

STATE OF MINNESOTA

IN SUPREME COURT

Order Implementing Prehearing
Conference Procedures in Civil
Appeals, Authorized by Appellate
Rule 133.02.

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

With the service of the notice of appeal pursuant to Appellate Rule 103.01 (1), or 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 prehearing judge a completed prehearing conference statement in the form attached hereto.

Within ten days after service of appellant's statement, the respondent shall serve on all other parties separately represented, and bring (with proof of service) to the prehearing conference, 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. In divorce, custody, alimony and support cases, the clients may in some instances be required to accompany their attorneys to the hearing.

C. Transcript

In all cases subject to Rule 133.02, the 60-day period permitted the reporter for furnishing a transcript pursuant to Rule 110.02(2) shall not commence to run until entry of the prehearing conference order, or receipt of notice from the Court that a conference will not be held. The appellant shall notify the reporter of such order or notice.

D. Prehearing Conference

The prehearing conference shall be conducted by a justice of the Court or a hearing officer designated by the Court. The justice who conducts the conference shall not participate in any subsequent decisional process. No court personnel, attorney, party or any other person taking part in the conference shall make public or communicate to, or discuss with, anyone engaged in the decisional process any matters considered or divulged at the conference which do not subsequently appear in the prehearing conference order.

E. Prehearing Conference Order

An order shall be entered following the conference and shall reflect only the procedures or disposition to which the parties have agreed, as follows:

- (1) Dismissal of the appeal
- (2) Limitation of the issues
- (3) Continuation of the appeal unaffected by Rule 133.02.
- (4) Adoption of any other procedures appropriate to the purposes of Rule 133.02

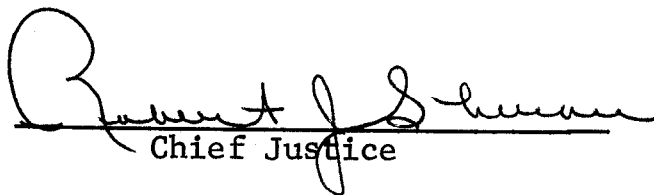
F. Sanctions

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 writ proceedings pursuant to Appellate Rule 120.

September 10, 1976.


Chief Justice