

Rule 130. Addendum Required; Appendix Not Permitted**130.01 Record Not to be Printed; Appendix Not Permitted**

Subdivision 1. Record; Portions. The record shall not be printed. No party may submit an appendix to its brief.

The parties shall have regard for the fact that the entire record is always available to the appellate court for reference or examination.

Subd. 2. Statement of the Proceedings or Agreed Statement. If the record includes a statement of the proceedings made pursuant to Rule 110.03 or an agreed statement made pursuant to Rule 110.04, the statement shall be included in the addendum prepared as prescribed by Rule 130.02.

(Amended effective for appeals taken on or after January 1, 1992; amended effective January 1, 1999, with correction by court dated November 9, 1998; amended effective January 1, 2009; amended effective July 1, 2014.)

Comment - 1983

This rule no longer requires the inclusion of the trial court's instructions in the appendix unless they are challenged on appeal. In addition, it is now mandatory to provide an index to the documents contained in the appendix.

Advisory Committee Comment - 1998 Amendments

Rule 144 requires notice to be provided to the Attorney General when the constitutionality of a statute is challenged. The amended rule requires the party challenging the constitutionality to include in the appendix proof of compliance with the rule.

Advisory Committee Comment - 2014 Amendments

Rule 130.01 is amended to delete provisions requiring an appendix, as the appendix is no longer required or permitted for any appellate proceedings. The court has the entire record available to it and the appendix is often bulky, expensive to produce, serve, and store, and is of limited value in most appeals.

130.02 Addendum

(a) **Contents.** Appellant must prepare an addendum and file it with the opening brief or petition, and if filed electronically, the addendum must be submitted as a separate document from the brief or petition. The addendum must include:

(1) a table of contents identifying each document included in the Addendum, including the Document Index Number from the Register of Actions, if available;

(2) a copy of any order, judgment, findings, or trial court memorandum in the action directly relating to or affecting the issues on appeal;

(3) any agreed statement of the record; and

(4) if the constitutionality of a statute is challenged, proof of compliance with Rule 144.

Unpublished decisions, if cited, shall not be included in the addendum, unless those opinions are not generally available in online databases or from Minnesota law libraries, but may be, if required or desired, provided to other parties by alternate means.

(b) **Length.** The addendum must not exceed 50 pages excluding:

- (1) the orders and judgments or other materials required by section (a) of this rule;
- (2) documents included pursuant to Rule 128.04; and
- (3) unpublished decisions if permitted under section (a) of this rule.

(c) **Respondent's Addendum.** The respondent's brief or response to a petition may include an addendum not to exceed 50 pages, which must be filed with the brief, and if filed electronically, the addendum must be submitted as a separate document from the brief or petition. If the addendum filed by the appellant omits any material required by section (a) of this rule or pursuant to Rule 128.04, the respondent may include it in the respondent's addendum in addition to the 50 pages otherwise allowed.

(d) **Other Addenda.** Any addendum required other than with a formal brief shall also comply with the requirements of this rule.

(e) **Non-Duplication.** A party may not include an addendum any material included in any other party's previously filed addendum.

(Amended effective for appeals taken on or after January 1, 1992; amended effective July 1, 2014; amended effective July 1, 2016; amended effective September 1, 2019.)

Advisory Committee Comment - 2014 Amendments

Rule 130.02 is amended to replace the provision calling for use of the appendix with reference to the addendum, as the appendix is no longer required or permitted.

Advisory Committee Comment - 2016 Amendments

Rule 130.02 is amended to include a requirement that the addendum include a table of contents. The amended rule also requires use of the Document Index Number for documents filed with the district court, if it is available. Including the Document Index Number in the table of contents allows the court and other parties to locate the document and permits the abbreviated citation to the document by addendum page number.

The committee acknowledges that current statutory authority requires parties to provide each other with copies of unpublished opinions that are cited in the briefs. Unpublished opinions that are available to the appellate courts in online databases, or from Minnesota law libraries, are not to be included in an addendum and are not helpful to the court. Minn. Stat. section 480A.08, subd. 1, only requires that copies be provided to other parties, not to the court. For unpublished opinions that are not excluded by this rule, they may be included as part of the "required" portion of the addendum and need not be counted toward the 50-page limit contained in Rule 130.02(b)-(c).

The rule does not affect the obligation under Minn. Stat. section 480A.08, subd. 3, to provide copies of unpublished opinions to opposing parties or attorneys, but specifies that they should not be filed as part of the addendum. The statute does not require that they be filed with the court, and the court does not have use for copies given their ready availability online or from law libraries.

130.03 [Abrogated, July 1, 2014]

Advisory Committee Comment - 2014 Amendments

Former Rule 130.03 authorized the filing of a supplemental record. Because the record is delivered electronically to the appellate courts for civil actions or by other means for some administrative appeals, the use of a supplemental record is no longer necessary or helpful to the court (and has been rarely used in any event). Accordingly, this rule is abrogated.