

# Instructions for the Statement of the Case in the Minnesota Court of Appeals

These instructions and the *Statement of the Case* form (available at <http://mncourts.gov/CourtOfAppeals.aspx#Tab08Resources>) are provided for the benefit of self-represented litigants, and they conform to the *Statement of the Case* form required by Rule 133.03 of the [Minnesota Rules of Civil Appellate Procedure \(Minn. R. Civ. App. P.\)](#) and to Form 133, found at the end of the Minnesota Rules of Civil Appellate Procedure. These instructions provide a basic guide through each question on the *Statement of the Case* form. Some questions may require you to complete some basic legal research about your appeal before you can complete them.

The *Statement of Case* does not determine whether the appellate courts have jurisdiction over your case, but the *Statement of the Case* is important to the proper and efficient processing of the appeal by the appellate courts.

For additional assistance completing this form, contact the State Law Library at (651) 297-7651. Please note that court employees can give general information about court rules, forms, and procedures, but they cannot give legal advice.

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## **Case Title**

Write the parties' names, as they appeared on the documents from the district court or agency where your case was decided.

## **Case Number**

Write the case number that your case was assigned in district court or by the agency that made the decision. Write the appellate case number, if you know it already (if not, you can leave it blank).

## **1. Originating Court or Agency**

Write the name of the district court or agency where the decision was made that you are now appealing. For example, "Hennepin County District Court," or "City of Rochester," or "Department of Employment and Economic Development."

Write the name of the judge, or other decision maker, who made the decision from which you are appealing.

## 2. Jurisdictional Statement

The “jurisdictional statement” section is intended to provide enough information for the appellate courts to easily determine whether your order or judgment is appealable and whether your appeal was filed by the deadline.

Answer the questions in ONE of the sections:

- Section 2.a. if you are filing an appeal from a district court order
- Section 2.b. if you are filing a certiorari appeal such as an unemployment appeal, or
- Section 2.c. if you are filing any other type of appeal, such as Petition for Prohibition or a Petition for a Writ of Mandamus.

### **2.a.1, 2.b.1, 2.c.1: Statute, rule, or authority authorizing appeal/appellate proceeding**

You will need to research which statute or rule allows you to file this appeal. Write the name and number of the statute or rule that applies. For example, “Minn. Stat. section 504B.371, subd. 2” or “Minn. R. Civ. App. P. 103.03(a).”

**2.a.2:** If you are appealing from a judgment, write the date judgment was entered. If you are appealing from an order, write the date that you were served with the Notice of Filing of that order.

### **2.a.3, 2.b.2., 2.c.2: Authority fixing time limit**

Every type of appeal has a filing deadline, which is a number of days after the order or judgment become final. You will need to research which statute or rule determines the deadline for you to file your appeal. That same statute or rule should also tell you what event or date to count from, in order to calculate your deadline. Write the name and number of the statute or rule that applies.

### **2.a.4 and 2.a.5: Motion that tolls appeal time**

Some types of motions (requests to the district court) may “toll” (temporarily stop) the count of days that make up the deadline to your appeal. After a “tolling” motion is decided by a district court order, you would pick up where you left off counting the days that count toward your deadline for appeal. In other words, a “tolling” motion extends your deadline for appeal.

Not all motions “toll,” or extend, your deadline for appeal. If a motion was filed in your case, you may have to do some legal research to determine whether it is the type of motion that “tolls” your deadline for appeal. Only fill out 2.a.4 and 2.a.5 if a motion was filed in your case and a statute or rule states that the type of motion filed in your case “tolls” your deadline for appeal.

## **2.d. Finality of order or judgment**

You cannot file an appeal unless a judgment or order is “final,” meaning that it decided all of the issues that were brought by all parties in the district court. There are some exceptions that would allow an appeal even if the issues have not all been decided.

**2.d.1.** If the judgment or order you are appealing from decided all of the issues or grievances that both parties brought at the district court or agency, then mark “yes.”

**2.d.2.** Skip this question unless you marked “no” in 2.d.1.

**2.d.3.** Only answer this question for criminal appeals. If you mark “no,” then write the name and number of the statute or rule that allows you to appeal even if no sentence has been imposed or stayed.

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## **3. Type of litigation and any statutes at issue**

State the general type of appeal you are filing, for example Eviction, Postconviction, Unemployment, Criminal, Civil, etc. Also, write the name and number of any statutes or rules that you already know of that you believe apply to this appeal (for example, “Minn. Stat. section 504B.371, subd. 2” or “Minn. R. Civ. App. P. 103.03(a)”). You may need to research which statutes or rules apply to your appeal.

