

What's New In the Appellate Courts

September 26, 2016





Agenda

- Rule Changes Effective 7/1/16
- Mandatory Appellate e-Filing Requirements Effective 7/1/16
- New Supreme Court Standing Order on Briefs



Changes to Minn. R. Civ. App. P.

WORD COUNTS INSTEAD OF PAGE LIMITS

- Rule 105.02 Content of Petition; Response
 - 4,000 words, excluding caption, signature block, and addendum

- Rule 117, Subd. 3 Petition Requirements
 - 2,000 words, excluding caption, signature block, and addendum

- Rule 118, Subd. 2 Petition Requirements
 - 4,000 words, excluding caption, signature block, and addendum



Changes to Minn. R. Civ. App. P.

CERTIFICATE OF DOCUMENT LENGTH REQUIRED

– Rule 105.02 Content of Petition; Response

- The petition and any response or reply shall be accompanied by a Certificate of Document Length.

– Rule 117, Subd. 3 Petition Requirements

- The petition and addendum shall be accompanied by a Certificate of Document Length.

– Rule 118, Subd. 2 Petition Requirements

The petition and addendum shall be accompanied by a Certificate of Document Length.



CERTIFICATE OF DOCUMENT LENGTH REQUIRED

****AVOID REJECTED E-FILINGS AND DEFICIENCY NOTICES****

FORM 132. CERTIFICATION OF LENGTH OF DOCUMENT

STATE OF MINNESOTA
(IN SUPREME COURT
OR
IN COURT OF APPEALS)

CASE TITLE:

Appellant,	CERTIFICATION OF LENGTH OF DOCUMENT
vs.	
Respondent.	APPELLATE COURT CASE NUMBER:

I hereby certify that this document conforms to the requirements of the applicable rules, is produced with a [monospaced] [proportional] font, and the length of this document is.... [lines][words]. This document was prepared using [name and version of word processing software].

DATED:

NAME, ADDRESS, ZIP CODE, TELEPHONE NUMBER, EMAIL ADDRESS, AND ATTORNEY REGISTRATION LICENSE NUMBER OF ATTORNEY(S) FOR [PARTY]:

SIGNATURE

Changes to Minn. R. Civ. App. P.

NO COST BOND REQUIRED

AMENDMENT TO RULE 107.01 PROMULGATED ON APRIL 14, 2016 (EFFECTIVE DATE JULY 1, 2016).

“Except as required by Rule 116 of these rules with respect to a certiorari appeal from the Workers’ Compensation Court of Appeals, no cost bond is required for any appeal, unless ordered by the trial court on motion for good cause shown.”





NO COST BOND REQUIRED – LEGISLATIVE CHANGE

EFFECTIVE MAY 12, 2016

Sec. 3. Minnesota Statutes 2014, section 176.471, subdivision 3, is amended to read:

Subd. 3. **Service of writ ~~and bond~~; filing fee.** To effect a review upon certiorari, the party shall serve a writ of certiorari ~~and a bond~~ upon the administrator of the Workers' Compensation Court of Appeals within the 30-day period referred to in subdivision 1. The party shall also at this time pay to the ~~administrator~~ clerk of the appellate courts the fee prescribed by rule ~~103.01~~ 116.03 of the Rules of Civil Appellate Procedure ~~which shall be disposed of in the manner provided by that rule.~~

Sec. 4. Minnesota Statutes 2014, section 176.471, subdivision 5, is amended to read:

Subd. 5. **Bond.** ~~The bond required by subdivision 3 shall be executed in such amount and with such sureties as the Workers' Compensation Court of Appeals directs and approves. The bond shall be conditioned to pay the cost of the review. The Workers' Compensation Court of Appeals may, upon motion of any respondent and a showing that extraordinary circumstances warrant the requirement of a cost bond, order that a bond be provided as prescribed by rule 107.02 of the Rules of Civil Appellate Procedure.~~



Changes to Minn. R. Civ. App. P.

