

# Filing a Family Law Appeal in the Minnesota Court of Appeals

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This packet is a general guide to appealing a final decision made in a dissolution (divorce), custody, or parenting matter. These instructions explain the steps to start an appeal and answer common questions, but are **not** a full guide to the law.

Please read the entire packet carefully. If you do not understand any of the steps, or do not know if the forms included with the packet are appropriate for your situation, get legal advice from an attorney. Court employees are able to give general information about court rules and procedures, but **court employees cannot give legal advice.**

## **This packet includes:**

- Step-by-Step Instructions for Filing a Family Law Appeal
- Form: Notice of Appeal
- Form: Statement of the Case of Appellant
- Form: Appellant's Certificate of Service by Mail of the Notice of Appeal and Statement of the Case
- Form: Appellant's Certificate of Service by Mail of Brief

## **For Additional Assistance:**

Additional helpful materials, including example briefs, can be found on the Minnesota State Law Library website (<https://mncourts.libguides.com/appeals>).

The State Law Library also hosts an Appeals Self-Help Clinic (<https://mn.gov/law-library/services/clinics/appealsclinic.jsp>) where you can get limited free legal advice about your appeal from a volunteer attorney. At the clinic, you can also get help filling out forms. The Appeals Self-Help Clinic is on the third Thursday of each month from 1:30-4:30 p.m. For more information about the Appeals Self-Help Clinic, call (651) 297-7651.

## Important Information about Family Law Appeals

### Court of Appeals Opinions are Available to the Public

Once your appeal is decided, the Court of Appeals will issue a written decision, called an “opinion.” That opinion will describe your appeal, the court’s decision in your appeal, and the reasons for that decision. **The opinion will be available to the public on the Minnesota Judicial Branch’s website.** After an opinion is issued, **it cannot be removed from the Internet.** This means that anyone who searches for your name on the Internet may be able to find and read the opinion. That opinion will include information about you and the issues involved in your appeal.

### Laws that Apply to your Appeal

Your appeal is governed by the [Minnesota Rules of Civil Appellate Procedure](#), the [Special Rules of Practice for the Minnesota Court of Appeals](#), the Minnesota Statutes, and relevant opinions of the Minnesota Supreme Court and Minnesota Court of Appeals (opinions of the supreme court and Court of Appeals are sometimes called “case law”). Some of the statutes that may apply to dissolution of marriage, child custody, child support, parenting time, and other family law matters include: [Minnesota Statutes chapters 518, 518A, 518B, 518C, 518D, and 518E](#). Other rules and statutes may also apply. **If you are representing yourself, you are responsible for researching the rules, statutes, and case law that govern your case. Court employees cannot give legal advice.**

This packet includes simplified instructions for a family law appeal, but you should read the rules, statutes, and case law yourself for more information. You can find the rules, case law, and statutes at the Minnesota State Law Library (Room G25, Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155, or call 651-297-7651), and at public libraries. You can find the rules at the Minnesota Judicial Branch’s website: <http://www.mncourts.gov/About-The-Courts/SupremeCourt/CourtRules.aspx>.

### Filing Fees

The appellant in a family law appeal must either pay a \$550 filing fee to the Clerk of the Appellate Courts, or obtain an order **from the district court** waiving that fee. An order from the district court waiving the filing fee is sometimes called an order granting permission to proceed “in forma pauperis” or granting permission to proceed “IFP.” See [Minn. R. Civ. App. P. 103.01, subd. 1; 109.](#)

**An order waiving the district court filing fees is *not* the same as an order waiving the filing fees on appeal.** To get an order waiving the filing fee for the appeal, you must request it in **district court**. You need a new order to waive the fee for the appeal, **even if the district court already waived court fees for matters in district court.** If you ask the district court for an order waiving the filing fee for an appeal, your request must specify that you want the filing fee waived **for the appeal**. A request to proceed IFP on appeal may also include a request that the district court waive the cost of preparing a transcript for your appeal.

If the district court denies either your request to waive the filing fee for the appeal or a request to waive the costs of preparing a transcript for your appeal, you may file a motion in the Court of Appeals to review the district court's denial of your request(s).

Instructions and forms for requesting an order waiving fees for your appeal are found on the Minnesota Judicial Branch Website: <http://www.mncourts.gov/GetForms.aspx?c=19&p=70>

## Step-by-Step Instructions for Filing a Family Law Appeal

### Step 1: Calculate Your Appeal Deadline

Generally, a party seeking to appeal (called the “appellant”) has 60 days to do so. When the 60-day appeal period starts depends on the type of ruling being appealed:

1. If the ruling to be appealed is a judgment, the 60-day period to appeal starts when the judgment is entered. [Minn. R. Civ. App. P. 104.01, subd. 1](#). The 60-day period to appeal a judgment starts to run when the judgment is entered **even if you are not notified that the judgment was entered**. If the judgment sought to be appealed arises out of proceedings in the Expedited Child Support Process, *see* item 3 below.

