

Special Term Practice at the Minnesota Court of Appeals

Chief Staff Attorney Liz Keating

Minnesota Court of Appeals Judges

- 19 judges sit in panels of 3
- Panels rotate quarterly
- Senior (retired) judges serve as subs for active judges



Minnesota Court of Appeals Senior Judges



Susan L. Segal



Lucinda E. Jesson



Denise D. Reilly



James B. Florey



Edward J. Cleary



Jill Flaskamp
Halbrooks



Michael L. Kirk



John P. Smith



Margaret Chutich

Minnesota Court of Appeals



Minnesota Court of Appeals by the Numbers

- Approx. 2,000 cases
- Approx. 1,300 opinions
- Approx. 100 special-term (abbreviated adversarial) petitions
- 250+ special-term orders
- Thousands of routine motions and orders

Clerk of the Appellate Courts

<https://www.mncourts.gov/Clerk-of-Appellate-Courts.aspx>

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Clerk of Appellate Courts

The Office of the Clerk of the Appellate Courts accepts all case filings for the **Minnesota Supreme Court** and the **Court of Appeals**.

Commitment Appeal Panel Calendars

Commitment Appeal Panel Procedures Effective 2/22/16

Supreme Court Administrative File Archive

The following link is for Minnesota Supreme Court administrative files from the late 1970s through 2011:

- [Administrative File Archive](#)

Current administrative filings and orders are available through the Minnesota Appellate Court case management system (MACS). Go to the MACS Public Search link below to access the administrative files. If you don't know the file number, you can choose "Administrative Files" as the Case Group and enter any part of the file name in the Case Title to search.

- [MACS Public Search](#)

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Minnesota Court of Appeals Staff

- 44 law clerks
 - 34 new in 2025
- 14 judicial executive assistants
- 1 court administrator
- 7 staff attorneys
 - 100+ total years with court

Motion Practice Generally

- Routine motions > routine orders
- Special term motions > special term orders
- Merits panel motions > merits panel orders

Routine Motions

- Single judge, may be resolved quickly
- Common motions
 - extension/accept late
 - briefing
 - supplement/strike
 - consolidation
 - amicus
 - pro hac vice
 - student/supervised practitioner
 - IFP/fee waiver
 - scheduling

Special Term Motions

- Three-judge panel
- Named “Special Term Order”
- Common motions
 - dismiss
 - stay pending appeal
 - stay of appeal
 - stay and remand
 - expedite
 - release pending appeal

Merits Panel Motions

- Three-judge panel assigned to decide merits
- Motions filed after submission
- Intertwined with merits
- Common motions
 - Attorney fees
 - Strike part of brief

Routine Order vs. Special Term Order

STATE OF MINNESOTA
IN COURT OF APPEALS

Respondent,
Department of Employment and Economic
Development,
Respondent.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE
THERE IS A QUESTION WHETHER THIS COURT HAS JURISDICTION:**

1. This certiorari appeal was filed on October 3, 2025. According to the certiorari petition, relator Justin Claiborne seeks review of an August 7, 2025 decision of an unemployment-law judge (ULJ). On October 9, 2025, Claiborne filed a copy of the decision being appealed.

2. The court of appeals must, by writ of certiorari to respondent Minnesota Department of Employment and Economic Development (DEED), review a ULJ's decision on reconsideration, provided a petition for the writ is filed with the court and a copy is served upon the ULJ or DEED and any other party within 45 calendar days of the sending of the ULJ's decision on reconsideration. Minn. Stat. § 268.105, subd. 7(a) (2024).

