

STATE OF MINNESOTA

IN SUPREME COURT

IT IS HEREBY ORDERED that Rule 101., Rule 103.01(1), Rule 103.01(3), Rule 110.02(1), Rule 110.02(3), Rule 111.02, Title III, Rule 115.01, Rule 120.02, Rule 128.02, Rule 131.011 and Appendix B Form 4 of the Rules of Civil Appellate Procedure are amended to read as follows:

RULE 101. SCOPE OF RULES

These rules govern procedure in the Supreme Court of Minnesota in civil appeals; in criminal appeals insofar as the rules are not inconsistent with the Rules of Criminal Procedure or Minnesota Statutes; in proceedings for review of orders of administrative agencies, boards or commissions; and on applications for writs or other relief in civil proceedings which the Supreme Court or a justice thereof is competent to give. The term "trial court" as used in these rules shall refer to the court or agency whose decision is sought to be reviewed.

RULE 103.01 (1)

103.01 Manner of Making Appeal

(1) An appeal shall be made by the service of a written notice of appeal on the adverse party. The notice shall specify the judgment or order from which the appeal is taken and the names, addresses, and telephone numbers of opposing counsel and the parties they represent. Not more than five days after expiration of the time to appeal, the appellant shall file the notice of appeal and the cost bond required by Rule 107 with the clerk of the court in which the judgment or order was entered, together with a deposit of \$25.00. The bond may be waived by stipulation of the parties.

RULE 103.01 (3)

(3) Upon compliance with subdivision (1) of this rule, the clerk of the trial court shall immediately transmit to the clerk

of the Supreme Court \$20.00 out of the prescribed fee together with a certified copy of the notice of appeal, the affidavit of service of notice of appeal, the order or judgment from which the appeal is taken, and the bond or stipulation waiving such bond (as amended October 23, 1969).

RULE 110.02 (1)

(1) Within 10 days after service of the notice of appeal appellant shall, in writing, with a copy to the clerk of the Supreme Court and all counsel of record, order from the reporter a transcript of such parts of the proceedings not already part of the record as he deems necessary for inclusion in the record. Unless the entire transcript is to be included, the appellant, within said 10 days, shall file and serve on the respondent a description of the parts of the transcript which he intends to include in the record and the statement of the issues he intends to present on appeal. If the respondent deems a transcript of other parts of the proceedings to be necessary he shall within 10 days of service of such description order such parts from the reporter or serve and file a motion in the trial court for an order requiring the appellant to do so.

RULE 110.02(3)

(3) If any party deems the period of time set by the reporter to be excessive or insufficient, or if the reporter needs an extension of time for completion of the transcript, the party or reporter may request a different period of time within which the transcript must be delivered by written motion to the Supreme Court under Rule 127, showing good cause why said period of time is excessive or insufficient. The Court Administrator of the Supreme Court shall act as a referee in hearing said motions and shall file with the Court appropriate findings and recommendations for an order of the Court in said matter. A failure to comply

with the order of the Court fixing a time within which the transcript must be delivered may be punished as a contempt of Court.

RULE 111.02

111.02 Transmission of Record; Time

The record shall be transmitted to the clerk of the Supreme Court by the clerk of the trial court 60 days prior to the date set for oral argument or submission of the appeal unless the time is shortened by an order of the Supreme Court. The clerk shall transmit with the record a list, in duplicate, of the exhibits and the items comprising the record, identifying each with reasonable definiteness. Appellant's attorney has the duty to see that the clerk of the trial court complies with this rule. A party must make his own arrangements for the transportation of bulky or weighty exhibits to and from the clerk of the Supreme Court. Transmission of the record is effected when the clerk of the trial court mails or otherwise forwards the record to the Supreme Court.

TITLE III. REVIEW OF WORKMEN'S COMPENSATION COMMISSION;  
TAX COURT; DEPARTMENT OF EMPLOYMENT SERVICES;  
COMMERCE DEPARTMENT; AND OTHER DECISIONS  
REVIEWABLE OF RIGHT BY CERTIORARI TO SUPREME  
COURT

RULE 115. CERTIORARI AS A MATTER OF RIGHT

115.01 How Obtained; Time for Securing Writ

Review of a decision of Workmen's Compensation Commission; Tax Court; Department of Employment Services; Commerce Department; and other decisions reviewable of right by certiorari to the Supreme Court may be had by securing issuance of a writ of certiorari within sixty (60) days after the party applying for such writ shall have received written notice of the decision sought to be reviewed, unless an applicable statute prescribes a different period of time. (As amended Oct. 23, 1969.)

RULE 120. WRITS OF MANDAMUS AND PROHIBITION  
DIRECTED TO A JUDGE OR JUDGES AND  
OTHER WRITS

120.02 Submission of Petition, Preliminary Conference

The attorney for the petitioner shall file the petition and a proposed writ with the clerk of the Supreme Court after submitting the petition to the Supreme Court or any justice and after having given all other parties to the action reasonable oral or written notice of the date and time of the submission and the conference thereon, but the Supreme Court or any justice may waive the requirement of such notice.

RULE 128.02

128.02 Brief of Respondent

The brief of the respondent shall conform to the requirements of Rule 128.01, except that a statement of the issues or of the case or facts need not be made unless the respondent is dissatisfied with the statement of appellant. If a notice of review is filed pursuant to Rule 106, the respondent's brief shall contain the issues specified in the notice of review and the argument thereon as well as the answer to the brief of appellant. A respondent who fails to file a brief when due shall not be entitled to oral argument without leave of the Court.

RULE 131.011

131.011 Application for Extension of Time

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. Only an original of said motion shall be filed.

APPENDIX B

Form 4. Writ of Certiorari

(Title as in Form 3)

WRIT OF CERTIORARI

TO: The Workmen's Compensation Commission of Minnesota:

You are hereby ordered to return to this court within 30 days from date hereof the record, exhibits and proceedings in the above entitled matter to the end that the decision of the Workmen's Compensation Commission filed on October 1, 1966, may be reviewed by this court.

Copies of this writ and the petition herein shall be served forthwith personally or by mail by relator upon the Secretary of the Workmen's Compensation Commission and upon \_\_\_\_\_, (name)

attorneys for respondent (at \_\_\_\_\_, ) and proof of service filed herein. (address)

Witness the Honorable \_\_\_\_\_, Chief Justice of the Supreme Court of Minnesota, and the seal of this Court, this 17th day of October, 1966.

(SEAL)

\_\_\_\_\_  
Clerk of Supreme Court

IT IS HEREBY FURTHER ORDERED that Rule 111.01 is stricken and that Rules 111.02 as amended, 111.03, 111.04 and 111.05 are renumbered accordingly.

Dated: February 14, 1975

SUPREME COURT OF THE STATE OF MINNESOTA

*Robert J. Sherman*  
\_\_\_\_\_  
Chief Justice

SUPREME COURT  
FILED

FEB 20 1975

JOHN McCARTHY  
CLERK