

**FILED**

April 25, 2019

**OFFICE OF  
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM09-8006

**ORDER ESTABLISHING COMMENT PERIOD  
ON PROPOSED AMENDMENTS TO  
THE RULES OF CIVIL APPELLATE PROCEDURE**

In an order filed on November 13, 2018, we directed the Advisory Committee for the Rules of Civil Appellate Procedure to review the requirements for the use and preparation of transcripts for the record on appeal, which includes the “transcription of any testimony given by audiotape, videotape, or other electronic means” that has not been previously transcribed. *See* Minn. R. Civ. App. P. 110.02, subd. 4 (explaining transcript requirements for the record on appeal). The committee filed its report and recommendations on April 1, 2019. After considering the report filed by the Advisory Committee for the Rules of Criminal Procedure, which recommended amending several rules that govern the use and preparation of transcripts for audio and video evidence in criminal proceedings, *see Report of the Minn. Supreme Court Advisory Comm. On Rules of Crim. Proc.*, No. ADM10-8049, at 2 (filed Feb. 28, 2019), the Advisory Committee for the Rules of Civil Appellate Procedure decided that no further amendments were needed to Minn. R. Civ. App. P. 110.02, subd. 4. The committee concluded that Rule 110.02 makes clear that only testimonial recordings must be transcribed and thus the rule in its current form works in civil appeals without difficulty.

Rules 110–111 of the Rules of Civil Appellate Procedure, which govern the content and transmission of the record on appeal, apply to criminal appeals to the extent not

inconsistent with the Rules of Criminal Procedure. *See* Minn. R. Crim. P. 28.01, subd. 2. The court must now consider whether to adopt the committee's recommendation to leave Rule 110.02, subdivision 4 unchanged, even if the recommended amendments to the Rules of Criminal Procedure, which modify the requirements for transcription of audio and video evidence used in criminal proceedings, are adopted.

IT IS HEREBY ORDERED that any person or organization that wants to provide written comments in support of or in opposition to the recommendation of the Advisory Committee for the Rules of Civil Appellate Procedure, to retain without amendment the provisions of Minn. R. Civ. App. P. 110.02, subd. 4, regarding transcript preparation for the record on appeal, shall file one copy of those comments with the Clerk of the Appellate Courts, using the appellate courts' electronic filing system if required to do so. *See* Minn. R. Civ. App. P. 125.01(a)(1). All comments shall be filed so as to be received by the Clerk on or before June 25, 2019.

Dated: April 25, 2019

BY THE COURT:



Lorie S. Gildea  
Chief Justice