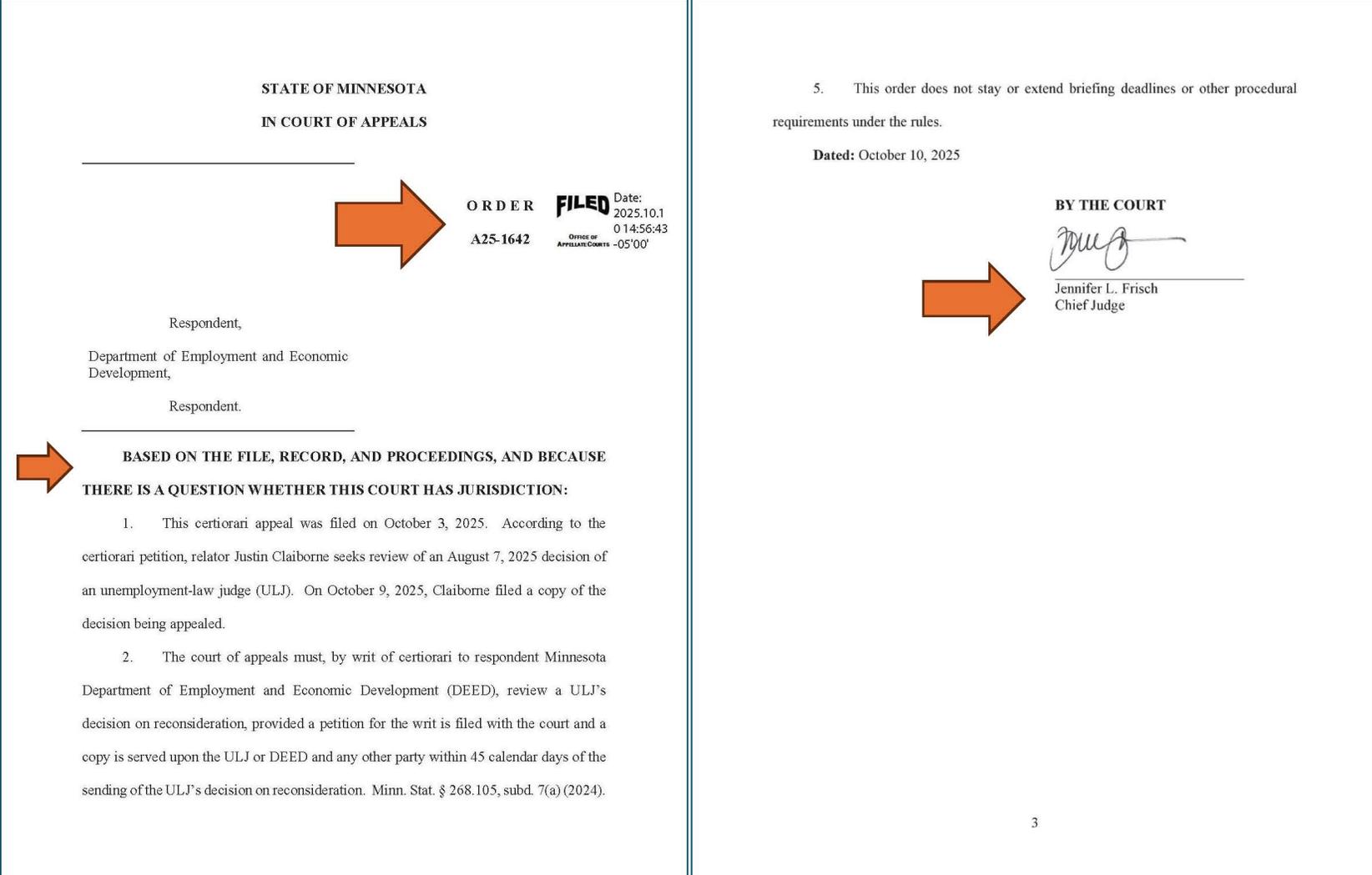
5. This order does not stay or extend briefing deadlines or other procedural requirements under the rules.

Dated: October 10, 2025

BY THE COURT

Jennifer L. Frisch
Chief Judge

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Routine Order vs. Special Term Order

STATE OF MINNESOTA
IN COURT OF APPEALS

Respondent,
Department of Employment and Economic
Development,
Respondent.

Considered and decided by Worke, Presiding Judge; Larkin, Judge; and Cochran,
Judge.

➔ **BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE
FOLLOWING REASONS:**

This certiorari appeal was filed on October 3, 2025. According to the certiorari
petition, relator Justin Claiborne seeks review of an August 7, 2025 decision of an
unemployment-law judge (ULJ). On October 9, 2025, Claiborne filed a copy of the
decision being appealed.

¹ Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order is nonprecedential, except
as law of the case, res judicata, or collateral estoppel.

