

81-876

STATE OF MINNESOTA
IN SUPREME COURT

SUPREME COURT
FILED
AUG 21 1981
JOHN McCARTHY
CLERK

HEARING ON PROPOSED MINIMUM
QUALIFICATIONS FOR COURT
REPORTERS

O R D E R

WHEREAS, the State Court Administrator has recommended that the Supreme Court adopt the following minimum qualifications for court reporters:

"A competent stenographer who wishes to be considered for employment by a judge for the position of court reporter must have:

- "1. A high school diploma or the equivalent; and
- "2. Graduated from a court reporting school approved by the National Shorthand Reporters Association and the State Court Administrator, or have held the position of official court reporter for three of the previous five years; and
- "3. A valid Registered Professional Reporters certificate or the ability to meet those standards required by the R.P.R. to the satisfaction of the State Court Administrator,"

WHEREAS, the Supreme Court wishes to hold a public hearing on this recommendation,

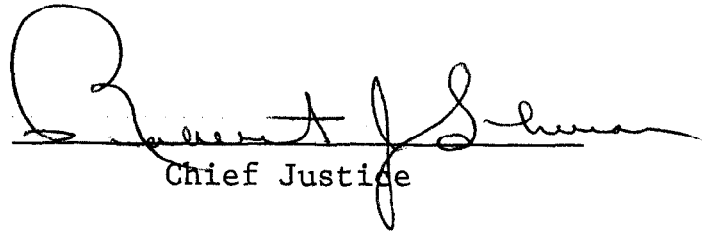
NOW, THEREFORE, IT IS HEREBY ORDERED that a hearing on this recommendation be held in the Supreme Court Chambers in the State Capitol, Saint Paul, Minnesota, at 9 a.m. on Thursday, October 15, 1981.

IT IS FURTHER ORDERED, that advance notice of the hearing be given by the publication of this order once in the Supreme Court edition of FINANCE AND COMMERCE, ST. PAUL LEGAL LEDGER, and BENCH AND BAR.

IT IS FURTHER ORDERED that interested persons show cause, if any they have, why the proposed qualifications should not be adopted. All persons desiring to be heard shall file briefs or petitions setting forth their objections, and shall also notify the Clerk of the Supreme Court, in writing, on or before October 8, 1981, of their desire to be heard on the matter. Ten copies of each brief, petition, or letter should be supplied to the Clerk.

DATED: August 18th, 1981.

BY THE COURT


Chief Justice

In re:)
)
 Qualifications of Competent Stenographers.)
)
 _____)

BRIEF

The establishment of minimum qualifications for competent stenographers will have both an intermediate and a long-range impact upon the courts of this State. Those qualifications should be simple and directly related to the result needed - the ability to produce a written transcript of the proceedings which took place in the courtroom. Any definition of the qualifications which would require a trial judge to use the traditional "court reporter" with a mechanical shorthand machine will lock in a technology which is obsolescent and unreasonably expensive.

Before discussing the question of the qualifications of competent stenographers, I think it would be worthwhile to consider whether or not the legislature has any power to direct the court in this regard. I am not a very strong advocate of the inherent powers of the court. However, some areas do seem to me to be so closely connected to the functioning of the court that the other branches of government should not interfere. The qualifications of the personnel who work as secretaries and stenographers of the trial judges in their capacities as judges, seem to me to be beyond the scope of legislative or executive control. I have never been particularly concerned about the legislative branch controlling salaries or working conditions of members of the clerk's office. However, people such as the judge's personal secretary and law clerk are so fundamental to his ability to function that it is hard to believe that any other branch of government should be able to exercise control over their selection or qualifications. I point this out because the legislature was apparently subjected to an extensive lobby by the court reporters when it enacted Chapter 303. The thrust of that statute is quite clearly to require the traditional machine shorthand in all courtrooms. It has been suggested that to not do so would be to go against the legislative intent. I believe

that suggestion is wrong on two counts. First of all it is my understanding that the law which would have required the machine stenograph in all courtrooms was amended before it was passed as Chapter 303. Secondly, if it were the legislative intent, it would be violative of the separation of powers for the reasons I have indicated previously.

If you do not broadly define the qualifications of a competent stenographer you will be severely limiting the flexibility of the trial courts to efficiently perform their tasks as finders of the fact and preservation of a record for appeal. It is common in our society to attempt to preserve the existing technology through legislation whenever it is threatened by something new. For example, laws were passed requiring the "horseless carriage" to be operated at no more than five miles per hour and preceded by a man on foot warning of its approach. At the time they were enacted, they were said to be for safety purposes. In retrospect we are quite aware of the fact that it was an attempt to keep those new machines off the roads and highways of this nation. Such laws are never passed at the time of development of a new technology or when it is at its height. They usually surface as an existing technology is threatened by the development of something which may be able to replace it.

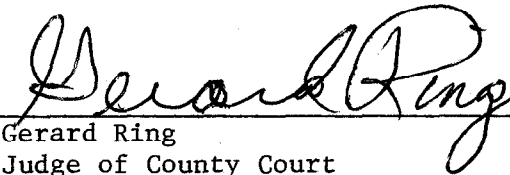
I have used electronic recording since the inception of the County Court in 1972. Admittedly in the first years our selection of equipment was not the best. To the best of my knowledge we were unable to provide a transcript for an appeal on only one occasion during that time. With our new equipment we have had almost no problems. I have not used a court reporter in fact for a couple of years now for any matters. In the last District Court matters which I heard, one of the attorneys inquired at the outset whether we would be using a court reporter. I indicated that I preferred not to do so and we proceeded without objection. Because of the savings the county has been willing to provide me with a law clerk. Incidentally, the salary of my secretary and the law clerk is still less than the salary that is paid to the top court reporters. I have no doubt that if tomorrow I hired a court reporter, the county would discontinue the position of law clerk for the County Courts.

I recognize the qualifications you are called to define for the purposes of

Chapter 303 relate to the District Courts. Because of the rather regular exchange of cases between the various branches and divisions of the trial court, that decision as to qualifications will affect my court also. Without a court reporter, I would be unable to take District Court matters as the need arose. I would probably have to appoint a court reporter.

The real need is for a system of recording the proceedings in the courtroom such that a transcript can be prepared. I strongly urge you to adopt a set of qualifications similar to those proposed by Judge O. Russell Olson. I do so because they would define the qualifications in terms of the ability to provide the end product. If we assume that trial judges have a minimum degree of competence, they should be able to decide whether a given person can act as a secretary and transcribe courtroom proceedings. It is almost an insult to the average trial judge to draw a detailed set of qualifications which include such things as a high school diploma, etc. I doubt that any trial judge would choose for his secretary anyone who would not adequately fulfill the need for a competent stenographer. Since that person is to serve as his secretary as well as the court reporter, I fail to see any strong interest in detailed lists of qualifications.

