

**CIVIL
APPELLATE PRACTICE
IN THE MINNESOTA
COURT OF APPEALS**

**Laura S. Underkuffler
David W. Larson**

Butterworths

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in the
Minnesota Court of Appeals

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PREFACE

This book is a comprehensive practitioner's guide to civil appellate practice and procedure in the Minnesota Court of Appeals. It begins with a brief description of the history and organization of the court of appeals and then proceeds to take the reader through the various steps encountered in the prosecution of a case through the intermediate appellate court. Areas covered include jurisdiction; the initiation of appellate proceedings, including appealable judgments and orders, the effect of an appeal on remaining trial court proceedings, the procedure for appeal by multiple parties, the scope of review on appeal from a judgment or order, the time within which an appeal must be taken, and the manner in which an appeal must be perfected; the procedure involved in obtaining a writ of mandamus or prohibition; preargument motion practice; the record on appeal; the preparation of briefs and appendixes; oral argument; and postdecision procedures.

The new Minnesota Rules of Civil Appellate Procedure were adopted by the Minnesota supreme court on June 17, 1983 and became effective on November 1, 1983, the date of operational establishment of the Minnesota Court of Appeals. The new rules, and the many cases decided by the Minnesota Court of Appeals and by the Minnesota supreme court interpreting those rules, have substantially altered appellate practice in this state. The goal of this book is to bring together those rules, the Internal Rules of the Minnesota Court of Appeals, and applicable case law into one easily readable, integrated format for the practitioner.

The focus of this book is on practice in the Minnesota Court of Appeals. Rules, case law, and practical considerations that bear on practice in that court are the book's primary concern. Decisions by the Minnesota supreme court that bear on practice in the intermediate court, or that are of general applicability, are included as well.

Chapters one through three and chapter five were written by David W. Larson. Chapters four and six through ten were written by Laura S. Underkuffler.

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