

Minnesota Rules of Civil Appellate Procedure

Effective August 1, 1983

With amendments effective through September 1, 2019

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TEXT OF RULES**Rule 112. Confidential Or Sealed Information; Sealing of Portions of Record****Rule 112.01 Status of Confidential or Sealed Record Material on Appeal**

Subdivision 1. Materials Not Available to the Public. Materials that are filed in the trial court as "confidential" or "sealed" as defined in Rule 14 of the General Rules of Practice or in another manner that makes the materials unavailable to the public pursuant to statute, court rule, or trial court order, as well as any documents containing restricted identifiers as defined in Rule 11 of the General Rules of Practice, will remain under restricted access on appeal unless either the trial court or appellate court orders otherwise.

Subd. 2. Restriction of Access to Materials on Appeal. In situations where material in the record is confidential or trade-secret information that was not protected by a confidentiality order in the trial court, a party may move to have it filed under seal or otherwise restrict access to it on appeal. The motion must demonstrate the need for restricting access to the information and must set forth the efforts made to maintain the confidentiality of the information before the motion was brought.

(Added effective January 1, 2010; amended effective July 1, 2014; amended effective September 1, 2019.)

[For text of Advisory Committee Comment, see M.S.2018, Volume 15]

Rule 112.02 Handling of Confidential or Sealed Portions of the Appellate Record

Any materials that are filed under seal or in another manner that makes the materials unavailable to the public and that need to be included in an addendum shall be segregated and designated as such, with a description of the basis for asserting the sealed or non-public status.

(Added effective January 1, 2010; amended effective July 1, 2014; amended effective September 1, 2019.)

[For text of Advisory Committee Comment, see M.S.2018, Volume 15]

[For text of 112.03 and 112.04, see M.S.2018, Volume 15]

Rule 115. Court of Appeals Review of Decisions of the Department of Employment and Economic Development and Other Decisions Reviewable by Certiorari and Review of Decisions Appealable Pursuant to the Administrative Procedure Act

[For text of 115.01 and 115.02, see M.S.2018, Volume 15]

115.03 Contents of the Petition and Writ; Filing and Service

Subdivision 1. Contents and Form of Petition, Writ and Response. The petition shall definitely and briefly state the decision, judgment, order or proceeding that is sought to be reviewed and the errors that the petitioner claims. A copy of the decision and the statement of the case pursuant to Rule 133.03 shall be filed with the petition. The title and form of the petition and writ shall be as shown in the appendix to these rules. The respondent's statement of the case, if any, shall be filed and served not later than 14 days after service of the petitioner's statement.

(Amended effective September 1, 2019.)

[For text of subds 2 to 4 and Advisory Committee Comments, see M.S.2018, Volume 15]

Advisory Committee Comment - 2019 Amendments

Rule 115.03, subd. 1 is amended to make clear that the statement of the case must be filed as a separate document from the copy of the decision being appealed, and that an addendum is not required at this early stage in the case. The issues before the court at the time the statement of the case and decision being appealed are filed are (1) whether there is a final agency decision and (2) whether the appeal is timely. This amendment makes Rule 115.03, subd. 1 consistent with the corresponding provisions in Rules 103.01, 114.02, and 116.03.

115.04 The Record on Review by Certiorari; Transmission of the Record; Timing of Briefing

[For text of subds 1 to 4, see M.S.2018, Volume 15]

Subd. 5. Transmission of Record. The record shall be retained by the agency or body until the clerk of the appellate courts requests that it be transmitted to the court. The record shall thereupon be transmitted promptly to the clerk of the appellate courts with a copy of the itemized list of the contents.

(Amended effective September 1, 2019.)

