

CHAPTER 2

REIMBURSEMENTS AND PURCHASING

I. Furniture and Supplies

Official and special roving court reporters shall be allocated office furniture and supplies as determined in administrative policies established by the Administrative Director of Courts. The furniture and supplies allocated shall be adequate to carry out the official duties of these court reporters, including the preparation of transcripts. Official and special roving court reporters are responsible for purchasing their own stenographic equipment.

II. Use of Copying Machines

Questions by court reporters concerning the use of State paper and copying machines or special local policies concerning these items should be directed to their judges or circuit clerks. See memoranda from the Administrative Office of Courts and the Opinion of the Clerk, No. 29, at the end of this Chapter.

III. Travel Expense Reimbursements

Uniform procedures for travel within the State of Alabama and outside the State of Alabama have been developed by AOC and may be found under [EForms/Finance Forms](#) on www.alacourt.gov.

IV. Claims for Expenses by Special Court Reporters

Circuit judges in the circuits where the special court reporters are contracted shall submit an [Expense Claim for Services Form \(Form FIS-45, Rev. 12/07\)](#) to the Administrative Office of Courts for payment for services.

New special court reporters need to register on the State of Alabama Accounting and Resource System (STAARS), the [vendor self-service portal](#), before their claims can be processed. The vendor self-portal may be accessed at the following website: <https://vendors.alabama.gov>. If special court reporters need assistance with registration, they should contact the STARRS help desk at 334-353-9000.



ADMINISTRATIVE OFFICE OF COURTS

817 South Court Street
Montgomery, Alabama 36130-0101
Telephone 205-834-7990

C. C. TORBERT, JR.,
CHIEF JUSTICE

ALLEN L. TAPLEY
Administrative Director of Courts

July 7, 1986

MEMORANDUM

TO: Circuit Judges
District Judges
Circuit Clerks
District Clerks
Court Reporters

FROM: Allen L. Tapley *ALT*
Administrative Director of Courts

RE: Amended Policy on Use of Copying Machines in Clerks' Offices

The policy on use of copying machines in the clerk's office was stated in the attached memorandum dated March 25, 1985. Paragraph 4 of that policy is hereby amended to read as follows:

4. Official court reporters may use copying machines to make copies of original transcripts in cases on appeal, civil and criminal. Such copying must be done by the court reporter in a manner and at a time that will not interfere with the normal operation of the clerks' or registers' offices.

ALT/sp

Attachment: March 25, 1985 Memorandum RE: Policy on Use of Copying
Machines in Clerks' Offices



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C. C. TORBERT, JR.,
CHIEF JUSTICE

ALLEN L. TAPLEY
Administrative Director of Courts

M E M O R A N D U M

TO: Circuit Judges
District Judges
Circuit Clerks
District Clerks
Court Reporters

FROM: Allen L. Tapley *ajl*
Administrative Director of Courts

RE: Policy on Use of Copying Machines in
Clerks' Offices

Recently several questions were raised by the Honorable Richard Forrest "Boss" Dobbins, Circuit Court Clerk for Calhoun County, regarding the use of copying machines in the clerks' offices by official court reporters. Due to the nature of the questions involved, this office sought an opinion from the Attorney General as to whether official court reporters may properly utilize state-owned paper and copying machines located in the clerk's office to prepare copies of original transcripts in cases on appeal.

The Attorney General advised that due to the fact that this matter is not addressed by the Code of Alabama it would best be addressed by either local policy or by a statewide policy set by the Administrative Office of Courts.

A suggested policy regarding the use of copying machines was previously published by this office on page 16 of the December, 1977, issue of "Court News". Having reconsidered this policy in light of the questions posed by Mr. Dobbins, the prior policy is hereby amended to provide as follows:

POLICY ON USE OF COPYING MACHINES

1. No state-owned copying machine assigned to the clerks and registers of the Unified Judicial System (UJS) shall be used for personal business by anyone.
2. All such copying machines are for use by all officials and employees of the UJS to make necessary copies of materials in the course of their official business. Making copies of official documents or papers for persons outside the UJS may be done pursuant to Rule 45, Alabama Rules of Judicial Administration, as amended.