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## **4. Brief description of issues that were raised in the district court or agency**

The sections requesting information about the issues raised in the district court or agency and the issues proposed to be raised on appeal are for the court’s information. What you write in these sections does not expand or limit the issues that might be addressed on appeal.

Briefly describe the issues and how those issues were decided in the order from which you are appealing.

For criminal appeals, state whether the conviction was for a felony, gross misdemeanor, or misdemeanor.

## 5. Short description of issue you are raising in this appeal.

Write one or two sentences about the issues and decisions you intend to challenge in this appeal (you may make a more detailed argument in the brief you will be filing later). In your appeal, you can challenge actions taken or decisions made by the judge that you believe were errors, but not actions taken by the other parties.

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## 6. Related appeals

This section is intended to provide the court with more information about the procedural history of the case and to ensure that the court has early notice of other pending related matters, in case consolidation is appropriate.

**6.a.** If you know of any other appeals already filed that involve the same case file that you are appealing from, write the appellate file numbers of those appeals here. If you do not know of any other appeals from the same case, write “none” here.

**6.b.** If you know of any other appeals already filed that involve the same issues you are raising in your appeal, write the appellate file numbers here. If you do not know of any other appeals raising the same issues as your case, write “none” here.

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## 7. Contents of record

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 evidence used in the hearings before the district court judge or housing court referee.

The district court record might also include a **transcript** of the hearing(s) before the district court judge. A **transcript** is a typed copy of what all of the witnesses, parties, and the judge said at your hearing.

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.

**7.a.** You will need to decide whether you need to order a transcript in order for the appellate courts to decide the issues you are raising in your appeal. Generally, if you want the appellate courts to consider anything that was said at any hearing before the district court or agency, you will need to order a transcript. If your appeal is from an Unemployment Law Judge’s decision, you do not need to order the transcript, because the Department of

Employment and Economic Development (DEED) will automatically prepare the transcript for your appeal.

**7.b.** You will need to decide whether you will be ordering a transcript of the entire hearing or only the part of the hearing that was relevant to your appeal.

**7.c.** In order to get a transcript of your hearing, you will first need to order it from the court reporter. Then, after the court reporter prepares the transcript, the court reporter will deliver copies to whoever you direct them to deliver it to. If you are ordering a transcript for your appeal, you need to direct the court reporter to deliver copies to all other parties and to file the transcript in the district court. For this question, verify whether you have done so already.

**7.d.** If you marked “no” in question 8.c., verify whether you have already ordered the transcript from the court reporter.

**7.e.** If a transcript is available in this case, mark “no” for this question. If no transcript is available in your case, read [Minn. R. Civ. App. P. 110.03](#) to determine whether you want to work with the other party to create a “statement of the proceedings.”

**7.f.** The district court record includes documents filed in the district court, evidence used in the hearings before the district court judge or housing court referee, and transcripts of hearings, if any transcripts were requested. Read [Minn. R. Civ. App. P. 110.04](#) to determine if you want to agree with the other party to prepare a “statement of the record” and have the appellate courts rely on that statement instead of the district court record.

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## **8. Oral argument**

Only attorneys can make an oral argument in the Minnesota Court of Appeals. If you do not have an attorney, neither you nor respondents will have oral argument. Even if you have an attorney, you have a choice whether you wish to request an oral argument.

Mark the box that applies in part 8.a. If you mark “yes” in 8.a., mark the location that is convenient for you in 8.b. If you live distant from the Minnesota Judicial Center in St. Paul, you can write in your district court county next to “Other” in 8.b. and the Court of Appeals may be able to schedule oral argument for you in or near the county where your district court case took place.

## 9. Type of brief to be filed

There are three types of briefs. Read the descriptions below, then choose which type you will plan to prepare and file in your appeal. The court will carefully consider your brief, regardless of the type of brief you submit.

1) **Formal brief** (see [Minn. R. Civ. App. P. 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.\* A formal brief must be bound in a specific way, and can't just be stapled. A list of approved binding methods under [Minn. R. Civ. App. P. 132.01](#) is available at <http://mncourts.gov/Clerk-of-Appellate-Courts.aspx#ApprovedBriefBindingMethods>.

2) **Informal brief** (see [Minn. R. Civ. App. P. 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.\* It may be stapled.

3) **Trial memoranda, supplemented by a short letter argument** (see [Minn. R. Civ. App. P. 128.01, subd. 2](#)).

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

\* **Addendum to Appellant's 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 only 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 the decision in the beginning of the appeal. If the addendum to your brief does not include a copy of the decision, the Clerk's Office 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 new evidence that was not presented to the district court judge.**

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**10. Names, addresses, and telephone numbers of appellant and respondents (or attorneys, if any).** If respondent does not have an attorney that you know of, use respondent's name and contact information. If respondent has an attorney, use respondent's attorney's name and contact information.