

STATE OF MINNESOTA
IN COURT OF APPEALS
CX-84-2170

In re: Amendment of Minnesota
Court of Appeals Internal Rules.

O R D E R

WHEREAS, internal rules governing the process of deciding cases and court operation in the court of appeals were initially promulgated and published effective November 1, 1983; and

WHEREAS, the court, after four years of experience and the modification of applicable statutes, has determined amendments are necessary; and

WHEREAS, a rules committee, after extensive study, has recommended certain amendments to the internal rules and the entire court has considered those recommendations and made other amendments;

NOW, THEREFORE, IT IS HEREBY ORDERED the revised Minnesota Court of Appeals Internal Rules be, and the same hereby are, adopted, prescribed, and promulgated.

Dated: September 25, 1987

OFFICE OF
APPELLATE COURTS

SEP 29 1987

FILED

PSP:CLL:ds

BY THE COURT


Peter S. Popovich
Chief Judge

MINNESOTA COURT OF APPEALS

INTERNAL RULES

Originally effective November 1, 1983
and amended September 25, 1987

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1. INTRODUCTION

The judicial process and decisionmaking is significantly affected by procedure. The Court of Appeals procedures originate from the Constitution, statutes, Rules of Appellate Procedure and rules of this Court. Many less formal practices or procedures arise from experience in other state courts and from studies made by legal scholars. Many practices grow by trial and error and custom as a court does its work.

The Court of Appeals is an intermediate appellate court. It is primarily decisional and error correcting rather than a legislative or doctrinal court. Its primary function is the correction of error by application of legal principles. Its task is to find the law, to state it and to apply it to the facts. Only when there are no statutory or judicial precedents to follow will the Court of Appeals make new law.

The procedures and practices outlined in these rules are designated to perform those functions as accurately, expeditiously and fairly as possible.

The purpose of these rules is informational. They are complementary to the appellate rules. Every lawyer should be familiar with those new rules. These rules may be subject to change with experience and without prior notice. The internal rules enable lawyers to understand the mechanics of the Court's procedure; provide a basis for evaluation and

improvement of the administration of the Court; and promote public understanding of the judicial deliberative process.

2. ORAL ARGUMENT

2.1 Availability of Oral Argument:

Rule 134.01 of the Rules of Civil Appellate Procedure delineates circumstances in which oral argument will be disallowed. Wherever possible, however, and consistent with the rule, the Court will provide oral argument in all cases. Panels will meet continuously throughout the year, with allowances for vacations and sick leave.

2.2 Setting Cases:

Placement on the calendar is generally in order of filing. However, certain cases may be prioritized, such as those involving child custody (including termination of parental rights), criminal matters and unemployment compensation. Cases involving similar subject matter or the same attorney may be grouped. The oral argument calendar is arranged by the calendar clerk in coordination with the Commissioner/Chief Attorney and reviewed by the Chief Judge. The Clerk of the Appellate Courts will notify Counsel approximately one month in advance of the hearing date. This notification will specify the location of oral argument, if allowed, but will not identify the judges who are tentatively assigned to hear the case.

2.3 Postponement:

A motion to reset or postpone argument must be made in writing, with a copy to opposing counsel, in accordance with

Rule 134.02 of the Rules of Civil Appellate Procedure. Reasons for the request must be stated. The Court will reset a case no more than once, and then only upon a showing of extreme emergency. The Court may reschedule cases on its own motion.

2.4 Presiding Judge:

The Chief Judge will assign a presiding judge for each panel. All briefs submitted will be read in advance of oral arguments by the participating judges.

2.5 Time:

Arguments will commence promptly as scheduled. Cases will be scheduled on the assumption that only exceptional cases will require the time allowed by Rule 134.03, subdivision 1 of the Rules of Civil Appellate Procedure.

2.6 Place:

Arguments will be held in courtrooms in St. Paul, Minneapolis and at appropriate locations in each of the other eight judicial districts, as provided in Rule 134.09, subdivision 2 of the Rules of Civil Appellate Procedure.

2.7 Visitors:

Visitors are welcome during oral arguments. When large groups desire to be in attendance, seating will be governed by the available accommodations. Taking of photographs and videotaping of proceedings will be with prior approval of the Chief Judge or presiding judge. The media may cover the proceedings in accordance with the rule adopted by the supreme court.

