CHAPTER 486

COURT REPORTERS

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486.01 APPOINTMENT, DUTIES, BOND; SUBSTITUTES.

Each judge, by duplicate orders filed with the court administrator and county auditor of the several counties of the judge's district, may appoint a competent stenographer as reporter of the court, to hold office during the judge's pleasure, and to act as the judge's secretary in all matters pertaining to official duties. Such reporter shall give bond to the state in the sum of $2,000, to be approved by the appointing judge, conditioned for the faithful and impartial discharge of all the reporter's duties, which bond, with the oath of office, shall be filed with the court administrator in the county in which the judge resides.

Whenever the official reporter so appointed, because of sickness or physical disability, is temporarily unable to perform duties, the judge of the court affected may, if another official court reporter is not available, secure for the temporary period of disability of the official court reporter, another competent reporter to perform such duties for not to exceed 60 days in any calendar year. The substitute court reporter so appointed shall receive as salary an amount equal to the salary of the official court reporter for the period of time involved and shall also receive in addition thereto expenses and fees provided by sections 486.05 and 486.06. The salary of such substitute reporter shall be paid in the manner now provided by law for the payment of the salary of the official court reporter. The substitute court reporter shall not be required to furnish bond, unless ordered by the judge to do so. The employment of and the compensation paid to such substitute reporter shall in no way affect or prejudice the employment of and the compensation paid to the official court reporter of said court.

History: *(201) RL s 115; 1955 c 770 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82*

486.02 STENOGRAPHIC RECORD.

Except as provided in section 484.72, a competent stenographer who meets minimum qualifications promulgated by the supreme court, shall make a complete stenographic record of all testimony given and all proceedings had before the judge upon the trial of issues of fact, with or without a jury, or before any referee appointed by such judge. In so doing the stenographer shall take down all questions in the exact language thereof, and all answers thereto precisely as given by the witness or by the sworn interpreter. The stenographer shall also record, verbatim, all objections made, and the grounds thereof as stated by counsel, all rulings thereon, all exceptions taken, all motions, orders, and admissions made and the charge to the jury. When directed so to do by the judge, the stenographer shall make a like record of any other matter or proceeding, and shall read to such judge or referee any record made by the stenographer, or transcribe the same, without charge, for any purpose in furtherance of justice.

History: *(202) RL s 116; 1981 c 303 s 2; 1986 c 444*

486.03 FURNISH TRANSCRIPT; FILE RECORD.

As soon as the trial is ended the reporter or operator of electronic recording equipment shall file a stenographic report, or tape recording, thereof with the court administrator, or elsewhere, if the judge shall so direct; and, upon request of any person interested and payment or tender of fees therefor, the reporter or operator shall furnish a transcript of such record in the words and figures represented by the characters used in making the same and for that purpose may take and retain such record so long as may be necessary, when it shall be returned to the files.

History: *(203) RL s 117; 1981 c 303 s 3; 1986 c 444; 1Sp1986 c 3 art 1 s 82*

486.04 ACT WHEN ANOTHER JUDGE PRESIDES.

Unless otherwise directed by the appointing judge, the reporter shall serve as such in all matters heard by another judge when acting in place of the former and shall perform in relation to such matters all the duties required of the reporter by law.

History: *(204) RL s 118; 1986 c 444*

486.05 DISTRICT COURT; REPORTERS' SALARIES AND EXPENSES.

Subdivision 1. **Salaries.** The salary for each court reporter shall be set as provided in judicial branch personnel policies and collective bargaining agreements within the range established under section 480.181 as provided in the judicial branch personnel rules.

Subd. 1a. MS 2016 [Repealed, 2017 c 95 art 2 s 19]

Subd. 2. MS 1953 [Repealed, 1957 c 701 s 3]

Subd. 3. MS 1953 [Repealed, 1957 c 701 s 3]

History: *(205) RL s 119; 1909 c 108 s 1; 1921 c 170; 1939 c 289; 1941 c 442; 1943 c 89 s 1; 1945 c 423 s 1-4; 1947 c 177 s 1; 1949 c 190 s 1; 1951 c 642 s 1; 1955 c 750 s 1; 1957 c 701 s 1,2; 1959 c 264 s 1; 1961 c 310 s 1; 1963 c 679 s 1; 1967 c 727 s 1; 1969 c 919 s 1; 1971 c 567 s 1; 1973 c 111 s 1; 1973 c 123 art 5 s 7; 1975 c 241 s 1; 1978 c 780 s 1; 1981 c 133 s 1; 1985 c 273 s 2; 1Sp1985 c 13 s 361; 1989 c 335 art 3 s 25,26; 2017 c 95 art 2 s 12*