[For text of Advisory Committee Comments, see M.S.2018, Volume 15]

[For text of 115.05 and 115.06, see M.S.2018, Volume 15]

Rule 117. Petition in Supreme Court for Review of Decisions of the Court of Appeals

Subdivision 1. Filing of Petition. (a) Timing and service. Any party seeking review of a decision of the Court of Appeals shall separately petition the Supreme Court. The petition with proof of service shall be filed with the clerk of the appellate courts within 30 days of the filing of the Court of Appeals' decision. A filing fee of \$550 shall be paid to the clerk of the appellate courts.

(b) Failure to take other steps. A party's failure to take any step other than timely filing the petition does not require dismissal of the appeal, but permits any action the Supreme Court deems appropriate, including dismissal of the appeal.

[For text of subds 2 to 4, see M.S.2018, Volume 15]

Subd. 5. Amicus Curiae. A request for leave to participate in the appeal as amicus curiae is governed by Rule 129. An applicant who requests leave to participate as amicus if review is granted, and wants to include an argument on the question of granting review, shall file its request to participate as amicus not later than 14 days after the petition is filed.

(Amended effective July 1, 1989; amended effective for appeals taken on or after January 1, 1992; amended effective July 1, 1993; amended effective January 1, 1999; amended effective July 1, 2003; amended effective December 1, 2003; amended effective July 1, 2009; amended effective July 1, 2014; amended effective July 1, 2016; amended effective September 1, 2019.)

[For text of Advisory Committee Comments, see M.S.2018, Volume 15]

Advisory Committee Comment - 2019 Amendments

Rule 117, subd. 1 is amended to remove any implication in the rule that failing to take any step other than filing the petition for further review requires dismissal of the petition. This rule is derived from Minn. R. Crim. P. 29.04, which governs petitions for further review in criminal cases. The rule does not excuse non-compliance with the Court's rules, but confirms that the Court has the inherent authority to excuse non-compliance in the exercise of its discretion. Cf. In re J.R., 655 N.W.2d 1 (Minn. 2003) (mere 'oversight' or negligence in failing to follow the rules does not excuse non-compliance).

Rule 117, subd 5, is amended to make the same change made in Rule 129.01 to require that any request to participate on appeal as an amicus must be filed either within 14 days of the filing of the petition for further review (PFR) or after the petition has been decided.

This change allows the parties an opportunity to respond to the request to participate while the PFR is pending if the request is filed while the PFR is pending.

Rule 125. Filing and Service

125.01 Filing

(a) Documents required or authorized to be filed by these rules shall be filed with the clerk of the appellate courts within the time limitations contained in the applicable rule. Filing with the clerk of the appellate courts may be accomplished by one of the following means:

(1) By use of the appellate courts' electronic filing system if required by an order of the Minnesota Supreme Court.

(2) If electronic filing is not required by an order of the Minnesota Supreme Court,

A. By U.S. mail addressed to the clerk of the appellate courts;

B. By use of the appellate courts' electronic filing system if permitted by an order of the Minnesota Supreme Court; or

C. By hand delivery to the clerk of the appellate courts or use of a commercial courier service.

(b) Filing by facsimile or electronic means other than as authorized or required by an order of the Minnesota Supreme Court is not allowed in the appellate courts, except with express leave of the court.

(c) Filing shall occur at the time and date of:

(1) electronic filing for any document electronically submitted for filing by 11:59 p.m. at the court's local time, so long as it is accepted by the clerk upon review;

(2) mailing by U.S. mail addressed to the clerk of the appellate courts; or

(3) receipt by the clerk of the appellate courts during normal office hours for documents filed by hand delivery or by use of a commercial courier service.

(d) For any document that is required or permitted under these rules to be filed with the trial court at the time of commencement of an appeal, the filer may file or serve the document using the trial court's electronic service system or, except as otherwise excluded by Rule 125.03, any other means authorized by the trial court rules. Separate proof of such service must be filed with the clerk of the appellate courts. Any party to the trial court proceedings registered for use of the trial court's electronic service system shall be deemed to have consented to receive service in this manner.

