

STATE OF MINNESOTA

IN SUPREME COURT

Order Prescribing and Promulgating
Amended Rules of Civil Appellate
Procedure in the Supreme Court

WHEREAS, the Supreme Court has on its own motion determined to adopt certain amendments to the Rules of Civil Appellate Procedure, in order that said Rules may be interpreted more clearly by the members of the bar; and

WHEREAS, such amendments merely make explicit the policies of this court in interpreting the already extant Rules,

NOW, THEREFORE, IT IS HEREBY ORDERED, that the annexed amended Rules be, and the same hereby are, adopted, prescribed and promulgated, to be effective January 1, 1977, for the regulation of the practices and procedure before the Supreme Court of the State of Minnesota.

Dated: 10-12-76

SUPREME COURT
FILED

OCT 13 1976

JOHN McCARTHY
CLERK

BY THE COURT

Robert J. Sheran
Robert J. Sheran
Chief Justice

Amendment to Rule 134.

134.07 Oral Argument—When Allowed

- (1) In the following actions no oral argument is allowed:
 - (a) Actions for the recovery of money only, or for specific personal property, where the amount or the value of the property involved in the appeal shall not exceed \$2,000.
 - (b) Appeals from orders involving only questions of practice, or forms or rules of pleading.
 - (c) Appeals from the clerk's taxation of costs.
 - (d) Appeals from municipal court.
 - (e) Cases classified by the court to be submitted on briefs.
- (2) ~~In the following actions appellant shall be entitled to 25 minutes in all and respondent to 15 minutes:~~
 - ~~(a) -- Actions for the recovery of money only, or for specific personal property, where the amount or value of the property involved in the appeal is more than \$2,000 but does not exceed \$5,000.~~
 - ~~(b) -- Cases involving decisions of administrative bodies other than the Tax Court.~~
 - ~~(c) -- Cases to determine settlement for poor purposes.~~
 - ~~(d) -- Divorce cases where only alimony or custody, or both, are involved.~~
 - ~~(e) -- Appeals from a post-conviction remedy, habeas corpus, or similar proceeding involving a post-appeal review of a conviction in a criminal case.~~

- (3) (2) Application for leave to argue a case orally when a matter has been set for submission without oral argument shall be made by motion pursuant to Rule 127 setting forth the reason why the appeal should be submitted upon oral argument. Said motion will be considered timely filed if made within 15 days after receipt by counsel of the calendar which sets the matter on the non-oral argument calendar.
- (4) (3) Whenever any member of the court is not present at the oral argument of a case, such case shall be deemed submitted to such member of the court on the record and briefs therein and when during the consideration of a case there is a change in the personnel of the court the case shall be deemed submitted to the new member or members on the record and briefs.

Amendment to Rule 139.

139.02 Disbursements.

Unless otherwise ordered by the Supreme Court, the prevailing party shall be allowed his disbursements necessarily paid or incurred. The prevailing party will not be allowed to tax as a disbursement the cost of preparing facsimile briefs. (Underscored text added.)