2. If the ruling to be appealed is an order, the 60-period to appeal starts when a party serves written notice that the order has been filed. [Minn. R. Civ. App. P. 104.01, subd. 1](#). If the order sought to be appealed arises out of proceedings in the Expedited Child Support Process, *see* item 3 below.

3. If the ruling to be appealed is either a judgment or an order arising out of proceedings in the Expedited Child Support Process, the 60-day period to appeal starts on the date the district court administrator serves upon the parties the notice of filing of the order or notice of entry of the judgment. [Minn. R. Gen. Prac. 378.01](#).

Certain types of motions made in district court or in the Expedited Child Support Process will extend the time to appeal a judgment or an order **but only if the motion is both timely and proper**. *See* [Minn. R. Civ. App. P. 104.01](#), subd. 2; [Minn. R. Gen. Prac. 378.01](#).

Determine the type of ruling that is being appealed (1. judgment, 2. order, or 3. any ruling arising out of the Expedited Child Support Process) and the date that starts the 60-day period:

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### General Instructions for Calculating Court of Appeals Deadlines

- Do not count the day of the event that starts the time period. Instead, start counting the next day (for example, if judgment was entered on Monday July 1, 2019, do not count that day; the first day of the 60-day period to appeal that judgment is Tuesday July 2, 2019).
- Continue counting calendar days. **Do not skip weekends. Do not skip legal holidays** (*see* below for legal holidays).
- If the last day of the appeal period is a Saturday, Sunday, or legal holiday, then the deadline for filing the appeal is the next day that is not a Saturday, Sunday, or legal holiday.
- For the purpose of calculating deadlines, legal holidays for the appellate courts are:
  - New Year’s Day (January 1);
  - Martin Luther King, Jr.’s birthday (the third Monday in January);
  - Presidents’ Day (the third Monday in February);
  - Memorial Day (the last Monday in May);
  - Juneteenth (June 19);
  - Independence Day (July 4);
  - Labor Day (the first Monday in September);
  - Columbus Day (the second Monday in October), **even though the appellate courts are open on Columbus Day;**
  - Veterans’ Day (November 11);
  - Thanksgiving Day (the fourth Thursday in November);
  - The Friday after Thanksgiving; and
  - Christmas Day (December 25).

The deadline for starting my appeal is \_\_\_\_\_.

On or before the deadline you calculated in this step, the *Notice of Appeal* for your appeal must be **filed** with the Clerk of the Appellate Courts and **served** on all respondents (steps 2-5 provide instructions for filing and serving documents).

**Note: The Court of Appeals *cannot* extend the deadline to appeal. If you do not file and serve your *Notice of Appeal* by the deadline, your appeal will be dismissed.**

## Step 2: Fill out the *Notice of Appeal* and *Statement of the Case*

- Fill out the *Notice of Appeal*. The *Notice of Appeal* is the document that tells the court of appeals and the other parties to your case (called the “respondent” or “respondents”) that you want to appeal. A *Notice of Appeal* form is attached to this packet.
- Fill out the *Statement of the Case*. The *Statement of the Case* is a document with a number of questions about your appeal to **briefly** summarize your case and the reasons you think the decision was incorrect. Your *Statement of the Case* should not contain detailed arguments about why you think the decision is incorrect. You will make detailed arguments later in your *Brief*. Do not attach any additional documents to your *Statement of the Case*. A *Statement of the Case* form is attached to this packet.

Some questions on the *Statement of the Case* may require you to do some basic legal research before you answer them. Detailed instructions for completing this form are available at <http://mncourts.gov/CourtOfAppeals.aspx#Tab08Resources>.

Question 8 on the *Statement of the Case* asks whether you are requesting oral argument for your appeal, but **oral argument will not be allowed if any party does not have an attorney**.

Question 9 on the *Statement of the Case* asks you what type of *brief* you will file in your appeal: a formal brief, an informal brief, or a memorandum of law previously submitted to the district court accompanied by a short letter argument to the Court of Appeals. A *brief* is a document you will write later in the appeal process in which you (a) describe the facts of your case; (b) cite statutes, rules, and case law; and (c) explain why the statutes, rules and case law you cite cause you to believe that the decision in your case is incorrect. Refer to Step 9 on page 15 for information about the different types of *brief* you may file in your appeal.

Fill in all of the blanks on the forms. If you conclude that a question on the *Statement of the Case* is not applicable to your appeal, put “not applicable” on the relevant portion of the form. If you do not fill out all of the blanks, the Clerk of the Appellate Courts may have to return the form(s) to you, and **this may cause you to miss your deadline to appeal**.

### Step 3: File the *Notice of Appeal* and *Statement of the Case*

“Filing” means submitting or delivering documents to the Office of the Clerk of the Appellate Courts. Filing the *Notice of Appeal* is how you tell the Court of Appeals that you are starting an appeal.

- Choose your method of filing (*see* instructions below).