REFERENCES TO THE RECORD

- Document Index Number (DOC ID) from the Register of Actions

Date	Description
07/11/2014	Transcript <i>Jury Trial, April 23, 2014</i>
07/11/2014	Transcript <i>Jury Trial, April 22, 2014</i>
07/11/2014	Transcript <i>Jury Trial, April 21, 2014</i>
07/11/2014	Transcript <i>Jury Trial, April 17, 2014</i>
07/11/2014	Transcript <i>Jury Trial, April 16, 2014</i>
07/11/2014	Transcript <i>Jury Trial, April 15, 2014</i>
07/11/2014	Transcript <i>Jury Trial, April 14, 2014</i>
07/11/2014	Court Reporter Certificate as to Transcript-Appellate Court <i>March 25, 2014. April 14-17, 2014. April 21-25, 2014 and April 28-29, 2014</i>

<i>Index #11</i>
<i>Index #10</i>
<i>Index #9</i>
<i>Index #8</i>
<i>Index #7</i>
<i>Index #6</i>
<i>Index #5</i>
<i>Index #4</i>



Changes to Minn. R. Civ. App. P.

RULE 130.02 ADDENDUM

- Requires a table of contents identifying each document included in the Addendum, including the Document Index Number from the Register of Actions if available.
- Unpublished decisions, if cited, shall not be included in the addendum, unless opinions are not generally available.
- **Reminder:** Appellant must prepare and addendum.



Changes to Minn. R. Civ. App. P.

RULE 132.04 SIGNATURE

- All briefs, motions, notices, and petitions filed with the appellate courts shall be signed.

Reminder: Do not use “Co-Sign” or other electronic signature software to sign documents e-filed in E-MACS. Use **/s/ First Name Last Name** or scan/upload document after applying an ink signature.



Mandatory e-Filing Requirements

Effective July 1, 2016

- **Required** for all attorneys admitted to practice in the State of Minnesota or admitted pro hac vice to practice before the appellate courts of Minnesota.
- **Required** for all court reporters, executive branch records managers, court appointed examiners and panels appointed by the appellate courts.
- **Applicable** to all appeals or administrative matters pending on or filed after July 1, 2016.

Appellate e-Filing will remain **voluntary** for self-represented parties after July 1, 2016. Approval of E-MACS accounts for self-represented parties is at the discretion of the clerk of the appellate courts.



Mandatory e-Filing Requirements

Effective July 1, 2016

- What should I do if the opposing party is not a registered E-MACS user yet?
 - Register for E-MACS account (even if you don't have pending appellate cases) to allow parties to e-serve you at time of case initiation.
- All filings must be e-filed, this includes AOS for paper copies of briefs.
- What happens if an attorney files paper instead of using E-MACS?
- How long will it take to processing my filing?
 - Can I call the clerk's office to request my filing be moved to the front of the queue?
 - Why are filings that are submitted at the same time processed at different times?
 - Using the proper filing type and subtype ensures fastest routing and processing.



Mandatory e-Filing Requirements Effective July 1, 2016

AVOIDING REJECTION

- Review the Common Rejection Reasons Guide
- Ensure name on E-MACS account used to file document matches signature on document.
- Upload Briefs and Addendums as separate PDFS.
- Don't combine multiple filings in one E-MACS submission (i.e. motions to accept late documents are filed separately from the proposed late document = 2 E-MACS submissions).
- Follow rules for double spacing, word counts and page limits (addendums).

Mandatory e-Filing Requirements Effective July 1, 2016



COMMON ISSUES

- Rejection on date of deadline.
 - File as early in the day as possible to allow time to resolve any rejection issues.
- Re-setting passwords/account lock out.
- Document upload failure.
 - Try uploading Word version instead of PDF
 - Save PDF as a “flat” file, remove character recognition
 - Print PDF and re-scan as a “flat” file
 - Remove any signatures applied by “Co-Sign” or other signature software
- Credit card issue.
 - Don’t pay twice!!!
- Why can’t I view a document that was e-served on me via E-MACS?
 - How can I find out if a document served on me was rejected by the clerk’s office?