Except as expressly provided by rule, after an appeal is filed with the appellate courts, filings shall be made with the appellate court using that court's electronic filing system.

(e) If a motion or petition requests relief that may be granted by a single judge, the judge may accept the document for filing, in which event the date of filing shall be noted on it and it shall be thereafter transmitted to the clerk of the appellate courts.

(f) All documents filed shall include the attorney registration license number of counsel filing the document and shall specify the appellate court docket number, if one has been assigned.

(Amended effective for appeals taken on or after January 1, 1992; amended effective January 1, 2009; amended effective July 1, 2014; amended effective July 1, 2016; amended effective September 1, 2019.)

Advisory Committee Comment - 2016 Amendments

Rule 125.01 is amended to include a cross-reference to Rule 125.03, which prohibits use of facsimile transmission for service of appellate pleadings except with the consent of the party to be served. That prohibition continues to apply even for the initial appellate documents (typically the notice of appeal or a petition), which are the only appellate

documents that the rules required the parties to file in the district court. See Minn. R. Civ. App. P. 103.01, subd. 1(d).

Advisory Committee Comment - 2019 Amendments

Rule 125.01, subd. 1(d) is amended to make it clear that the only appellate documents that may properly be filed or served using the district court's e-filing and e-service system are those few appellate documents required to be filed with the district court. Rule 103.01, subd. 1, for example, requires that the notice of appeal be filed with the clerk of the appellate courts, but also requires the simultaneous filing of the notice of appeal with the trial court administrator. Because the appellate courts and district courts have different filing systems, proof of filing or service of an appellate document with the district court system, where permitted, is required by separate proof filed in the appellate court. Rule 109.02 requires that an in forma pauperis motion filed in the district court must be filed with the notice of appeal or petition initiating an appeal. These district court filings must be accomplished using the district court's system, or by any other means allowed by the rules of civil procedure.

Other requirements for filing in the appellate rules must be met by filing with the clerk of the appellate courts. Where the rules either require or permit further actions in the district court, the district court system can be used, but any such filing steps must be taken in the trial court, and they are not considered "filed" with the clerk of the appellate courts. For example, Rule 108.02, subd. 1, requires any motion seeking a stay, approval of the form or amount of security, or suspension or other modification of an injunction to be brought in the district court. Such a motion is properly served and filed in the district court, and is not filed with the clerk of the appellate courts. Rule 108.02, subd. 6, therefore requires that any request for the court of appeals to review the district court decision on the motion include copies of the motion and other submissions to the district court.

[For text of 125.02 and 125.03, see M.S.2018, Volume 15]

125.04 Proof of Service

Every document required by these rules to be served on other parties must be filed with proof of service contained on or affixed to the document. Service may be proven by any of the following means:

- (a) Confirmation of service by authorized use of the appellate courts' electronic filing system, in which event separate proof of service need not be filed,
- (b) Written admission of service, or
- (c) An affidavit or certificate of service.

An affidavit or certificate of service is required for any document served with the district court's electronic filing system.

The clerk of the appellate courts may permit documents to be filed without proof of service, but shall require proof of service to be filed promptly after filing the documents.

(Amended effective July 1, 2014; amended effective September 1, 2019.)

[For text of Advisory Committee Comments, see M.S.2018, Volume 15]

Advisory Committee Comment - 2019 Amendments

Rule 125.04 is amended to make it clear that proof of service must be filed for documents served using the district court's electronic filing system. This amendment is intended to remove confusion over proof of service for the small number of appellate documents that are served and filed in the district court. These include the notice of appeal or petition initiating the appeal (see Rule 125.01(d)) and the motion for leave to proceed in forma pauperis (see Rule 109.02).

Rule 129. Brief of an Amicus Curiae**Rule 129.01 Request for Leave to Participate**

(a) Leave Required. Upon prior notice to the parties, a brief of an amicus curiae may be filed with leave of the appellate court.