Respectfully submitted:


Gerard Ring
Judge of County Court

COUNTY COURT

JUDGES
WILLIAM R. STURTZ
373-0624

THOMAS R. BUTLER
373-8273

CHIEF DEPUTY CLERK
JEANNE A. HABEN
373-0624

FREEBORN COUNTY, MINNESOTA
COURT HOUSE
ALBERT LEA, MN 56007

PROBATE DIVISION
FAMILY DIVISION
373-0624

CRIMINAL DIVISION
TRAFFIC COURT
CIVIL DIVISION
CONCILIATION COURT
373-8273

October 8, 1981

*re: Hearing
October 15th*

81-876

Hon. Robert J. Sheran
Chief Justice, Minnesota Supreme Court
State Capitol
St. Paul, MN

Dear Justice Sheran:

I have had an opportunity to review the petition which has been filed by Judge O. Russell Olson with respect to the qualifications of a "Court Stenographer." I wish to add my support to the position expressed by Judge Olson.

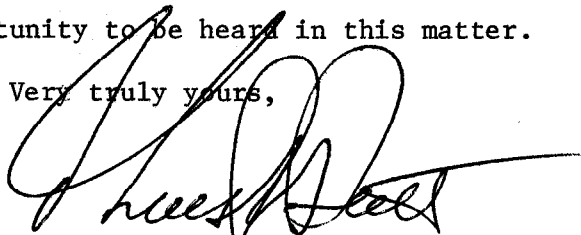
It occurs to me the court reporters' lobby has successfully persuaded the court administrators of a position they could not persuade the legislature to accept. The legislature has seen fit to approve the use of electronic recording devices. They have been implemented in many Courts throughout the state, including those in Freeborn County Court, and are being used successfully. Now, according to the proposed rule, a "competent stenographer" must be a certified court reporter. The effect of this places those of us who have elected to use electronic equipment in the position of hiring a court reporter or doing without a secretary. I do not feel that either the Court administrators or the court reporters should be in a position to dictate to me that I must make such a choice.

We here in Freeborn County have used the electronic equipment almost exclusively for approximately six years with a designated court stenographer who performs services as the Court's secretary and also preparing transcripts when required. She is not a certified court reporter. The system has worked successfully. I believe the lawyers who practice in our Court would concur in the success of our system.

Accordingly, I do concur with Judge Olson that the qualifications of a "competent stenographer" should be established by consideration of result and product rather than training and experience.

Thank you very much for the opportunity to be heard in this matter.

Very truly yours,



Thomas R. Butler
County Court Judge

Judge of County Court
Dennis H. Weber
612-565-3524



Wabasha County

Courthouse, Wabasha, Minnesota 55981

October 8, 1981

Minnesota Supreme Court
State Capitol
St. Paul, Minnesota 55101

Re: Petition to Broaden Proposed
Minimum Qualifications-Hearing
set for October 15, 1981.

81-876

I have reviewed the above described petition and do support the proposal to broaden the definition of "a competent stenographer". As a county court judge who has used electronic recording equipment for selected hearings for 8½ years, supplemented by the use of professional reporters for more complicated hearings, I strongly feel that the trial judge should have this option available. This becomes especially important in view of the present budgetary limitations which requires the most efficient use of funds available to the county. I would estimate that I have saved this county approximately \$50,000.00 by using electronic recording equipment for the last 8½ years. I do not believe that there has been any significant problem with the quality of transcripts required for appeals.

Yours truly,

A handwritten signature in dark ink, appearing to read "Dennis H. Weber". The signature is fluid and cursive, written over the typed name.

Dennis H. Weber
Judge of County Court

DHW/ch

cc: O. Russell Olson
Judge of District Court

District Court of Minnesota

EIGHTH JUDICIAL DISTRICT

CHAMBERS OF JUDGE THOMAS J. STAHLER / P.O. BOX 308 / MORRIS, MN. 56267 / (612) 589-1565

October 7, 1981

To the Honorable Justices of the Supreme Court of
the State of Minnesota;

Re: Definition of "competent stenographer" pursuant to
Minn. Stat. 484.72, Subd. 1

81-876

I have recently had the opportunity to review the petition of
the Honorable O. Russell Olson, Judge of District Court,
Third Judicial District, in respect to the above-entitled
matter, and agree with the contents thereof and recommend
action on the part of the Supreme Court in conformity therewith.

We have had considerable experience with the use of electronic
recording equipment in the Eighth Judicial District, in that
our eleven County Court Judges use such method in most of
their proceedings. The county court rooms and practically
all of the district court rooms in our district are equipped
with high-grade electronic recording systems. We have found
the systems to be accurate, economical and efficient. I am
certain that the use of such equipment has saved the thirteen
counties within our district over \$100,000 per year. This
equipment is being operated by deputy clerks of court who
should be classified as "competent stenographers".

Over the past several years I have had the opportunity to
inspect transcripts made by such stenographers, based on such
equipment, and in my opinion such transcripts are just as
accurate as those prepared by registered professional reporters.

To restrict the definition of a "competent stenographer" to that
which is contained in the Order of the Supreme Court dated
August 18, 1981 would substantially add to the cost of the
court operations in the Eighth Judicial District, and would add
nothing to the efficiency in obtaining true and correct transcripts
of the proceedings.

**SUPREME COURT
FILED**

OCT 12 1981

**JOHN McCARTHY,
CLERK**

Thomas J. Stahler
Assistant Chief Judge
Eighth Judicial District

KUDUK AND WALLING
ATTORNEYS AT LAW
1220 SOO LINE BUILDING
MINNEAPOLIS, MINNESOTA 55402

DAVID G. KUDUK
WRIGHT S. WALLING

TELEPHONE
339-9242
MINNESOTA TOLL FREE
1-800-292-4137

October 8, 1981

81-876

Mr. John C. McCarthy
Clerk of Supreme Court
State Capitol
St. Paul, MN 55101

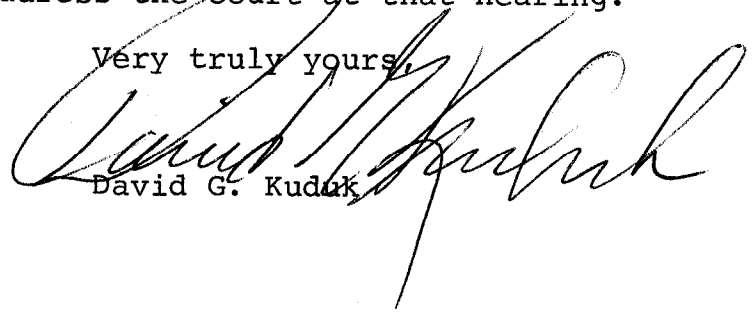
Dear Mr. McCarthy:

Attached please find original together with ten copies of the memorandum of the Minnesota Shorthand Reporters Association in support of the proposed minimum qualifications for court reporters.

This matter will be heard and considered by the Supreme Court at 9:00 a.m. on Thursday, October 15, 1981.

