

**Judgments—Clerk of District Court—Recording.**

When a judgment has been written out at length and signed it must be copied in full in the judgment book and if findings of fact and conclusions of law have been embodied in the judgment they should also be copied as a part thereof.

A. F. Lamey, Esq.  
County Attorney,  
Havre, Montana.

March 23, 1925.

My dear Mr. Lamey:

You have requested an opinion upon the following questions:

1. Is the clerk of the district court required to copy judgments in full on his record?
2. If so, should the findings of fact and conclusions of law be copied?

You state that it is your conclusion that the clerk is not required to do more than to enter on the judgment book a sufficient description of the judgment so as to clearly define its substance.

It is my opinion that the common practice of the profession has resulted in a distinct departure from what the statute contemplated should constitute a "judgment." As observed by the supreme court in

McIntyre vs. N. P. Ry. Co., et al. 58 Mont. 256, 266, the custom of drawing a formal judgment and having the judge sign it is usually observed but is not required by the statute.

However, section 9407 expressly requires the clerk to keep a "judgment book in which judgments must be entered" and our court has held in the case cited in your letter (51 Mont. 289, 294) that the entry of judgment is the "recording in the judgment book mentioned in section 9407."

While the question is by no means free from doubt, it is my opinion that when a "judgment" has been written out at length and signed it becomes the judgment in the case and that the only way in which compliance with the requirements of section 9407 can be had is by copying that judgment in full in the judgment book, and if findings of fact and conclusions of law have been embodied in the judgment itself (though unnecessary to its validity) they must of necessity be also copied as a part of the judgment.

Very truly yours,

L. A. FOOT.

Attorney General.