#### General Instructions for “Filing”

Parties **without an attorney** may file documents by sending the documents to the Clerk of the Appellate Courts **by U.S. Mail**, addressed to:

Clerk of the Appellate Courts  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

For filing by mail, a document will be considered filed “on time” if it is **deposited in the U.S. Mail** by the deadline, with adequate postage and the correct address. A document deposited in the **U.S. Mail** by the deadline with adequate postage and the correct address **will be filed “on time” even though the Clerk of the Appellate Courts will not receive the document on the day you deposit it in the U.S. Mail.**

**For simplicity, this packet includes only the form and instructions for filing by U.S. Mail. This packet assumes that you are filing by U.S. Mail.** There are, however, two other options for filing:

- 1) **Hand-delivering** them to the Clerk of the Appellate Courts during business hours (8:00 a.m. to 4:30 p.m. weekdays), or
- 2) **Submitting them electronically** through the appellate courts’ e-filing system (the appellate courts’ e-filing system is called “E-MACS”). Once you start to use E-MACS to file documents in an appeal, you must continue to do so for the remainder of the appeal – you cannot later choose to file in person or by mail. (**Note: All attorneys are required to use E-MACS and cannot file documents by mail or by hand-delivery to the Clerk of the Appellate Courts.**)

For information about e-filing and to submit documents electronically, go to the Clerk of the Appellate Courts’ webpage ([www.mncourts.gov/Clerk-of-Appellate-Courts.aspx#tab05AppellateFiling](http://www.mncourts.gov/Clerk-of-Appellate-Courts.aspx#tab05AppellateFiling)). For additional instructions on filing, *see* [Minn. R. Civ. App. P. 125.01](#).

**The Clerk of the Appellate Courts cannot accept filings by fax or email.**

- Make two copies of each of the following documents: *Notice of Appeal* and *Statement of the Case*, and the decision(s) you are appealing. Keep one copy of each document for your own records. The other copy is to serve on the respondent (*See* Step 4 for instructions on serving documents). If your appeal involves multiple respondents, you will need to make extra copies to serve one copy of each document on each respondent.
  
- File the **original** *Notice of Appeal* and the original *Statement of the Case*, as well as a copy of the decision(s) you are appealing, with the Clerk of the Appellate Courts by mailing them to the address above.

### Step 4: Serve the documents on respondent(s)

Any time you submit a document to the Clerk of the Appellate Courts for filing, a copy of that document must also be provided to all other parties to the appeal at or before the time of filing. Providing a copy to the other parties is called “service.”

**Important: You must file the *Notice of Appeal* and serve it on the respondent(s) by the deadline you calculated in Step 1, or your appeal will be dismissed.**

- Choose your method of service (*see* instructions below). For **each party** on whom you need to serve documents, follow these steps to decide how to serve **that party**:

#### General Instructions for “Service”

If a party has an attorney, the person you serve **must be the party’s attorney** rather than the party. If a party does not have an attorney, the person you serve is that party.

Did you file your *Notice of Appeal* and *Statement of the Case* electronically using EMACS **AND** is the person you are serving registered for electronic service in E-MACS?

If you answered **YES** to both questions above, then you may serve that person electronically using E-MACS.

If you answered **NO** to either question above, then you filed your documents by hand delivery or by U.S. Mail and therefore you must choose one of the options below for service:

- (1) **By U.S. Mail:** “Service by mail” occurs when you deposit the document to be served in the **U.S. Mail**, with the correct address and adequate first-class postage. You may deposit the documents in the mail yourself. **For simplicity, this packet only includes forms related to service by mail.**
- (2) **In person:** “Personal service” occurs when you have **another person** hand-deliver the document to be served to the person(s) to be served. The person who hand-delivers the document must be 18 years or older, and cannot be a party to the case. **You cannot perform “personal service” yourself.**
- (3) If the recipient consents to another method of delivery, such as email or fax, you can use that method for service.

The Certificate of Service forms in this packet would need to be modified if you choose to serve documents in person or by another method (with consent of the recipient). For additional instructions on service, see [Minn. R. Civ. App. P. 125.02](#).

- Serve the respondent with a copy of (1) *Notice of Appeal*, (2) *Statement of the Case*, and (3) a copy of the decision you are appealing.



**Step 5: If you served any documents by mail or other non-E-MACS method:  
Fill out and file a *Certificate of Service***

**Every** document submitted to the Clerk of the Appellate Courts for filing must be accompanied by proof that the document was served on the other party or parties to the appeal. This is called “proof of service.” Documents served electronically (via E-MACS) do not require a separate document showing proof of service.

**General Instructions for “Proof of Service”**

Did you serve **all** of your documents on **all** parties electronically using E-MACS?

If **YES**, then . . .

**No separate proof of service is required**, because the Clerk of the Appellate Courts will receive proof (from E-MACS itself) that you have served each document electronically. **SKIP** to Step 6 on page 11.

If **NO**, then . . .

**Any time you serve papers in person, by U.S. Mail, or by another delivery method (with the consent of the recipient), you must file a separate proof of service.**

Usually, proof of service is (1) a notarized *Affidavit of Service* or (2) a *Certificate of Service*. The difference between an *Affidavit of Service* and a *Certificate of Service* is that a *Certificate of Service* does not need to be signed in front of a notary.