2.8 Waiver of Argument:

Nonappearance at oral argument constitutes waiver of argument. If counsel for one party does not appear, opposing counsel may argue and the case shall be submitted on briefs as to the attorney not appearing. Oral argument may also be waived in accordance with Rule 134.01 of the Rules of Civil Appellate Procedure.

2.9 Eligibility to Argue:

Members of the Minnesota Bar and specially admitted out-of-state attorneys may argue before the Court. If a litigant is without counsel, the case shall be submitted on briefs without oral arguments by any party, unless the Chief Judge or presiding judge orders otherwise.

2.10 Record of Argument:

Arguments are tape-recorded by the Court for internal use only. Tapes are retained until the opinion is released. No one may tape oral arguments without prior approval of the Chief Judge or presiding judge.

2.11 Exhibits and Graphic Aids:

Counsel may use exhibits and graphic aids during oral argument. Arrangements must be made for use of blackboards or easels with the Court's receptionist when the hearing is in St. Paul. When hearings are held at other courtrooms, such arrangements shall be made with the clerk of court in the applicable courthouse. It is the responsibility of counsel to ensure that any exhibit or portion of the trial

court file desired for argument or for examination during deliberation has been obtained from the clerk of the trial court and is available at the time of argument.

3. DECISIONAL PROCESS, OPINION ISSUANCE AND PUBLICATION

3.1 Panels:

Oral and nonoral cases will be assigned to panels under the supervision of the Chief Judge. Except in unusual circumstances, panels of the Court shall consist of at least three judges.

The judges who have heard the case will normally be involved in the decisionmaking process. When an assigned panel judge does not participate or discontinues participation at any stage, the Chief Judge will assign another judge to the panel. The Chief Judge presides at argument when sitting with a panel.

The Chief Judge designates the presiding judge of each panel. The presiding judge will assign the case for opinion authorship during the conference of the panel.

The Chief Judge shall designate a special term panel to consider motions and requests for extraordinary remedies in addition to its share of oral and nonoral cases.

3.2 Post-Argument Conference:

Immediately following oral arguments, the panel will meet informally to review the cases just heard. Panels also meet regularly to decide nonoral cases. The judges discuss their first impressions and a tentative vote is taken to determine their inclinations. There is no commitment by virtue of the tentative vote and positions may change before the issuance of an opinion and after additional research and

reconferring. A judge who represents the apparent majority view at the conference will be assigned preparation of the opinion. The opinion writing judge proceeds to draft an opinion in accordance with the decision of the panel unless, after research, the opinion writing judge may arrive at a different conclusion, whereupon another judge may be assigned to write the opinion previously expressed by the majority. The draft opinion will state the nature of the case, the principal questions involved, the decision of the panel and the reasons for that decision. The draft opinion shall be prepared for circulation within 45 days after the date of assignment.

3.3 Draft Circulation:

When the draft opinion has been prepared, the authoring judge shall transmit it to other members of the Court for their information and it shall not be filed until the noted return date. Any comments shall be returned within 10 days.

If a judge of the panel intends to write a concurring or dissenting opinion, the proposed majority opinion must be circulated to the panel. Within 7 days the other panel members may either concur or dissent. Concurring and dissenting opinions submitted by any member of the panel to the authoring judge shall be transmitted with the majority opinion to all other judges for their information.

If a draft opinion is not agreed to by a majority of the panel, the presiding judge of the panel shall, within 60

days after assignment to the authoring judge, call a meeting of the panel to discuss the matter in detail. The case may be assigned to another member of the panel to write the opinion. If concurrence of a majority of the judges of the panel cannot be achieved, the case, together with all proposed opinions, shall be submitted to full Court conference.

If a member of the panel is unable to attend a scheduled conference, the presiding judge is notified. The absent member may circulate a memorandum reflecting comments, concurrence or disagreement to other members of the panel by the day preceding the scheduled conference. Each judge on the panel shall be afforded an opportunity to express agreement or disagreement with each draft opinion and to suggest changes. The writer of an opinion may change the draft in accordance with the comments received. If changes are substantial, a revised draft should be circulated and considered at a subsequent panel conference. The revised opinion shall have priority over other cases and shall be submitted at the next scheduled meeting of the panel which shall be prepared to vote on the revised opinion. Concurrence of a majority of judges of a panel is required for a decision.

