

CHAPTER 4
APPELLATE PROCEDURE FOR BILLING AND
FILING TRANSCRIPTS

The record on appeal consists of two parts: One is the clerk’s record, and the other is the reporter’s transcript. [\[Rules 10\(b\) and \(c\), Ala. R. App. P.\]](#) (Therefore, the reporter’s transcript should not be scanned into the trial court case file in Alacourt.) When a request for a transcript of a judicial proceeding is made for a purpose other than taking an appeal from the judicial proceeding (and is therefore not subject to the Alabama Rules of Appellate Procedure), and that request is not for a daily, rush, or expedited copy of the original certified transcript, the priority for completion of the transcript shall be secondary to the court reporter's duties in reporting judicial proceedings and the court reporter's obligations under the Alabama Rules of Appellate Procedure regarding the completion of transcripts in that case and other cases. [\[Rule 29\(C\)\(5\), Ala. R. Jud. Admin.\]](#)

I. Parts of a Court Reporter’s Transcript on Appeal (examples provided at the end of this chapter for each item)

A. Title Page

This page should be the first page of the reporter’s transcript and should contain the style of the case, which includes the case number; the name of the judge or, if applicable, jury; and the date. The court reporter’s name may be placed on the Title Page or the Appearance Page upon personal preference.

B. Appearance Page

This page contains the names of the attorneys appearing for each party, the parties, or parties who appear pro se (parties representing themselves). Based upon personal preference, this information can be placed on the Title Page.

In any case involving a juvenile who has been the subject of a proceeding in the juvenile court system, a person granted youthful-offender status, a victim of child abuse, or a victim of a sex offense, the appellate court shall make reasonable efforts to preserve the anonymity of such a person. This anonymity shall be observed in the body of any opinion, in the styling of the case, and in any documents filed with the appellate courts. The front cover of the document being filed shall be clearly identified by the filer in accordance with the

provisions of Rule 28(d)(8), Rule 32(a)(2)(F), or Rule 32(a)(3)(C) of the Alabama Rules of Appellate Procedure. The records and papers filed, or caused to be filed, in the appellate court by the parties in any proceeding subject to this rule shall be open for inspection only to counsel of record, and, upon order of the appellate court, to others having a proper interest therein. [[Rule 52, Ala. R. App. P.](#)] Initials are only used on the cover page (style of the case) and not the entire transcript.

Defendants in adult criminal cases who are eligible for youthful offender status but are denied that status are not treated like children in juvenile cases in terms of confidentiality. However, if youthful offender status is granted, they are to be treated as confidential from that point forward including on appeal.

C. Index Page

This page contains a list of witnesses in the order in which they appeared, a list of exhibits, and page numbers for each. This page is required in criminal cases pursuant to [Rule 10\(c\)\(2\), Ala. R. App. P.](#) Depending on preference, the index of witnesses and index of exhibits may be placed on separate pages. This page may also include the page numbers for the following: motions, the jury charge, the verdict, and the pronouncement of sentence, and probation.

1. Index of Witnesses

This page lists the witnesses for the respective parties in the action in the respective examinations:

- Direct Examination
- Cross-Examination
- Redirect Examination
- Recross-Examination
- Further Redirect Examination
- Further Recross-Examination

2. Index of Exhibits

This page lists the exhibits for the respective parties in the action.

Marked
Admitted (Received)
Not Admitted

D. Body of the Transcript

The body should include all designated parts of the trial indicated on the [Transcript Purchase Order of Appellant–Civil](#) or the [Transcript Purchase Order of Appellee–Civil](#) or the [Reporter’s Transcript Order–Criminal](#). The format for the body of the transcript is found in [Rule 29\(B\), Ala. R. Jud. Admin.](#) and Section II. of this chapter.

E. Parentheticals

Parentheticals in the transcript are used to reflect happenings in the courtroom such as call to order, swearing in of venire and jury panel, swearing of a witness, off-the-record discussions, recesses, and, in criminal cases, the presence of the defendant.

F. Witnesses

The transcript should reflect that a witness takes the witness stand to testify and that the witness is excused from the witness stand.

G. Certificate of Completion of Reporter’s Transcript

This is the last page of the reporter’s transcript. This page should be dated and signed by the court reporter, certifying that he or she has this date completed and filed with the trial court clerk the original and copies of a true and correct transcript of all the evidence and matters of the action. The reporter’s transcript should be filed with the trial court clerk on the same day it is certified by the court reporter. The court reporter also certifies that the pages are numbered serially, prefaced by an index, and ending with the number at the top

of the certificate, and that copies were served on the clerk of the appellate court and all attorneys of record. The court reporter's Alabama Board of Court Reporting license number and date of expiration of license shall be listed on this page. (Civil: See [Form ARAP-5 \(Rev. 11/91\)](#); Criminal: See [Form ARAP-13 \(Rev. 9/91\)](#)) (See [ABCR Rules and Regulations, Chapter 257-X-4-.01\[j\]](#))

II. Transcript Format

[Rule 29\(B\), Ala. R. Jud. Admin.](#) provides specific guidelines concerning the format transcripts on appeal should follow.

“(B) Transcript Format. Each page of the transcript of a judicial proceeding shall conform to the following format:

“(1) Paper.

“(a) Size -- Letter-size paper (8½ x 11 inches).

“(b) Weight -- Paper quality for original certified transcripts and copies should be at least 20-pound basis weight.

“(c) Color -- White paper shall be used for both original certified transcripts and copies.

“(2) Ink Color. Black ink is to be used for both original certified transcripts and copies.

“(3) Marginal Lines. Solid left and right and top and bottom marginal lines are required. All lines must be placed on the page so that the text actually begins 1¾ inches from the left edge of the page and ends not less than ½ inch nor more than ¾ inch from the right edge of the page.

“(4) Line Numbers. Each line of transcription on a page is to be numbered, beginning with ‘1’ and continuing consecutively to the last line of transcription on the page, which shall be at line ‘25.’

“(5) Typing.

“(a) Type quality and size -- Letter quality type shall be used. The letter character size is to be no smaller than 9 characters (letters and/or spaces) per inch. This allows at least 50 characters (letters, punctuation marks, and/or spaces) per line. Courier New 12 font style and size with no scaling shall be used.

“(b) Number of lines per page -- Each page of transcription is to contain 25 double-spaced lines of text. The last page may contain fewer lines if it is less than a full page of transcription. Page numbers or notations are not considered part of the 25 lines of text. Blank lines should not be used except where necessary to keep headings together.

“(c) Margins -- Typing on each page should begin $1\frac{3}{4}$ inches from the left edge of the paper (‘the left margin’) and continue to $\frac{1}{2}$ to $\frac{3}{4}$ inches from the right edge of the paper (‘the right margin’).

“(d) Capitalization -- The use of uppercase and lowercase letters is preferred, but all uppercase letters may be used.

“(e) Indentions.

“(1) Questions and answers (Q AND A). All ‘Q’ and ‘A’ designations shall begin at the left margin, i.e., $1\frac{3}{4}$ inches from the left edge of the paper. The statement following the ‘Q’ and ‘A’ shall begin on the fifth space from the left margin. All subsequent lines shall begin no more than the fifth space from the left margin.

“(2) Colloquy. Identification of the speaker shall begin on the tenth space from the left margin,

and the speaker's name shall be followed by a colon. The statement following the identification of the speaker shall begin on the third space after the colon. All subsequent lines shall begin no more than the fifth space from the left margin.

“(3) Quotations. At the discretion of the court reporter or other transcriber, quoted material, other than depositions, can begin on the tenth space from the left margin, with additional quoted lines beginning on the tenth space from the left margin, and may be indicated by the appropriate use of quotation marks.

“(4) Headings. Headings, such as ‘Direct Examination,’ shall be centered between the left margin and the right margin.

“(5) Parenthetical notations. Parenthetical notations, such as the call to order of court or the swearing in of a witness, shall begin with an open parenthesis on the fifteenth space from the left margin. All subsequent lines of the parenthetical notation shall begin no more than the fifteenth space from the left margin.

“(f) Interruptions of speech and simultaneous discussions -- Interruptions of speech shall be denoted by the use of a dash at the point of interruption and again at the point the speaker resumes speaking. At the discretion of the court reporter or other transcriber, simultaneous discussions may also be noted in this manner.

“(g) Punctuation and spelling -- Standard punctuation and spelling shall be used.

“(h) Parentheses -- Parenthetical notations are generally enclosed in parentheses; however, brackets may be used.

