

(4) OTHER OFFICER - REASONABLE COMPENSATION AS SET BY THE COURT.

(C) TAXED AS COSTS.

A SPECIAL OFFICER'S FEE MAY BE TAXED AS COSTS OR PAID BY THE COUNTY.

REVISOR'S NOTE: This section is new language, and allows a court to appoint temporary officers when necessary for the conduct of a specific proceeding. Although several frequent appointments are listed, a blanket provision is included rather than attempting to list all possible appointments to avoid an "inclusio unius est exclusio alterius" construction.

This section is based on Art. IV, §9 of the Constitution which grants judges broad authority to appoint personnel and on a number of statutes and rules which provide for such appointments. See Art. 16, §§ 7-9 - Auditors; §107 - Trustees; Art. 26, §§ 11 and 12 - Assistant Counsel for the State; Art. 21, §14-111, Art. 26, §§ 13-15 and Rule BG76 - Surveyors; Art. 26, §69 - Masters in Juvenile Causes, Rule 580 - Examiner; 595 - Auditor; 117 - Elisor; 205(e), 596 - Master; 719, V71(e), V79(d) - Counsel. It should be noted that Art. 27A, §6(f) allows a court to appoint counsel for a criminal defendant where the public defender is in conflict of interest or where there is no public defender available.

Art. 16, §§ 7-9, Art. 26, §§ 11-15, and Art. 36, §27 are proposed for repeal. There is no intention to affect the viability of other provisions.

Art. 5, §§ 15 and 15A allow appointment of counsel in a criminal appeal.

Art. IV, §9 is apparently declarative of the Common Law. See Robinson v. Townshend 3G & J 413 (1831), 3 Steph. Comm. 29, 33, 417, and 597, 1B1 Comm. 345, Phelps - Juridical Equity § 13, 14 CJS §§ 2 and 84 relating to appointment of various