3.4 Recall of an Opinion:

An opinion that has been filed with the opinion clerk may be recalled for reconsideration only if the opinion has not been released to the parties. Once filed, an opinion may

be withdrawn only by the opinion writing judge or a member of the majority of the panel or, in their absence, by the Chief Judge for delivery to the panel. A dissenter may not withdraw an opinion unless the dissent becomes the majority view.

However, after release, clerical changes may be made in an opinion by the panel any time ex parte.

3.5 Memorandum Opinions:

When the panel agrees on the analysis and the law is clear and an opinion would have no precedential value but that it would be desirable to identify the ground for decision, the judge may decide a case by memorandum opinion. That opinion may be a condensed, short statement of the facts, the question involved and decision and citation of the statute, case or other authority. Separate opinions may also be filed.

3.6 Full Opinion:

A full, signed opinion will be issued when, based upon the complexity and importance of the issues:

1) an opinion would have precedential value, because the decision involves an unstated or undecided issue of law; or

2) an opinion would have precedential value, because the decision requires an application of established principles of law to new, novel or exceptionally illustrative facts; or

3) a reversal or modification requires more than a summary statement of the reasons; or

4) issues of unusual public concern are presented.

When a case presents more than one assignment of error, not all of which merit explicit published analysis according to these criteria, issues which warrant an opinion will be discussed and the others will not.

3.7 Concurring Opinion:

A concurring opinion may be submitted by a judge who agrees with the result and reasoning of the Court's opinion but desires to propound additional reasons for the result. A special concurring opinion may be submitted by a judge if that judge disagrees with the reasons for the Court's opinion but desires to concur in the result.

3.8 Dissenting Opinion by Panel Member:

A dissenting opinion may be submitted by a judge of the panel when a judge disagrees with the result announced by the majority. A judge may dissent without opinion when he disagrees for reasons the judge chooses not to express.

3.9 Opinion Issuance:

The majority opinion and any accompanying concurring or dissenting opinions shall be submitted to the Clerk of the Appellate Courts for filing and distribution. The original of each opinion, including concurrences and dissents, shall bear the signature of the author. Except in extraordinary circumstances, opinions will be filed only as of Tuesday of each week, and shall be mailed to counsel on the previous Friday, and shall be available to the media on the Monday

preceding filing. Opinions may not be released by the media prior to 12:01 A.M. on the filing date. News personnel are prohibited from contacting counsel in, or parties to, an appeal prior to 8:30 A.M. on the filing date. In some cases, packets of opinions may contain orders and other documents filed previously. The date of filing is controlling. If the date has passed, news personnel may use the material at any time.

3.10 Transmission of Judgment; Return of Trial Court Record:

Following the decision and filing of the opinion and the passage of the 30 day period to petition for review, the Clerk of Appellate Courts shall transmit the judgment to the clerk of the trial court and return the trial record. The Clerk of the Appellate Courts shall also tax costs and disbursements pursuant to Rule 139.03 of the Rules of Civil Appellate Procedure.

3.11 Remand from the Supreme Court:

When the Supreme Court remands a case to the Court of Appeals for further proceedings, the matter will be referred to staff attorneys to prepare a memorandum analyzing the decision and directions to the appropriate panel. The panel may request additional briefing and direct that oral arguments be heard, proceed to consider the Supreme Court opinion, or take other appropriate action.

3.12 Abeyance Awaiting Supreme Court Decision:

When it appears that a case pending in the Supreme Court will be dispositive of a case pending before the Court

of Appeals, the Chief Judge may order deferral of consideration of that case until the Supreme Court has acted. Counsel will be informed of this decision and the reasons therefor. Counsel are encouraged to inform the Court if they believe that a case may be controlled by another case on review by the Supreme Court.

3.13 Publication:

West Publishing Company is authorized to publish opinions, but such publication is not to be regarded as containing the true and correct text of the Court's opinions. If a change is made on West advance sheets or galleys, the change shall also be made on the official opinion filed in the Office of the Clerk of the Appellate Courts. The official publications of the Court of Appeals for purpose of notice to the public and the legal profession shall be Finance and Commerce and the St. Paul Legal Ledger. Notices may be published elsewhere in the discretion of the Chief Judge.

4. CONFERENCES

4.1 Presubmission:

Presubmission or settlement conferences may be held in the discretion of the chief judge. The staff attorney/commissioner's office may recommend particular cases for settlement discussion.