“(i) Legibility -- The original transcript and each copy are to be legible, with no interlineations materially defacing the transcript.

“(j) Applicability -- The provisions in this rule concerning the formatting of transcripts applies to all transcripts of judicial proceedings taken by a court reporter, whether those transcripts are prepared for cases appealed to an Alabama appellate court or otherwise.

“(k) Sanctions -- If a person who prepares a transcript of a judicial proceeding willfully fails to comply with the provisions of this rule, he or she shall be subject to sanctions as set out in Rule 34, Alabama Rules of Judicial Administration.”

Court reporters should not scale the font of the transcript (for example, a scale of 200%). When the transcript font is scaled, it does not meet the requirements of [Rule 29\(B\), Ala. R. Jud. Admin.](#), providing for “...at least 50 characters (letters, punctuation marks, and/or spaces) per line....”

III. Contempt of Court for Noncompliance

[Rule 48, Ala. R. App. P.](#) provides that “[f]or a willful noncompliance of any material and substantive requirement of these rules, an attorney, clerk, court reporter, or other officer of the court may be held in contempt of court by the appellate court after reasonable notice of such noncompliance.”

[Rule 29\(H\), Ala. R. Jud. Admin.](#) provides that a complaint against a court reporter for alleged noncompliance with this rule shall be addressed in accordance with Rule 34, Alabama Rules of Judicial Administration.

[Rule 34, Ala. R. Jud. Admin.](#) provides that for a willful noncompliance with any material or substantive requirement of these rules or Act No. 1205, Acts of Alabama, 1975 Regular Session, any official, officer or employee of the Unified Judicial System subject to these rules may be held in contempt of court by the Supreme Court, or by any court of competent jurisdiction, after reasonable notice of such noncompliance.

The Court of Criminal Appeals has decided that if the Court has stated that no further extensions will be granted and the transcript is not certified and filed by the deadline contained in the final extension, the Court will immediately commence contempt proceedings against the court reporter. This policy was effective March 1, 2020.

IV. Forms Used for Appeals

A. Notice of Appeal

In civil cases, the Appellant must file the Notice of Appeal ([Form ARAP-1 \(Rev. 10/2019\)](#)) with the clerk of the trial court. [[Rule 4\(a\), Ala. R. App. P.](#)] On the date the Notice of Appeal is filed, the trial court clerk is required to serve a true copy of the Notice of Appeal or any amendment thereto on the court reporter and may do so by email, personal service, or mail. [[Rules 3\(d\)\(1\) and \(d\)\(3\), Ala. R. App. P.](#)]

In criminal cases, on the date the Notice of Appeal is filed, the trial court clerk shall serve the Notice of Appeal, whether oral or written, on the court reporter and, according to [Rule 3\(d\)\(3\), Ala. R. App. P.](#), may do so by email, personal service, or mail. The defendant or defendant's counsel is not required to file a written Notice of Appeal if an oral notice is given at sentencing. [[Rule 3\(a\)\(2\), Ala. R. App. P.](#)]

B. Transcript Purchase Order Form (Civil) or Reporter's Transcript Order (Criminal)

The Transcript Purchase Order in civil cases and the Reporter's Transcript Order in criminal cases are the documents used to let the court reporter know what parts of the proceedings are to be included

in the transcript on appeal. The court reporter should not begin preparing the transcript until he or she has received these forms from Appellant. [[Rules 10\(b\)\(2\) and 10\(c\)\(2\), Ala. R. App. P.](#)]

Within 7 days from the date the Notice of Appeal is filed with the trial court clerk (depending on the type of case and whether the Notice of Appeal was given in writing or orally), the Appellant is required to complete and file and distribute copies of the [Transcript Purchase Order of Appellant - Civil, Form ARAP-1A \(Rev. 8/91\)](#) or [Reporter's Transcript Order - Criminal, Form ARAP-1C \(Rev. 8/91\)](#) designating the parts of the proceedings that are to be included in the transcript on appeal.

In civil cases, if the Appellee requests additional parts of the transcript be prepared, the Appellee must file and distribute copies of the [Transcript Purchase Order of Appellee - Civil, Form ARAP-1B \(Rev. 8/91\)](#) designating the parts of the proceedings that are to be included in the transcript on appeal within 7 days after receipt of the [Transcript Purchase Order of Appellant - Civil, Form ARAP-1A \(Rev. 8/91\)](#).

In civil cases, the Appellant is required to pay the court reporter the estimated cost of preparing the transcript within 7 days of the filing of the Notice of Appeal. [[Rule 10\(b\)\(2\), Ala. R. App. P.](#)] In addition, if the Appellee deems that other parts of the proceedings should be included or that the entire proceeding should appear in the reporter's transcript, the Appellee is required to pay the estimated cost of transcribing that part of the proceedings within 7 days after receipt of the [Transcript Purchase Order of Appellant - Civil, Form ARAP-1A \(Rev. 8/91\)](#).

In criminal cases, unless the Defendant has previously been adjudged indigent in the matter appealed or is permitted to proceed on appeal as an indigent, the Appellant shall certify on the [Reporter's Transcript Order - Criminal, Form ARAP-1C \(Rev. 8/91\)](#) that satisfactory financial arrangements have been made with each court reporter responsible for preparing a portion of the reporter's transcript. [[Rule 10\(c\)\(2\), Ala. R. App. P.](#)]

C. Certificate of Completion

In civil cases, Part III of the Transcript Purchase Order Form ARAP-1A or ARAP-1B should be completed by the court reporter and copies should be distributed as directed on the form. You may email the form to cvfilings@alappeals.gov.

In criminal cases, the court reporter shall serve upon the attorney for the appellant, the attorney general, the district attorney, and the clerk of the appellate court, a notice that the transcript of proceedings has been filed with the clerk of the trial court. [Rule 11\(b\), Ala. R. App. P.](#) The Certificate of Completion may be emailed to the Court of Criminal Appeals at crfilings@alappeals.gov. The Certificate of Completion may be emailed to the attorney general's office at docketroom@ago.state.al.us.

See [Certificate of Completion of Reporter's Transcript - Civil Form ARAP-5 \(Rev. 11/91\)](#) and [Certificate of Completion of Reporter's Transcript - Criminal Form ARAP-13 \(Rev. 9/91\)](#). See also examples at the end of this Chapter.

D. Order to Stay

Motions to stay are commonly filed in cases on appeal. A court reporter shall receive notice when a Motion to Stay is filed. If an appellate court issues an order granting a motion to stay, the court reporter's appeal time schedule is stopped during the time a case is stayed.

IV. Procedure for Appeals of **Civil** Cases Including **Domestic Relations** Cases (to the Court of Civil Appeals or to the Supreme Court of Alabama)

The complete process of a civil appeal may also be found at the end of this chapter in Transcript Guidelines for Court Reporters provided by then-Clerk of the Court of Civil Appeals, John H. Wilkerson, Jr.

The **Appellant** (the party who filed the appeal) seeks reversal or modification of the lower court's decision. By contrast, the Appellee (the party against whom the appeal is filed) usually seeks affirmance of the lower court's decision.

A. Procedure Upon Request by the **Appellant**

1. The Appellant must file the Notice of Appeal with the clerk of the trial court. [\[Rule 4\(a\), Ala. R. App. P.\]](#)
2. On the date the Notice of Appeal is filed, the trial court clerk is required to serve a true copy of the Notice of Appeal, or any amendment thereto, on the court reporter and may do so by email, personal service, or mail. [\[Rules 3\(d\)\(1\) and \(3\), Ala. R. App. P.\]](#)
3. Within 7 days from the Notice of Appeal being filed, the Appellant must complete and file Part I of [Form ARAP-1A, Transcript Purchase Order of Appellant – Civil \(Rev. 8/91\)](#) and pay the court reporter the estimated cost of the reporter’s transcript. Copies are to be distributed to the court reporter, the clerk of the trial court, and the Appellee.
4. On the same date the Transcript Purchase Order (Form ARAP-1A) is received from the Appellant, the court reporter shall complete Part II of the form indicating whether payment for the estimated cost of the transcript has been received. A copy of the form shall be distributed to the appropriate appellate court (the Court of Civil Appeals or the Supreme Court). [\[Rule 10\(b\)\(2\), Ala. R. App. P.\]](#)
5. Once satisfactory financial arrangements have been made, the court reporter may then begin preparing the transcript and shall file it with the trial court clerk by emailing the transcript in pdf format within 56 days of the date the Notice of Appeal was filed unless extensions have been granted to complete the transcript. (See Section X. Appeal Time Schedule and Section XI. Extensions in this Chapter.)
6. Upon the filing of the appeal transcript, copies of the Title Page, Index, and Certificate of Completion shall be emailed to the Clerk of the Court of Civil Appeals at cvfilings@alappeals.gov and distributed to the parties.

