

STATE OF MINNESOTA
IN SUPREME COURT

SUPREME COURT
FILED

FEB 8 1979

JOHN McCARTHY

IT IS HEREBY ORDERED that the Rules of Civil Appellate Procedure are amended to read as follows:

133.01 Summary Action

(1) The Supreme Court, on its own motion or on motion of any party, may summarily affirm, may summarily reverse with appropriate directions, may remand or dismiss an appeal or other request for relief upon grounds proper for remand or dismissal, or may limit the issues to be considered on appeal.

(2) Motions for such relief may be made at any time but shall be filed promptly when the occasion appears and shall comply with the requirements of Rule 127.

133.02 Prehearing Conference

The Supreme Court may direct the attorneys for the parties to appear before a justice thereof for a Prehearing Conference to consider the application or nonapplication of Rule 133.01, settlement, simplification of the issues, and such other matters as may aid in the disposition of the proceedings by the Supreme Court. The justice shall ascertain whether or not the appeal should be decided, remanded, or dismissed pursuant to Rule 133.01, shall so recommend to the Supreme Court, and may participate in the decisional process of the Court with respect thereto. The justice shall make an order which recites the recommendation made pursuant to Rule 133.01 and the agreements made by the parties as to any of the matters considered and which limits the issues to those not disposed of by admissions or agreements of counsel.

Prehearing Conference Procedures

By order of the Supreme Court of the State of Minnesota dated January 10, 1979 the following procedures and Prehearing Conference Statement are specified:

IT IS ORDERED that, pursuant to Appellate Rule 133.02, the following Prehearing Conference Procedures in all non-criminal matters are hereby established to remain in effect until further order of the Court:

A. Prehearing Conference Statement. Simultaneously with the service of the notice of appeal pursuant to Appellate Rule 103.01(1), or with the filing of the writ pursuant to Appellate Rule 115.03(3), the appellant or relator shall serve on all other parties separately represented, and transmit (with proof of service) to the clerk of Supreme Court a completed Prehearing Conference Statement in the form prescribed by the Court. The statement will not be treated as confidential.

Within ten days after service of appellant's statement, the respondent shall serve on all other parties separately represented, and within three days thereafter file with the clerk of supreme court (with

proof of service) a Prehearing Conference Statement supplementing that of appellant in the particulars respondent deems to be of assistance to the Court.

B. Notice of Prehearing Conference - Duties of Parties. Following receipt of appellant's statement, the Court shall schedule a Prehearing Conference pursuant to Appellate Rule 133.02 unless it notifies the parties to the contrary. The attorneys for the parties shall be notified of the time and place of the conference, which will be held promptly, before the record is transcribed and briefs prepared. Attendance at the conference by the attorneys shall be obligatory. They shall have full authority to reach settlements, limit issues, and deal with such other matters as may aid in the disposition of the appeal. Upon receipt of the notice of Prehearing Conference, the attorneys shall make arrangements for their clients or their clients' insurers or indemnitors to be available at the time of the conference by telephone communication to approve matters requiring client approval. The clients may in some instances be required to accompany their attorneys to the hearing.

C. Transcript. The appellant will not order a transcript until authorized by the Court to do so. Upon receipt of such authorization, the appellant shall, pursuant to Rule 110.02, notify the court reporter.

D. Prehearing Conference. The Prehearing Conference shall be conducted by a justice of the Court. Settlement discussions, if any, shall be confidential, otherwise the documents presented and discussions conducted will not be treated as confidential.

E. Prehearing Conference Order. The Prehearing Conference justice shall issue an order reciting the action taken at the Prehearing Conference and his recommendation, if any, pursuant to Rule 133. The justice may also recommend any other procedures appropriate to Rule 133.02 and the assignment of the appeal to En Banc, division, or non-oral consideration.

F. Sanctions. Failure of a party or his attorney to obey the foregoing provisions of this Order shall result in such sanctions as the Court may deem appropriate.

G. Exceptions. The provisions of this Order are not applicable to extraordinary writs pursuant to Appellate Rule 120.

H. Form of Prehearing Conference Statement:

STATE OF MINNESOTA
IN SUPREME COURT

INFORMATION FURNISHED HEREIN WILL NOT BE TREATED AS CONFIDENTIAL	CIVIL APPEAL PREHEARING CONFERENCE STATEMENT OF APPELLANTS or RESPONDENTS (Strike one)	Please Complete and File Original with: John McCarthy, Clerk of Supreme Court, 230 State Capitol St. Paul, MN 55155
--	--	--

1. Title of Case: (Describe parties as appellant or respondent)

2. Names and Addresses and Telephone of Attorneys

For Appellants or Relators:
For Respondents:
For Other Parties:

3.
 - A. Court or Agency from which appeal is taken:
 - B. Name of Judge or Hearing Officer who presided:
 - C. State whether appeal is from an order or judgment and the date of the order or judgment.
4. Type of Litigation (e.g., automobile negligence, products liability, malpractice, real estate, zoning, taxation, UCC, domestic matters, insurance, etc.):
5. Brief Description of Claims, Defenses, Issues Litigated, and Result Below (Do not detail evidence):
6. Nature of Judgment or Order as to Which Review is Sought (Appellant: Attach copy of judgment or order, verdict, copy of any memorandum, findings of facts, or conclusions of law of the court or agency below, pleadings, trial briefs, and any documents which may be the subject of the litigation such as deeds, wills, contracts, or insurance policies): DO NOT PREPARE OR SUBMIT AN APPELLATE BRIEF OR TRIAL TRANSCRIPT FOR THE PREHEARING CONFERENCE :
7. Issues Proposed to be Raised on Appeal:
8. Reasons why the appeal or other proceedings should or should not be decided pursuant to Rule 133.01:

One purpose of this Prehearing Conference is to encourage the parties to reach a voluntary settlement before incurring the expense of securing a transcript and preparing and printing briefs, or if that is not possible, to define the issues.

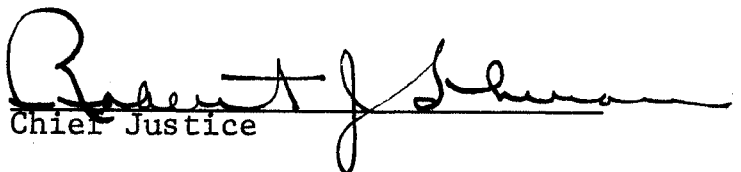
Signed _____

Date _____

TO BE EXECUTED BY THE ATTORNEY
FOR APPELLANT OR RESPONDENT WHO
IS HANDLING THE APPEAL

Dated this 10th day of January, 1979.

BY THE COURT


Chief Justice