

FILED

October 8, 2021

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA
IN SUPREME COURT

ADM09-8006

**ORDER PROMULGATING AMENDMENTS TO
THE RULES OF CIVIL APPELLATE PROCEDURE**

The Rules of Civil Appellate Procedure govern the preparation of transcripts ordered for an appeal. *See* Minn. R. Civ. App. P. 110.02. When ordered for an appeal, the transcript is filed with the court administrator in an electronic form. *See* Minn. R. Civ. App. P. 110.02, subd. 4. Rule 110.02 allows a party to request a paper copy of the transcript “in lieu of an electronic transcript” when a transcript is ordered for an appeal. Minn. R. Civ. App. P. 110.02, subd. 2(b).

The Judicial Council, the administrative policy-making authority for the Minnesota Judicial Branch, approved amendments effective October 1, 2021 to Council Policy No. 221, which governs transcript preparation. Among other amendments, the Council decided that paper copies of transcripts will not be provided, thus effectively requiring transcripts that are ordered from a court reporter for an appeal to be provided in an electronic format. This decision requires amendments to Rule 110 of the Rules of Civil Appellate Procedure. We therefore opened a public comment period on proposed rule amendments.

None of the comments that were filed oppose the proposed amendments to Rule 110. The comments noted, however, that the rules should address the limited situations in which a self-represented party is unable to access an electronic transcript and therefore requests a paper transcript. We agree and, thus, have provided direction in these

amendments for court reporters and guidance for these self-represented parties on the availability of a paper copy of the transcript.

Based on all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the attached amendments to the Rules of Civil Appellate Procedure be, and the same are, prescribed and promulgated to be effective as of the date of this order. The rules as amended shall apply to transcript requests that are made under Rule 110.02 after the date of this order.

Dated: October 8, 2021

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Lorie S. Gildea".

Lorie S. Gildea
Chief Justice

AMENDMENTS TO THE RULES OF CIVIL APPELLATE PROCEDURE

[Note: in the following amendments, deletions are indicated by a line drawn through the words, and additions are indicated by a line drawn under the words.]

Rule 110. The Record on Appeal

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110.02. The Transcript of Proceedings; Duty of Appellant to Order; Notice to Respondent if Partial Transcript is Ordered; Duty of Reporter; Form of Transcript

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Subd. 2. Transcript Certificates. (a) If any part of the proceedings is to be transcribed by a court reporter, a certificate as to transcript signed by the designating counsel and by the court reporter shall be filed with the clerk of the appellate courts, with a copy to the trial court and all counsel of record within 14 days of the date the transcript was ordered. The certificate shall contain the date on which the transcript was requested; the estimated number of pages; the estimated completion date not to exceed 60 days; a statement that satisfactory financial arrangements have been made for the transcription; ~~and the court reporter's address and telephone number; and whether a self-represented party has requested a paper copy of the transcript under this paragraph.~~ A self-represented party who orders a transcript may request a paper copy when ordering the transcript if the party does not have an email address to which the transcript can be delivered or does not have access to email.

~~(b) If, within 10 days after the filing of a transcript certificate required by subdivision 2(a) of this rule, any party makes a written request to the designating counsel that a paper transcript be provided to that party in lieu of an electronic transcript, the appellant or designating attorney or party shall file with the clerk of the appellate courts an amended transcript certificate confirming that satisfactory financial arrangements have been made for the preparation of the transcript and any timely requested paper copy or copies. The amended transcript certificate shall not extend the estimated completion date.~~

~~(c)~~ (e) Upon filing of the transcript with the trial court administrator and delivery to counsel of record, the reporter shall file with the clerk of the appellate courts a certificate of filing and delivery. The certificate shall identify the transcript(s) delivered; specify the dates of filing of the transcript with the trial court administrator and delivery to counsel, or for a self-represented party who does not receive an electronic copy, the date on which the party was notified by the court reporter of the availability of the transcript at the court administrator's office; and shall indicate the method of delivery. The certificate shall also contain the court reporter's address and telephone number.

~~(d)~~ (c) The reporter's certificates required by sections (a) and ~~(e)~~ of this subdivision shall be filed electronically with the clerk of appellate courts using the appellate courts' e-filing and e-service system and shall be served on all attorneys and unrepresented parties. The reporter may, but need not, use that system to serve copies of these certificates on attorneys registered for use of the system, and need not provide separate proof of service for certificates served electronically.

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Subd. 4. Transcript Requirements. The transcript shall be formatted for 8½ by 11 inch or 8½ by 10½ inch paper with double spacing between each line of text and shall contain a table of contents. To the extent possible, the transcript of a trial or other single court proceeding shall be consecutively paginated, regardless of the number of volumes. The name of each witness shall appear at the top of each page containing that person's testimony. A question and its answer may be contained in a single paragraph. Compressed formats allowing more than one page of transcription to appear on a single page are not permitted for filed transcripts or for service on any party unless the party has consented to a compressed format.

In all appeals from the trial court, the court reporter shall file the transcript with the trial court administrator in an electronic format acceptable to the trial court administrator. The court reporter shall promptly transmit a paper copy of the transcript to the attorney for each party to the appeal separately represented who has timely requested a paper copy in lieu of an electronic copy. For all other parties, the court reporter shall promptly transmit an electronic copy of the transcript to the attorney for each party to the appeal separately represented and to any self-represented party, unless the self-represented party qualifies for a paper copy of the transcript under subdivision 2(a) of this rule. For a self-represented party who orders a transcript and requests a paper copy under subdivision 2(a) of this rule because the party does not have an email address to which the transcript can be delivered or does not have access to email, the court reporter shall provide notice by U.S. Mail to the self-represented party that the transcript has been filed with the trial court administrator and a paper copy of that transcript is available at the court administrator's office. For civil appeals other than from the district court, a paper transcript may be substituted for an electronic transcript if an electronic transcript is not available.

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Rule 131. Filing and Service of Briefs and Addenda

131.01. Time for Filing and Service

Subdivision 1. Appellant's Brief. The appellant shall serve and file a brief and addendum within 30 days after delivery of the transcript by the reporter or after the filing of the trial court's approval of the statement pursuant to Rules 110.03 and 110.04. If a party is self-represented and requests a paper copy of the transcript under subdivision 2(a) of Rule 110.02, the transcript is delivered by United States Mail, 3 days are added to the briefing period, which is measured from the date the court reporter provides notice to the self-represented party regarding the availability of the transcript from the court administrator's office. ~~transcript was mailed.~~ If the transcript is obtained prior to appeal or if the record on appeal does not include a transcript, then the appellant shall serve and file a brief and addendum with the clerk of the appellate courts within 30 days after the filing of the notice of appeal, the petition which initiates the appeal, the appellate petition for declaratory judgment, or the appellate court order granting review.

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