All About E-Service



APPELLATE E-FILING

AnnMarie O'Neill

Information

- E-MACS will serve registered users automatically when you submit your filing. If there are participants in your case that are not registered E-MACS users, you must serve them by one of the methods permitted by the Minnesota Rules of Civil Appellate Procedure

FILING PROGRESS Filing Information Upload Lead Document Upload Addendum Upload Other Service Information Filing Summary

SERVICE INFORMATION

E-MACS Service Recipients

Name	Role	Representing	Address	Service Method
Attorney General - Criminal	Attorney	State of Minnesota :: (Appellant)	ag.appellate@ag.state.mn.us	<input type="text"/>
MESHBESHER, STEVEN J	Attorney	Smith, Byron (Respondent)	steve@stevemeshbesh.com	<input type="text"/>

Conventional Service Recipients

Name	Role	Representing	Address	Service Method	Service Date
JOHNSON, ADAM TODD	Attorney	Smith, Byron (Respondent)	Meshbesh & Associates, P.A. 225 Lumber Exchange Building 10 South Fifth Street Minneapolis MN 55402	<input type="text"/>	<input type="text"/>
Office of the Minn. Appellate Public Defender ::	Interested Observer	Self-Represented	540 Fairview Ave. North Suite 300 St. Paul MN 55104	<input type="text"/>	<input type="text"/>
WOLPERT, ROBIN MICHELLE	Attorney	State of Minnesota :: (Appellant)	Washington County Attorney Office 15015 62nd Street North, P.O. Box 6 Stillwater MN 55082-0006	<input type="text"/>	<input type="text"/>

Additional Service Information

Other Served

Comments

Service Document

Name

Proof of Service

File

Browse...

Comments

Add Another

Previous Next

When using E-MACS for e-service, you do NOT need to upload an additional AOS. Only upload AOS for parties listed under "Conventional Service" or "Other Served."



Appellate e-Filing Resources



• [MACS PUBLIC Search](#)

[News](#)

[Overview](#)

[Help](#)

[Forms](#)

[Appellate
eFiling](#)

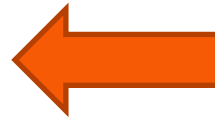
[Filing
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[Notice Regarding E-MACS Credit Card Payment Issue](#)



[Order Regarding Mandatory and Permissive Electronic Filing and Service in the Appellate Courts](#)

[NOTICE Regarding eFiling Availability for Self-Represented Parties and Mandatory eFiling Requirements Effective 7/1/16](#)

About Appellate e-Filing

The Minnesota Appellate E-Filing Application (E-MACS) provides the ability for users to electronically file documents with the Clerk of Appellate Courts in cases pending before the court of appeals and the supreme court. Electronic service may also be accomplished, in some cases, when documents are e-filed with E-MACS.

E-filing with the appellate courts will offer users the following benefits:

- Convenience: E-MACS offers one electronic location at which you can at any time prepare, file, and (in some cases) serve documents electronically, as well as access notifications received on recent cases.
- Availability and access: E-MACS is available 24/7, and filings submitted before 11:59 p.m. will be considered submitted that day, even when the clerk's office is not open. If accepted by the clerk's office after review, submissions will be considered 'filed' as of the date of submission.

Cost Efficiency: Electronic filing and service will reduce the number of paper copies needed for the courts and for user and lawyer direct

Appellate e-Filing Resources

A pair of silver scales of justice is positioned in the upper right corner of the slide, resting on a wooden surface. The background behind the scales is a warm, blurred orange and yellow gradient.