If possible within the Court's busy agenda, I would request a short period to address the Court at that hearing.

Very truly yours,



David G. Kudak

DGK/km
Enclosures

SUPREME COURT
FILED

OCT 15 1981

JOHN McCARTHY
CLERK

STATE OF MINNESOTA
IN SUPREME COURT

HEARING ON PROPOSED MINIMUM
QUALIFICATIONS FOR COURT
REPORTERS

MEMORANDUM IN
SUPPORT OF PROPOSED
QUALIFICATIONS

The Minnesota Shorthand Reporters Association, through its Counsel, hereby submits comments relative to the proposed definition of "competent stenographer" which will be considered by the Supreme Court at 9:00 a.m. on Thursday, October 15, 1981. These comments also serve as notice of a desire on the part of the Minnesota Shorthand Reporters Association to address the Court at that public hearing.

SCOPE OF THE HEARING

It is the understanding of the Minnesota Shorthand Reporters Association that the instant hearing is intended only to determine minimum qualifications for court reporters. This action is made necessary by the provisions of Laws 1981, Chapter 303. The provisions of that Statute require a "competent stenographer who meets minimum qualifications promulgated by the Court" to make a "stenographic record" of certain District Court proceedings. Pursuant to those provisions, the Supreme Court seeks to establish those minimum qualifications.

It is important to note that Laws 1981, Chapter 303, authorized the use of electronic recording in certain Court proceedings. This authorization was specifically limited by the Legislature. Certain proceedings may not be

recorded solely by electronic recording equipment, and in those proceedings, a "competent stenographer" must make a "stenographic record." It is thus clear at the outset that the phrase, "competent stenographer," implies something more than sophisticated electronic equipment operated by a trained and qualified operator.

COMPETENT STENOGRAPHER

The phrase, "competent stenographer," has existed in the laws of the State of Minnesota since the beginning of the twentieth century. Prior to that, beginning in 1874, the law provided for the appointment of a "shorthand writer." These historical provisions are now contained in Minn. Stat. Chapter 486.01 et seq, which provides for the appointment of a competent stenographer to make a complete stenographic record.

The word "stenographer" has been interpreted by several Courts. In Chase v. Vandergrift et al, 88 Penn. at 218, (page 1878) the Pennsylvania Court provided an early definition of a competent stenographer. That Court, quoting Statute, stated:

"It shall be the duty of said stenographer to make full stenographic notes of the testimony in all proceedings in any trial of facts ... to furnish copies of his notes in longhand upon the order of the Court or request of counsel ... within a reasonable time after the trial he shall transcribe all notes not previously transcribed by Order of the Court ..."

That Court further stated, "One of the purposes of the appointment of a stenographer is to secure rapid and unabated progress in the trial, relieving Court and counsel from taking full notes." A later Missouri case, State ex rel Nolan v. Hackmann, 207 S.W. 494, 276 Mo. 173 (1918),

clearly indicated that a Court clerk or assistant, doing no stenographic work, was not a "stenographer." In that case, an individual working as a clerk in a land office sought to be compensated as a "stenographer." The Missouri Court stated succinctly that the Petitioner in that case "was not a stenographer and could not do stenographic work, and that she did not do any stenographic work during the term of her employment." An earlier, similar case, In Re Appropriations for Deputy State Officers, 41 N.W. 643, 25 Nebraska 662 (1889), defined a stenographer as one possessing a skill in shorthand and capable of verbatim reporting of the oral proceedings had in Court. That case distinguishes a stenographer from a court clerk who would not need such qualifications. Finally, the West Virginia court in Cummings v. Armstrong, 11 S.E. 742, 34 West Virginia 87 (1890), spent a great deal of time defining the word "stenographer". That case proceeds to the Greek derivation of the word, and based on that, the Court defines "stenography" to mean "to write in narrow compass."

These cases are all based on similar statutory provisions to that contained in Minnesota law. They all define a competent stenographer as a person who is skilled in shorthand or other means of "narrow compass" writing. To be competent, a stenographer must be able to maintain a verbatim record of Court proceedings. From his notes, a stenographer must be prepared and able to furnish a verbatim transcript of the proceeding.

In this context, the proposed definition of "competent stenographer" should be adopted. As will be discussed in some detail below, these provisions are based upon considerable

study and input. They are clearly designed to guarantee to the Court and to the litigants an accurate, dependable, verbatim record of the proceedings.

BACKGROUND OF THE PROPOSAL

The definition recommended by the State Court Administrator results from months of study by an arm of the Judicial Planning Committee. A subcommittee of the Judicial Planning Committee spent hours, indeed, days, attempting to determine the appropriate requirements of competent stenographers in the Court system. Participants in this process included the State Court Administrator, representatives of his office, a State Legislator, members of the Judiciary, District Court Administrators, members of the private bar, shorthand reporters, and private citizens. The proposal was designed to assure high competence and quality in those persons asked to act in this most crucial capacity. To adopt any lesser standard would be to abandon the high intentions of these participants and to endanger the quality and dependability of the Court record.

LEGISLATIVE HISTORY

Laws 1981, Chapter 303, is essentially the result of the work of the Judicial Planning Committee. The subcommittee referred to above prepared the legislation in a form essentially the same as that which was finally adopted. The original Judicial Planning Committee proposal contained the words "registered professional reporter" in place of "competent stenographer." It appears that the Legislature intended not to

restrict this area to those who held a particular certificate. Instead, by replacing "registered professional reporter" with the phrase "competent stenographer," the Legislature made it possible for the State Court Administrator to determine qualifications which would guarantee excellence but which would not necessarily require the holding of a particular certificate.

CONCLUSIONS

The Minnesota Shorthand Reporters Association urges the Supreme Court to adopt the minimum qualifications for court reporters submitted to it by the State Court Administrator. These proposals are the result of months of study by the Judicial Planning Committee and are consistent with law and legislative intent. Perhaps Dean Maynard Pirsig best provided a summary of the need for these high standards in his Minnesota Law Review article, "The Significance of Verbatim Recording of Proceedings in American Adjudication," 38 Minnesota Law Review 29. In that article, Dean Pirsig and Professor David W. Louisell stated,

"It is our thesis that 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 procedures 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. Indeed, verbatim recording is a dominant reason for the extensive review of the facts available in American appellate procedure."

Dean Pirsig defined the shorthand reporter as follows:

"He is necessarily an expert highly qualified for rapid reporting and translation of his notes into

words, that is, an expert in the stenographic arts. He is under oath faithfully to perform the duties of his office ... he is under obligation to attach a certificate of correctness to his original shorthand notes, which are preserved in the custody of the Court ... when called upon to make a transcript, he is under obligation to attach to it a similar certificate. He is subject not only to the legal sanctions implicit in his oath, but the sanctions imposed by professional standards of integrity and competence." 38 Minnesota Law Review at page 31.

