

MINNESOTA STATUTES 1953 ANNOTATIONS

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COURT REPORTERS 486.01

proceedings are pending before the clerk of court may legally make a charge. There must be a court order. OAG Aug. 11, 1953 (144-B-18).

The clerk of the district court is entitled to a commission only in those cases where the money is paid into court to abide the result of legal proceeding. He is not entitled to a commission on the "missing" owner's share of the proceeds of a sale under an action in partition deposited with the clerk for investment under provisions of section 558.29. OAG Sept. 21, 1953 (144-B-9).

485.03 DEPUTIES

HISTORY. RS 1851 c 8 art 11 s 6, 7; PS 1858 c 7 s 124, 125; GS 1866 c 8 s 227, 228; 1877 c 12 s 1; GS 1878 c 8 s 259, 260; GS 1894 s 859, 860; RL 1905 s 108; GS 1913 s 221.

The office of deputy clerk of district court and the office of deputy county treasurer cannot be held by the same person. OAG Jan. 20, 1950 (358-B-1).

The office of clerk of the district court and court commissioner are not incompatible. OAG Feb. 28, 1952 (358-B-1-A).

A deputy clerk appointed by the clerk of the district court with the approval of the judge may be removed by the clerk. OAG April 30, 1952 (144-A-1).

485.06 SEARCH OF RECORDS; CERTIFICATE; PUBLIC INSPECTION

The right to inspect public records is statutory, and while the records in the office of the clerk of the district court are public records it is for the clerk to determine the manner and times when the records in his office may be inspected and examined. Sections 15.17, 257.31, and 259.09 restrict but do not abrogate or nullify section 485.06. OAG Feb. 8, 1949 (851-I).

485.07 BOOKS TO BE KEPT

HISTORY. RS 1851 c 71 s 72, 78; RS 1851 c 82 s 40; PS 1858 c 61 s 72, 78; PS 1858 c 72 s 40; GS 1866 c 8 s 229; GS 1878 c 8 s 261; 1883 c 28 s 1; 1887 c 48 s 1; GS 1894 s 861; RL 1905 s 110; GS 1913 s 223.

CHAPTER 486

COURT REPORTERS

486.01 APPOINTMENT; SECRETARIAL DUTIES; BOND

State and federal income tax statutes, notable differences. 38 MLR 1.

The practice in American courts of making a verbatim record of the proceedings affords an interesting illustration of how a procedural technique, which when superficially viewed seems to pertain merely to mechanical routine, can exert a vital and even dominating influence on the formulation of the philosophy of adjudication as well as on day-by-day judicial administration. The practice of recording verbatim exerts a profound influence on the conduct of the trial, whether by court alone or by court and jury; the relationships between the trial judge and participating counsel; the procedure for review of the trial by the trial judge; and appellate review, including the feasibility of seeking such review and the nature, scope and potential achievements thereof. Verbatim recording is a dominant reason for the extensive review of the facts available in American appellate procedure. In at least some of the European countries such recording seems to be unknown. Only in recent years has English practice made provision for official shorthand notes of trials.

MINNESOTA STATUTES 1953 ANNOTATIONS

486.02 COURT REPORTERS

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The duties of the court reporter are specifically set forth by statute. He is subject not only to the legal sanctions implicit in his oath, but to sanctions imposed by professional standards of integrity and competence. 38 MLR 29.

The transcript of a stenographer's notes of statements made by a party does not constitute a "written instrument" made by such party and admissible as such, but is only a "memorandum" which may be used to refresh the recollection of the stenographer as a witness, where he has no independent recollection of such statements and they are in conflict with later testimony of the party. *Lovel v Squirt Bottling Co.*, 234 M 333, 48 NW(2d) 525.

The United States constitution does not require a state to provide the expenses of an appeal for an indigent defendant in a criminal case, and the constitution and statutes of Minnesota neither compel nor authorize such procedure. *State v Lorenz*, 235 M 221, 50 NW(2d) 270.

486.02 STENOGRAPHIC RECORD

Where a juvenile division of the district court in Hennepin county holds a hearing in regard to a child and there are symptoms of a psychotic condition, the court may cause a record of the evidence and may cause a transcript to be made for the use of the psychiatrist employed by the youth conservation commission. It is the duty of the court to make available to the youth conservation commission all pertinent data in its possession and it is the duty of the reporter to make the transcript without charge "for any purpose in the furtherance of justice." These duties are accepted by the court and by the court reporter as part of the duties of their respective offices when they accept a position. OAG May 7, 1951 (129).

486.05 SALARIES

HISTORY. Amended, 1947 c 177 s 1; 1949 c 190 s 1; 1951 c 642 s 1.

Section 484.54 authorizes reimbursement of district judges for travel and hotel expense when on official business away from the place of their residence. Section 486.05 makes a similar provision for the court reporter. This reimbursement covers actual expenses and is not a payment of mileage at any statutory rate. OAG Oct. 11, 1949 (129) (141-D-7).

486.06 CHARGE FOR TRANSCRIPT

Neither the United States constitution nor the state constitution require a state to provide the expense of an appeal for an indigent defendant in a criminal case, and there is no state statute requiring such payment or procedure. *State v Lorenz*, 235 M 221, 50 NW(2d) 270.

CHAPTER 487

PROBATION DEPARTMENT, HENNEPIN COUNTY

487.02 OFFICERS; EMPLOYEES

The county board of Hennepin county has no authority to purchase or lease parking space for the probation officials. OAG April 9, 1952 (104-B-8).

487.03 DUTIES

The problem of children in divorce cases. 32 MLR 766.

487.04 OFFICES, SUPPLIES, EXPENSES

HISTORY. 1929 c 326 s 4; 1953 c 385 s 1.