Rule 132. Form of Briefs, Addenda, Motions and Other Documents

132.01 Form of Briefs and Addenda

Subdivision 1. Form Requirements. Any process capable of producing a clear black image on white paper may be used. Briefs shall be printed or typed on unglazed opaque paper. If a monospaced font is used, printed or typed material (including headings and footnotes) must appear in a font that produces a maximum of 10-1/2 characters per inch; if a proportional font is used, printed or typed material (including headings and footnotes) must appear in at least 13-point font.

Formal briefs and addenda shall be bound together by a method which securely affixes the contents, and that is substantially equivalent to the list of approved binding methods maintained by the clerk of appellate courts. Methods of binding that are not approved include stapling, continuous coil spiral binding, spiral comb bindings and similar bindings. Pages shall be 8-1/2 by 11 inches in size with written matter not exceeding 6-1/2 by 9-1/2 inches. Written matter in briefs and addenda shall appear on only one side of the paper. The pages of the addenda shall be separately and consecutively numbered. Briefs shall be double-spaced, except for tables of contents, tables of authorities, statements of issues, headings and footnotes, which may be single-spaced. Carbon copies shall not be submitted.

Subd. 2. Front Cover. The front cover of the brief and addendum shall contain:

(a) the name of the court and the appellate court docket number, which number shall be printed or lettered in bold-face print or prominent lettering and shall be located one-half inch from the top center of the cover;

(b) the title of the case;

(c) the title of the document, e.g., Appellant's Brief and Addendum; and

(d) the names, addresses, and telephone numbers of the attorneys representing each party to the appeal, and attorney registration license numbers of the preparers of the brief.

The front cover shall not be protected by a clear plastic or mylar sheet.

If briefs are formally bound, the cover of the paper brief of the appellant should be blue; that of the respondent, red; that of an intervenor or amicus curiae, green; that of any reply brief, gray. The cover of the paper addendum, if separately printed, should be white. The cover of an amendment or supplement should be the same color as the document which it amends or supplements. The cover of any other document separately prepared under this rule should be white.

Subd. 3. Length Limit. Except for good cause shown and with permission of the appellate court, briefs, whether printed or typewritten, exclusive of pages containing the table of contents, tables of citations, and any addendum, shall not exceed 45 pages for principal briefs, 20 pages for reply briefs, and 20 pages for amicus briefs, unless the brief complies with one of these alternative measures:

(a) A principal brief is acceptable if:

(1) it contains no more than 14,000 words; or

(2) it uses a monospaced font and contains no more than 1,300 lines of text.

(b) A reply brief is acceptable if:

(1) it contains no more than 7,000 words; or

(2) it uses a monospaced font and contains no more than 650 lines of text.

(c) An amicus brief is acceptable if:

(1) it contains no more than 7,000 words; or

(2) it uses a monospaced font and contains no more than 650 lines of text.

A brief submitted under Rule 132.01, subdivision 3(a), (b), or (c) must include a certificate that the brief complies with the word count or line count limitation. The person preparing the certificate may rely on the word or line count of the word-processing software used to prepare the brief. The certificate must state the name and version of the word processing software used to prepare the brief, state that the brief complies with the typeface requirements of this rule, and state either:

(1) the number of words in the brief; or

(2) the number of lines of monospaced font in the brief.

A motion for filing an enlarged brief shall be filed at least 14 days prior to the date the brief is due.

Subd. 4. Supplemental Records. Supplemental records shall be bound in separate volumes and shall, in all other respects, comply with this rule.

(Amended effective for appeals taken on or after January 1, 1992; amended effective January 1, 1999; amended effective March 1, 2001; amended effective January 1, 2009; amended effective July 1, 2014; amended effective January 1, 2020.)

Comment - 1983

There are page limitations on all briefs.

The form of briefs, appendices, and supplemental records to be submitted has been changed. Commercial typographical printing is no longer required; instead any process capable of producing a clear black image on white paper is acceptable. Spiral spine binding is also no longer required. The appellate courts will publish criteria for permitted binding methods.

The color coding system introduced is only applicable if commercially produced briefs are submitted.

The appellant and the respondent's briefs are limited to 50 pages exclusive of tables of contents and authorities, addenda, and appendices. Reply briefs shall not exceed 25 pages and briefs of amicus curiae are restricted to 20 pages. Any request to file an enlarged brief must be filed at least 10 days before the brief is due.

Advisory Committee Comment - 1998 Amendments

Rule 132.01, subd. 1 has been modified to make clear the requirement that the written material in briefs should appear on only one side of the paper. The Clerk of Appellate Courts maintains a list of approved binding methods and this list is available upon request.

Rule 132.01, subd. 2 has been modified in two respects. First, the rule has been re-written to make clear that in all cases where formal bound briefs are submitted, the color coding requirements apply. The rule has also been changed to eliminate the provision regarding the color of brief covers in the Supreme Court. The rule previously provided that the parties would use the same color covers as they did in the Court of Appeals. This caused considerable confusion among the bar, and the requirement was dropped in favor of a rule that consistently requires the opening brief of the

appellant to be blue, the opening brief of the party responding to that brief to be red and reply briefs to be gray. Rule 101.02, subd. 6 defines "appellant" to mean the party seeking review, including relators and petitioners.