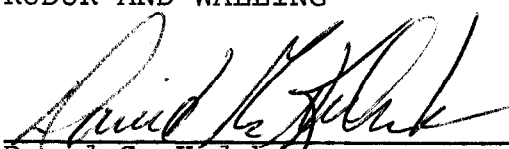
In a footnote to this section, the authors state, "Court reporters customarily develop and manifest a spirit of professional pride in the accuracy and integrity of their work."

It is in the spirit of that professional pride that the Minnesota Shorthand Reporters Association presents these observations to the Court.

Respectfully submitted,

KUDUK AND WALLING

BY:



David G. Kuduk
Attorneys for Minnesota Shorthand
Reporters Association
1220 Soo Line Building
Minneapolis, Minnesota 55402
612/339-9242



State of Minnesota
District Court, First District

CHAMBERS OF
JUDGE JOHN M. FITZGERALD
SHAKOPEE, MINNESOTA 55379

September 30, 1981

Mr. John McCarthy
Clerk of the Supreme Court
State Capitol Building
St. Paul, MN 55155

In re: Court Reporters Minimum
Qualifications Hearing
#81-876

Dear Mr. McCarthy:

In accordance with the requirements of the Supreme Court Order dated August 18, 1981, in the above-entitled matter, I am herewith enclosing ten copies of my letter to Chief Justice Sheran concerning the position of the Minnesota District Judges Association on this matter.

I would appreciate your calling this letter to the attention of the Court at the time of the hearing.

With personal regards, I remain,

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read "John M. Fitzgerald".

JOHN M. FITZGERALD
Judge of District Court

JMF:gjh

President
Mn. Dist. Judges Assn.



State of Minnesota
District Court, First District

September 28, 1981

CHAMBERS OF
JUDGE JOHN M. FITZGERALD
SHAKOPEE, MINNESOTA 58379

Chief Justice Robert J. Sheran
Minnesota Supreme Court
State Capitol Building
St. Paul, MN 55155

In re: Court Reporters
Minimum Qualifications

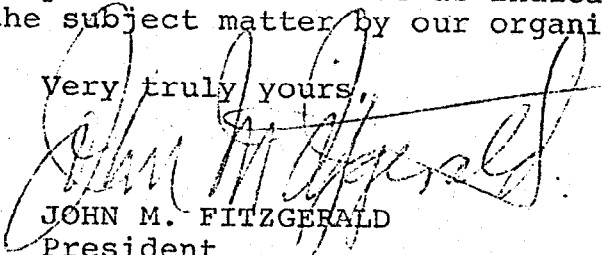
Dear Chief Justice Sheran:

In response to your Order of August 18, 1981, calling for a hearing on proposed minimum qualifications for court reporters, be advised that this matter was extensively addressed at our Fall Conference in Brainerd on September 18th of this year.

At that time, it was the unanimous feeling of our organization that although they, too, were in favor of minimum qualifications for the court reporters, they did not feel there was any need for involving the State Court Administrator's offices in the setting or the monitoring of those standards. Our group was and is of the opinion that the necessary close association and highly confidential relationship that absolutely must exist between a judge and his court reporter requires that the standards for the reporter to meet should be set by the judge himself, or at the very least, by the District Judges Association. Certainly the judge who personally interviews the reporter and retains his/her services on a trial basis before permanent retention is contemplated is in a far better position to evaluate and monitor competency and all of the other necessary ingredients that make for a qualified reporter than is a St. Paul-based Supreme Court Administrator.

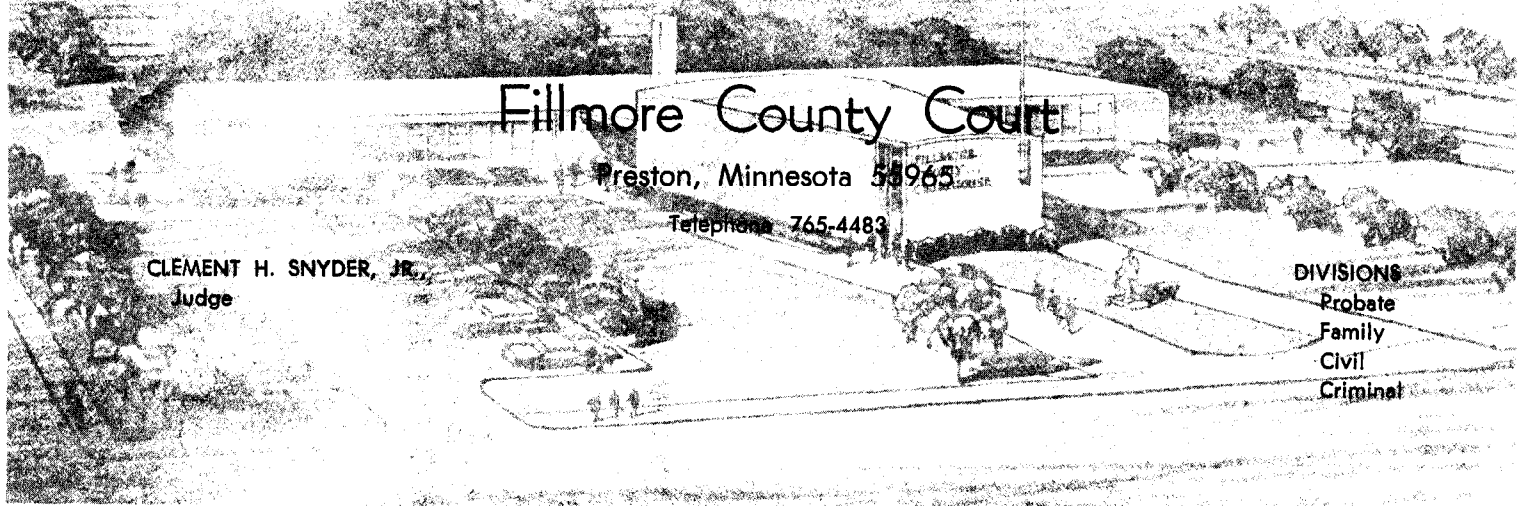
Ordinarily, Judge John Spellacy, our representative to the Commission on Standards for Court Reporters, would make our presentation on this matter in person. However, logistics and work load prevents his making an appearance, as it does mine, and so we must request that this letter be accepted as our presentation, and we further request that our failure to be present in person not be interpreted in the least as indicative of any lack of interest in the subject matter by our organization.

Very truly yours,


JOHN M. FITZGERALD
President

Mn. Dist. Judges Assn.

JMF:gjh



October 12, 1981

Judge O. Russell Olson
District Court Judge
Olmsted County Courthouse
Rochester, MN 55912

Re: Definition of Competent Stenographer

Dear Judge Olson:

81-876

I am submitting this letter in support of your Petition to Broaden Proposed Minimum Qualifications since I am in accord and agreement with your proposal that the term "competent stenographer" include anyone who can produce the desired results of accurately recording the verbatim proceedings and produce a readable transcript.