You may file one *Certificate of Service* (or *Affidavit of Service*) listing multiple documents if you serve all of those documents on the same date, on the same parties, and by the same method.

For simplicity, this packet assumes you are either serving by E-MACS or by U.S. Mail. The packet only includes Certificates of Service *by mail*, not Certificates of Service *by personal delivery*.

For additional instructions on proof of service, see [Minn. R. Civ. App. P. 125.04](#).

If you served any documents by U.S. Mail or other non-E-MACS method, follow the checklist on the next page to submit proof of service for those documents.

- A person who serves documents by mail must complete and sign the form titled *Certificate of Service by Mail*. A *Certificate of Service by Mail* form is included with this packet.

The *Certificate of Service* must include, from top to bottom:

1. The parties' names and appellate file number (if an appellate file number has not been assigned yet, leave this portion of the form blank);
2. County where the *Certificate of Service* form was signed;
3. The name of the person who served the documents;
4. The titles of the documents that were served (on the Certificates of Service included with this packet, the titles of the documents are already filled in);
5. The date the documents were served;
6. The names of the parties who were served and the addresses to which the documents were mailed or delivered to those parties;
7. The signature of the person who served the documents, the date the form was signed, and the county and state where the form was signed.

**Note: You will need different *Certificate of Service* forms at different steps in the process. Do not fill out or file all of the *Certificate of Service* forms at the same time.**

- File the signed *Certificate of Service* with the Clerk of the Appellate Courts.
- If you used E-MACS to electronically **file** your *Notice of Appeal* and *Statement of the Case*, you will also file your *Certificate of Service* electronically using E-MACS (even if you **served** your documents by mail or in person). The *Certificate of Service* must be uploaded as a **separate** PDF or Word document – do **not** combine the *Certificate of Service* with any of your other documents into a single PDF or Word document.
  - If you filed your *Notice of Appeal* and *Statement of the Case* by hand delivery or by mail, you may also file your *Certificate of Service* by hand delivery or by mail.
  - See Step 3 above for additional instructions on how to file documents.

**Step 6: Order your transcript (if applicable)**

In addition to the parties’ briefs, the “district court record” is the only information that the Court of Appeals considers in an appeal. The district court record includes documents filed in the district court and the evidence presented at in the hearings before the district court judge, or referee, or Child Support Magistrate (CSM), in the case in which you are appealing. The district court record does not include documents or evidence from any other district court case, only the documents and evidence from the specific district court case you are appealing.

The district court record might also include a *transcript* of the hearing(s) before the district court judge, referee, or CSM. A *transcript* is a typed copy of what was said at your hearing by all of the witnesses, parties, and attorneys, as well as by the judge, referee, or CSM. If a hearing was held in your case, you can order a *transcript* of the hearing. A *transcript* is not automatically prepared; you must request it. If you need a transcript for your appeal, you must order it within 14 days from when you filed the *Notice of Appeal*. [Minn. R. Civ. App. P. 110.02](#).

There is a fee for preparation of a transcript. If you can’t afford the transcript preparation fee, you can request that the fee be waived by filing, in the district court, a *Motion to Proceed In Forma Pauperis*. Call court administration at the district court to request instructions for having the district court waive your transcript fees.

- Decide whether you need a transcript of a hearing. If you want the Court of Appeals to consider what was said at a hearing as part of the record in your appeal, you will need a transcript of each hearing you want the Court of Appeals to consider.

If you decide you **do NOT** need a transcript for your appeal, skip to Step 7 on page 13

If you **DO** need a transcript, follow the checklist below.

- For each hearing you are requesting a transcript of, gather this information:

- (1) District court case file number for your case: \_\_\_\_\_
- (2) Names of the parties: \_\_\_\_\_
- (3) Date of the hearing(s): \_\_\_\_\_
- (4) Name of the judge(s), referee(s), or CSM(s) at the hearing(s):  
\_\_\_\_\_

You will need to provide this information when you request the transcript.

- Call court administration at the district court where your hearing took place and get instructions on how to request a transcript. You can find contact information for the district court at <http://www.mncourts.gov/Find-Courts.aspx>.

- Follow court administration's instructions to request a transcript.
- Pay the fee for the transcript. After you submit your transcript request, the court reporter will contact you and will provide you with an estimated cost to prepare the transcript and the estimated date when the transcript will be complete. Payment must be made **before** the transcript is prepared. If you are unable to afford the transcript fee, call court administration at the district court and request instructions for having the district court waive your transcript fee.
- Provide the court reporter with the names and contact information for the other party or parties involved in the appeal, so that the court reporter can provide them with copies of the transcript. **It is the appellant's responsibility to order copies of any transcript being prepared for appeal for all the other parties to the appeal.**
- The court reporter will fill out a *Certificate as to Transcript*, which you and the court reporter both sign. The *Certificate as to Transcript* lets the Court of Appeals know that you have requested the transcript and will pay the court reporter. See [Minn. R. Civ. App. P. 110.02](#). The *Certificate as to Transcript* must include:
  - (1) The date you requested the transcript from the court reporter
  - (2) An estimated date that the court reporter will complete the transcript, deliver it to the parties, and file it with the district court;
  - (3) Your signature (if you are acting as your own attorney); and
  - (4) The signature of the court reporter.
- File and serve the *Certificate as to Transcript* with the Clerk of the Appellate Courts, or verify that the court reporter plans to file and serve it for you.

