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Phone \_\_\_\_\_

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PAUL M. NESS  
OFFICIAL COURT REPORTER  
443 COURT HOUSE  
MINNEAPOLIS, MINN. 55415  
May 18, 1967

Mrs. Mae Sherman, Clerk,  
Minnesota Supreme Court,  
State Capitol,  
St. Paul, Minnesota.

Supreme Court  
35397-

Dear Mrs. Sherman:

Pursuant to my conversation with you yesterday, and also with Mr. Westphal, I enclose herewith three copies of a Petition and Memorandum on behalf of the Minnesota Shorthand Reporters Association.

If this is not in the proper form I would appreciate your letting me know so that we can put it in the form required.

Also, if more copies are needed we will be happy to supply them.

~~We are not able to state at this time whether we will be represented by counsel at the June 1st hearing or if we will be represented by one of our own number.~~

However, if you will inform me of the time set for hearing of our matter I will see to it that the proper members of our group are kept advised.

Yours very truly,

*Paul M. Ness*

ENCL.

STATE OF MINNESOTA

IN SUPREME COURT

In the Matter of Rules of Pleading, Practice and Procedure in Civil Actions	}	Petition for Hearing to Amend Minnesota Proposed Rules of Court, Rules of Civil Appellate Procedure, Rule 110.02
and		
In the Matter of Rules of Civil Appellate Procedure	}	

Your Petitioners respectfully represent that they are Official Court Reporters of the Courts of the State of Minnesota; that they are also members of the Minnesota Shorthand Reporters Association and as such present this petition for and on behalf of each of said groups.

Your Petitioners respectfully petition the Court that the Minnesota Proposed Rules of Court, Rules of Civil Appellate Procedure, Rule 110.02 be amended as follows:

1. Strike the language in paragraph (2), "not to exceed a period of six weeks".
2. Change the last sentence of paragraph (3) to read, "A failure to comply with the order of the Court fixing a time within which the transcript must be delivered ~~shall~~ may be punishable as a contempt of Court."

Respectfully submitted,



Paul M. Ness, Chairman,  
Legislative Committee,  
Minnesota Shorthand Reporters Assn.

Dated: May 18, 1967.

## MEMORANDUM

The basis for the request stated in the above petition is that the six week period in which to prepare any and all transcripts is arbitrary. Six weeks might well be an unreasonably long time for a trial of short duration. For a long and complicated trial lasting many weeks it could fall far short of the time necessary to prepare the transcript.

It must be recognized that the reporter must give precedence to criminal transcripts. If, as often happens, a transcript is ordered for a civil case, and a reporter then gets a criminal assignment, he must temporarily set aside the civil work and give first attention to the criminal cases.

There is the further possibility that a reporter may receive orders for transcripts in two or three different cases within a very short period of time. To have a rule requiring that he finish both or all of them within six weeks is not only unfair, but in many cases impossible.

It should be noted that the deletion of the six weeks clause does not prejudice the party ordering the transcript, because if the estimated time of delivery given by the reporter appears to be unreasonable, he may simply petition the Supreme Court under Rule 127 for a modification of this time.

On the other hand, there is nothing in the rules which grants to the reporter the right to apply for extension in the event of extenuating circumstances.

Under the rule as proposed, every district court reporter in this state, however competent and conscientious, would at some time find himself in a position of inability to comply with it.

To state that the rule must be administered reasonably is not sufficient. The very presence of a rule which on its face is incapable of fulfillment is oppressive. And while we are fully in accord with the spirit of the rule, in attempting

to correct abuses which have taken place in the past, where delivery of transcripts has been delayed for unreasonable periods, yet to hold the threat of contempt over a reporter who is making every effort to do his job efficiently and prepare his transcripts promptly is not reasonable.

We believe the suggested rule is based on misinformation concerning the length of time necessary to prepare transcripts and the number of pages which can be transcribed per day and per week.

We respectfully request an opportunity to have a representative appear before the Court on June 1, 1967, to submit the matter more fully and to answer any and all questions concerning it.



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For

Minnesota Shorthand Reporters  
Association.