You have drafted an excellent brief in support of your recommendation and I do not think that I can add anything further.

This letter may be submitted to the Supreme Court as constituting my joinder in your petition.

Sincerely,

Clement H. Snyder, Jr.
Clement H. Snyder, Jr.
Fillmore County Judge

CHS:lmh

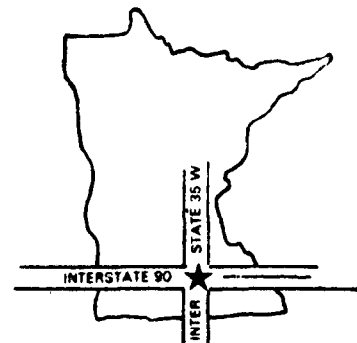
Received 10-14-81



CHAMBERS OF
WILLIAM R. STURTZ

JUDGE OF COUNTY COURT
FREEBORN COUNTY, MINNESOTA

COURT HOUSE
ALBERT LEA, MINNESOTA 56007
(507) 373-0624



JEANNE A. HABEN
CHIEF DEPUTY CLERK
AND COURT STENOGRAPHER

October 10, 1981

Supreme Court of the
State of Minnesota
State Capitol
St. Paul MN 55101

Re: Proposed Minimum Qualifications
for Court Reporters

81-876

Gentlemen:

I have received notice of the hearing on the above which has been scheduled for Thursday, October 15, 1981, commencing at 9:00 A.M.

I will attend that hearing, if possible. At the moment, however, I have a scheduling conflict which I may not be able to resolve. Accordingly I ask that this letter serve as my input into the proceedings.

I have been furnished with a copy of the petition to broaden the proposed minimum qualifications, as prepared by Hon. O. Russell Olson. I support that proposal, in its entirety, and I know that my fellow County Court Judge, Thomas R. Butler does so as well.

First of all I should like to note that, although the proposal appears to relate specifically to the District Courts, there is an obvious applicability to County Courts as well. I sincerely request that you give credibility to the input you receive from both benches.

In the area with which we are concerned our primary interest should be in the product. I have had six years of experience with electronic equipment. I have had occasion, less than 10 times during that period, to call in a court reporter. I can say, in all sincerity, that the

product has been eminently satisfactory in all respects.

There are, in fact, quite a few added benefits of electronic equipment. For example, when I wish to work on one of my decisions during hours other than 8:00 to 5:00 I am not at the mercy of a reporter's hieroglyphics if I wish to review some of the testimony.

I do not believe that it is expecting too much to ask each trial judge to assume full responsibility for the production of that product, i.e., an accurate record, and, when required, a prompt and accurate transcript. I feel that our commitment to our overall judicial responsibilities is such that we will handle this aspect of them well.

The proposed minimum qualifications (without the benefit of Judge Olson's suggested expansion) would not represent maintenance of the status quo to those County Court Judges who have elected to rely primarily upon electronic equipment. It is quite obvious that court reporters can, and do, perform additional duties well beyond the mere operation of the stenotype machine in the court room. Those of us who use electronic equipment have relied upon some person, selected by us, to fill in these "gaps". The primary proposal would erode much of that capability, and would have the ultimate effect of emasculating the electronic equipment statute and propelling us into court reporterships whether we want to or not.

I also ask, most sincerely, that you not permit yourselves to be persuaded by a "dog in the manger" approach. Nothing whatsoever in Judge Olson's proposed modification will have any impact upon those judges who do have court reporters, or upon those reporters themselves. I submit to you that any such approach is a reflection of pure selfishness. As long as the "haves" can keep what they have it seems rather unfair of them to try to dictate to the "have nots".

I have been sorely tempted to include a dissertation on "inherent powers" in this letter; ultimately I decided against doing so. I do suggest, however, that you try to visualize some of these developments from the vantage point of the "bottom tier". There are times when we feel a little like Mr. Capek's robots, and like we are being told that we do not have the intelligence or ability to handle our jobs without a lot of "spoon feeding". I support the concept of uniformity, to a degree, but I also acknowledge the wisdom of Dr. Wiggam's remark, "There is no greater injustice than the equal treatment of unequals." I really feel that we can be given some discretion, and some latitude, and that we will still do our jobs well and be a credit to the judicial system.

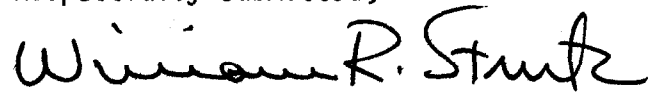
For myself, and on behalf of the other judges who are similarly situated, I urge you to adopt Judge Olson's proposed modification. It can do no harm, and for some of us it will do a lot of good. In addition to the individual benefits to specific judges, you will be permitting a dual level of experience. As electronic technology advances (as it most certainly will) you will have judges among us who can give you the benefit of their experiences

-3-

with both systems. With this advantage, as the years go by you will be able to adopt subsequent rules which reflect the results of some trial and error in the field.

In the event that it is not possible for me to appear at the hearing in person I thank you for permitting me to express my position in this way.

Respectfully submitted,

A handwritten signature in cursive script that reads "William R. Sturtz". The signature is written in dark ink and is positioned to the right of the typed name.

WILLIAM R. STURTZ

WRS:s

DEPARTMENT Judicial Planning Committee

Office Memorandum

TO : Judge Olson

DATE: September 3, 1991

(Copy)

FROM : Janet Marshall

JM

PHONE: 612/296-6282

SUBJECT: SUPREME COURT HEARING

81-876

Attached please find a copy of the Supreme Court's public notice for the hearing to determine the definition of competent stenographer for purposes of the law. I thought it would be of interest to you.

Please contact me if you have any questions.

JM:jef

Att.

STATE OF MINNESOTA

IN SUPREME COURT

HEARING ON PROPOSED MINIMUM
QUALIFICATIONS FOR COURT
REPORTERS

O R D E R

WHEREAS, the State Court Administrator has recommended that the Supreme Court adopt the following minimum qualifications for court reporters:

"A competent stenographer who wishes to be considered for employment by a judge for the position of court reporter must have:

- "1. A high school diploma or the equivalent; and
- "2. Graduated from a court reporting school approved by the National Shorthand Reporters Association and the State Court Administrator, or have held the position of official court reporter for three of the previous five years; and
- "3. A valid Registered Professional Reporters certificate or the ability to meet those standards required by the R.P.R. to the satisfaction of the State Court Administrator,"

WHEREAS, the Supreme Court wishes to hold a public hearing on this recommendation,

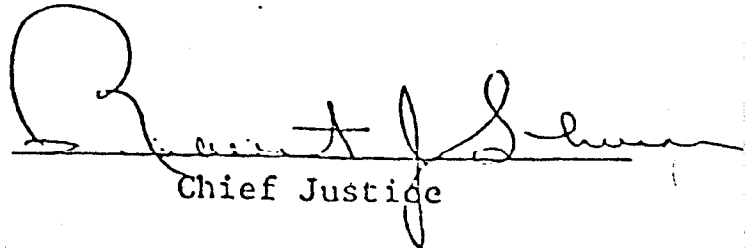
NOW, THEREFORE, IT IS HEREBY ORDERED that a hearing on this recommendation be held in the Supreme Court Chambers in the State Capitol, Saint Paul, Minnesota, at 9 a.m. on Thursday, October 15, 1981.