Minnesota Statutes 1996, section 480.0515, subdivision 2, requires documents submitted by an attorney to a court of this state, and all papers appended to the document be submitted on paper containing not less than ten percent postconsumer material, as defined in Minnesota Statutes, section 115A.03, subdivision 24b. The statute also provides that a court may not refuse a document solely because the document was not submitted on recycled paper. Finally, subd. (3)(b) of the statute makes the entire section nonapplicable "if recycled paper is not readily available."

Subdivision 5 of this Rule regarding reliance upon trial court memoranda has been moved to Rule 128.01, subd. 2.

Advisory Committee Comment - 2000 Amendments

The rule has been amended to provide for an alternative measure of length of appellate briefs, based on word volume and not page count. This alternative allows parties to choose type size that is more readable than they might choose if endeavoring to satisfy the page limit requirement. The word volume measure has been derived from the analogous provisions of the Federal Rules of Appellate Procedure, and in general will not significantly alter the amount of text that a party may submit, regardless of the method chosen to determine brief length. The amended rule provides for a certification of brief length that will enable the appellate courts to verify that the brief complies with the rule. The rule also increases the minimum permissible font size for briefs and shortens the maximum permissible length of principal briefs that are not measured on a word or line count basis. These amendments only apply to formal briefs, not to motions, petitions for further review, or other pleadings.

Advisory Committee Comment - 2008 Amendments

Rule 132.01 is amended to permit, but not require, the preparation of appendices and supplemental records using two-sided copies. The rule's requirement for use of opaque paper is particularly important if a party elects to submit a two-sided appendix.

Advisory Committee Comment - 2014 Amendments

Rule 132.01 is amended in several places to change references to the appendix to refer to the addendum. The use of an appendix as it formerly existed is not longer either required or permitted in any appellate proceedings.

Advisory Committee Comment - 2019 Amendments

Rule 132.01, subdivision 3, sets a deadline for filing a motion for leave to file an over-length brief. The rule also is amended to make it clear that this request is made by motion. Pursuant to Rule 127 any other party may file a response, but this is the type of motion that the court might either grant or deny upon receipt of the motion.

132.02 Form of Motions and Other Documents

Subdivision 1. Form Requirements. Documents not required to be produced in the manner prescribed by Rule 132.01 shall be 8-1/2 by 11 inches in size with typewritten matter not exceeding 6-1/2 by 9-1/2 inches. Any process capable of producing a clear black image on white paper may be used. All material must appear in at least 13-point type, or its equivalent of not more than 14 characters per inch, on unglazed opaque paper. Pages shall be bound or stapled at the top margin

and numbered at the center of the bottom margin. Typed material shall be double spaced. Carbon copies shall not be submitted.

Subd. 2. Caption. Each document shall contain a caption setting forth the name of the court, the title of the case, the appellate court docket number, and a brief descriptive title of the document.

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

Advisory Committee Comment - 2014 Amendments

Rule 132.02 is amended only to change references to "papers" to "documents." This change is not intended to change the interpretation of the rule, other than to recognize that not all appellate court filings are in paper format.

132.03 Form of Documents Filed Electronically Any documents filed or served electronically shall be in searchable Portable Document Format (PDF), Word, or WordPerfect format. Addendum materials that cannot be readily be rendered in searchable form may be in non-searchable PDF format. The brief cover color requirements of these rules do not apply to the version of any brief or addendum that is served or filed electronically.

(Added effective July 1, 2014; amended effective September 1, 2019.)

Advisory Committee Comment - 2014 Amendments

Rule 132.03 is a new rule to specify the format for documents filed electronically when authorized or permitted by court order or court rules. The rule permits searchable PDF, Word, or WordPerfect documents, although searchable PDF is the preferred format. The rule recognizes that documents for an addendum may be difficult or impossible to prepare in searchable format, and for these documents, a non-searchable PDF document may be included. These documents would include photographs, advertisements, brochures, and medical records.

Advisory Committee Comment - 2019 Amendments

Rule 132.03 is amended to make it clear that the cover color requirements in the rules apply only to paper briefs. Electronic copies should not be filed with notation of what color the cover might have been for a paper brief, or have the background of the first page set to a different color. The covers of briefs contain important information, and a colored background makes the cover more difficult to read in electronic format.

132.04 Signature All briefs, motions, notices, and petitions filed with the appellate courts shall be signed by an individual authorized under Rule 143.06 and shall include the signer's name, address, telephone number, email address, and attorney registration license number, if applicable.

(Added effective July 1, 2014; amended effective July 1, 2016.)

Advisory Committee Comment - 2016 Amendments

Rule 132.02 is amended in two ways to make it clearer. Provisions for signing documents are removed from Rule 132.02, subdivision 2, which deals with the caption of appellate pleadings, not signing. Rule 132.04 is a new rule that explicitly sets forth what is necessary for signing appellate documents and extends those requirements to all appellate pleadings.