

RULES OF APPELLATE PROCEDURE**STATE OF MINNESOTA
IN COURT OF APPEALS**

**In Re: INTERPRETATION OF MINNESOTA STATUTES SECTION 480A.08,
SUBDIVISION 3, (1986) CONCERNING LIMITATION OF TIME IN WHICH
TO ISSUE DECISIONS OF THE COURT**

WHEREAS, this court is required by statute to render decisions "within 90 days after oral argument or after the final submission of briefs or memoranda by the parties, whichever is later," Minn. Stat. section 480A.08, subd. 3 (1986); and

WHEREAS, the 90-day limitation may be waived, for good cause shown, by the chief judge, id.; and

WHEREAS, although "the normal number of judges" for the court, as that term is defined by statute, is 21, the court is currently comprised of only 13 judges, one additional judge having been authorized by the 1987 Legislature, although the court requested additional judges; and

WHEREAS, the ability to meet the 90-day standard by a court of reduced size is doubtful. As experience has shown, the court's efforts to do so have been limited by health problems of various judges caused by overwork and excessive stress; and

WHEREAS, the problem is especially acute in deciding cases where no oral argument is held, and a decision is due within 90 days after the filing of the last brief, see Minn. Stat. section 480A.08, subd. 3; Minn. R. Civ. App. P. 134.06, subd. 2, and if no respondent's brief is filed, at least 30 days pass before the court becomes aware that briefing is complete and the case is ready for assignment; and

WHEREAS, allowing time for the assignment and preparation process, a nonoral case may not be ready for conference by the assigned panel until an additional 20 to 30 days have passed, for a total elapsed time since the last brief of up to 65 days; and

WHEREAS, following the nonoral conference, a draft opinion with concurring and dissenting opinions must be prepared and circulated to the entire court pursuant to our internal rules, which may require an additional 30 days; and

WHEREAS, these time constraints would be lessened if the 90-day limitation for issuance of a decision was calculated from the date of the nonoral panel conference, paralleling the statutory submission date of argument and conference for oral cases;

THEREFORE, IT IS HEREBY ORDERED THAT:

1. For good cause shown, the 90-day period for this court to issue an opinion pursuant to Minn. Stat. section 480A.08, subd. 3 on cases submitted without oral argument shall hereafter be computed from the date on which a panel conference is held.

2. The State Court Administrator shall make the necessary computer program changes to effect this policy change on July 1, 1987.

Dated: June 30, 1987

BY THE COURT

-s-Peter S. Popovich
Chief Judge