(b) Timing of Request. The applicant shall serve and file a request for leave no later than 14 days after the filing of the notice of appeal, the petition which initiates the appeal, the appellate petition for declaratory judgment, or the appellate court order granting review. Any request for leave to participate filed before a pending petition for review is granted under Rule 117 of these rules shall be served and filed not later than 14 days after the filing of any party's petition for review. This 14-day limitation does not apply to a request for leave to participate limited solely to an issue raised in a conditional cross-petition.

(c) Content of Request. A request for leave shall identify whether the applicant's interest is public or private in nature, identify the party supported or indicate whether the amicus brief will suggest affirmance or reversal, and shall state the reason why a brief of an amicus curiae is desirable.

The request shall not exceed 1,500 words, exclusive of the caption, signature block, and any addendum, and shall be accompanied by a certificate of document length.

(Amended effective January 1, 1999; amended effective March 1, 2001; amended effective September 1, 2019.)

Rule 129.02 Time for Filing and Service of Brief

Copies of an amicus curiae brief shall be served on all parties and filed with the clerk of the appellate courts with proof of service no later than 7 days after the time allowed for filing the brief of the party supported, or if in support of neither party, no later than the time allowed for filing the petitioner's or appellant's brief.

(Amended effective January 1, 1999; amended effective March 1, 2001; amended effective September 1, 2019.)

Advisory Committee Comment - 2019 Amendments

Rule 129.01 is amended to make two important changes in amicus practice before the appellate courts. First, all requests for leave to participate as an amicus are limited to 1,500 words, exclusive of the caption, signature block, and any addendum. This limitation is intended to prevent the inclusion of argument not germane to the question of whether the request should be allowed.

The second change establishes a new deadline for filing requests for leave to file an amicus brief - 14 days (rather than 15) after the appeal is commenced. The new limitation is designed to level the playing field where any potential amicus asks to participate before the Supreme Court has decided whether to grant a pending Rule 117 petition for further review (PFR). Any request to appear as amicus while a PFR is pending must be filed within 14 days of any party's filing of a PFR. If that deadline is missed, an amicus request cannot properly be filed until the court decides the PFR. This allows the parties to the appeal to express their views on the request for leave in the PFR briefing if appropriate. A companion change is made in Rule 117, subd. 5.

[For text of 129.03 and 129.04, see M.S.2018, Volume 15]

Rule 130. Addendum Required; Appendix Not Permitted

[For text of 130.01, see M.S.2018, Volume 15]

130.02 Addendum

(a) Contents. Appellant must prepare an addendum and file it with the opening brief or petition, and if filed electronically, the addendum must be submitted as a separate document from the brief or petition. The addendum must include:

- (1) a table of contents identifying each document included in the Addendum, including the Document Index Number from the Register of Actions, if available;
- (2) a copy of any order, judgment, findings, or trial court memorandum in the action directly relating to or affecting the issues on appeal;
- (3) any agreed statement of the record; and
- (4) if the constitutionality of a statute is challenged, proof of compliance with Rule 144.

Unpublished decisions, if cited, shall not be included in the addendum, unless those opinions are not generally available in online databases or from Minnesota law libraries, but may be, if required or desired, provided to other parties by alternate means.

(b) **Length.** The addendum must not exceed 50 pages excluding:

- (1) the orders and judgments or other materials required by section (a) of this rule;
- (2) documents included pursuant to Rule 128.04; and
- (3) unpublished decisions if permitted under section (a) of this rule.

(c) **Respondent's Addendum.** The respondent's brief or response to a petition may include an addendum not to exceed 50 pages, which must be filed with the brief, and if filed electronically, the addendum must be submitted as a separate document from the brief or petition. If the addendum filed by the appellant omits any material required by section (a) of this rule or pursuant to Rule 128.04, the respondent may include it in the respondent's addendum in addition to the 50 pages otherwise allowed.

(d) **Other Addenda.** Any addendum required other than with a formal brief shall also comply with the requirements of this rule.