If the appeal is in the Supreme Court, the title page, index and certificate of completion shall be sent to the Clerk of the Supreme Court via U.S. Mail with delivery receipt.

B. Procedure Upon Request by the **Appellee**

1. If the Appellee deems that other parts of the proceedings or the entire proceeding should be transcribed, the Appellee must complete and file Part I of [Form ARAP-1B, Transcript Purchase Order of Appellee–Civil \(Rev. 8/91\)](#) and pay the court reporter the estimated cost of the reporter’s transcript within 7 days after receiving a copy of [Form ARAP-1A, Transcript Purchase Order of Appellant–Civil \(Rev. 8/91\)](#). [\[Rule 10\(b\)\(2\), Ala. R. App. P.\]](#) The Appellee shall distribute copies to the court reporter, the clerk of the trial court, and the Appellant.
2. On the same date the Transcript Purchase Order (Form ARAP-1B) is received from the Appellee, the court reporter shall complete Part II of the form indicating whether payment for the estimated cost of the transcript has been received. A copy of the form shall be distributed to the appropriate appellate court (the Court of Civil Appeals or the Supreme Court). [\[Rule 10\(b\)\(2\), Ala. R. App. P.\]](#)
3. Once satisfactory financial arrangements have been made, the court reporter shall then begin preparing the additional parts of the transcript requested by the Appellee and, upon completion, should file the transcript with the trial court clerk within 56 days of the date the Notice of Appeal, unless extensions have been granted to complete the transcript. (See Section XI. Extensions in this Chapter).

C. Preparation of Transcript

1. The reporter’s transcript shall be prepared pursuant to the provisions of Rules 10(b)(2), Ala. R. App. P. The court reporter shall email the clerk of the trial court with an electronic copy (PDF format) of the reporter’s transcript in lieu of the paper copies prescribed in Rule 10, Ala. R. App. P. At the time the transcript is filed, the court reporter shall file a copy of the Certificate of Completion with the Clerk of the appropriate appellate court and parties to the appeal. [\[Rule 57\(j\)\(2\), Ala. R. App. P.\]](#)
2. If the Appellee has ordered part of the transcript, the court reporter should use Part III of the Transcript Purchase Order (Form ARAP-

1A) for the Certificate of Completion and file it with the appropriate appellate court. The court reporter does not need to complete Part III of the Transcript Purchase Order (Form ARAP-1B). If the Appellant did not order any part of the transcript, then the Certificate of Completion on the Transcript Purchase Order (Form ARAP-1B) must be completed by the court reporter on the date the transcript is filed.

3. On the same date of filing the Certificate of Completion on Part III of the Transcript Purchase Order (Form ARAP-1B), the court reporter should distribute copies to the appropriate appellate court, the clerk of the trial court, and each of the parties. The court reporter shall email the certificate of completion to the Court of Civil Appeals at cvfilings@alappeals.gov. If the appeal is in the Supreme Court, the court reporter shall send the Certificate of Completion to the Clerk of the Supreme Court by U.S. Postal Service with proof of delivery/receipt.

VI. Procedure for Appeals of Criminal Cases (to the Court of Criminal Appeals)

A. Procedure Upon Request by the **Appellant**

1. The Appellant shall complete and file with the clerk of the trial court [Form ARAP-1C, Reporter's Transcript Order–Criminal \(Rev. 8/91\)](#) at the time the written Notice of Appeal is filed. This form shall include each court reporter of record. If the defendant gives an oral notice of appeal at the time of sentencing, Form ARAP-1C shall be completed by the defendant and filed with the clerk of the trial court within 7 days after the oral notice of appeal is given. [\[Rule 10\(c\)\(2\), Ala. R. App. P.\]](#)
2. On the same date the Reporter's Transcript Order (Form ARAP-1C) is filed with the clerk of the trial court, a copy of the form shall be mailed or emailed by the Appellant to each court reporter of record. [\[Rule 10\(c\)\(2\), Ala. R. App. P.\]](#) [\[Rule 57\(h\)\(5\), Ala. R. App. P.\]](#)

Note: Designation of the “trial proceedings” on the Reporter's Transcript Order (Form ARAP-1C) shall be deemed to include the judgment and sentence proceedings in the case. [\[Rule 10\(c\)\(2\), Ala. R. App. P.\]](#)

3. If the defendant is not declared indigent, the appellant shall certify on the Reporter's Transcript Order (Form ARAP-1C) that satisfactory financial arrangements have been made with each court reporter responsible for preparing a portion of the reporter's transcript. [[Rule 10\(c\)\(2\), Ala. R. App. P.](#)]
4. On the date the Reporter's Transcript Order is received, any court reporter who has not received satisfactory financial arrangements for preparation of his or her portion of the reporter's transcript shall complete [Form 1D, Notice of Insufficient Financial Arrangements \(Criminal\) \(Rev. 8/91\)](#), and shall file the original with the Clerk of the Court of Criminal Appeals and serve copies on the Appellant and the Attorney General; provided, however, that Form 1D shall not be filed in an appeal from any proceeding in which the Appellant proceeded at trial as an indigent or has been granted permission to proceed on appeal in forma pauperis as provided in Rule 24, because financial arrangements with the court reporter are not required in these instances. The Notice of Insufficient Financial Arrangements (Criminal) shall state the date the original was forwarded to the Clerk of the Court of Criminal Appeals. Within 14 days after the notice is forwarded to the Clerk of the Court of Criminal Appeals, the Appellant shall file an affidavit with the Clerk of the Court of Criminal Appeals stating that the court reporter(s) has/have been paid for preparing the transcript or an affidavit of the court reporter stating that adequate financial arrangements have been made. If one of the required affidavits is not filed with the Clerk of the Court of Criminal Appeals within the required time, then the appeal shall be dismissed and will not be reinstated absent good cause shown. [[Rule 10\(c\)\(2\), Ala. R. App. P.](#)]
5. The information on the Reporter's Transcript Order-Criminal is the only way the court reporter knows what proceedings the appellant is requesting to be included in the appeal transcript. Therefore, if the court reporter does not receive a Reporter's Transcript Order (Form ARAP-1C) from the appellant on the same date the Notice of Appeal is filed or seven (7) days from the defendant giving oral notice of appeal at sentencing, the court reporter shall notify the Appellant and the appellate court of the deficiency in writing, and follow up with the appellate court frequently because the court reporter's 56

day time schedule to prepare the transcript began on the date of the Notice of Appeal.

6. The court reporter shall prepare the transcript and email a single electronic copy (in pdf format) and print one paper copy with the trial court clerk within 56 days from the date the Notice of Appeal was filed pursuant to [Rule 57\(j\)\(2\)\(B\)](#) and [Rule 11\(b\), Ala. R. App. P.](#), unless extensions have been granted pursuant to Rule 11(c), Ala. R. App. P. (See Section XI. Extensions in this Chapter).
7. The Certificate of Completion shall be included when the court reporter files the transcript with the clerk of the trial court. Copies of the Certificate of Completion Form ([Form ARAP-13 \(Rev. 9/91\)](#)) shall be served upon the attorney for the Appellant, the Attorney General, the district attorney, and the Clerk of the Appellate Court pursuant to Rule 11(b), Ala. R. App. P. The court reporter may email the certificate of completion to crfilings@alappeals.gov. This includes the Title Page and Index.

VII. Procedure for Appeals of Juvenile Cases (to the Court of Civil Appeals or to the Court of Criminal Appeals)

Appeals from final orders or judgments of the juvenile court shall be directly appealed to the appropriate appellate court, subject to the Alabama Rules of Appellate Procedure, when an adequate record of the proceeding is available. [[Rule 28\(A\)\(1\)\(c\) Ala. R. Juv. P.](#)] A written Notice of Appeal shall be filed within 14 days of the date of the entry of order or judgment appealed from, whether the appeal is to an appellate court or to the circuit court for trial de novo. [[Rule 28\(D\), Ala. R. Juv. P.](#)] [Rule 3, Ala. R. App. P.](#), requires the clerk of the trial court to notify the court reporter of the filing of the Notice of Appeal.