4.2 En Banc Consideration:

A case may be initially assigned by the chief judge for decision by the court sitting en banc. A matter considered en banc shall be shown as such on the title page of the opinion when it is issued.

4.3 Necessary Concurrence:

A majority of the participating en banc judges is required for a decision. If the court is evenly divided whether the judgment should be affirmed, reversed or modified, a decision is issued affirming the lower court result without an opinion by an equally divided court.

4.4 Full Court Conference:

The entire court of appeals meets on the first Friday of each month throughout the entire year. If a holiday should occur on that day, the conference will be held on the first Thursday. Such conferences may also be held at the call of the chief judge. In addition to administrative and policy matters, the agenda will include: (1) opinions overruling prior decisions of the court; and (2) opinions referred by panels or the chief judge for discussion.

4.5 Confidentiality:

Panel and full court conferences are confidential. Information and comments respecting the assignment of cases, the status and content of opinions, and the individual views of judges are not to be disclosed to any person other than members of the court and the judges' staff.

This section does not prohibit the general discussion of the workings of the court, provided that reference is not made to the assignment or status of specific pending cases.

5. MOTIONS

5.1 In General:

The form, content and time periods for motions are prescribed by Rule 127 of the Rules of Civil Appellate Procedure.

5.2 How Determined:

Motions and requests for extraordinary remedies may be disposed of by the Court or by a special term panel thereof. The Commissioner/Chief Attorney or staff may prepare a memorandum to aid the Court in the disposition of special term matters. Routine motions, including dismissals, case exceptions, postponements, extensions of time to file briefs, etc. may be disposed of by the Chief Judge.

5.3 After Submission:

A motion made after submission, but prior to decision, shall be referred to the panel to which the case was assigned. Motions after decisions are reviewed by the judge who wrote the opinion, by the full panel, or by the Chief Judge.

5.4 Availability of Oral Argument:

Oral argument may be, but is rarely allowed on a motion. The Chief Judge or the presiding judge of a panel may request informal oral argument on a motion, or submission of supplemental information or memoranda.

5.5 Disposition:

Notification of disposition of motions shall be filed and mailed by the Clerk of the Appellate Courts.

5.6 Amicus Briefs:

Where the same attorney or law firm represents a party and a potential amicus curiae, leave to file an additional brief as amicus curiae will not be granted unless the amicus brief will truly represent a position not already before the court or the interests of justice so require.

6. RECUSAL AND DISQUALIFICATION OF JUDGES

6.1 Specific Rules:

Court of Appeals judges are subject to the Code of Judicial Conduct adopted by the Supreme Court. Canons require disqualification where impartiality might be questioned. A judge is obligated to promote public confidence, judicial integrity and impartiality.

6.2 Responsibilities for Recusal:

Application of principles governing disqualification shall be the duty of each judge individually.

6.3 Time for Recusal:

Recusal may occur whenever the disqualifying facts become apparent to the individual judge. Normally it is effected prior to argument. A judge may discontinue participation during argument or even after submission.

6.4 Counsel Requests:

Upon filing a notice of appeal, if a possible disqualification exists, counsel shall direct a letter to the particular judge and to the Chief Judge, setting out the reasons. If a judge chooses to withdraw, the Chief Judge shall be notified for a replacement. Parties may stipulate that a judge's relationship may be so immaterial or financial interest so insubstantial that a judge need not consider disqualification. It is each individual judge who finally determines recusal or disqualification.

6.5 Consequences of Disqualification:

Once a judge is recused, there will be no further participation by that judge in the case. The disqualified judge may withdraw or, as a matter of convenience, remain present but not participate. If disqualification occurs after submission of a case and the disqualified judge sat for oral argument, nonparticipation may be noted in the opinion. If the Chief Judge disqualifies himself, he may designate a judge to act in his place.

6.6 Substitution of Judges:

If a judge declines assignment of a case, the Chief Judge may designate another judge to sit. If a judge is substituted, the substituted judge shall have available all materials of the case.

7. CRIMINAL APPEALS

7.1 Statement of the Case:

A statement of the case shall be filed as prescribed by Rule 133.03, Minnesota Rules of Civil Appellate Procedure, in all appeals taken under Rule 28, Minnesota Rules of Criminal Procedure.