(e) **Non-Duplication.** A party may not include an addendum any material included in any other party's previously filed addendum.

(Amended effective for appeals taken on or after January 1, 1992; amended effective July 1, 2014; amended effective July 1, 2016; amended effective September 1, 2019.)

[For text of Advisory Committee Comments, see M.S.2018, Volume 15]

Rule 131. Filing and Service of Briefs and Addenda

131.01 Time for Filing and Service

[For text of subd 1, see M.S.2018, Volume 15]

Subd. 2. Respondent's Brief. The respondent shall serve and file a brief and addendum, if any, within 30 days after service of the brief of the appellant or the last appellant's brief, if there are multiple appellants, or within 30 days after delivery of a transcript ordered by respondent pursuant to Rule 110.02, subdivision 1, whichever is later. Where the brief of any appellant is served electronically, the additional service of paper copies shall not result in extension of the due date under this rule.

Subd. 3. Reply Brief. The appellant may serve and file a reply brief within 10 days after the later of the following:

- (a) service of the respondent's brief or the last respondent's brief if there are multiple respondents; or
- (b) service of the brief of an amicus curiae granted leave to participate under Rule 129.

Where the foregoing briefs are served electronically, the additional service of paper copies shall not result in extension of the due date under this rule.

Subd. 4. Briefing Schedule for Cross-Appeals; Form of Briefs in Cross-Appeals.

(a) **Cross-Appeal Defined.** A cross-appeal, for the purpose of this rule, exists when a notice of appeal and at least one notice of related appeal or separate notice of appeal

are filed by parties adverse to each other on appeal. Multiple notices of appeal or related appeal filed by parties who are not adverse to each other do not create cross-appeals.

(b) **Designation of Appellant.** The party who files a notice of appeal first is the appellant for the purposes of this rule. If notices are filed on the same day, the plaintiff in the proceeding below is the appellant. These designations may be modified by the parties' agreement or by court order.

(c) **Schedule for Filing.** In a case involving a cross-appeal, the appellant's principal brief shall be filed in accordance with Rule 131.01, subdivision 1, and the respondent/cross-appellant's principal brief shall be filed as one brief within 30 days after service of appellant's brief. Appellant/cross-respondent's response and reply brief shall be filed as one brief within 30 days after service of cross-appellant's brief. Respondent/cross-appellant's reply brief may be filed within ten days after service of appellant/cross-respondent's response and reply brief. Where any of the foregoing briefs is served electronically, the additional service of paper copies shall not result in extension of the due date under this rule.

(d) **Form of Briefs in Cross-Appeals.** In a case involving a cross-appeal:

(1) **Appellant's Principal Brief.** The appellant must file a principal brief in the appeal. That brief must comply with Rule 128.01 or Rule 128.02, subdivision 1.

(2) **Respondent/Cross-Appellant's Principal and Response Brief.** The respondent/cross-appellant must file a principal brief on the cross-appeal and may, in the same brief, respond to the appellant's principal brief. The respondent/cross-appellant's brief must comply with Rule 128.01 or Rule 128.02, subdivision 1, to the cross-appeal and Rule 128.02, subdivision 2, as to the appeal, except the brief need not include a statement of the case or a statement of the facts unless the respondent/cross-appellant is dissatisfied with the appellant's statement.

(3) **Appellant/Cross-Respondent's Response and Reply Brief.** The appellant/cross-respondent may file a brief that responds to the principal brief of the respondent/cross-appellant in the cross-appeal and may, in the same brief, reply to the response in the appeal. That brief must comply with Rule 128.02, subdivision 2, as to the response to the cross-appeal and Rule 128.02, subdivision 3, as to the reply on the original appeal.

(4) **Respondent/Cross-Appellant's Reply Brief.** The respondent/cross-appellant may file a brief in reply to the response in the cross-appeal. The brief must comply with Rule 128.02, subdivision 3, and must be limited to the issues presented by the cross-appeal.