IT IS FURTHER ORDERED, that advance notice of the hearing be given by the publication of this order once in the Supreme Court edition of FINANCE AND COMMERCE, ST. PAUL LEGAL LEDGER, and BENCH AND BAR.

IT IS FURTHER ORDERED that interested persons show cause, if any they have, why the proposed qualifications should not be adopted. All persons desiring to be heard shall file briefs or petitions setting forth their objections, and shall also notify the Clerk of the Supreme Court, in writing, on or before October 8, 1981, of their desire to be heard on the matter. Ten copies of each brief, petition, or letter should be supplied to the Clerk.

DATED: August 18^(th), 1981.

BY THE COURT


Chief Justice

DISTRICT COURTS—ELECTRONIC RECORDING

CHAPTER 303

H.F.No. 691

An Act relating to courts; permitting the use of electronic recording equipment in certain district court proceedings; permitting all judicial districts except Hennepin county to set salaries of law clerks; clarifying that all law clerks are unclassified employees and without tenure; amending Minnesota Statutes 1980, Sections 484.545, Subdivision 2, and by adding a subdivision; 486.02 and 486.03; and proposing new law coded in Minnesota Statutes, Chapter 484.

Be it enacted by the Legislature of the State of Minnesota:

Section 1.

484.72. Electronic recording of court proceedings

484.72
Subd 1

Subdivision 1. Authorization. Except as provided in subdivision 4, electronic recording equipment may be used to record court proceedings in lieu of a court reporter. However, at the request of any party to any proceedings, the court may, in its discretion, require a competent stenographer who meets minimum qualifications promulgated by the supreme court, to make a complete stenographic record of the proceedings.

Subd. 2. Appointment of operator, costs and payment. The court shall have the authority to appoint a person or persons to operate and monitor electronic recording equipment. The person or persons may be paid on a salary basis, on a contract basis, or such other basis as the court deems appropriate.

Subd. 3. Specification for electronic recording equipment; qualifications for operator. For the purpose of this section the state court administrator shall promulgate specifications for acceptable electronic recording equipment used to record court proceedings and minimum qualifications for the persons who operate and monitor the equipment.

484.72
Subd 4

Subd. 4. Limitations on use of electronic recording equipment. A competent stenographer who meets minimum qualifications promulgated by the supreme court, shall make a complete stenographic record of the following court proceedings:

(1) Felony and gross misdemeanor offenses, except arraignments and first appearance in district court as specified in rule 8 of the rules of criminal procedure.

(2) District court jury trials.

(3) Contested district court trials and fact-finding hearings. Where required by statute or court rule, electronic recording equipment may be used in addition to the services of a competent stenographer.

Subd. 5. Malfunction of electronic recording. If, when electronic recording equipment is used, a malfunction occurs in the recording process so that the recording is incomplete, the court may declare a mistrial if the malfunction is discovered during the trial. If the malfunction is discovered in the course of preparing a transcript after a verdict has been entered, the court may grant a new trial upon motion of any party.

Sec. 2. Minnesota Statutes 1980, Section 486.02, is amended to read:

Underscoring and strikeouts are as shown in enrolled act.

486.02. Stenographic record

~~Such reporter~~ 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 he 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. He 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, he shall make a like record of any other matter or proceeding, and shall read to such judge or referee any record made by him, or transcribe the same, without charge, for any purpose in furtherance of justice.

Sec. 3. Minnesota Statutes 1980, Section 486.03, is amended to read:

486.03. Furnish transcript; file record

As soon as the trial is ended the reporter or operator of electronic recording equipment shall file his stenographic report, or tape recording, thereof with the clerk, or elsewhere, if the judge shall so direct; and, upon request of any person interested and payment or tender of his fees therefor, he 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 he may take and retain such record so long as may be necessary, when it shall be returned to the files.

Sec. 4. Minnesota Statutes 1980, Section 484.545, Subdivision 2, is amended to read:

~~Subd. 2. The judges, by order filed with the county auditors on or before the first Monday in August, 1975, and annually on or before the first Monday in January thereafter shall fix and establish the salary of each law clerk not to exceed \$15,000 per year without the approval of the county board of each of the counties involved, and shall apportion the total salaries paid among the several counties to which the judges are assigned, according to the population of each county. Notwithstanding any law to the contrary, in all judicial districts, except the fourth judicial district, a salary range for law clerks shall be established annually by the judicial district administrator with the approval of a majority of judges of the district. The salary for each law clerk shall be set within that range annually by the district administrator after consultation with the chief judge.~~

Nothing herein shall change the manner by which law clerk salaries are paid, the proportions among the various counties of a judicial district by which the funds are allocated or any statutory provision related to law clerk compensation other than the manner of setting salary. Each county shall be required by the order to pay a specified amount thereof in monthly installments which shall be such proportion of the whole salaries as the population of the county is to the total population of the counties to which the judge is assigned as determined by the last census.

Sec. 5. Minnesota Statutes 1980, Section 484.545, is amended by adding a subdivision to read:

Subd. 4. All law clerks in every judicial district, shall serve without tenure at the pleasure of the appointing judge or judges.

Sec. 6. Effective date.

Underscoring and strikeouts are as shown in enrolled act.

Section 1, subdivisions 3 and 4 are effective the day after final enactment. Section 1, subdivisions 1, 2 and 5, and sections 2 and 3 are effective upon promulgation of the specifications and qualifications as provided in section 1, subdivision 3.

Approved May 29, 1981.

CHAPTER 486

COURT REPORTERS

<p>486.01 Appointment, duties, bond; substitutes. 486.02 Stenographic record. 486.03 Furnish transcript; file record. 486.04 Act when another judge presides.</p>	<p>486.05 District court; reporters' salaries. 486.06 Charge for transcript. 486.07 Change of district; salaries adjusted.</p>
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486.01 APPOINTMENT, DUTIES, BOND; SUBSTITUTES.

Each judge, by duplicate orders filed with the clerk and county auditor of the several counties of his district, may appoint a competent stenographer as reporter of the court, to hold office during his pleasure, and to act as his secretary in all matters pertaining to his official duties. Such reporter shall give bond to the state in the sum of \$2,000, to be approved by the judge appointing him, conditioned for the faithful and impartial discharge of all his duties, which bond, with his oath of office, shall be filed with the clerk 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 his 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 his 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: *RL s 115; 1955 c 770 s 1 (201)*

486.02 STENOGRAPHIC RECORD.

Such reporter 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 he 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. He 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, he shall make a like record of any other matter or proceeding, and shall read to such judge or referee any record made by him, or transcribe the same, without charge, for any purpose in furtherance of justice.