If a licensed court reporter is not present to record a juvenile proceeding, it may be recorded by electronic means [[Rule 20, Ala. R. Juv. P.](#)]. The juvenile court judge designates a person to transcribe the record of the proceeding and to prepare a reporter's transcript in accordance with the provisions of [Rule 10\(b\)\(2\), Ala. R. App. P.](#), and the juvenile court judge certifies that the record of the proceeding is adequate. Rule 28(A)(1)(c)(i), Ala. R. Juv. P.

If a licensed court reporter is present to record a juvenile proceeding, the court reporter, upon being designated by the juvenile court judge to do so, shall transcribe the record of the proceeding, and prepare a transcript in accordance with the provisions of [Rule 10\(b\)\(2\), Ala. R. App. P.](#) The juvenile court judge need not certify that the record of the proceeding is adequate if a licensed court reporter was present to record the proceeding and the court reporter certifies the record as provided by the Alabama Rules of Appellate Procedure.

[Rule 20\(A\), Ala. R. Juv. P.](#), provides that “[...]the audio or stenographic recording shall be preserved until the time for taking an appeal has expired [which is 14 days after entry of order or judgment] and shall not be released except for the following purposes: (1) In the event of an appeal. (2) Upon written order of the juvenile court judge, which shall include a specific finding that good cause exists for the creation and release of a transcript of the proceedings.”

Based on the above provision, it is recommended that in cases that are not appealed, the audio recording or stenographic notes be kept until after the period of 14 days after entry of order or judgment has run. In cases that have been appealed, Section F of the Records Retention Schedule (See Chapter 8) should be followed.

In any case involving a juvenile who has been the subject of a proceeding in the juvenile court system, a person granted youthful-offender status, a victim of child abuse, or a victim of a sex offense, the appellate court shall make reasonable efforts to preserve the anonymity of such a person. This anonymity shall be observed in the body of any opinion, in the styling of the case, and in any documents filed with the appellate courts. The front cover of the document being filed shall be clearly identified by the filer in accordance with the provisions of Rule 28(d)(8), Rule 32(a)(2)(F), or Rule 32(a)(3)(C) of the Alabama Rules of Appellate Procedure. The records and papers filed, or caused to be filed, in the appellate court by the parties in any proceeding subject to this rule shall be open for inspection only to counsel of record, and, upon order of the appellate court, to others having a proper interest therein. [\[Rule 52, Ala. R. App. P.\]](#) Initials are only used on the cover page (style of the case) and not the entire transcript.

Defendants in adult criminal cases who are eligible for youthful offender status but are denied that status are not treated like children in juvenile cases in terms of confidentiality. However, if youthful offender status is granted, they are to be treated as confidential from that point forward including on appeal.

VIII. Supplemented or Corrected Transcripts

A. Civil Cases (Including Domestic Relations Cases)

If an order is filed directing that the record on appeal be supplemented or corrected, the court reporter shall file the supplemented or corrected transcript with the trial court clerk within 7 days from the date the order is filed with the trial court clerk. An extension of 7 days may be granted by the trial court to allow the court reporter to complete the supplemental or corrected transcript. However, this extension may not be granted later than 21 days from the filing of the order of the trial court directing that the record on appeal be supplemented or corrected. [\[Rule 10\(f\)\(2\), Ala. R. App. P.\]](#)

B. Criminal Cases

If admitted or offered evidence that is material to any issue on appeal is omitted from the record, or if any question arises as to whether the record correctly reflects what occurred in the trial court and the parties cannot stipulate as to what action should be taken to supplement or correct the record, the appellant may, within 14 days (2 weeks) after the date shown on the copy of the certificate of completion of the record on appeal, file a motion with the clerk of the trial court to supplement or correct the record on appeal; provided, that, if the appellant is seeking to have included a transcript of proceedings that was omitted from the reporter's transcript, the appellant must file with the motion copies of the reporter's transcript order as proof that the omitted portions were originally requested as required by Rule 10(c). The appellee may file a motion to supplement or correct the record on appeal within 14 days (2 weeks) after the filing of the appellant's brief. Any party filing a motion with the trial court pursuant to this rule shall serve a copy of the motion on the Clerk of the appellate court and on all other parties, which copy shall state thereon the date on which the motion was filed with the clerk of the trial court. If the reporter's

transcript is to be corrected or supplemented, the party filing the motion shall also serve a copy of the motion on the appropriate court reporter(s). If the appellant is seeking to have the reporter's transcript supplemented, the copy of the motion served on the clerk of the appellate court shall be accompanied by a copy of the reporter's transcript order. Within 14 days (2 weeks) after the filing of a motion pursuant to this rule or of a stipulation by the parties, the trial court shall enter such orders as are necessary to ensure that the record is complete and that it conforms to the truth.

All orders of the trial court disposing of motions under this rule shall be filed with the clerk of the trial court within 14 days (2 weeks) from the filing of such motions, and the clerk of the trial court shall forthwith serve a copy thereof on each party, on the Clerk of the appellate court in which the appeal is pending, and on each court reporter who is affected by the order. Failure by the trial court to rule on a motion, except a motion to supplement the reporter's transcript, filed in accordance with this rule within the time period permitted hereunder, shall constitute a denial of the motion as of the date of the expiration of the 14-day (2-week) period. If any properly filed motion to supplement the reporter's transcript is not denied by the trial court within the 14 days (2 weeks) permitted for disposition hereunder, such motion shall be deemed granted as of the date of the expiration of the period.

Any dissatisfied party may, within 7 days (1 week) after entry of an order denying a motion under this rule, or, if no order is entered within 7 days (1 week) of the expiration of the 14-day (2-week) period provided in this rule for entry of an order by the trial court, seek appropriate relief in the appellate court.

The appellate court may, on motion of a party or on its own initiative, order that a supplemental or corrected record be certified and transmitted to the appellate court if necessary to correct an omission or misstatement; provided that, if the Appellant is seeking to have included a transcript of proceedings that was omitted from the reporter's transcript, the Appellant must file with his or her motion in the appellate court copies of the reporter's transcript order as proof that

the omitted portions were originally requested as required by Rule 10(c). [[Rule 10\(g\), Ala. R. App. P.](#)]

The provisions of these rules relating to the assembly and filing of the original record on appeal shall apply to any supplemental or corrected records required to be prepared under this rule, except that the court reporter's supplemental transcript shall be filed with the clerk of the trial court within 21 days (3 weeks) from the filing of the motion to supplement unless the motion is denied by the trial court within the 14-day (2-week) period from the filing of the motion. The court reporter's corrected transcript shall be filed with the clerk of the trial court within 7 days (1 week) from the date the order relating thereto is filed with the clerk of the trial court, and the clerk of the trial court shall file the amended or corrected record on appeal with the appellate court within 7 days (1 week) from receipt of the reporter's transcript, or, if there is no reporter's transcript, within 21 days (3 weeks) from the filing in the trial court of the order of the trial court or the appellate court directing that the record on appeal be supplemented or corrected.

The trial court may grant to either the clerk of the trial court or the court reporter an extension of time of 7 days (1 week) to complete either the clerk's supplemental or corrected record or the reporter's supplemental or corrected transcript, respectively, but in no event to a date later than 35 days (5 weeks) from the filing of the motion to supplement or correct the record. [[Rule 10\(g\)\(2\), Ala. R. App. P.](#)]

C. Juvenile Cases

The procedures above for civil and criminal cases would apply in juvenile cases depending on which appellate court on appeal of a juvenile court case is filed.

IX. Billing

A. Appellate Transcripts

[Section 12-17-276, Ala. Code 1975](#), provides that the amounts of transcript fees may be fixed and adjusted by the Supreme Court of Alabama. Fees for transcripts are covered in [Rule 29\(C\), Ala. R. Jud. Admin.](#)

Court reporters who are state employees may retain as personal income the fees provided in Rule 40(A) (now Rule 29(C), Ala. R. Jud. Admin.) for preparation of the original transcript and copies thereof. Opinion of the Clerk No. 29, 386 So. 2d 739 (Ala. 1980).

If timely requested, a copy of a transcript may be provided to the **Appellee** at a rate provided in Rule 29(C), Ala. R. Jud. Admin.). Copies at this same rate may be provided to **non-parties** to a suit. Opinion of the Clerk No. 15, 361 So. 2d 539 (Ala. 1978).

B. Indigent Appellate Transcripts

Billing for indigent appellate transcripts shall be made at the rates set forth in Rules 29(C)(1)(b) and (c), Ala. R. Jud. Admin., providing for a paper or electronic copy of the original certified transcript. Billing shall be forwarded to the Office of Indigent Defense Services (See Form C-62C (Rev. 5/2022)).