(5) **No Further Briefs.** Unless the court permits, no further briefs may be filed in a case involving a cross-appeal.

(6) **Cover.** If briefs are formally bound, the cover of the appellant's principal brief must be blue; the respondent/cross-appellant's principal and response brief, red; the appellant/cross-respondent's response and reply brief, yellow; the respondent/cross-appellant's reply brief, gray; and an intervenor's or amicus curiae's brief, green. These cover color requirements apply only to paper copies of briefs.

(7) **Length Limit.**

(A) The appellant's principal brief is acceptable if it complies with the length limits of Rule 132.01, subdivision 3(a).

(B) The respondent/cross-appellant's principal and response brief is acceptable if:

(i) it contains no more than 16,500 words; or

(ii) it uses a monospaced font and contains no more than 1,500 lines of text.

(C) The appellant/cross-respondent's response and reply brief is acceptable if:

(i) it contains no more than 10,000 words; or

(ii) it uses a monospaced font and contains no more than 750 lines of text.

(D) The respondent/cross-appellant's reply brief is acceptable if it complies with the length limits of Rule 132.01, subdivision 3(b).

(Amended effective for appeals taken on or after January 1, 1992; amended effective January 1, 1999; amended effective January 1, 2010; amended effective July 1, 2014; amended effective November 1, 2017; amended effective September 1, 2019.)

[For text of Advisory Committee Comments, see M.S.2018, Volume 15]

Advisory Committee Comment - 2019 Amendments

Rule 131.01 is amended to clarify its operation. The rule is amended in three places to make it clear that the time to respond to any brief that is served electronically is governed by the date of that service. Later service of paper copies of the brief as required by Rule 131.03, subd. 1, and orders entered by both appellate courts pursuant to that rule does not extend the response period.

Rule 131.01, subd. 4(d)(6) is amended to make it clear that the cover color requirements in the rules apply only to paper briefs. Electronic copies should not be filed with notation of what color the cover might have been for a paper brief, or have the background of the first page set to a different color. The covers of briefs contain important information, and a colored background makes the cover more difficult to read in electronic format.

[For text of 131.02 and 131.03, see M.S.2018, Volume 15]

Rule 132. Form of Briefs, Addenda, Motions and Other Documents

[For text of 132.01 and 132.02, see M.S.2018, Volume 15]

132.03 Form of Documents Filed Electronically Any documents filed or served electronically shall be in searchable Portable Document Format (PDF), Word, or WordPerfect format. Addendum materials that cannot be readily be rendered in searchable form may be in non-searchable PDF format. The brief cover color requirements of these rules do not apply to the version of any brief or addendum that is served or filed electronically.

(Added effective July 1, 2014; amended effective September 1, 2019.)

[For text of Advisory Committee Comment, see M.S.2018, Volume 15]

Advisory Committee Comment - 2019 Amendments

Rule 132.03 is amended to make it clear that the cover color requirements in the rules apply only to paper briefs. Electronic copies should not be filed with notation of what color the cover might have been for a paper brief, or have the background of the first page set to a different color. The covers of briefs contain important information, and a colored background makes the cover more difficult to read in electronic format.

[For text of 132.04, see M.S.2018, Volume 15]

Rule 134. Oral Argument

134.01 Allowance of Oral Argument

Oral argument will be allowed unless:

(a) no request for oral argument has been made by either party in the statement of the case required by Rule 133.03; or

(b) a party has failed to file a timely brief as required by Rule 128.02; or

(c) the parties have agreed to waive oral argument pursuant to Rule 134.06; or

(d) any party involved in the appeal is not represented by counsel; or

(e) the appellate court, in the exercise of its discretion, determines that oral argument is unnecessary because:

(1) the dispositive issue or set of issues has been authoritatively settled; or

(2) the facts and legal arguments could be adequately presented by the briefs and record and the decisional process would not be significantly aided by oral argument.