After the court reporter receives payment, the court reporter will prepare the transcript and provide it to you and the other parties electronically or by U.S. Mail. The court reporter will also file a copy of the transcript in the district court and will file a *Transcript Delivery Certificate* with the Clerk of the Appellate Courts verifying that the transcript was filed in district court.

## Step 7: Family Law Appellate Mediation

All family law appeals are reviewed for whether they are appropriate for Family Law Appellate Mediation. Unless the court decides your appeal is inappropriate for mediation (for example, if your relationship with a respondent involved domestic abuse), the Court of Appeals will issue an **Order** “staying” your appeal (putting your appeal temporarily on hold) and referring your appeal to the Family Law Appellate Mediation program. If your appeal is referred to the Family Law Appellate Mediation program, you will receive a packet containing three documents:

- 1) An **Order** referring your appeal to the Family Law Appellate Mediation program, and staying the processing of your appeal;
- 2) A **Confidential Information Form**; and
- 3) **Confidential Mediator Selection Form** from the Family Law Appellate Mediation coordinator.

After you receive this packet:

- Fill out **Confidential Mediator Selection Form** by ranking the mediators from the one you prefer most to the one you prefer least.
- Fill out the **Confidential Information Form** (on this form, you will have the opportunity to indicate whether you believe your appeal is inappropriate for mediation).
- Mail, email, or fax the two forms to the address listed on the forms. **Do not e-file these forms. These forms are confidential and, whether or not your appeal settles in mediation, these forms will *not* be filed in your appellate file.**
- Work with the coordinator of the Family Law Appellate Mediation program to schedule the date and time of the pre-mediation conference call with the mediator. This call is between the parties and the mediator. During this call, you will discuss the issues on appeal, any special needs required for the mediation session, location of mediation, what to expect during mediation, and schedule the actual mediation date.
- Attend mediation and pay the mediator.

After mediation, your mediator will report the outcome of your mediation to the program coordinator. If you were able to resolve your dispute during mediation, your appeal will end here. The Court of Appeals will issue an **Order** dismissing your appeal. Your mediator can provide instructions for obtaining a district court order stating the agreement that you and respondent(s) reached in mediation.

If you were unable to resolve your dispute during mediation, the Court of Appeals will issue an **Order** stating that the stay of your appeal is “dissolved.” The **Order** will likely state the new deadlines for the transcript and/or briefs in your appeal.

For more information about appellate mediation, see [FLAM Program Help Topic](#) and [Special Rules of Appellate Procedure for Family Law Appellate Mediation](#).

## Step 8: Calculate the Deadline for your *Brief*

Your written argument in your appeal is called a “brief.” As the appellant (appealing party), **you must file a *brief*, or your appeal will be dismissed.** See [Minn. R. Civ. App. P. 142.02](#). You are responsible for calculating and keeping track of your own deadlines – court employees cannot do it for you.

**See Step 1 for specific instructions for counting days to calculate your deadline.**

The deadline for your *brief* depends on whether you requested a transcript and, if you did request a transcript, when it was delivered (See [Minn. R. Civ. App. P. 131.01, subd. 1](#)). If your appeal was referred to Family Law Appellate Mediation, the *Order* dissolving the stay of your appeal may set the new deadline for a transcript in your appeal, or the *Order* may even set the deadline for your brief.

**Did you request a transcript  
for your appeal?**

If **NO** to the above question, then the deadline for filing and serving your *brief* is **30 calendar days** from the date you filed the *Notice of Appeal* **UNLESS** the *Order* after mediation sets a different deadline.

Date you filed the *Notice of Appeal*: \_\_\_\_\_.

**ADD 30 days** (unless *Order* after mediation sets a different deadline)

The deadline for my brief is \_\_\_\_\_.

**Did you request a transcript  
for your appeal?**

If **YES** to the above question, was the transcript provided to you **electronically** or **by mail**?

If **ELECTRONICALLY** then the deadline for filing and serving your *brief* is **30 calendar days** from when you received the transcript, or **30 calendar days + 1 business day** if you received the transcript after 5:00 p.m.

Date and time you received the transcript: \_\_\_\_\_

If **BY MAIL** then the deadline for filing and serving your *brief* is **30 calendar days + 3 business days** from when the court reporter mailed the transcript to you.