1. Right to a Free Transcript – Civil Cases

There is no provision in Rule 24, Ala. R. App. P., obligating a court reporter to furnish a “free” transcript on appeal in civil cases (See Committee Comments to Rule 24, Ala. R. App. P., amended effective May 14, 1990).

2. Right to a Free Transcript – Criminal Cases

As a general rule, indigent criminal defendants are entitled to a free transcript for purposes of appeal. See Rule 26.9(b)(4), Ala. R. Crim. P., which provides, “. . .[w]hen informing the defendant of his right to appeal, the court shall also advise the defendant that if he is indigent, counsel will be appointed to represent him on appeal if he so desires, and that a copy of the record and reporter’s transcript will be provided at no cost to him for purposes of appeal, if the appeal is from a judgment and sentence of the circuit court.” (Emphasis supplied.) See also § 12-22-190, Ala. Code 1975.

Rule 29(E), Ala. R. Jud. Admin., provides that, if a party is determined to be indigent, the court reporter required to produce a free transcript may submit a Court Reporter Fee Declaration, ([Form C-62C \(Rev. 5/2022\)](#)), to the Office of Indigent Defense Services for payment from the Fair Trial Tax Fund.

3. Right to a Free Transcript – Juvenile Court Cases

The Supreme Court of the United States in M.J.B. v. S.L.J., 519 U.S. 102, 117 S. Ct. 555, 136 L. Ed. 2d 473 (1996), held that an indigent mother whose parental rights were terminated was entitled to appeal the decision even though the mother could not pay the record preparation fees. Parents whose parental rights have been terminated have a right to a free transcript on appeal. In re Ward, 351 So. 2d 571 (Ala. Civ. App. 1977). Children in juvenile delinquency and child-in-need-of-supervision cases have a right to a free transcript on appeal pursuant to [Section 12-15-202\(f\)\(4\), Ala. Code 1975](#).

X. Appeal Time Schedule

In all cases, the court reporter has 56 days (8 weeks) from the date the Notice of Appeal is filed to prepare and file the transcript on appeal unless the time is shortened or extended pursuant to [Rule 11\(c\), Ala. R. App. P.](#)

In a criminal case, if a defendant gives an oral notice of appeal at the time of sentencing, the appeal time schedule begins to run on that sentencing date.

Criminal: If a post-trial or post-judgment motion (for example: Motion for New Trial) is filed within 30 days of pronouncement of sentence after a Notice of Appeal is filed, the appeal time schedule is stayed (stopped). The time schedule will run from the date the post-trial/post-judgment motion is denied, as if the Notice of Appeal was filed on the denial date, and the court reporter's transcript will be due 56 days (8 weeks) from that date. [[Rule 4\(b\)\(1\), Ala. R. App. P.](#), and [Rule 24.1\(b\), Ala. R. Crim. P.](#)]

If the trial court judge does not rule on the post-trial or post-judgment motion, the motion is automatically denied on the 60th day after pronouncement of sentence. The appeal time schedule will run from that date and the court reporter's transcript will be due 56 days (8 weeks) from that date. [\[Rule 24.4, Ala. R. Crim. P.\]](#)

Civil: If the trial court judge does not rule on the post-trial/post-judgment motion, the motion is automatically denied as of the date of the expiration of the 90-day period. The appeal time schedule will run from that date and the court reporter's transcript will be due 56 days (8 weeks) from that date. [\[Rule 59.1, Ala. R. Civ. P.\]](#)

As a general rule, when a case that is on appeal comes out of mediation, the time for the court reporter starts anew; therefore, the court reporter gets the full 56 days from the date the case comes out of mediation. The procedure that the Alabama Court of Civil Appeals and the Supreme Court of Alabama follow is that the court reporter gets the full 56 days after the case is reinstated. If the appellate court wants to deviate from this general rule, then it will provide the procedure to follow in the reinstatement order or some other order.

The reference to seven days in the notice means the appellant must make financial arrangements within seven days from the date of the issuance of the notice.

XI. Extensions

A. Trial Court (Local)

The trial court may grant a 7-day (1 week) extension of time to complete the reporter's transcript of proceedings in either a civil or criminal case.

For good cause shown, the trial court may grant up to three additional 7-day (1 week) extensions, but no more than a total of four extensions shall be granted by the trial court and in no event shall an extension be granted to a date later than 84 days (12 weeks) from the filing of the Notice of Appeal. [\[Rule 11\(c\), Ala. R. App. P.\]](#)

For extension requests to complete the reporter's transcript in criminal cases, see copy of "Request for Local Extension of Time to Complete the Reporter's Transcript" at the end of this Chapter. Both judges and court reporters are strongly encouraged to use this form. The court reporter must send a copy of this form to the Clerk of the Court of Criminal Appeals.

See forms at the end of this Chapter.

B. Appellate Court

If the trial court is without authority to grant a further extension or has denied a request therefor, the appellate court may, on motion for good cause shown, grant a 7-day (1 week) extension for filing the reporter's transcript in a civil or criminal case. However, the motion for extension shall have been received in the appellate court clerk's office within the time originally prescribed or within an extension previously granted.

For good cause shown, the appellate court may grant additional 7-day (1 week) extensions provided that a motion for extension shall have been received in the appellate court clerk's office within the time originally prescribed or within an extension previously granted. [\[Rule 11\(c\), Ala. R. App. P.\]](#)

Criminal: Although not provided in Rule 11(c), Ala. R. App. P., court reporters are strongly encouraged to use the form, "Motion to Court of Criminal Appeals for Extension of Time to File a Transcript" at the end of this Chapter. Court reporters may email their motions requesting extensions to crfilings@alappeals.gov instead of faxing them.

For civil appeals, the extension request form may be emailed to cvfilings@alappeals.gov.

For Supreme Court appeals, the extension request must be mailed to that Court via the U.S. Mail.

Examples:

The following are examples of different parts of a transcript prepared in accordance with Rule 29, Ala. R. Jud. Admin. They are only examples.

****It is the court reporter's responsibility to ensure that their transcripts meet the requirements of Rule 29, Ala. R. Jud. Admin.****

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STATE OF ALABAMA
IN THE CIRCUIT COURT OF {Name} COUNTY
{Circuit No.} JUDICIAL CIRCUIT
CIVIL
{Plaintiff(s)} *
Plaintiff, *
v. * CASE NO.: CV- {Case No.}
{Defendant(s)}, * APPEAL NO.: {Appeal No.}
Defendant(s). *
_____ /

OFFICIAL TRANSCRIPT ON APPEAL

Proceedings held before
Circuit Court Judge {Name}
{List dates prepared pursuant to the
dates requested on the Transcript
Purchase Order of Appellant-Civil,
eform ARAP-1A and/or the Transcript
Purchase Order of Appellee-Civil,
eform ARAP-1B}

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STATE OF ALABAMA
IN THE CIRCUIT COURT OF {Name} COUNTY
{Circuit Number} JUDICIAL CIRCUIT
CRIMINAL
{STATE OF ALABAMA/CITY} *
v. * CASE NO.: CC- {Case No.}
{DEFENDANT}, * CR NO.: {Appeal No.}
Defendant. *
_____ /

OFFICIAL TRANSCRIPT ON APPEAL

Proceedings held before
Circuit Court Judge {Name}
{List dates prepared pursuant to the
dates requested on the Reporter's
Transcript Order-Criminal, eform
eform ARAP-1C}

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STATE OF ALABAMA
IN THE CIRCUIT COURT OF {Name} COUNTY
{Circuit Number} JUDICIAL CIRCUIT
CIVIL
{NAME(s)}, *
Plaintiff, *
v. * CASE NO: CV-
{NAME(s)}, *
Defendant(s).

OFFICIAL TRANSCRIPT

Proceedings held {Date}
before Circuit Judge {Name}

APPEARANCES:

For the Plaintiff: {Attorney Name}
Attorney-at-Law
{ATTY CODE}

For the Defendant: {Attorney Name}
Attorney-at-Law
{ATTY CODE}

Court Reporter: {Court Reporter Name & Certs.}
{Title}
ACCR #{No.} Exp. {Date}

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STATE OF ALABAMA
IN THE CIRCUIT COURT OF {County Name} COUNTY
{Circuit Number} JUDICIAL CIRCUIT
CRIMINAL

{STATE OF ALABAMA/CITY OF {Name}}
v. CASE NO.: CC-{Case No.}
{NAME}
Defendant.

