

STATE OF MINNESOTA

IN SUPREME COURT

ADM09-8006
(formerly C4-84-2133)

OFFICE OF
APPELLATE COURTS

NOV 16 2009

FILED

Order Promulgating Amendment to Rule 111.01,
Rules of Civil Appellate Procedure.

ORDER

Judicial district administrators have requested two changes in the method of preparing district court case records for transmission to the appellate courts to allow more streamlined and efficient practices. The changes would: (1) allow the use of the MNCIS Register of Actions to comply with the requirement of Minn. R. Civ. App. P. 111.01 for a numbered itemized list of all documents and exhibits contained in the record, by numbering the appropriate entries in the register of actions to correspond to numbered documents and exhibits in the record; and (2) eliminate the requirement in Rule 111.01 that the appellate court docket number be written on each document and exhibit.

The court agrees that the suggested practices would provide efficiency and cost savings and should be adopted. No approval or rule change is necessary to implement the first practice, because use of the MNCIS Register of Actions, numbered to serve as the itemized list, is already permissible under Rule 111.01 and is currently the practice of some court administrators. We conclude that amendment of the rule to eliminate the

requirement of writing the appellate court docket number on each document and exhibit is appropriate.

The court being fully advised in the premises,

IT IS HEREBY ORDERED that Rule 111.01 of the Rules of Civil Appellate Procedure is amended as follows (deletion indicated by strikethrough):

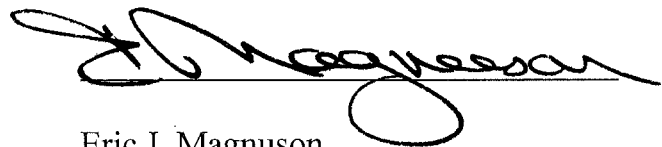
Rule 111.01 Transmission of Record; Time

Within 10 days after the due date for the filing of the appellant's brief, the trial court administrator shall transmit the record to the clerk of the appellate courts, together with a numbered itemized list in quadruplicate of all documents and exhibits contained in the record, identifying each with reasonable definiteness; each document and exhibit shall be endorsed with the ~~appellate court docket number and~~ corresponding number from the itemized list. The trial court administrator shall send a copy of this list to all parties. A party having possession of exhibits shall transmit them with an itemized list in quadruplicate to the clerk of the appellate courts within 10 days after the due date for the filing of the respondent's brief. A party shall make advance arrangements with the clerk for the delivery of bulky or weighty exhibits and for the cost of transporting them to and from the appellate courts. Transmission of the record is effected when the trial court administrator mails or otherwise forwards the record to the appellate courts.

IT IS FURTHER ORDERED that this amendment shall be effective on January 1, 2010, and shall apply to all appeals in which the district court record is transmitted to the appellate court on or after that date.

Dated: November 16, 2009

BY THE COURT:

A handwritten signature in black ink, appearing to read "Eric J. Magnuson", written over a horizontal line.

Eric J. Magnuson
Chief Justice