

Rule 118. Accelerated Review by the Supreme Court Prior to a Decision by the Court of Appeals

Subdivision 1. Filing Requirements. Any party may petition the Supreme Court for accelerated review of any case pending in the Court of Appeals upon a petition which shows, in addition to the criteria of Rule 117, subdivision 2, that the case is of such imperative public importance as to justify deviation from the normal appellate procedure and to require immediate determination in the Supreme Court. The petition for accelerated review with proof of service shall be filed with the clerk of the appellate courts together with a filing fee of \$100. The filing of a petition for accelerated review shall not stay proceedings or extend the time requirements in the Court of Appeals.

Subd. 2. Petition Requirements. The petition for accelerated review shall not exceed 4,000 words, exclusive of the caption, signature block, and addendum, and shall contain:

- (a) a statement of the issues;
- (b) a statement of the case, including all relevant facts, and disposition in the trial court or administrative agency; and
- (c) a brief argument in support of the petition.

The addendum shall contain the judgments, orders, findings of fact, and conclusions of law, for which review is sought, and shall otherwise be prepared as prescribed by Rule 130.02.

The petition and addendum shall be filed with the clerk of the appellate courts and shall be accompanied by a Certificate of Document Length.

Subd. 3. Notice. If the Supreme Court orders accelerated review, whether on the petition of a party, on certification by the Court of Appeals pursuant to Minnesota Statutes, section 480A.10, or on its own motion, notice of accelerated review shall be given by the clerk of the appellate courts to all parties.

(Amended effective July 1, 1989; amended effective July 1, 2014; amended effective July 1, 2016.)

See **Appendix** for form of petition for accelerated review (**Form 118**).

Comment - 1983

This rule authorizes a party to request bypass of the Court of Appeals in favor of immediate review by the Supreme Court. The decision to permit accelerated review is discretionary with the Supreme Court, and the rule contemplates that leave will be granted only in extraordinary cases.

There is statutory authority for certification of a case by the Court of Appeals and for transfer of a case by order of the Supreme Court.

See Appendix for form of petition for accelerated review (Form 118).

Advisory Committee Comment - 2014 Amendments

Only a single copy of the petition and addendum need be filed.