OFFICIAL TRANSCRIPT

Proceedings held {Date}
before Circuit Judge {Name}

APPEARANCES:

For the {State/City}: {Attorney Name}
{Title}
{ATTY CODE}

For the Defendant: {Attorney Name}
Attorney at Law
{ATTY CODE}

Court Reporter: {Court Reporter Name & Cert(s)}
{Title}
ACCR #{Lic.No.} Exp. {Date}

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JURY TRIAL PROCEEDINGS

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Cross Examination by {Atty Name}:

Redirect Examination by {Atty Name}:

Recross Examination by {Atty Name}:

Further Redirect Examination by {Atty Name}:

(2) {Name}

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Cross Examination by {Atty Name}:

Redirect Examination by {Atty Name}:

Recross Examination by {Atty Name}:

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{*indicates page no.}

{Type} PROCEEDINGS - *

{PLAINTIFF'S/STATE'S} EVIDENCE

{PLAINTIFF'S/STATE'S} WITNESS{ES}:

{NAME}

Direct Examination by {Attorney} - *

Cross-Examination by {Attorney} - *

Redirect Examination by {Attorney} - *

Recross-Examination by {Attorney} - *

{PLAINTIFF'S/STATE'S} EXHIBITS:

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ADMITTED</u>
*	*	*
*	*	*

DEFENDANT'S EVIDENCE

DEFENDANT'S WITNESS{ES}:

{NAME}

Direct Examination by {Attorney} - *

Cross-Examination by {Attorney} - *

Redirect Examination by {Attorney} - *

Recross-Examination by {Attorney} - *

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DEFENDANT'S EXHIBITS:

<u>NO.</u>	<u>MARKED</u>	<u>ADMITTED</u>
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MOTIONS - *

JURY CHARGE - *

VERDICT - *

SENTENCING - *

COURT REPORTER'S CERTIFICATE - *

{ Marginal Lines}

{Headings - Centered}

SUSIE SHARP

2 (Whereupon, the witness was
3 duly sworn or did affirm to tell the
4 truth and testified as follows:)

5 **DIRECT EXAMINATION**

{1-3/4 inch from margin} BY MS. SMITH:

{Q & A begins} 7 Q. State your name and occupation for the record,
8 please.

9 A. Susie Sharp, and I'm a court reporter.

10 Q. Do you know the correct format for preparing a
11 transcript of a judicial proceeding?

12 A. I certainly do.

13 MR. JONES: Judge, I object. This material
14 is covered sufficiently in the --

15 THE COURT: Overruled.

16 MR. JONES: -- Court Reporters Manual.

17 THE COURT: I'd like to hear this.

18 MR. JONES: Well, may I take the witness on
19 voir dire, Your Honor?

20 THE COURT: Go ahead.

21 (Off the record discussion was held.)

22 **VOIR DIRE EXAMINATION**

23 BY MR. JONES:

24 Q. Ms. Sharp, how long have you been a court reporter?

25 A. I completed my 40th year on March the 1st.

COURT REPORTER'S CERTIFICATE OF COMPLETION
OF TRANSCRIPT ON APPEAL

{},

Appellant,

v.

Criminal Appeals CR-{}
(_____ Circuit CC-{})

{},

Appellee.

_____,

TO: Clerk, Court of Criminal Appeals
crfilings@alappeals.gov

FROM: {CR name}
{Title, i.e. Official Court Reporter, Special
Roving Court Reporter, Special Court Reporter}
{Reporter's email address}

I, {CR name}, a duly licensed court reporter for the State of Alabama, as evidenced by my license number and expiration date at the bottom of this certificate page, certify that I have this date completed and emailed to the Clerk of the Trial Court, as required by the Rules of Appellate Procedure, a true and correct transcript of the proceedings designated in the reporter's transcript order. All pages are numbered serially in the upper right corner of each page, includes an index, and ends with the number appearing at the top of this certificate.

I certify that a copy of this certificate has this date been served on the Clerk of the Court of Criminal Appeals and counsel for each of the parties.

Dated this the [] day of [], 2022.

/s/ {CR name} _____
{CR name & credentials}
{Title}
ACCR #{} Exp. 9-30-2022

CERTIFICATE OF COMPLETION OF REPORTER'S TRANSCRIPT
STATE OF ALABAMA
COURT OF CIVIL APPEALS

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{}, *
Appellant, *
v. * APPEAL NO.
{}, * (County Name) Circuit
Appellee. * Case No. CV-{}
*

TO: Clerk of the Court of Civil Appeals
cvfilings@alappeals.gov

FROM: {CR Name}
{CR Title i.e. Official Court Reporter, Special
Roving Court Reporter, Special Court Reporter}
{CR Email address}

I, {CR name}, the undersigned licensed court reporter in the State of Alabama, as evidenced by my license number and expiration date at the bottom of this certificate, hereby certify that, as required by the Rules of Appellate Procedure, I have this date completed and electronically filed with the Clerk of the Trial Court a true and correct transcript of the evidence and matters designated by the parties, which ends with the page number at the top of this page.

I certify that a copy of this certificate has this date been electronically served on the Clerk of the Civil Court of Appeals and counsel for each of the parties.

Dated this the {} day of {}, 2022.

/s/{CR name}

{CR name}
ACCR #__ Exp. 9-30-2022

CERTIFICATE OF COMPLETION

REPORTER'S TRANSCRIPT

TO: The Clerk of the Court of () Appeals
Mailing Address
(City), Alabama (zip)

Civil/Criminal Appeals Case Number ()

(STYLE OF CASE)

On Appeal: () Court of () County

Trial Court Case Number (CASE NUMBER)

Notice of Appeal Date X-X-X

I, (REPORTER), CCR, certify that I have this date completed and filed with the clerk of the trial court an electronic original and one copy of a true and correct transcript of all proceedings in the above referenced case that were reported by me and were specifically designated by the appellant for inclusion on the Reporter's Transcript Order. The transcript, which is numbered serially in the upper right-hand corner of each page, begins with a title page and an index of both the exhibits and the testimony of the witnesses. The page number appearing in the upper right-hand corner of this certificate is the last page of my portion of the transcript in this case.

Done this the (#) day of (MONTH), (YEAR).

/s REPORTER, CCR

Alabama CCR No. (#)
License Expires: (DATE)

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CERTIFICATE OF COMPLETION OF TRANSCRIPT ON APPEAL
IN THE SUPREME COURT OF ALABAMA

{}
Appellant,
v. Appeal No. {}
{ } ((County Name) Circuit Ct.
CV-{}(Case no.))
Appellee.

I, {CR Name}, a duly licensed court reporter in the State of Alabama, as evidenced by my license number and expiration date at the bottom of this certificate, hereby certify that, as required by the Alabama Rules of Appellate Procedure, have this date completed and electronically filed with the Clerk of the Trial Court a true and correct transcript of the evidence and matters designated by the parties as required by the Rules of Appellate Procedure. All pages are numbered serially in the upper right corner of the page, prefaced by an index, and ending with the number appearing at the top of this certificate.

I certify that a copy of this certificate has been sent this date via U.S. Mail to the Clerk of the Supreme Court of Alabama, and a copy emailed to counsel for each of the parties, along with the Index.

Dated this the {} day of {}, 2022.

/s/{}(CR Name)
{}(CR Name)
ACCR #__ Exp. 9-30-2022

**CERTIFICATE OF COMPLETION
REPORTER'S TRANSCRIPT**

Form ARAP 13

TO: The Clerk of the Court of Criminal Appeals
P. O. Box 301555
Montgomery, Alabama 36130-1555

Fax: (334) 242-4689

Criminal Appeals Case Number CR ____ - ____

Appellant's Name v. Appellee

On appeal from the: Circuit Court of
 District Court of
 Juvenile Court of } _____ County

Trial Court Case Number _____

Notice of Appeal Date _____

I, _____, certify that I have this date completed and filed with the clerk of the trial court an original and three copies of a true and correct transcript of all proceedings in the above referenced case that were reported by me and were specifically designated by the appellant for inclusion on the Reporter's Transcript Order. The transcript, which is numbered serially in the upper right-hand corner of each page, begins with a copy of the Reporter's Transcript Order and an index of both the exhibits and the testimony of the witnesses. The original transcript concludes with the original of this notice and the copies of the transcript conclude with copies of this notice. The page number appearing in the upper right-hand corner of this certificate is the last page of my portion of the transcript in this case.

Done this the _____ day of _____, _____.

Court Reporter

FILING AND SERVICE OF THIS FORM: Pursuant to Rule 11(b), A.R.App.P., the court reporter should file a copy of this certificate with the Clerk of the Court of Criminal Appeals and should serve copies of the certificate on counsel for the appellant or the appellant if he or she is not represented by appellate counsel, the attorney general and the district attorney, unless the appeal is from a municipal appeal, in which event a copy of the form should be served on the municipal prosecutor rather than the attorney general and district attorney.