7.2 Form:

Form 133A, found in the Appendix of the Minnesota Rules of Civil Appellate Procedure (1986 Desk Copy, West Publishing Company), shall be used in complying with Section 7.1 of these Internal Rules.

8. STAFF

8.1 Chief Judge:

The Chief Judge is responsible for the administration of the Court. The responsibilities include:

1. After each reapportionment, the Chief Judge shall designate a judge for each of the new congressional districts.

2. The Chief Judge, subject to the authority of the Chief Justice, shall exercise general administrative authority over the Court of Appeals.

3. The Chief Judge shall make assignments of judges to serve on the panels of the Court.

4. The Chief Judge shall designate the places at which the panels will hear arguments.

5. In assigning judges to panels, the Chief Judge shall rotate assignments so that as nearly as practicable, each judge serves a proportionate amount of time with each of the other judges.

6. The Chief Judge shall also rotate assignments to various locations for hearings.

7. The Chief Judge may waive the 90 day limitation, which requires a decision to be made within that period, after oral argument or final submission, for any proceeding before the Court of Appeals for good cause shown.

8.2 Commissioner/Chief Attorney:

The duties shall be those assigned by the Chief Judge, which include communicating and implementing orders and

directions of the Chief Judge. The Commissioner will effectively cooperate with judges, the State Court Administrator, the Appellate Clerk and other staff attorneys to efficiently dispose of the Court's work.

8.3 Presiding Judge:

Each presiding judge is responsible for the management and case flow of appeals and proceedings for the panel over which the judge presides. The presiding judge is appointed by the Chief Judge; presides over panel hearings; and assists in processing decisions and opinions of cases assigned to the panel for disposition.

8.4 Clerk of the Appellate Courts:

The Clerk shall perform the duties of the office as prescribed by law and the Rules of Civil Procedure, and such additional duties as prescribed by the Chief Justice of the Supreme Court and the Chief Judge. The Clerk has custody of the records and papers of the Court and shall not permit any original record to be taken from the custody of employees of the Court of Appeals except as authorized by the Chief Judge or his designee. The Clerk shall file decisions and opinions of the Court, provide for their public issuance, file and issue all orders of the Court and perform such other duties as may be assigned.

8.5 Central Legal Staff:

The central legal staff attorneys shall serve the Court as a whole and their responsibilities are institutional.

Their primary function is to provide professional assistance as house counsel to the judges and efficiently and effectively process matters pending before the Court before, during and through the decisionmaking stages. The central legal staff shall be headed and supervised by the Commissioner/Chief Attorney. The central legal staff shall, prior to calendaring, determine whether the Court has jurisdiction. If in doubt about jurisdiction, a jurisdictional memorandum shall be immediately forwarded to the Chief Judge. If jurisdiction is in doubt, the parties shall be notified and granted ten days to file appropriate memoranda. Opinions of panels shall be circulated among staff attorneys for identification of conflicts or potential conflicts in panel decisions. Inconsistencies shall be immediately reported to the Chief Judge and the opinion writing judge. The staff shall review petitions for writs and requests for temporary relief and other matters and prepare recommendations and a proposed order for the Chief Judge or the appropriate presiding judge of a panel.

8.6 Law Clerk:

The law clerk serves as the personal, professional assistant to a particular judge and shall perform such tasks as are assigned by that judge. The work includes legal research, memorandum drafting, citation checking, editorial work, and review of appeal record.

8.7 Legal Secretaries:

Each legal secretary shall serve as a professional assistant to a particular judge and perform such tasks as are assigned. Legal secretaries are also assigned to the central staff and shall perform such tasks as assigned by the Commissioner/Chief Attorney or the particular staff attorney assigned.

8.8 State Court Administrator:

The State Court Administrator's office shall provide such services to the Court of Appeals as may be required. The Chief Justice of the Supreme Court and the Chief Judge of the Court of Appeals shall supervise the work of this office.

9. REVIEW OF ADMINISTRATIVE RULES

9.1 How Obtained:

Review by the Court of Appeals of the validity of administrative rules pursuant to Minn. Stat. § 14.44 (1984) may be obtained by: (a) filing a petition for declaratory judgment with the Clerk of the Appellate Courts, (b) payment of \$50 to the Clerk of the Appellate Courts and \$10 to the clerk of the agency or body which issued the rule to be reviewed, unless no fee is required pursuant to Rule 103.01, subd. 3, (c) serving the petition upon the attorney general and the agency or body whose rule is to be reviewed, (d) filing proof of service with the Clerk of the Appellate Courts, and (e) filing a cost bond or other security, unless waived by the agency pursuant to Rule 107.

