

Rule 111. Transmission of the Record**111.01 Transmission of Record; Time**

Within 7 days after the due date for the filing of the appellant's brief, the trial court administrator shall prepare the record and transmit it or make it electronically available to the clerk of the appellate courts, together with a numbered itemized list of all documents and exhibits contained in the record, identifying each with reasonable definiteness; each document and exhibit shall be endorsed with the corresponding number from the itemized list. The trial court administrator shall send a copy of this list to all parties. A party having possession of exhibits shall transmit them with an itemized list to the clerk of the appellate courts within 14 days after the due date for the filing of the respondent's brief. A party shall make advance arrangements with the clerk for the delivery of bulky or weighty exhibits and for the cost of transporting them to and from the appellate courts.

(Amended effective for appeals taken on or after January 1, 1992; amended effective January 1, 2010; amended effective July 1, 2014; amended effective January 1, 2020.)

Advisory Committee Comment - 2014 Amendments

Rule 111.01 is amended to remove the requirement that the itemized list of the documents in the record be filed in quadruplicate. This change is consistent with the deletion of the requirement for filing multiple copies as part of the implementation of electronic filing. The last sentence of the rule is deleted because there is no longer any timing requirement or other rule provision that requires determination of the date of transmission of the record.

111.02 Exhibits and Models

The appellate court docket number shall be endorsed upon all exhibits sent to the clerk of the appellate courts. Exhibits and models will be returned to the trial court administrator with the remittitur after judgment has been entered by the appellate court.

(Amended effective for appeals taken on or after January 1, 1992; amended effective July 1, 2016.)

Advisory Committee Comment - 2016 Amendments

Rule 111.02 is amended to conform it to the current practice involving transmission of exhibits to the appellate courts and the ultimate disposition of them. Under the amended rule, exhibits and models are returned to the trial court administrator at the conclusion of the appeal, without regard to whether the appeal results in a new trial or other further proceedings on remand. Rule 128 of the Minnesota General Rules of Practice defines the procedure for retrieval of exhibits by attorneys or the ultimate disposition of them.

111.03 Record for Preliminary Hearing in the Appellate Courts

If prior to the time the record is transmitted, a party desires to make a motion for dismissal, for a stay pending appeal, for additional security on the bond on appeal or on a supersedeas bond, or for any intermediate order, the trial court administrator at the request of any party shall transmit to the appellate court those parts of the original record which the party designates.

(Amended effective for appeals taken on or after January 1, 1992.)

111.04 Disposition of Record after Appeal

Upon the termination of the appeal, the clerk of the appellate courts shall return any tangible portions of the record to the trial court administrator.

(Amended effective for appeals taken on or after January 1, 1992; amended effective July 1, 2014.)

Advisory Committee Comment - 2014 Amendments

Rule 111.04 is amended to remove the requirement that transcripts be forwarded to the State Law Library at the completion of an appeal. The reason for this change is simple: the State Law Library no longer needs them. The record itself will increasingly be provided to the appellate courts only as a set of directions from the trial court as to where the electronic version of filings can be located. The rule is therefore amended to limit the requirement of returning the record to the trial court administrator to the relatively small number of tangible things, such as physical evidence, original exhibits, and models that might have been transmitted to the appellate courts as part of the record. In most civil appeals from the trial courts, the record will be entirely electronic, and there will be no original materials to return to the trial court.