REQUEST FOR LOCAL EXTENSION OF TIME
TO COMPLETE THE REPORTER'S TRANSCRIPT

_____, Appellant v. _____, Appellee

In the Court of _____ Appeals
On appeal from _____ Court of _____ County
(Trial Court Case No. _____)

Appeal No. _____
Notice of Appeal Date _____

I, _____, [Official/Special Roving/Special] Court Reporter for the _____ Judicial
Circuit, hereby requests a _____ day extension of time to complete the Transcript on Appeal in this
case due to

_____.

Currently, this transcript is due _____. If this extension request is granted, the
transcript will be due _____.

COURT REPORTER
ACCR # _____ Exp. 9-30-20__

DATE

TRIAL COURT ACTION

Upon consideration of the above request, I hereby GRANT a _____ day extension to complete
said transcript, thus extending the transcript's due date to _____. After granting this
request, I direct the court reporter to send a copy of this order to the appellate court by no later
than the transcript due date in effect immediately preceding this order.

CIRCUIT COURT JUDGE

DATE

**REQUEST FOR LOCAL EXTENSION OF TIME
TO COMPLETE THE REPORTER'S TRANSCRIPT**

Appellant's Name _____ v. _____ Appellee

Trial Court Case No. _____ Notice of Appeal Date _____

On appeal from the: Circuit Court of
 District Court of
 Juvenile Court of } _____ County

I, _____, a court reporter in the above referenced case, hereby request a _____ day extension to complete the transcript in said cause for the reasons I have set out below. Currently this transcript is due on _____, and with this extension the transcript will be due on _____.

REASONS: _____

Court Reporter Date

TRIAL COURT ACTION

- Upon consideration of the above request, I hereby grant a _____ day extension to complete said transcript, thus extending the transcript's due date to _____. Upon granting this request, I direct the court reporter to file this order with the Clerk of this Court and to mail or fax a copy hereof to the Clerk of the Court of Criminal Appeals at the address noted below by no later than the transcript due date in effect immediately preceding this order.

- The above referenced request for a local extension is denied.

Judge's Signature Date

Note: Pursuant to Rule 11(c) of the Alabama Rules of Appellate Procedure, local extensions cannot total more than 28 days and cannot be to a date more than 84 days from the date of the notice of appeal.

The Clerk of the Court of Criminal Appeals Fax (334) 242-4689
P. O. Box 301555
Montgomery, Alabama 36130-1555

**MOTION TO COURT OF CRIMINAL
APPEALS FOR EXTENSION OF TIME
TO FILE TRANSCRIPT**

**TO: The Clerk of the Court of Criminal Appeals
P. O. Box 301555
Montgomery, Alabama 36130-1555**

Fax: (334) 242-4689

Criminal Appeals Case Number CR ____ - ____

Appellant's Name v. **Appellee**

Trial Court Case No. _____ **Notice of Appeal Date** _____

On appeal from the: Circuit Court of
 District Court of
 Juvenile Court of } _____ County

I, _____, a court reporter in the above referenced case, hereby request a _____ day extension to complete the transcript in said cause for the reasons I have set out below. Currently this transcript is due on _____, and with this extension the transcript will be due on _____.

REASONS: _____

Court Reporter _____ **Date** _____

Note: Rule 11(c) of the Alabama Rules of Appellate Procedure prohibits an appellate court from granting an extension if the request is not received by the clerk of the appellate court within the time originally prescribed or before the expiration of an extension previously granted. Based on internal policy of the Court of Criminal Appeals, no more than two 28-day extensions will be granted.

**Court Reporter's Request for Extension of Time to Complete
and Certify the Transcript**

Date: _____
Appellate Case No.: _____
Trial Court Case No.: _____
Style of Case: _____
_____.

Request type: Trial court extension.
 Appellate court extension.

Comes now _____, the
court reporter in the above cause, and, under Rule 11(c), Ala. R. App. P.,
requests a ____ day extension of time to complete the transcript in the
above case to and until: _____.
Date

Reason for request: _____

_____.

_____, Court Reporter.
Signature

ORDER
(for trial court extensions)

The court reporter's request for an extension is Granted Denied.
This the _____ day of _____, 20____.
_____, Judge.

cc: Attorneys of record and pro se parties

Court of Criminal Appeals

State of Alabama
Judicial Building, 300 Dexter Avenue
P. O. Box 301555
Montgomery, AL 36130-1555

FRANCIS ALLEN LONG, SR.
Presiding Judge
H. WARD McMILLAN
SUE BELL COBB
JEAN BROWN
PAMELA W. BASCHAB
Judges

Clerk's Office
(334) 242-4590

June 10, 1997

MEMORANDUM

TO : Court Reporters
FROM : Francis A. Long,
Presiding Judge
RE : Delinquent Appellate Transcripts

The vast majority of court reporters in this State are very diligent and expeditious in completing transcripts of trial proceedings in cases appealed to this Court, and, for this reason, it is unfortunate that the actions of a very few reporters necessitate this correspondence today.

Rule 11(b) of the Alabama Rules of Appellate Procedure prescribe the length of time a court reporter has to complete a transcript in a case appealed to this Court (56 days from the date of the notice of appeal). Rule 11(c) authorizes a trial judge to grant his or her court reporter up to 28 days in extensions; provided the motion for an extension is made within the time originally prescribed or within the period of an extension previously granted. Thereafter, an extension may be granted by this Court, provided the motion is made before the transcript is delinquent.

In recognition of the busy schedules of many court reporters, this Court has in the past been very lenient in granting extensions when the requests are timely made. In fact, this Court routinely grants up to 56 extra days if the requests are timely, even though each extension granted reduces proportionally the length of time this Court will have to meet the Appellate Court Time Standards adopted by the Supreme Court. Although this Court has no immediate plans to change its policy on extensions, we do now ask that each of you make an effort to limit extension requests to the extent possible and that you certainly not fall in the habit of routinely asking this Court for 56 extra days in every case appealed.

The real purpose of this memorandum, however, is to place all court reporters on notice that in the future, show cause notices shall be served on court reporters in cases where the transcripts have not been filed with the clerk of the trial court within the time prescribed by Rule 11(b) of the Alabama Rules of Appellate Procedure or within any extension that has been granted in conformity with Rule 11(c) of said rules. In this regard, please be aware that local extensions to a date later than 84 days from the filing of the notice of appeal are not authorized and thus will not prevent a transcript from becoming delinquent.

Also be advised that this Court is discontinuing its policy of writing the appellant and requesting a status report in those appeals where the court reporters are late filing the transcripts. As such, any court reporter who has a transcript that is currently delinquent must complete and file the transcript by no later than August 1, 1997, to prevent this Court from issuing an order to appear and show cause why he or she should not be held in contempt for violation of the Alabama Rules of Appellate Procedure. After August 1, 1997, show cause orders will be issued without prior notice to any court reporter who has been delinquent for more than 28 days in preparing the reporter's transcript in cases appealed to this Court.

Lastly, this Court wants to emphasize again that it recognizes that most of you do an outstanding job for which we are very grateful, but because the actions of just a few have resulted in some significant policy changes, this Court felt that all persons who are potentially affected by these changes should be notified.

cc: Circuit Judges
District Judges
Administrative Director of Courts

**IN THE SUPREME COURT OF ALABAMA
or
ALABAMA COURT OF CIVIL APPEALS**

[[Case Number]]

[[Case Caption]]

NOTICE TO STAY TO CLERK/COURT REPORTER

This is to notify you that this appeal may be selected for appellate mediation. It is, therefore, now on the Appellate Mediation Docket.

Preparation of the record and/or transcript is STAYED pending further order of this Court. THE COURT REPORTER SHALL, HOWEVER, NOTIFY THE APPELLANT OF THE ESTIMATED COST OF PREPARING THE TRANSCRIPT.

The Appellate Mediation Office will send mediation forms to counsel.

THIS ORDER DOES NOT STAY THE FILING OF A CROSS-APPEAL OR RELATED APPEAL.

Witness my hand and seal this ____ day of _____,
20____.