9.2 Contents of Petition for Declaratory Judgment:

The petition shall describe briefly the rule to be reviewed and the errors claimed by petitioner. Two copies of a completed statement of the case pursuant to Rule 133.03 and a copy of the rule which is to be reviewed shall be attached to the petition. The title and form of the petition should conform to that shown in the appendix to these rules.

9.3 Record on Review of a Petition for Declaratory Judgment; Transmission of Record:

Subd. 1. Review of the Record. Review of the validity of administrative rules shall be on the record made in the agency rulemaking process. To the extent possible, the

description of the record contained in Rule 110.01 and the provisions of Rules 110.05 and 111 shall apply to declaratory judgment actions.

Subd. 2. Transmission of Record. If a record of the rulemaking proceedings is prepared before the petition for declaratory judgment is filed, the record shall be forwarded by the clerk of the agency or body to the Clerk of the Appellate Courts with an itemized list as described in Rule 111.01 within 30 days of the filing of the petition.

Subd. 3. Record Not Available When Petition Filed. If the record has not been prepared, or is unavailable, the agency or body shall so notify the Court of Appeals, in writing, within 10 days after service of the petition. The agency shall describe the available record, estimate the date by which the record can be prepared, or propose an alternative means of providing a record to the Court of Appeals, such as preparation of an agreed statement pursuant to Rule 110.04 or submission of affidavits. The notice must be served upon all parties, who may file their responses with the Court of Appeals within five days after service.

9.4 Briefing:

If the record is prepared before the petition is filed, petitioner's brief and appendix shall be served within 30 days after the filing of the petition for declaratory judgment. Remaining briefs shall be filed in accordance with Rule 131.01.

9.5 Participation of Other Persons:

Persons, other than the petitioner, agency, and attorney general, who participated in the rulemaking process below may participate in the declaratory judgment action only with leave of the Court of Appeals. Permission may be sought by filing a motion with the Court of Appeals and serving that motion upon all other parties. The motion shall describe the nature of the movant's participation below, the interest which would be represented in the declaratory judgment action, and the manner in which the rule interferes with or impairs the rights or privileges of the moving party.

10. NONPUBLICATION OF OPINIONS

10.1 Legislative Provision:

In addition to decisions of the court not published in accordance with Minn. R. Civ. App. P. 136, the 1987 legislature amended Minn. Stat. § 480A.08, subd. 3 to provide that the court may publish only those decisions that would:

- a. establish a new rule of law;
- b. overrule a previous court of appeals decision not reviewed by the Minnesota Supreme Court;
- c. provide important procedural guidelines in interpreting statutes or administrative rules;
- d. involve a significant legal issue; or
- e. significantly aid in the administration of justice.

All other opinions would be unpublished.

The amendment also provided that unpublished opinions would not be considered precedential and should not be cited unless copies are provided to other counsel at least 48 hours before its use at any pretrial conference, hearing or trial. If an unpublished opinion is cited in a brief or memorandum, copies shall be provided to all other counsel at the time the brief or memorandum is served. Other counsel may then respond.

10.2 Implementation:

The determination whether to publish shall be made by the panel majority at the conference where the preliminary decision on the matter is decided and the case is assigned.

When the opinion is circulated to other members of the court for their information, the circulation form shall indicate the panel's decision on publication. Other members of the court, if responding to the circulated opinion, may indicate on the form whether the opinion should be published or not. Final decision shall rest with the panel majority.

10.3 Undecided Panel:

If a panel majority has not decided whether to publish an opinion, the proposed opinion shall still be circulated to other members of the court. The circulation form may provide that other members of the court may recommend whether the proposed opinion should be published or not. The recommendations of other members of the court shall be advisory only.

10.4 Opinion Notation:

If it is determined that an opinion should not be published, the opinion on its face shall carry the following notation:

"This opinion will be unpublished and may not be cited except as provided by Minn. Stat. § 480A.08, subd. 3."

It shall then be filed with the clerk of the appellate courts and shall be released weekly by the clerk in a separate packet to those who subscribe to receive opinions from the clerk's office as opinions are released. It is still considered a public document.