3. A clerk or register may allow the district attorney to use copying machines, provided the district attorney provides sufficient copying paper to cover his use of said machine, and provided further that the work is personally done by the district attorney or a member of his staff at a time and in such a way as will not interfere with the normal operations of the clerks' or registers' offices.
4. Official court reporters may use copying machines to make copies of original transcripts in cases on appeal, civil and criminal, provided the court reporter furnishes sufficient paper at his or her personal expense, for use in making such copies. Such copying must be done by the court reporter in a manner and at a time that will not interfere with the normal operation of the clerks' or registers' offices.

ALT/em

OPINION OF THE CLERK,

No. 29.

Supreme Court of Alabama.

Aug. 8, 1930.

Executive director of the State Ethics Commission requested an opinion of the clerk of the Supreme Court of Alabama as to whether Rule 40(A), Alabama Rules of Judicial Administration, applies to the official grand jury reporter for the Fifteenth Circuit of Alabama in preparing transcripts of testimony for the grand jury on request

of attorneys representing grand jury witnesses, whether court reporters employed by the state may retain as personal income the fees provided in Rule 40(A) for the preparation of transcripts and copies of the original, and whether, if so, such reporters are permitted to use state time, equipment and materials for this purpose. The Supreme Court Clerk, Sentell, made answer that: (1) Rule 40(A) does not prescribe or adjust fees for the preparation of transcripts of grand jury proceedings; (2) court reporters employed by the state may retain as personal income the fees provided in Rule 40(A) for the preparation of transcripts and copies of the original; but (3) the third question would not be answered for the reason that it is not within the limits of statutory authority granted to the clerk.

Opinion given.

1. Courts ⇐57(2)

Rule 40(A), Alabama Rules of Judicial Administration, pertaining to fees allowed court reporters for the preparation of the transcripts of proceedings, does not apply to the official grand jury reporter for the Fifteenth Circuit of Alabama in preparing transcripts of testimony before the grand jury on request of attorneys representing grand jury witnesses. Code of Ala. 1975, § 12-17-276; Rules of Judicial Administration, Rule 40(A); Laws 1978, p. 1013.

2. Courts ⇐57(2)

Court reporters employed by the state may retain as personal income the fees provided in Rule 40(A), Alabama Rules of Judicial Administration, for the preparation of transcripts and copies of the original. Rules of Judicial Administration, Rule 40(A).

3. Courts ⇐57(2)

Rule 40(A), Alabama Rules of Judicial Administration, fixes and adjusts only those fees which were prescribed for court reporters in statutes existing on October 10, 1975. Rules of Judicial Administration, Rule 40(A).

4. Grand Jury ⇐33

Proceedings of a grand jury are not a trial.

5. Clerks of Courts ⇐66

Question addressed to the Supreme Court clerk, namely, whether state-employed court reporters, who retain as personal income the fees provided in Rule 40(A) for the preparation of transcripts and copies of the original, may use state time, equipment and materials for this purpose, was not a question within the limits of authority granted to clerk by statute. Code of Ala. 1975, § 12-2-19.

SENTELL, Clerk.

RULE 40(A), ALABAMA RULES OF JUDICIAL ADMINISTRATION—APPLICABILITY TO COURT REPORTER'S FEE FOR TRANSCRIPTS

[1, 2] Mr. Melvin G. Cooper, Executive Director of the State Ethics Commission, has submitted to me, as Clerk of the Supreme Court, pursuant to § 12-2-19(d), Code 1975, the following inquiries:

1. Does Rule 40(A), Alabama Rules of Judicial Administration, apply to the official grand jury reporter for the Fifteenth Circuit of Alabama in preparing transcripts of testimony before the grand jury on request of attorneys representing grand jury witnesses?
2. May court reporters employed by the state retain as personal income the fees provided in Rule 40(A) for the preparation of transcripts and copies of the original?
3. If so, are such court reporters permitted to use state time, equipment and materials for this purpose?