The appellate court shall notify the parties when it has been determined that a request for oral argument has been denied. A party aggrieved by the decision may, within five days after the receipt of the notification and pursuant to Rule 127, request the court to reconsider its decision.

(Amended effective for appeals taken on or after January 1, 1992; amended effective September 1, 2019.)

134.02 Notice of Hearing; Postponement

When filing the party's initial brief, counsel must provide written notice of any conflicts which limit counsel's availability for argument. Counsel are required to file written notice of updated conflict information as soon as that information is reasonably available to counsel and until the case is scheduled for argument. The clerk of the appellate courts shall notify all parties of the time and place of oral argument. A request for postponement of the hearing must be made by motion filed immediately upon receipt of the notice of the date of hearing, with the motion identifying the specific circumstances that support the requested postponement.

(Amended effective September 1, 2019.)

134.03 Time Allowed for Argument

Subdivision 1. Time Allowed. In the Court of Appeals, appellants are allowed 20 minutes for oral argument, with 15 minutes for principal arguments and 5 minutes for rebuttal, and respondents are allowed 15 minutes for oral argument. In the Supreme Court, appellants are allowed time not to exceed 35 minutes, and respondents are allowed time not to exceed 25 minutes, for oral argument. Appellants in the Supreme Court may reserve a portion of the allotted time for rebuttal. If multiple parties to the appeal all wish to participate in oral argument, they shall mutually agree to divide the allotted time among themselves.

Subd. 2. Additional Time. If counsel is of the opinion that additional time is necessary for the adequate presentation of argument, additional time may be requested at the prehearing conference, if one is held, or by a motion filed in advance of the date fixed for hearing.

Subd. 3. Argument Limit. The appellate court may increase or reduce the time for argument on its own motion.

(Amended effective September 1, 2019.)

[For text of 134.04 and 134.05, see M.S.2018, Volume 15]

134.06 Submission on Briefs

An appeal will be placed on a nonoral calendar and deemed submitted on the briefs on that calendar date in the following circumstances:

- (a) When oral argument has not been requested;
- (b) When oral argument once allowed has been waived by agreement of the parties and consent of the court;
- (c) When any party involved in the appeal is not represented by counsel; or
- (d) If, pursuant to Rule 134.01(d), oral argument is not allowed.

(Amended effective January 1, 2009; amended effective September 1, 2019.)

[For text of Advisory Committee Comment, see M.S.2018, Volume 15]

Advisory Committee Comment - 2019 Amendments

Rules 134.01 and 134.06 are amended to reflect the practice of the appellate courts not to allow oral argument in cases where a party actively involved in an appeal is not represented by counsel authorized to practice before the court, either by admission to the Minnesota bar or admission pro hac vice. See Rule 143.05.

Rule 134.03 is amended to more clearly state the Court of Appeals' policy for allotting time for oral arguments, which is currently in Rule 2 of the Special Rules of Practice for the Minnesota Court of Appeals.

[For text of 134.07 to 134.10, see M.S.2018, Volume 15]

Rule 136. Notice of Decision; Judgment; Remittitur

[For text of 136.01, see M.S.2018, Volume 15]

136.02 Entry of Judgment; Stay

Unless the parties stipulate to an immediate entry of judgment, the clerk of the appellate courts shall enter judgment pursuant to the decision or order not less than 30 days after the filing of the decision or order. The service and filing of a petition for review to, or rehearing in, the Supreme Court shall stay the entry of the judgment. Judgment shall be entered upon the denial of a petition for review or rehearing.

(Amended effective September 1, 2019.)

Comment - 1983

Judgment will not be entered for 30 days after the filing of a decision or order to allow the filing of a petition for review to, or rehearing in the Supreme Court. In the event either petition is made and denied, judgment will be entered immediately.

[For text of 136.03, see M.S.2018, Volume 15]