Date the transcript was mailed to you (postmark date): \_\_\_\_\_

The deadline for my brief is \_\_\_\_\_

## Step 9: Prepare your *Brief*

Your *brief* is your opportunity to tell the Court of Appeals why you believe the decision you are appealing is incorrect. Your *brief* must include legal authorities (case citations, statutes, or court rules). All statements of fact must be supported by references to the transcript or other documents in the district court record of your case. You have three options for the format of your *brief*:

1. **Formal *Brief*:** A formal brief includes a table of contents, a statement of the legal issues, a statement of the case and the facts, an argument, a conclusion, and an addendum. See [Minn. R. Civ. App. P. 128.02](#).
  2. **Informal *Brief*:** If the court gives permission to file an informal brief, it must include a written argument and addendum. See [Minn. R. Civ. App. P. 128.01, subd. 1](#). To receive permission to file an informal brief, you would need to file a motion requesting permission. See page 16 for more information about motions.
  3. ***Memorandum of Law and Short Letter Argument*:** If you submitted a written *Memorandum of Law* during your district court proceeding, you may file that *Memorandum of Law* as your brief, along with a short letter argument that addresses the decision and an addendum. See [Minn. R. Civ. App. P. 128.01, subd. 2](#). If this is the type of brief you wish to file, you must have selected this option on the *Statement of the Case*.
- Choose the format for your *brief* (formal, informal with permission from the court, or memorandum of law with short letter argument).
- Write your *brief*. The Minnesota State Law Library website has helpful information about writing briefs and example briefs you can read (<http://mncourts.libguides.com/appeals/briefs>).
- Prepare the addendum to your *brief*. No matter what type of brief you file, the appellant's brief **must** include an addendum (respondents **may** include an addendum with their brief, but the addendum is **required** for appellant's brief). The requirements for your addendum are listed in [Minn. R. Civ. App. P. 130.02](#).
- One **required part** of your addendum is a copy of the decision you are appealing, even if you submitted a copy of that decision in the beginning of the appeal. **If the addendum to your brief does not include a copy of the decision you are appealing, the Clerk of the Appellate Courts will reject the entire brief.**
  - Your addendum **may** also contain up to 50 additional pages of documents from the record or statutes, rules, cases or other authorities that would be helpful to the court when reading your brief. However, **you cannot include any evidence that was not presented to the district court judge, the referee, or the Child Support Magistrate in the case in which you are appealing.**

## Step 10: File and Serve your *Brief*

- File your brief with the Clerk of the Appellate Courts (see Step 3 above for instructions on how to file documents).

If you have already **e-filed** documents using the appellate courts' E-MACS system, you will e-file your brief, too. During the e-filing process you should e-serve your brief on any parties to your case who have registered for e-filing.

If you are filing **in person or by mail** (instead of using the appellate courts' E-MACS system), you will need to file a printed hard copy of your brief.

- If needed, serve paper hard copies of your brief on other parties to your case. There are two situations where you would need to print hard copies of your brief to serve on parties to your case:

- 1) If you filed your brief in person or by mail (instead of using the appellate courts' E-MACS system), you will need to serve a hard copy of your brief on all of the other parties to the case. Make enough hard copies of your briefs for all respondents on the case.
- 2) If you e-filed your brief using the appellate courts' E-MACS system, but there were any parties who you could not e-serve through E-MACS and they have not agreed to some other form of e-service (such as email), you will need to serve those parties with a hard copy of your brief. Make enough hard copies of your brief for all parties who could not be e-served.

- If you needed to serve any hard copies of your brief, the person who served the hard copies of the brief must fill out and sign the form titled *Certificate of Service by Mail of Brief* (see Steps 4 & 5 above for instructions about service and proof of service).

- If you needed to serve any hard copies of your brief, file the *Certificate of Service by Mail of Brief* with the Clerk of the Appellate Courts (see Step 3 above for instructions on how to file documents).



### **General Information about “Motions”**

If you cannot serve and file your brief by the deadline, or if you want to make any other request of the court, you must serve and file a signed, written request asking the court for the relief you need. This signed, written request is called a “motion.”

The motion must state (1) what you are requesting and (2) the reason(s) for that request. You must serve the written motion on the respondent(s) and file proof of service for the motion. The requirements for a motion are found in [Minn. R. Civ. App. P. 127](#) and specific instructions for requesting a briefing extension are found in [Minn. R. Civ. App. P. 131.02](#). If you are requesting a deadline extension, your motion should be served and filed before the deadline you wish to extend.

**Reminder: The Court of Appeals *cannot* extend the deadline to serve and file the *Notice of Appeal*.**

## What Happens Next?

### **Court of Appeals Receives the District Court Record and Briefs**

The district court sends its record for your case to the Court of Appeals, including any transcript(s) of hearing(s).

The respondent also has the opportunity to submit a brief to the Court of Appeals. A respondent's failure to submit a brief, however, does not mean that the respondent forfeits (or loses) the appeal.

If the respondent's brief raises a new topic that your brief did not address, you may (but do not have to) file a reply brief. See [Minn. R. Civ. App. P. 131.01, subd. 3](#). Your reply brief cannot raise new reasons for reversal or issues that were not raised in your brief or the respondent's brief.

