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INTRODUCTION TO THE 2025-2026 EDITION

This new volume is updated in 2025 to incorporate and report on numerous important changes affecting practice in the Minnesota courts. These changes cover both case-law and rule-based developments.

The most significant change is the addition of Rule 18, a new rule adopted as part of a two-year pilot program designed to promote equity in the legal profession and support attorney well-being. It establishes a mechanism for attorneys to obtain a personal leave continuance of up to 90 days in specified circumstances, without disclosing private medical or personal details to the court or opposing counsel. Instead, the rule requires only a declaration attesting to the need for leave based on one of four qualifying circumstances, along with additional statements regarding timing, scope, and good faith. This new rule reflects a broader commitment to a more humane and sustainable legal system while balancing the need for fairness, efficiency, and procedural integrity.

In addition, numerous court decisions construing these rules or potentially helpful to the application or construction of them are discussed.

ACKNOWLEDGMENTS

Author David Herr, who was a highly regarded appellate lawyer and complex case litigator who long mentored students and taught at Mitchell Hamline, died on Dec. 22, 2021, at the age of 71.

A longtime partner at Maslon, Herr wrote more than 15 publications on Minnesota and federal law while also helping draft and amend rules that guide and govern how lawyers and judges in Minnesota adjudicate civil practice in the state.

In addition to his work at Maslon, Herr was a founder of the Minnesota Supreme Court Historical Society and a charter member and president of the Academy of Court Appointed Masters. He mentored students and colleagues his entire career and was an adjunct professor for many years at William Mitchell, then Mitchell Hamline, most recently teaching a course in 2015 and helping with advocacy courses in 2016 and 2019.

He is very much missed by his friends, family, and colleagues.



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