User Documentation

- E-MACS User Manual
- E-MACS FAQ
- [Preparing Documents for eFiling](#)
- E-MACS Quick Reference Guide for Court Reporters
- Instructions for Creating an Agency Records Manager Account and E-Filing the Record on Appeal
- E-MACS Common Rejection Categories, Reasons and Solutions

Demos

- Registering for E-MACS
- Creating a Filing on an Existing Case
- Creating a Filing on a New Case
- E-MACS - Create a Petition for Further Review (PFR) for an Existing Case
- Using E-MACS as a Court Reporter

Historical Supreme Court Orders

Minnesota Supreme Court Authorizes Appellate E-Filing Expansion Effective March 1, 2015



Submitted, Accepted, Rejected

SUBMITTED

Submitted e-filings are the same as paper filings deposited in a mailbox – they still aren't accepted! **Remember e-service occurs at the time of "submission."**

ACCEPTED

Accepted e-filings have been reviewed by Clerk's Office staff and have been "filed."

REJECTED

Rejected submissions are not accepted or filed. Only the e-filer is notified of the rejection – not the parties who were served.



The Basics: MNCIS eFS vs. E-MACS

DISTRICT COURTS

- MNCIS case management and e-filing/e-service system.
- Tyler Technology Platform.
- Can't use this system for e-filing/e-service in appellate cases.

APPELLATE COURTS

- MACS case management and E-MACS e-filing/e-service system.
- Thomson Reuters Technology Platform.
- Can't use this system for e-filing/e-service in district court cases.

Standing Orders

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eFiling](#)[Filing
Fees](#)[Standing
Orders](#)[Open Supreme Court
Appointments](#)

Supreme Court Standing Order Regarding Electronic Transmission of District Court Records to the Clerk of the Appellate Courts

Effective July 1, 2014 and July 1, 2016: Change to Number of Copies of Appellate Briefs Required

Pursuant to Standing Orders issued by both the Minnesota Court of Appeals and the Minnesota Supreme Court, the number of copies of briefs filed in appellate cases is reduced to five. This change is effective for all briefs filed on or after July 1, 2014.

Court of Appeals Matters: 4 bound briefs + 1 unbound brief = 5 total briefs

Court of Appeals Standing Order Regarding Copies of Briefs

Supreme Court Matters: 1 unbound brief *only* (Effective July 1, 2016)

Supreme Court Standing Order Regarding Copies of Briefs - May 23, 2016

Extra copies of briefs will not be accepted by the Clerk of Appellate Courts. Excess briefs delivered in person or via courier service will not be accepted at the counter. Excess briefs delivered by mail will be held for three business days and may be picked up at the Clerk's Office at the author's expense. After three full business days have lapsed, excess briefs will be recycled.



*With the exception of briefs,
you should **Never** follow
up an e-filing by filing a
paper copy of the same
document with the
Clerk's Office.*



Access to Historical Appellate Records

P-MACS

<http://macsnc.courts.state.mn.us/ctrack/publicLogin.jsp>

Docketing Filter View					
Display: <input type="text" value="Chronological"/>		<input type="button" value="Go!"/>			
Docket Information					
Document Description	Jurisdiction	Filing Date	Docket Entry Type	Filing Type	Status PDF
Affidavit - Service (AMENDED)	Court of Appeals	05/20/2016	Affidavit	Service	Final
Event - Electronic Record Submitted/Received - MACS	Court of Appeals	05/16/2016	Event	Electronic Record Submitted/Received	Final
Notice - Request Trial Court/Agency File	Court of Appeals	05/16/2016	Notice	Request Trial Court/Agency File	Final
Brief - Relator	Court of Appeals	05/13/2016	Brief	Appellant	Final
Event - Itemized List of Record Received	Court of Appeals	04/25/2016	Event	Itemized List of Record Received	Final
Transcript - Delivery Certificate - Patricia Carter	Court of Appeals	04/14/2016	Transcript	Delivery Certificate	Final
Affidavit - Service of issued writ of cert	Court of Appeals	03/30/2016	Affidavit	Service of writ of cert	Final
Statement - Case - Respondent DEED	Court of Appeals	03/25/2016	Statement	Case - Respondent	Final
Transcript - Initial Certificate - Patricia Carter	Court of Appeals	03/25/2016	Transcript	Initial Certificate	Final
Correspondence - Outgoing: returning incomplete proof of service to relator	Court of Appeals	03/23/2016	Correspondence	Outgoing	Final
Notice - Regarding Appellate E-Filing Expansion for Self-Represented Litigants and Mandatory Requirements Taking Effect 7/1/16.	Court of Appeals	03/21/2016	Notice	Other - Outgoing	Final
Notice - Case Filing	Court of Appeals	03/18/2016	Notice	Case Filing	Final
Statement - Case - Relator	Court of Appeals	03/16/2016	Statement	Case - Appellant	Final
Writ - Certiorari	Court of Appeals	03/16/2016	Writ	Certiorari	Final
Petition - Certiorari	Court of Appeals	03/16/2016	Petition	Certiorari	Final