If you choose to file a reply brief, your deadline for filing and serving the reply brief is as follows:

- If the respondent's brief was served on you in person or electronically via E-MACS, the deadline for your reply brief is 14 days after the date the respondent's brief was served on you. See [Minn. R. Civ. App. P. 128.02, subd. 2](#); [131.01, subd. 3](#).
- If the respondent's brief was served on you by mail, the deadline for your reply brief is 14 calendar days + 3 business days from the date the respondent's brief was mailed to you (not when you received it).

### **Oral Argument or Non-Oral Consideration**

After the parties have filed their briefs, your appeal will be submitted to a panel of three Court of Appeals judges. You will receive a *Notice* of the date of oral argument or non-oral consideration by the panel. This notice will also include the names of the judges assigned to decide your appeal.

If you are not represented by an attorney, the Court of Appeals will not allow oral argument by any party. See [Minn. R. Civ. App. P. 134.01](#).

In deciding your appeal, the Court of Appeals looks at the evidence presented at the hearing(s) before the district court, judge, the referee, or the CSM. **You may not give new evidence on appeal without first getting permission from the Court of Appeals.** The Court of Appeals generally does not accept new evidence.

### **Opinion is Issued**

The Court of Appeals will issue a written decision, called an "opinion," within 90 days after the date of the oral argument or the non-oral consideration of the appeal. **All appellate court opinions are public and will be available on the Judicial Branch website.**

If you wish to appeal the Court of Appeals decision, you have 30 days after the opinion is issued to file a *petition for further review (PFR)*, which is a request for the Minnesota Supreme Court to review the Court of Appeals decision. See [Minn. R. Civ. App. P. 117](#).

**FORM 103A. NOTICE OF APPEAL**  
**(COURT OF APPEALS)**

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

DISTRICT COURT  
JUDICIAL DISTRICT \_\_\_\_\_

CASE TITLE:  
\_\_\_\_\_,

**NOTICE OF APPEAL  
TO COURT OF APPEALS**  
(Revised April 16, 2019)

vs.  
\_\_\_\_\_

**DISTRICT COURT CASE NUMBER**  
\_\_\_\_\_

**DATE JUDGMENT ENTERED /  
ORDER FILED**  
\_\_\_\_\_

TO: Clerk of the Appellate Courts  
305 Minnesota Judicial Center  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
Saint Paul, MN 55155

Please take notice that the above-named petitioner respondent appeals to the Court of Appeals of the State of Minnesota from  a judgment  an order, dated as shown as above.

Name of party appealing: \_\_\_\_\_

Attorney name (if represented): \_\_\_\_\_

Address: \_\_\_\_\_

Email address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Attorney Registration License Number (if applicable): \_\_\_\_\_

Signature: \_\_\_\_\_ Dated: \_\_\_\_\_  
(appellant, or attorney, if represented)

(The district court caption is used on the notice of appeal. Subsequent documents shall bear the appropriate appellate court caption. [RCAP 103.01, subd. 1](#) specifies the contents of the notice of appeal and filings required to perfect an appeal, including filing fees. [RCAP 103.03](#) identifies rulings that are appealable. [RCAP 104.01](#) and Minnesota Rule of General Practice 378.01 specify the time limits for filing and service of the notice of appeal. [RCAP 108.01](#) generally addresses stays pending appeal. This Notice of Appeal must be accompanied by a completed Statement of the Case. [RCAP 133.03](#).)

**STATE OF MINNESOTA  
IN THE COURT OF APPEALS**

**CASE TITLE:**

(The lines below should match the names in the case title on your district court paperwork.)

\_\_\_\_\_

vs.

\_\_\_\_\_

**STATEMENT OF THE CASE  
OF APPELLANT**

(Revised April 16, 2019)

**DISTRICT COURT CASE NUMBER**

\_\_\_\_\_

**Appellate Case #** \_\_\_\_\_

*This form is provided for the benefit of self-represented litigants, and conforms to the Statement of the Case form required by Rule 133.03 of the Minnesota Rules of Civil Appellate Procedure and to Form 133, found at the end of the Minnesota Rules of Civil Appellate Procedure. Some questions on this form may require you to complete some basic legal research about your appeal before you can complete them. Instructions for completing this form are available at <https://mncourts.gov/Clerk-of-Appellate-Courts.aspx#tab04Forms>.*

**1. District court in which the case originated:** \_\_\_\_\_  
Name of presiding judge: \_\_\_\_\_

**2. Jurisdictional Statement:** Appeal from district court.

1. Statute, rule, or other authority authorizing appeal:

Minn. R. Civ. App. P. 103.03(a)

Minn. R. Civ. App. P. 103.03(h)

Other: \_\_\_\_\_

2. For appeals from a judgment: Date of entry of judgment: \_\_\_\_\_

For appeals from an order:

a. Was written notice of filing of the order served?  Yes  No

b. If written notice of filing of the order was served, by whom was it served by? \_\_\_\_\_ court administrator \_\_\_\_\_ a party.

c. If written notice of filing of the order was served, on what date was it served? \_\_\_\_\_

3. Rule or statute setting time limit for filing notice of appeal (specify applicable rule or statute):

Minn. R. Gen. Prac. 378.01 (appeals from filings made in the expedited child support process).

