after the 30-day appellate deadline has expired. A party may file a Rule 50(e) motion in the first instance without seeking the court’s prior permission. Is the motion still effective to toll the 30-day appeal deadline? Is the motion still effective to toll the 30-day appeal deadline? Is the motion still effective to toll the 30-day appeal deadline? Is the motion still effective to toll the 30-day appeal deadline?

The 8th Circuit offered a partial answer to these questions 15 years ago in DuBose v. Kelly, 187 F.3d 999 (8th Cir. 1999). The losing plaintiff had filed a timely Rule 50(e) post-judgment motion, seeking reconsideration of an interlocutory ruling that the district court had entered months earlier. 537 F.3d 853, 857 (8th Cir. 2008). Citing a Nebraska local rule that required “motions to reconsider” to be filed within 10 business days of the order, the district court held that the plaintiff’s right to seek reconsideration had expired before judgment was even entered. But, suggesting that the local rule could not validly shorten Rule 50(e)’s time limit, the 8th Circuit found that the district court abused its discretion by applying the local rule. Id. Despite the 8th Circuit’s doubts about its intended coverage, the District of Minnesota has continued to apply Rule 7.1(j)’s “prior permission” requirement to Rule 50(e) motions. Take a look at Fargas v. United States, 338 F.3d 2165, 2014 U.S. Dist. LEXIS 196 (D. Minn. 2004). In that case, the district court clarified the scope of Rule 7.1(j) and warned of “the dangers of filing a self-generated order” that was not consistent with the federal rules. Id. at 2168. Understandably, no attorney wants to risk that the district court will take excepted permission, or even where permission has been denied — does create the risk that the district court will take exception to your failure to follow the local rule. But when the choice is between following the local rule and possibly losing your client’s right to appeal, forgiveness is better than permission. —U.S.D.C. Judge Donovan Frank in his August 11 order in Kovanje v. Jenson.

If you know of an interesting or fun fact or happening relating to the Minnesota legal community, please contact Managing Editor Barbara Jones at 612-584-1543 or at business@minnesotalawyer.com.

Correction

Hennepin County District Court Judge Janet Poston’s name was misspelled in the Page 1 story, “Judicial campaigns primarily about experience,” published Aug. 11. Minnesota Lawyer regrets the error.