

Method & Manner

Mandatory Electronic Filing and Service in the Appellate Courts. The use of the appellate courts’ electronic file and service system (EMACS) is now mandatory in all appeals or administrative matters pending or filed after July 1, 2016, in which the parties to the appeal or matter are represented by an attorney admitted to practice in Minnesota or has been admitted pro hac vice to practice before the appellate courts of Minnesota.

Permissive Electronic Filing and Service In the Appellate Courts. As of March 1, 2016, a self-represented party may request to register as an authorized user of the appellate courts’ EMACS in all case types. This authorization is within the discretion of the clerk of appellate courts.

Waiver of Convenience Fees. Until January 1, 2018 or further order of the Supreme Court, the clerk of appellate courts is authorized to temporarily waive any convenience fees associated with the processing of filing fees or other payments related to appeals that are filed using the appellate courts’ EMACS.

Electronic Transmittal of Lower Tribunal’s Record. The use of EMACS is now mandatory to transmit all documents from lower tribunals to the appellate courts.

Initiating an Appeal - Checklist

File/Serve	Document	EMACS	eFS	Authority
Clerk of Appellate Courts	Notice of Appeal	✓		Minn. R. Civ. App. P. 103.01, subd. 1.
	Statement of the Case	✓		
	Copy of Judgment/Order Appealed From	✓		
	Proof of Service	✓		
	Proof of Filing with District Court Administrator	✓		
	Filing Fee	✓		
District Court Administrator	Notice of Appeal		✓	Minn. R. Civ. App. P. 103.01, subd. 1; Advisory Committee Comment - 2014 Amendments
Opposing Party	Notice of Appeal Statement of Case		✓	Minn. R. Civ. App. P. 103.01, subd. 1; Advisory Committee Comment - 2014 Amendments

Number of Paper Appellate Briefs

The Minnesota Court of Appeals and the Minnesota Supreme Court have issued standing orders that have reduced the number of paper copies of briefs that must be filed in appellate cases. The number of paper briefs that must be served remains the same.

Filing:	Bound	Unbound
Court of Appeals:	4	1
Supreme Court:	-	1
 Service:		
Court Of Appeals:	2	-
Supreme Court :	2	-

2016 New Appellate Rules		
Rule	Title	Change
105.02	Discretionary Review	Changes page limit to 4,000 word limit.
107.01	No Cost Bond Required	Cost bond not required unless ordered by district court for good cause shown.
109	Leave to Proceed <i>In Forma Pauperis</i>	Changes relating to references to cost bonds.
111.02	Exhibits and Models	Changes relating to return of exhibits and models to district court following appeal.
117	Petition for Further Review	Changes page limit to 4,000 word limit.
118	Accelerated Review by Supreme Court Prior to a Decision by the Court of Appeals	Changes page limit to 4,000 word limit.
125.01	Filing and Service	Includes cross-reference to Rule 125.03, which prohibits the use of fax transmission to serve appellate pleadings except with the consent of the party to be served.
128.01	References in Briefs to Record	Requires references to parties' addendum or to portions of record not contained in addenda. Requires references to Document Index Number from district court Register of Actions and specific pages of it, or the particular part of the record "suitably designated" and to specific pages of it.
130.02	Addendum	Requires a table of contents that identifies each document in the Addendum, including Document Index Number; prohibits inclusion of unpublished opinions unless not generally available in on-line databases or Minnesota law libraries.
132.04	Signature	Separates signature requirement from 132.02, subd. 2 into new rule that explicitly sets forth what is necessary for signing appellate documents and pleadings.
141	Recusal	Establishes new rule that sets forth a uniform and public process for considering motions for recusal or disqualification of appellate justices or judges from pending appeals.
143.05	Attorneys	Clarifies who may sign appellate pleadings or present argument to an appellate court.
143.06	Signature	Clarifies what documents must be signed and who may sign them.