History: *RL s 116 (202)*

486.03 FURNISH TRANSCRIPT; FILE RECORD.

As soon as the trial is ended the reporter shall file his stenographic report thereof with the clerk, or elsewhere, if the judge shall so direct; and, upon request of any person interested and payment or tender of his fees therefor, he 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 he may take and

retain such record so long as may be necessary, when it shall be returned to the files.

History: *RL s 117 (203)*

486.04 ACT WHEN ANOTHER JUDGE PRESIDES.

Unless otherwise directed by the judge appointing him, 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 him by law.

History: *RL s 118 (204)*

486.05 DISTRICT COURT; REPORTERS' SALARIES.

Subdivision 1. The judge by an order filed with the county auditors on or before the second Monday in June shall annually fix and establish the salary of the court reporter at an amount not exceeding \$22,500 per year, and, in such order, each judge, except those judges in the second and fourth judicial districts, shall apportion the salaries of the reporters in their respective districts among the several counties, and each county shall be required by such order to pay a specified amount thereof in monthly installments, which shall be such proportion of the whole salary as the population in each county bears to the total population in the district as set forth in the most recent federal census. It is provided, however, that in the event a judge is temporarily transferred to hold court in some county other than in his judicial district then, and in that event, the said county shall pay that part of the monthly salary of the judge's reporter as that part of the month worked by said reporter in said county. Each reporter shall have and maintain his residence in the district in which he is appointed. The reporter, in addition to his salary, shall be paid such sums as he shall accrue as necessary mileage, traveling, and hotel expenses while absent from the city in which he resides in the discharge of his official duties, such expenses to be paid by the county for which the same were incurred upon presentation of a verified itemized statement thereof approved by the judge; and the auditor of such county, upon presentation of such approved statement, shall issue his warrant in payment thereof.

All laws now in force relating to the salary of district court reporters inconsistent herewith relating to any and all counties are hereby repealed and superseded, except the manner of setting salary as hereinbefore set forth shall not apply to the second and fourth judicial districts.

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

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

History: *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 (205)*

486.06 CHARGE FOR TRANSCRIPT.

In addition to such salary, the reporter may charge for a transcript of his record ordered by any person other than the judge 35 cents per folio thereof and seven and one-half cents per folio for each manifold or other copy thereof when so ordered that it can be made with such transcript. This section shall not apply to the fourth judicial district.

History: *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 (206, 206-1)*

486.07 CHANGE OF DISTRICT; SALARIES ADJUSTED.

When a new judicial district is created or the boundary lines of a judicial district are changed the judge or judges of such district or districts shall, within 30 days after the establishing of such new district or the changing of such boundary lines, file an order readjusting the salaries of court reporters and the proportions to be paid by the several counties with the several county auditors in each district to conform to such changes and the filing of such order shall vacate and set aside any and all orders then on file with such auditors.

History: 1907 c 242 s 1 (207)

486.08 [Repealed, 1957 c 701 s 3]

486.09 [Repealed, 1961 c 561 s 17]

Co. Ct.
Proceedings
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487.11 ADDITIONAL EMPLOYEES.

Subdivision 1. **Bailiffs.** The sheriff of a county within a county court district shall furnish to the county court deputies to serve as bailiffs within the county as the court may request. The county board may, with the approval of the chief county court judge, contract with any municipality, upon terms agreed upon, for the services of police officers of the municipality to act as bailiffs in the county district court.

Nothing contained herein shall be construed to limit the authority of the court to employ probation officers with the powers and duties prescribed in section 260.311.

7951

COUNTY COURTS 487.16

Subd. 2. **Transcription of court proceedings.** Electronic recording equipment may be used for the purposes of Laws 1971, Chapter 951 to record court proceedings in lieu of a court reporter. However, at the request of any party to any proceedings the court may in its discretion require the proceedings to be recorded by a competent court reporter who shall perform such additional duties as the court directs. The chief judge of the county court, by order filed with the county board or boards shall fix the salary of a reporter appointed in an amount not to exceed the salary of district court reporters as provided by sections 486.05 and 486.06.

History: 1971 c 951 s 11

County
Court
Proceedings

COURT REPORTERS—SALARIES

CHAPTER 133

H.F.No. 449

An Act relating to courts; providing that court reporter salaries shall be set by the district court administrator after consultation with the chief judge; amending Minnesota Statutes 1980, Sections 486.05, Subdivision 1; and 487.11, Subdivision 2.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1980, Section 486.05, Subdivision 1, is amended to read:

~~Subdivision 1. The judge by an order filed with the county auditors on or before the second Monday in June shall annually fix and establish the salary of the court reporter at an amount not exceeding \$22,500 per year, and, in such order, each judge, except those judges in the second and fourth judicial districts, shall apportion the salaries of the reporters in their respective districts among the several counties, and in all judicial districts a salary range for court reporters shall be established annually by the judicial district administrator with the approval of a majority of judges of the district. The salary for each court reporter shall be set within that range annually by the district administrator after consultation with the chief judge. Nothing herein shall change the manner by which court reporters are paid, the proportions among the various counties of a judicial district by which the funds are allocated or any statutory provisions related to court reporter compensation other than the manner of setting salary.~~ Each county shall be required by such order to pay a specified amount thereof in monthly installments, which shall be such proportion of the whole salary as the population in each county bears to the total population in the district as set forth in the most recent federal census. It is provided, however, that in the event a judge is temporarily transferred to hold court in some county other than in his judicial district then, and in that event, the said county shall pay that part of the monthly salary of the judge's reporter as that part of the month worked by said reporter in said county. Each reporter shall have and maintain his residence in the district in which he is appointed. The reporter, in addition to his salary, shall be paid such sums as he shall accrue as necessary mileage, traveling, and hotel expenses while absent from the city in which he resides in the discharge of his official duties, such expenses to be paid by the county for which the same were incurred upon presentation of a verified itemized statement thereof approved by the judge; and the auditor of such county, upon presentation of such approved statement, shall issue his warrant in payment thereof.

Underscoring and strikeouts are as shown in enrolled act.

1981 SESSION

All laws now in force relating to the salary of district court reporters inconsistent herewith relating to any and all counties are hereby repealed and superseded, except the manner of setting salary as hereinbefore set forth shall not apply to the second and fourth judicial districts.

Sec. 2. Minnesota Statutes 1980, Section 487.11, Subdivision 2, is amended to read:

*487.11
sub 2*

Subd. 2. Transcription of court proceedings. Electronic recording equipment may be used for the purposes of Laws 1971, Chapter 951 to record court proceedings in lieu of a court reporter. However, at the request of any party to any proceedings the court may in its discretion require the proceedings to be recorded by a competent court reporter who shall perform such additional duties as the court directs. ~~The chief judge of the county court, by order filed with the county board or boards shall fix the salary of a reporter appointed in an amount not to exceed the salary of district court reporters as provided by sections 486.05 and 486.06~~ The salary of a reporter shall be set in accordance with the procedure provided by sections 486.05 and 486.06.

