

FILED

August 8, 2023

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM10-8050

**ORDER REGARDING MINN. STAT. § 504B.321, SUBD. 6
AND THE RULES OF PUBLIC ACCESS TO RECORDS
OF THE MINNESOTA JUDICIAL BRANCH**

The Minnesota Legislature has enacted a new statute governing access to case records in eviction proceedings. Minn. Stat. § 504B.321, subd. 6 (effective Jan. 1, 2024); Act of May 19, 2023, ch. 52, art. 19, § 119 (“the Legislation”). The Legislation states, “[a]n eviction action is not accessible to the public until the court enters a final judgment, except that parties to the case and licensed attorneys assisting a party in the case, regardless of whether or not they are the attorney of record, shall have access to the eviction action file.”

Access to records of the judicial branch is “governed by rules adopted by the supreme court.” Minn. Stat. § 13.90, subd. 2 (2022); *see also State v. C.A.*, 304 N.W.2d 353, 358 (Minn. 1981) (explaining that controlling court records is an essential judicial function). The judicial branch has the inherent authority to ensure the performance of judicial functions, which includes control of court records. *See In re Clerk of Court’s Comp. for Lyon Cnty.*, 241 N.W.2d 781, 786 (Minn. 1976).

Court records “are presumed to be open to any member of the public for inspection or copying.” Minn. R. Pub. Access to Recs. of Jud. Branch 2. The Legislation reduces

access to district court eviction records, contrary to the Rules of Public Access to Records of the Judicial Branch. The Supreme Court has not limited access to eviction records as provided in the Legislation.

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

IT IS HEREBY ORDERED that notwithstanding Minn. Stat. § 504B.321, subd. 6 (effective January 1, 2024); Act of May 19, 2023, ch. 52, art. 19, § 119, access to district court case records in eviction proceedings shall continue to be governed by the Rules of Public Access to Records of the Judicial Branch. Eviction records are public except as authorized by court rules or court order.

Dated: August 8, 2023

BY THE COURT:

A handwritten signature in black ink, appearing to read "Lorie S. Gildea". The signature is written in a cursive style with a large initial "L".

Lorie S. Gildea
Chief Justice