

Rule 143. Parties; Substitution; Attorneys; Signing of Appellate Pleadings**143.01 Parties**

The party appealing shall be known as the appellant, relator or petitioner and the adverse party as the respondent. The title of the action shall not be changed in consequence of the appeal.

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

143.02 Death of a Party

If any party dies while an appeal is pending in the appellate court, the surviving party or the legal representative or successor in interest of the deceased party, shall file with the clerk of the appellate courts an affidavit showing the death and the name and address of the legal representative or successor in interest by or against whom the appeal shall thereafter proceed. If the deceased party has no representative, any party may inform the clerk of the appellate courts of the death and proceedings shall then be had as the appellate court may direct. If a party against whom an appeal may be taken dies after the entry of a judgment or an order in the trial court but before a notice of appeal is filed, an appellant may proceed as if the death had not occurred. If a party entitled to appeal dies before filing a notice of appeal, the notice of appeal may be filed by the decedent's personal representative or, if there is no personal representative, by the attorney of record within the time prescribed by these rules. After the notice of appeal is filed, substitution shall be effected in the appellate court in accordance with this rule.

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

143.03 Substitution for Other Causes

If substitution of a party in the appellate court is necessary for any reason other than death, substitution shall be effected in accordance with the procedure prescribed by Rule 143.02.

143.04 Public Officers

If a public officer dies, resigns or otherwise ceases to hold office during the pendency of an appeal or other appellate proceeding to which the officer is a party in an official capacity, the action does not abate and the successor in office is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.

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

143.05 Attorneys

Subdivision 1. Admission Required; Admission Pro Hac Vice. No attorney may sign appellate pleadings or present argument to the appellate courts unless licensed to practice in this State or admitted pro hac vice to appear before the appellate court as provided for by this rule.

An attorney licensed to practice law in Minnesota may move for the admission pro hac vice of an attorney admitted to practice law in another state or territory. The motion shall be accompanied by an affidavit of the attorney seeking pro hac vice admission attesting that he or she is a member in good standing of the bar of another state or territory.

Subd. 2. Withdrawal of attorneys. (a) After a lawyer has appeared for a party in the appellate courts, withdrawal will be effective only if written notice of withdrawal is served on the client and all parties who have appeared, or their lawyers if represented by counsel, and is filed with the Clerk of Appellate Courts. The notice of withdrawal shall state the address at which the party can be

served and the address and phone number at which the party can be notified of matters relating to the appeal and shall be accompanied by proof of service.

(b) Withdrawal of an attorney does not create any right to extend briefing deadlines or postpone argument.

Subd. 3. Certified Law Students and Supervised Practitioners. A law student or supervised practitioner who is certified pursuant to the Minnesota Supervised Practice Rules may present oral argument only with leave of the appellate court. A motion for leave to present oral argument must be filed no later than 14 days before the date of the scheduled oral argument. The student or supervised practitioner may participate in oral argument only in the presence of the supervising attorney.

(Added effective January 1, 1999; amended effective July 1, 2014; amended effective July 1, 2016; amended effective January 1, 2020; amended effective March 1, 2024.)

Advisory Committee Comment - 2024 Amendment

Rule 143.05, subdivision 3, is amended in 2024 to add certified supervised practitioners as a category of individuals who may present oral argument with leave of the appellate court.

143.06 Signature

All briefs, motions, notices, and petitions filed with the appellate courts must be signed by every self-represented litigant or by:

1. an attorney licensed to practice in this State; or
2. an attorney admitted pro hac vice to practice before the appellate courts.

(Added effective July 1, 2016.)

Advisory Committee Comment - 2016 Amendments

Rule 143 is amended in two ways. Language relating to signing of appellate filings is removed from Rule 143.05 and replaced by a new Rule 143.06 that clarifies what documents must be signed and who may properly sign them. Including the signing requirements in a rule devoted to the caption of pleadings does not make it likely that the reader of the rules will locate the signing requirements. "Signed" is defined in Rule 101.02, subd. 7.

This amendment clarifies that pro hac vice admission is not required for an attorney to appear on a brief as one of several attorneys, but every attorney-signed appellate pleading must be signed by at least one attorney who is a member of the Minnesota bar or who has been admitted pro hac vice. Oral argument may only be presented by an attorney who is a member of the Minnesota bar or who is admitted pro hac vice.

Because self-represented litigants may sign only for themselves, all self-represented litigants must sign briefs, motions, notices, and petitions filed on their behalf. The requirement of signing for a represented party is met by the signing by any one of the counsel of record for a party.

The rule underscores the fact that pro hac vice admission in the trial courts does not carry over into the appellate courts. Rule 143.05 provides for admission pro hac vice in the appellate courts and is not amended as to that process. Similarly, separate motions for admission pro hac vice are required in the Minnesota Court of Appeals and the Minnesota Supreme Court if a case proceeds to that court.