The first question is answered in the negative.

The second question is answered in the affirmative.

The third question is not answered.

The first paragraph of Rule 40(A) reads, in part, as follows:

"Pursuant to the authority and responsibility of section 12-17-276, Code of Alabama, all court reporters shall be allowed a fee of \$1.65 for the preparation of the original impression only for each page of the transcript of the proceeding . . ."

The second paragraph of Rule 40(A) reads:

"Fees for copies will be allowed at a rate of 10 cents per page for each copy of the original impression."

I

The information submitted with the first question shows that the office of Official Grand Jury Reporter for the grand juries of the counties comprising the Fifteenth Judicial Circuit was created by Act No. 705, Acts of Alabama, 1978. The act provides that the official Grand Jury Reporter shall be appointed by, and serve at the pleasure of, the district attorney elected for the circuit.

Section 4 of the act reads, in part, as follows:

"When directed by the elected District Attorney for such Circuit, the Official Grand Jury Reporter shall attend, in person, except as otherwise provided, the sessions of each Grand Jury held in such circuit and . . . shall take full stenographic notes of the oral testimony and proceedings . . ."

Rule 40(A), Alabama Rules of Judicial Administration, was adopted by the Supreme Court pursuant to § 12-17-276, Code 1975, which reads as follows:

"Notwithstanding any statutes existing on October 10, 1975, which prescribed fees to be paid to court reporters for producing transcripts of their stenographic notes, the amounts of these fees may be fixed and adjusted by the supreme court at such time as it shall determine."

[3] Rule 40(A) fixes and adjusts only those fees which were prescribed for court reporters in statutes existing on October 10, 1975. If statutes existing on October 10, 1975, did not prescribe fees to be paid for

transcripts of grand jury proceedings, such fees are not fixed or adjusted by Rule 40(A).

Statutes existing on October 10, 1975, which prescribed fees to be paid to court reporters for producing transcripts of their stenographic notes, were Title 7, § 827(2), (Act No. 80, Acts of Alabama, 1953, Section 4) and Title 13, § 263, Code of Alabama, Recompiled 1958.

Title 7, § 827(2), prescribed a fee for preparing transcripts on appeal of "causes tried." See Title 7, § 827(1), Code, Recompiled 1958.

[4] The proceedings of a grand jury are not a trial. *Adams v. State, Ind.*, 17 N.E.2d 84, 118 A.L.R. 1095 (1938). See also *Berness v. State*, 263 Ala. 641, 646, 83 So.2d 613 (1955).

Title 13, § 263, Code, Recompiled 1958, excepts proceedings before the grand jury from its coverage.

Rule 40(A) does not prescribe or adjust fees for the preparation of transcripts of grand jury proceedings.

II

Rule 40(A), pursuant to § 12-17-276, Code 1975, fixes and adjusts fees "to be paid to court reporters."

The first paragraph of Rule 40(A) provides that "all court reporters shall be allowed a fee . . ." The second paragraph reads: "Fees for copies will be allowed . . ."

A definition of "allow," pertinent to the context of Rule 40(A), is: "to give or assign as a share or suitable amount (as of time or money) to a particular person or for a particular purpose." Webster's Third New International Dictionary (1976).

It is my opinion that court reporters may retain as personal income the fees provided by Rule 40(A) for preparation of transcripts and copies of original transcripts.

III

[5] The third question is not answered for the reason that it is not within the

limits of the authority granted to the Clerk of the Supreme Court by § 12-2-19, Code 1975, which provides that "The clerk of the supreme court shall give his opinion in writing on any question of the interpretation of any rule of administration promulgated by the supreme court to any other officer or official of the state who shows a need for such opinion and requests the same." There is no rule of administration, promulgated by the Supreme Court, dealing with the matters presented in the third question.