➔ **SPECIAL
TERM
ORDER¹**

A25-1642

FILED Date:
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OFFICE OF
APPELLATE COURTS -05'00'

DEED contends that we must dismiss this appeal because Claiborne did not timely
file and serve the certiorari petition by the September 24, 2025 appeal deadline. DEED
argues that we lack the authority to extend the time to appeal.

“The appellate court may not extend or limit the time for filing the notice of appeal
or the time prescribed by law for securing review of a decision or an order of a court or an
administrative agency, board, commission or officer, except as specifically authorized by
law.” Minn. R. Civ. App. P. 126.02.

Because we lack the authority to extend the time to file and serve the certiorari
petition, we must dismiss this appeal as untimely, regardless of the reasons for its untimely
filing.

IT IS HEREBY ORDERED:

1. This appeal is dismissed.
2. The writ of certiorari is discharged.

Dated: October 28, 2025

BY THE COURT

➔ *Renee L. Worke*

Renee L. Worke
Presiding Judge

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Minn. R. Civ. App. P. 127

Rule 127. Motions

Unless another form is prescribed by these rules, **an application for an order or other relief shall be made by serving and filing a written motion** for the order or relief. The **filing of a motion shall not stay any time period** or action specified in these rules unless ordered by the appellate court. The **motion shall state with particularity** the grounds and **set forth the order or relief sought**. If the motion is supported by briefs, affidavits or other documents, they shall be served and filed with the motion. Any party may file a **response within 5 days after service** of the motion. Any **reply shall be served within 3 days**, at which time the motion shall be deemed submitted. Each document shall be filed with proof of service. **Oral argument will not be permitted** except by order of the appellate court.

As permitted by **Rule 6.01(a)(2)** of the Rules of Civil Procedure, the time periods in this rule do not include **intermediate Saturdays, Sundays, or legal holidays**.

Motion Practice

- Relief (except merits) must be requested by motion. Minn. R. Civ. App. P. 127.
- Describe with particularity and set forth the relief sought.
- 5 business days to respond. 3 business days to reply. Extra time for service by mail.
- Expedited docketing ≠ expedited ruling.

Special Term

- Chief and two rotating judges
- Meets Tuesday mornings
- Judges available as needed throughout week
- Orders generally signed and filed same day
- Motions, petitions, jurisdiction questions
- Occasional special term opinions



Jurisdiction Issues

- Orders questioning jurisdiction
 - Cannot stay an appeal if the court lacks jurisdiction
 - Subsequent activity cannot cure a jurisdictional defect
- Motions to dismiss

Other Special Term Motions

- Stay of appeal
 - Remand for ruling on pending reconsideration motion
- Stay pending appeal
 - Review district court or agency decision
- Expedite appeal

Special Term Petitions

- Prohibition or mandamus
 - Rule 120
 - Rule 121 - emergency telephone writ
- Discretionary review
 - Rule 105

Prohibition

- Order prohibiting district court from doing something
- Rule 120 - procedure
 - Response within 7 calendar days from service; no reply
- Caselaw – legal criteria
 - Lower court is about to exercise judicial power
 - That is unauthorized by law
 - Causing injury for which no adequate remedy exists

Mandamus

- Order compelling district court to do something
- Rule 120 & Minn. Stat. § 586.11
- Caselaw – legal standard
 - District court failed to perform duty clearly imposed by law
 - Causing injury for which no adequate remedy exists
 - Cannot control discretion

Discretionary Review

- Rule 105.01 - procedure
 - File, serve, and pay filing fee within 30 days of filing of order
 - “an order not otherwise appealable pursuant to Rule 103.03 except an order made during trial”
 - Response within 7 calendar days of service, 3 business days to reply

Discretionary Review

- Rule 105.01 - procedure
 - Starting point:
 - order is not appealable for a good reason
 - discretionary review in the Court of Appeals is generally disfavored
 - Caselaw – legal standard
 - Apply the nonexclusive factors
 - Legal issues of statewide importance/broad application

Statement of the Case

- Minn. R. Civ. App. P. 133.03
 - Form 133
- Jurisdiction
 - Basis for appeal
 - Finality/pending issues
- Transcripts
- Oral argument
- Tentative issues
- Format of brief

THANK YOU!

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