court, prehearing exhibits are non-public unless or until admitted as evidence in a public proceeding or designated as public by order of a Judicial Officer.

3. Prehearing exhibits are not accessible to the public unless or until admitted as evidence in a public proceeding.
4. The Rules of Public Access² provide that evidentiary exhibits are accessible to the public once admitted as evidence in a public proceeding. Exceptions include medical records in a Civil Commitment Case, an exhibit that is designated as non-public by a court order, or the evidence is no longer retained by the court under a court rule, order, or retention schedule. There is no remote access to public evidentiary exhibits.

Display of Exhibits at Hearing/Trial:

1. The offering party must “offer” or ask the judge to allow proposed exhibits to be accepted as evidence in the case during the hearing. Exhibits will only be reviewed and considered by the judicial officer after being offered on the record.
2. The offering party must display exhibits onto the courtroom display monitors during court, using one of the two options below:
 - a. Open the exhibit from the MNDES application on your own computer or personal device and display it during the hearing.
 - i. The benefit to this option is the exhibit being displayed is the one that becomes part of the official court record if it is admitted into evidence.
 - b. Open the exhibit saved on your own computer or personal device and display it during the hearing.
 - i. This option requires you to ensure, and state on the record, that the copy displayed is a true and correct copy of the exhibit that is uploaded in MNDES.
 - ii. This option is the only option available to you if the exhibit’s native format is zip. Zip formats are uploaded to MNDES, but stored in an alternative court folder, and therefore unable to be played directly from MNDES.
3. All courtrooms have ClickShare and/or HDMI cables which can be connected to your computer or personal device to allow you to display.
4. Court staff should only display exhibits onto the courtroom display monitors during court in the following scenarios:
 - a. If the exhibit is a 4K video and there is no HDMI cable in the courtroom.
 - b. If the exhibit is designated as non-public or sealed in MNDES.
 - c. If the offering party is having technical difficulties in the courtroom and the judicial officer directs court staff to display.
 - d. If a Self-Represented Litigant does not have a device in the courtroom and the judicial officer directs court staff to display.

Jury Trial Exhibits:

1. Access to MNDES for jurors is currently being piloted throughout the state. Until this goes live, you must bring a certified³ paper copy of all exhibits to Jury Trial for use in jury deliberation. If the jury requests access to audio or video during deliberation, the jury will be brought back to the courtroom to listen or view. Best practices will be updated once more information becomes available.

Exhibits for Witnesses Only:

1. Exhibit display monitors will be installed to the courtroom witness stands in the future. Until these are installed, you must bring two certified³ paper copies of any exhibits the witness will need to see during testimony to court. Best practices will be updated once display equipment is installed.

² Record Access Rule 8, subd. 5

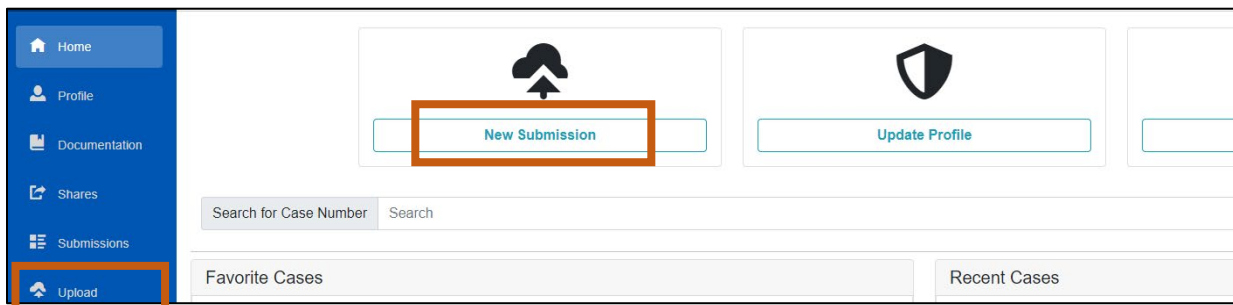
³ Unless required by rule or statute, here, the attorneys and/or Self-Represented Litigants merely need to certify to the Court that the paper copies are a true and accurate copy of what has been uploaded to MNDES.

Quick Reference Guide - Uploading Exhibits

Last Revised: 12/31/2024


Upload exhibits

1. From the Home page, click **New Submission**, or click **Upload** from the blue navigation menu.



2. Type the **Case Number**.

3. Click **Search**.

 If a case is Confidential, the case title information will not be displayed. However, you can still upload exhibits to the case. If the case is sealed, you will be notified to contact court administration to upload exhibits on your behalf.

4. Once a valid case has been located, click **Select Case**.



5. An **Upload** window will appear with important notices to read before you select one of the following options:

- a. Click **Browse** to find the files on your computer or shared drive; or
- b. Click and drag files from your computer or shared drive and drop them where it reads **“Or drop files here”**.

Upload the file(s) you want to submit for case 123-xxx

Important!

- Do not combine multiple exhibits into a single file.
- Do not compress or zip exhibit files. Upload them in their native format. The only exception is audio or video exhibit files generated in a zipped format from a recording system.
- Ensure the exhibit is properly redacted before uploading.

a Browse... Or drop files here b

6. Complete exhibit details:
 - a. Change the **Description** to make corrections or if you'd like it to be more descriptive.
 - b. If the judicial officer has ordered a specific numbering scheme, you may type it in the **Exhibit #** field, but this is not required.
 - c. Select the **Exhibit Type** from the drop-down menu: Document, Image, Video Recording, or Audio Recording.
 - d. Choose **Party Affiliation** from the drop-down menu: Plaintiff/Petitioner or Defendant/Respondent.
7. Click Upload to Location.
8. If you uploaded the exhibit in error, click **Remove**.



Repeat step 6-8 if there are multiple exhibits for this case; they each display in separate tiles on the screen.

The screenshot shows a form for uploading an exhibit. It includes the following fields and actions:

- 6**: A blue box highlights the entire form area.
- a**: A blue circle highlights the **Description *** text input field, which contains the text "MNDES Portal Quick Reference Guide".
- b**: A blue circle highlights the **Exhibit #** text input field.
- c**: A blue circle highlights the **Exhibit Type *** dropdown menu, which is currently set to "Document".
- d**: A blue circle highlights the **Party Affiliation** dropdown menu, which is currently set to "Plaintiff/Petitioner".
- 7**: A blue circle highlights the **Upload to Location** button at the bottom right.
- 8**: A blue circle highlights the **Remove** button at the top right of the form.

View recent exhibit submissions

From the Home page, view the last 10 exhibits submitted through the portal along with the following identifying information:

- **Case Number:** The case file in which the exhibit was uploaded.
- **Description:** The name given to the file at the time of upload.
- **Exhibit Type:** The exhibit type selected at the time of upload.
- **Tracking #:** The number the system has assigned to the exhibit at the time of upload.
- **Status:** The status of exhibits, such as which have been submitted and which have been offered.
- **Uploaded:** The date that the exhibit was uploaded into the system.
- **Exhibit #:** The exhibit number assigned to that exhibit.
- **Hearing Type:** The type of hearing in which exhibit was offered.
- **Deleted Date:** The date exhibit was deleted, after a request to delete has been processed.