Appellate Court Case Documents Now Viewable on Courthouse Terminals

Posted: Tuesday, September 1, 2015



Courthouse View (CHV)

“No Remote Access”

**Minimum Document Security Setting for
Briefs/Addendum**

Members of the public are now able to view documents filed by parties in appellate cases on public access terminals in all Minnesota state courthouses. Documents filed on or after December 1, 2013, in appeals before both the Minnesota Court of Appeals and the Minnesota Supreme Court are available.

“Today’s announcement is the culmination of over two years of efforts to design and implement the technology and document security necessary to make this service available. The appellate courts recognize that statewide access to electronic appellate court documents will provide a significant benefit to both the legal community and self-represented litigants, specifically the savings to parties who will no longer have to travel to the Minnesota Judicial Center in St. Paul to view and copy appellate court documents. In addition, the availability of electronic appellate court documents, at county courthouses statewide, will advance public access to appellate case records,” said AnnMarie S. O’Neill, Clerk of the Appellate Courts.

Since March 3, 2003, the general public has had online access to appellate case records through the public view of the Minnesota Appellate Courts Case Management System (P-MACS). P-MACS provides the following information about cases: case title, case number, parties, attorneys, a list of docket entries, and links to orders and opinions issued by the courts.



Appellate Docs Via E-Mail

Submit a request via e-mail to the State Law Library. List the appellate file number in the e-mail subject line. The text of the e-mail should include the specific document(s) being requested. Note, up to three documents per week may be emailed at no charge. Requests in excess of three documents per week are subject to applicable fees.

Send requests to:

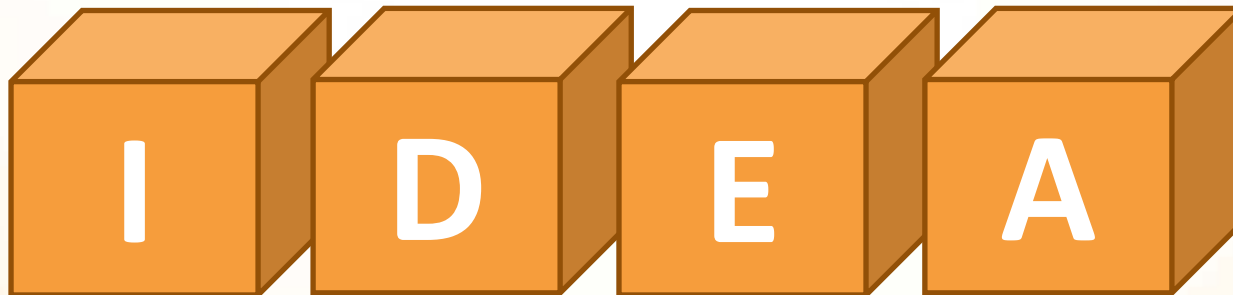
- askalibrarian@courts.state.mn.us



Ideas, Suggestions, Comments are Welcomed!



- *E-MACS is still evolving.*
- *Some features can be enhanced. (Some can't be).*
- *The Clerk of the Appellate Courts values your feedback!*



Thank you!!

Please don't hesitate to contact the Clerk's Office for case related assistance: 651-296-2581

For Technical Assistance Call:

651-227-2002 (if calling from metro area codes 612, 651, 763, 952)

1-855-291-8246 (if calling from all other area codes)

Technical support hours of operation:

6:00 A.M. - 7:00 P.M., Monday through Friday

