

STATE OF MINNESOTA

IN SUPREME COURT

IT IS HEREBY ORDERED that Rule 115.03 (3) of the Rules of Civil Appellate Procedure be amended to read as follows:

(3) Filing; Fees. The clerk shall file the original petition and issue the original writ. The petitioner shall pay the clerk of the administrative agency \$25, \$5 of which shall be retained by the agency and \$20 of which shall be forwarded to the clerk of the Supreme Court unless a different fee is required by statute.

AND IT IS HEREBY FURTHER ORDERED that Rule 131.01 of the Rules of Civil Appellate Procedure, as amended October 29, 1968, be amended by adding a subdivision thereto providing as follows:

131.011 Application for Extension of Time

From and after September 1, 1972, no extension of the time fixed in Rule 131.01 for the filing of appellant's brief and appendix and respondent's brief will be granted the parties except upon a motion pursuant to Rule 127. The motion shall be heard and considered by the court administrator acting as a referee and shall be granted only for good cause shown.

AND IT IS HEREBY FURTHER ORDERED that there be added to the Rules of Civil Appellate Procedure, Rule 133 in the place reserved, which rule shall provide as follows:

RULE 133. CALENDAR

No case shall be placed on the calendar for argument until after there has been filed in this court the appellant's

brief and appendix and respondent's brief. If either appellants or respondents fail to file their brief within the time provided, or an extension thereof, the case shall be disposed of in accordance with Rule 142.

AND IT IS HEREBY FURTHER ORDERED that Rule 135 of the Rules of Civil Appellate Procedure be amended to read as follows:

RULE 135. EN BANC AND DIVISIONS HEARINGS

(1) Cases set for oral argument or submitted on the briefs will be heard either en banc or by a division of the court. The Chief Justice will assign three or more members of the court to sit as a division of the court to hear and decide cases assigned to such division.

(2) A court commissioner is hereby designated as a referee of the court for the purpose of reviewing the record, transcript, and briefs in all cases and submitting to all justices of the court his recommendations for the classification of cases for assignment to the en banc or to a division calendar, according to the legal and judicial significance of the issues raised. Any one justice of the court may order a case to be placed on the en banc calendar rather than a division calendar. The Chief Justice, in his discretion and according to the requirements of composing the calendar, shall accept, reject, or revise the recommended classification of cases. Thereafter, the clerk shall prepare the calendar.

(3) The decision of a case by a division of the court shall be by the concurrence of all the members of the

division. If all the members of the division do not concur in the decision, the case will be re-set for an en banc hearing or considered and decided by the court en banc on the briefs. A copy of the tentative written opinion of a division in each case, prior to filing with the clerk, shall be circulated among the justices who did not sit on the case, and any two justices of the court, by questioning the decision, may signify their doubt as to the decision of the division, in which event the case, at a further conference of the court, will be re-set for an en banc hearing or considered and decided by the court en banc on the briefs. An en banc hearing under this paragraph shall be scheduled at the earliest practicable date, at which hearing the argument time allotted by Rule 134 shall not apply, but counsel for the parties will appear to answer legal or factual questions posed by the court. No additional briefs need be filed unless requested by the court. (As amended Oct. 24, 1969; Nov. 20, 1970.)

(4) The Chief Justice may appoint a panel or panels of members of the court to review pending cases for disposition under the rules of this court.

Dated: March 29th, 1972

SUPREME COURT OF THE STATE OF MINNESOTA

*Charles Hanson*

Chief Justice

*J. P. Murphy*

Associate Justice

*James L. Healy*

Associate Justice

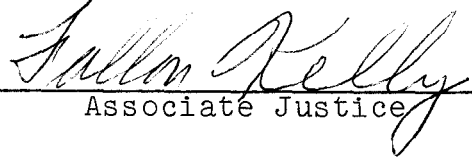
*W. J. Roysheshe*

Associate Justice

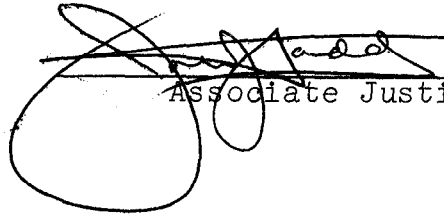
**SUPREME COURT  
FILED**  
MAR 29 1972  
**JOHN McCARTHY,  
CLERK**



Associate Justice



Associate Justice



Associate Justice