Approved May 8, 1981.

SESSION 1981

new
laws





Inheritance laws on cemetery plots changed, Ch. 25. See Local/Metropolitan section for cemetery regulation changes.

Labor (cont.)

PELRA exclusion—adult education

Chapter 289
HF389—Reding SF338*—Nelson

Excludes from collective bargaining and from the Public Employees Labor Relations Act (PELRA) parttime instructors in adult vocational education programs who teach less than 300 hours per year; exempts sugar beet hand laborers from certain over-time pay statutes.

Effective: Section 1: day following enactment;
Section 2: July 1, 1981.

Public employers closed negotiation meetings

Chapter 174
HF54*—Kaley SF392—Brataas

Allows the governing body of a public employer to vote to hold a closed meeting to discuss strategy for labor negotiations; sets requirements for recording those meetings; provides recourse for persons who charge that the employers discussed public business other than labor negotiations.

Effective: day following enactment.

Summer youth employment contracts

Chapter 82
HF876*—Staten SF581—Chmielewski

Allows the commissioner of economic security to advance up to 20 percent of a summer youth employment contract to a participating organization.

Effective: Aug. 1, 1981.

Workers' compensation bill, 1981

Chapter 346
HF682—Simoneau SF359*—C. Peterson

Revises workers' compensation laws. (See p. 22)

Various effective dates.

Legal/ Judiciary

Bankruptcy—certificates

Chapter 2
HF59—Ellingson SF23*—Sieloff

Changes the duties of county recorders to allow them to record certificates as well as decrees from bankruptcy proceedings; makes petitions and certificates from bankruptcy court admissible as evidence.

Effective: day following enactment.

Cemetery plots—descent

Chapter 25
HF133—Hanson SF171*—Dahl

Removes the gender designation from laws relating to descent of a cemetery plot; and provides for descent of deed in cemetery lots.

Effective: for estates of decedents who die after the date of enactment.

Child custody

Chapter 349
HF771—Norton SF539*—Sieloff

Incorporates provisions from the existing parentage act into the statutes dealing with family law; defines custody of children; allows proceedings for dissolution of marriage to take place in the county where either party lives; allows judges to provide for joint custody of children; provides for child support enforcement fees; makes changes in disposition of marital assets.

Effective: Sections 3, 7: day following enactment;
others: Aug. 1, 1981.

Coroners' certificate/ court referees abolished

Chapter 272
HF515*—Reif SF656—Sieloff

Eliminates the requirement that a coroner file a certificate with the district court when there is no inquest; abolishes the office of referee, except for certain referees in the second and fourth judicial districts who held office on or before certain dates.

Effective: Aug. 1, 1981.

Court record maintenance—eliminations

Chapter 121
HF1137—Ellingson SF825*—Davies

Eliminates the requirement for courts to maintain a judgment book.

Effective: Aug. 1, 1981.

Court reporters' salaries

Chapter 133
HF449*—Gustafson SF793—Solon

Allows district court administrators to set salaries of their court reporters after consultation with the chief judge.

Effective: Aug. 1, 1981.

Courtrooms—electronic recording

Chapter 303
HF691*—Zubay SF1211—Brataas

Allows courts to record certain legal proceedings with electronic equipment; allows the court to declare a mistrial if it discovers equipment malfunction; permits judicial districts to set salaries of law clerks in all counties, except Hennepin.

Various effective dates.

Delivery, filing of documents

Chapter 117
HF702—Ellingson SF149*—Merriam

Allows filing or delivery of documents the day after a Saturday, Sunday, or holiday if the end of the filing period comes on a Saturday, Sunday, or holiday.

Effective: Aug. 1, 1981.

Eminent domain possession and title

Chapter 8
HF85—M. Sieben SF12*—Davies

Provides for the taking of possession and title by the petitioner in certain circumstances; provides that certain payments a party deposits with the court shall be paid out under direction of the court.

Effective: day following enactment.

Guardianship, conservatorship

Chapter 1313
HF626—Jude SF574*—Spears

Makes changes in laws relating to guardianship and conservatorship; requires courts to serve notice of guardianship hearings to a ward or conservatee if he/she is a patient or resident of a hospital or institution; allows the ward or conservatee to waive the right to attend the hearing; allows guardian discharge without a hearing after the ward marries or reaches majority age.

Effective: Aug. 1, 1981.

Household goods exemption

Chapter 322
HF1392—Ellingson SF830*—Davies

Excludes, as security to a creditor, one watch, utensils and food, and the first \$3,000 of furniture, appliances, phonographs, radios, and televisions.

Effective: Aug. 1, 1981.

Immunity from prosecution

Chapter 293
HF1408—Clawson SF486—Davies

Repeals laws which give transactional immunity, immunity from criminal prosecution, to some court witnesses. Court witnesses retain other immunity protection.

Effective: Aug. 1, 1981.

Judges' travel expenses

Chapter 282
HF1200*—R. Anderson SF1226—C. Peterson

Extends for two years the travel expense payments for district court judges in certain counties.

Effective: Aug. 1, 1981.

Juvenile, family court judges

Chapter 292
HF308—Blatz SF445*—Tennessee

Increases the length of term of office for Hennepin and Ramsey County juvenile court judges from three to six years; transfers the responsibility of the St. Paul and Ramsey County City Hall/Courthouse Committee to the Ramsey County commissioners.

Various effective dates.

Marriages—court

Chapter 101
HF731*—Gruenes SF707—Pehler

Allows courts to appoint a former court commissioner to perform civil marriages if the commissioner is employed in the court system.

Effective: Aug. 1, 1981.

Mobile homes—homesteads

Chapter 105
HF498—Simoneau SF329*—Frank

Includes mobile homes as homestead property in statutes relating to descent of a homestead.

Effective: day following enactment.

Surviving spouse property allowance

Chapter 103
HF244—Simoneau SF182*—Frank

Amends probate laws by increasing the allowance that a dependent spouse (surviving spouse) can take for personal property.

Effective: for estates of decedents who die after July 31, 1981.

Testacy proceeding notification

Chapter 161
HF86—M. Sleben SF18*—Davies

Clarifies the requirement for notification of foreign consuls about foreign testacy proceedings.

Effective: Aug. 1, 1981.

Writ of attachment issuance

Chapter 277
HF1044*—Jude SF613—Davies

Describes the affidavit a person must have to get a court-issued document to secure property the court has awarded to that person.

Effective: Aug. 1, 1981.

Electronic recording equipment may take the place of this court reporter, in certain cases, Ch. 303. Court reporter salaries, Ch. 133.