Minn. R. Civ. App. P. 104.01, subd. 1.

Other: \_\_\_\_\_

4. Date of filing any motion that tolls the time to appeal: \_\_\_\_\_

5. If there was a motion that tolls appeal time:

6. a. Date of filing of order deciding tolling motion: \_\_\_\_\_

b. Date of service of notice of filing of order deciding tolling motion:  
\_\_\_\_\_

**3. Finality of order or judgment:**

1. Does the judgment or order to be reviewed dispose of all claims by and against all parties, including attorney fees?  Yes  No

2. If no, did the district court order entry of a final partial judgment for immediate appeal pursuant to Minn. R. Civ. App. P. 104.01?

Yes  No

If yes, give date that order was filed: \_\_\_\_\_

If no, is the order or judgment appealed from reviewable under an exception to the finality rule?  Yes  No

If yes, cite the rule, statute, or other authority authorizing appeal  
\_\_\_\_\_

**4. Type of litigation and any statutes at issue:**

\_\_\_\_\_  
\_\_\_\_\_

**5. *Short* description of issues raised in the district court or expedited child support process, and how the district court judge or child support magistrate decided those**

**issues:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**6. *Short* description of issues you are raising in this appeal (one or two sentences; you may make a more detailed argument in the brief you will file later):**

\_\_\_\_\_



**10. Type of brief to be filed (choose one):**

- Formal brief under [Rule 128.02](#)

*(A formal brief includes a table of contents, a statement of the legal issues, a statement of the case and the facts, an argument, a conclusion, and an addendum. \*)*

- Informal brief under [Rule 128.01, subd. 1.](#)

*(Before filing an informal brief, you must file a motion requesting permission to do so. An informal brief contains a concise statement of your argument and an addendum. \*)*

- Trial memoranda, supplemented by a short letter argument under [Rule 128.01, subd. 2,](#) and an addendum.

*(If you filed a written Memorandum of Law in the district court, you may file that Memorandum as your brief in this court, along with a short argument in letter format that addresses the decision of the district court judge. This must include an addendum. \*)*

*\* No matter what type of brief an appellant files, the appellant's brief **must** include an addendum. Respondents **may**, but do not have to, include an addendum with their brief. The requirements for an addendum are listed in [Minn. R. Civ. App. P. 130.02](#). In addition to the documents that rule 130.02 **requires** be included in an addendum, an addendum may contain up to 50 additional pages of documents from the record or statutes, rules, cases or other authorities that would be helpful to the court when reading your brief. **An addendum cannot include new evidence that was not presented to the district court judge.***

**11. Names, addresses, and telephone numbers of appellant and respondent (or attorneys, if any):**

Appellant or appellant's attorney:

Print name: \_\_\_\_\_

Address: \_\_\_\_\_

Email address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Signature: \_\_\_\_\_

Respondent or respondent's attorney:

Print name: \_\_\_\_\_

Address: \_\_\_\_\_

Email address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**STATE OF MINNESOTA  
IN THE COURT OF APPEALS**

CASE TITLE:

\_\_\_\_\_ ,

vs.

\_\_\_\_\_ ,

**APPELLANT'S CERTIFICATE OF  
SERVICE BY MAIL OF NOTICE OF  
APPEAL AND STATEMENT OF  
THE CASE** (Revised April 16, 2019)

**Appellate Case #** \_\_\_\_\_

**STATE OF MINNESOTA**

**COUNTY OF** \_\_\_\_\_

I, \_\_\_\_\_ (**Name**), certify that on \_\_\_\_\_ (**Date**), I served the attached **Notice of Appeal** and **Statement of the Case** on the following parties by mailing to each of them a copy thereof, enclosed in an envelope, postage pre-paid, and by depositing the same in the United States Mail, directed to each party as follows (**List the name and address of each party to whom the documents were mailed**):

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that everything I have stated in this document is true and correct.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date of signature)

\_\_\_\_\_  
(County where certificate was signed)

\_\_\_\_\_  
(State where certificate was signed)



**STATE OF MINNESOTA  
IN THE COURT OF APPEALS**

CASE TITLE:

\_\_\_\_\_ ,

vs.

\_\_\_\_\_ ,

**APPELLANT'S CERTIFICATE OF  
SERVICE BY MAIL OF BRIEF**

(Revised April 16, 2019)

**Appellate Case #** \_\_\_\_\_

**STATE OF MINNESOTA**

**COUNTY OF** \_\_\_\_\_

I, \_\_\_\_\_ (**Name**), certify that on \_\_\_\_\_ (**Date**), I served the attached **Brief** on the following parties by mailing to each of them a copy thereof, enclosed in an envelope, postage pre-paid, and by depositing the same in the United States Mail, directed to each party as follows (**List the name and address of each party to whom the brief was mailed**):

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that everything I have stated in this document is true and correct.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date of signature)

\_\_\_\_\_  
(County where certificate was signed)

\_\_\_\_\_  
(State where certificate was signed)