486.055 COURT REPORTER TRANSCRIPT FEE CHARGES; REPORTING REQUIREMENTS.

Each court reporter who charges a fee for the preparation of transcripts shall by April 15 of each year file with the district administrator of the reporter's judicial district an accounting of gross receipts and net income from these receipts for the prior calendar year. The accounting report shall specify the amount received in payment for the sale of transcripts.

History: *1982 c 568 s 1; 1986 c 444; 1989 c 335 art 3 s 27*

486.06 CHARGE FOR TRANSCRIPT.

In addition to the salary set in section 486.05, the court reporter may charge for a transcript of a record ordered by any person other than the judge at a rate set by the chief justice.

A court reporter may impose a fee authorized under this section only if the transcript is delivered to the person who ordered it within a reasonable time after it was ordered.

History: *(206, 206-1) RL s 120; 1927 c 262 s 1,3; 1953 c 452 s 1; 1973 c 111 s 2; 1973 c 361 s 2; 1975 c 258 s 3; 1983 c 103 s 1; 1984 c 654 art 2 s 132; 1985 c 125 s 1; 1986 c 444; 1989 c 335 art 3 s 28; 2017 c 95 art 2 s 13*

486.07 MS 1990 [Repealed, 1989 c 335 art 3 s 57 subd 3]

486.08 MS 1953 [Repealed, 1957 c 701 s 3]

486.09 MS 1957 [Repealed, 1961 c 561 s 17]

486.10 FREELANCE COURT REPORTERS; DISCLOSURE OF FINANCIAL ARRANGEMENTS.

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Court reporting firm" means a business that provides services of freelance court reporters.

(c) "Freelance court reporter" means an officer who captures and transcribes verbatim legal proceedings and who is authorized to administer oaths to witnesses. Freelance court reporter does not include a court reporter while working in a courtroom setting as an employee of the court.

(d) "Contract or agreement" means a contract or agreement, whether oral or written, for court reporting services between a freelance court reporter or court reporting firm and an attorney, law firm, party to a legal proceeding, or party having a financial interest in a legal proceeding that provides for ongoing court reporting services not limited to a particular case or reporting incident.

Subd. 2. **Disclosure; court reporter requirements; objections.** (a) The existence of a contract or an exclusive agreement with a court reporter or court reporting firm for court reporting services must be disclosed as provided by this paragraph. Written notice of a contract or agreement must be included in the notice of taking deposition or the notice of legal proceeding before commencement of a legal proceeding at which court reporting services are being provided. Oral disclosure of a contract or agreement must be made on the record by the court reporter at the commencement of the legal proceeding.

(b) A freelance court reporter or court reporting firm:

(1) shall treat all parties to an action equally, providing comparable services to all parties;

(2) shall charge the same rate for copies of the same transcript to all parties according to Minnesota Rules of Civil Procedure, rule 30.06;

(3) may not act as an advocate for any party or act partially to any party to an action; and

(4) shall comply with all state and federal court rules that govern the activities of court reporters.

(c) An attorney shall state the reason for the objection to the provision of court reporting services by a freelance court reporter or court reporting firm and shall note the objection and the reason on the record.

Subd. 3. **Remedies.** Through objection by a party to the proceedings and upon the court's or presiding officer's determination of a violation of subdivision 2, paragraph (a), the court or presiding officer may: (1) declare that the record for which the court reporting services were provided is void and may order that the legal proceeding be reconducted; or (2) impose sanctions against the party violating subdivision 2, paragraph (a), including civil contempt of court, costs, and reasonable attorney fees resulting from the violation. If the

legal proceedings are reconducted, the parties who violated subdivision 2, paragraph (a), are jointly and severally liable for costs associated with reconducting the legal proceeding and preparing the new record. Costs include, but are not limited to, attorney, witness, and freelance court reporter appearance and transcript fees.

History: *1999 c 215 s 1; 2015 c 65 art 2 s 4,5*