[[Clerk of Court Signature]]

Clerk of Court,
Supreme Court of Alabama or
Alabama Court of Civil Appeals

The Alabama Court of Civil Appeals



NATHAN P. WILSON
CLERK

300 DEXTER AVENUE
MONTGOMERY, ALABAMA 36104-3741
TELEPHONE 334-229-0733

LYNN DEVAUGHN
ASSISTANT CLERK

August 7, 2023

[[Case Number]]

[[Case Caption]]

Notice Staying Proceedings on Appeal

This is to notify you that this appeal may be selected for appellate mediation. The Appellate Mediation Office will be sending a Mediation Case-Screening Form and Confidential Statement to the parties. Preparation of the record and/or transcript is stayed pending further order of this court. The court reporter shall, however, notify the appellant of the estimated cost of preparing the transcript within 14 days from this date.

This order does not stay the filing of a cross-appeal or the filing of any related appeal.

A handwritten signature in cursive script that reads "Nathan P. Wilson".

Nathan P. Wilson, Clerk

The Alabama Court of Civil Appeals



NATHAN P. WILSON
CLERK

300 DEXTER AVENUE
MONTGOMERY, ALABAMA 36104-3741
TELEPHONE 334-229-0733

LYNN DEVAUGHN
ASSISTANT CLERK

August 7, 2023

[[Case Number]]

[[Case Caption]]

Notice Reinstating Appeal

This is to notify you that this appeal is hereby reinstated on the appellate docket. The stay formerly imposed in this appellate proceeding is lifted. All appellate time requirements shall resume. The appellant shall make satisfactory arrangements with the trial court clerk and the court reporter for preparation of the record on appeal within seven days of this date. Failure to comply may result in dismissal of this appeal. If the record on appeal has been certified complete prior to reinstatement, appellant's brief is due 28 days from the date of reinstatement to the appellate docket.

A handwritten signature in cursive script that reads "Nathan P. Wilson".

Nathan P. Wilson, Clerk

IN THE SUPREME COURT OF ALABAMA
or
ALABAMA COURT OF CIVIL APPEALS

[[Case Number]]

[[Case Caption]]

ORDER

The above referenced appeal, formerly on the Appellate Mediation Docket, is hereby REINSTATED to the appellate docket and will not be sent to mediation at this time. The STAY, imposed while the case was on the mediation docket, is LIFTED and all appellate time requirements shall begin as of the date of this order.

If the record on appeal has not been prepared in this case, the Appellant shall make satisfactory arrangements with the trial court clerk and the court reporter for preparation of the record on appeal within seven (7) days of the date of this order. For purposes of record preparation, the clerk's time, and court reporter's time for preparation of the record and/or transcript shall begin as of the date of this order. Failure to comply may result in dismissal of the appeal.

Witness my hand and seal this ____ day of _____,
20____.

[[Clerk of Court Signature]]

**Clerk of Court,
Supreme Court of Alabama or
Alabama Court of Civil Appeals**

SAMPLE : ORDER re: Due date for supplemental record, if ordered, and for the filing party's brief.

COURT OF CRIMINAL APPEALS STATE OF ALABAMA

MARY B. WINDOM
Presiding Judge
J. ELIZABETH KELLUM
J. CHRIS McCOOL
J. WILLIAM COLE
RICHARD J. MINOR
Judges



D. Scott Mitchell
Clerk
Gerri Robinson
Assistant Clerk
(334) 229-0751
Fax (334) 229-0521

November 5, 2019

CR-19- [REDACTED]

[REDACTED] v. State of Alabama (Appeal from [REDACTED] Circuit Court:
[REDACTED])

ORDER

It appears to this Court that the appellant in the above referenced appeal has filed a motion with the trial court to supplement the record on appeal.

Upon consideration of the above, the Court of Criminal Appeals ORDERS that the trial court shall dispose of the appellant's motion to supplement the record within 28 days from the date of this order and, if a supplemental record is required, the trial court is requested to direct that it be prepared and filed with this Court at the earliest possible date and by no later than December 17, 2019; provided, however, that if the trial court finds that the supplemental record cannot be completed and filed with this Court by December 17, 2019, the trial court is requested to advise this Court of the earliest possible date thereafter by which the supplemental record will be filed.

When determining whether the record on appeal is due to be supplemented, the trial court should be mindful that this Court can consider on appeal only those matters that were presented to or were otherwise considered by the trial court in connection with the judgment now being appealed.

This Court further ORDERS that the briefing time is stayed. The appellant shall have 14 days from the filing of the supplemental record or from entry of the trial court's denial of the motion to supplement to file his brief.

Done this the 5th day of November, 2019.

Mary B. Windom

Mary B. Windom, Presiding Judge
Court of Criminal Appeals

cc: [REDACTED], Circuit Judge
[REDACTED], Circuit Clerk
[REDACTED], Court Reporter
[REDACTED], Attorney
Office of Attorney General



**TRANSCRIPT GUIDELINES FOR
COURT REPORTERS**

BY

**JOHN H. WILKERSON, JR.
CLERK
COURT OF CIVIL APPEALS**

APPELLATE PROCEDURES - APPELLATE TIME GUIDELINES

STEP	DAYS	PARTY RESPONSIBLE	ITEM	ACTION	RULE	FORM
0			Entry of judgment or post-judgment order			
I.	42 days from entry of final judgment or ruling on motion. (See Rule 4, A.R.App.P., and Rule 28, A.R.Juv.P., for exceptions to 42 day time for appeal-14 days and abortion cases-3 days. Abortion Rule 5.	A. Appellant	(1) Notice of appeal (2) Docketing statement	Files with clerk of trial court. May be accompanied by designation of the clerk's record Files sufficient copies for clerk to comply with Rule 3(d) (1)	4 (a) 3 (e)	1 24 (S.Ct.) 25 (Civ)
			(3) Security for costs and/or supersedeas bond	Files with clerk of the trial court with notice of appeal	7 or 8	1
			(4) \$100 docket fee	Includes with notice of appeal	12(a) 35A	1
			(5) Motion to proceed in forma pauperis	Files with trial court for ruling by trial judge	24	15
		B. Trial Clerk	(1) Notice of appeal	Marks each copy filed with the date noted thereon; certifies each as a true copy, and retains the original for inclusion in the record on appeal. Serves one copy of item 1, 2, & 3 on: (i) clerk of the appellate court with \$100 docket fee; (ii) parties; and (iii) court reporters(s). (If appellant files a written notice of appeal which does not comply with the rules, clerk shall accept whatever is filed and send a copy to the appellate clerk.)	3 12(a)	2

STEP	DAYS	PARTY RESPONSIBLE	ITEM	ACTION	RULE	FORM
II.	7 days from notice of appeal	A. Appellant	(1) Designation of Clerk's Record and Transcript Purchase Order Form (TPOF)	Files designation of record with trial court clerk indicating papers, exhibits testimony, etc., to be included in the record on appeal (if not already done in Step I)	10 (b)	1, 1A
				Files copy of TPOF with court reporter (if not already done in Step I). If less than all of reporter's transcript is designated, appellant must include a statement of the issues he/she intends to present		
				Pays court reporter estimated cost of transcript		
				Distributes copies per Form 1A		
		B. Court Reporter	(1) TPOF	Files page 3 with appellate court	10 (b) (2)	1A

STEP	DAYS	PARTY RESPONSIBLE	ITEM	ACTION	RULE	FORM
III.	7 days from filing of appellant's designation of clerk's record and transcript purchase order	A. Appellee	(1) Additional designation, if any, of clerk's record and TPOF. The failure of the appellee to so designate constitutes an acceptance of the appellant's designation, if any	Files designation with trial clerk and TPOF with court reporter indicating papers, exhibits, testimony, etc., to be included in the record on appeal	10 (b)	1B 3, 3A
IV.	28 days from filing notice of appeal	A. Trial Clerk	(1) Designated clerk's record, including: <ul style="list-style-type: none"> (a) index (b) appellant's and appellee's designation of clerk's record and the reporter's transcript (c) index to documents and exhibits to be filed in appellate court in a separate container and index of all documents or exhibits omitted from the clerk's record with a full description of each (d) original notice of appeal (e) security for cost (f) photocopies of all designated papers, documents, exhibits, etc., arranged chronologically, omitting any original pagination 	<ul style="list-style-type: none"> (i) Files original certificate of completion of clerk's record with appellate court (ii) Serves copy on: <ul style="list-style-type: none"> (a) appellant (b) appellee (c) court reporter (iii) Includes indices of clerk's record with appellant's and appellee's copy of certificate of completion (iv) Paginates all pages serially in upper right corner of each page (v) Prepares certificate of completion indicating number of pages in designated clerk's record 	<ul style="list-style-type: none"> 11(a) (1) 10(b) (1) & (2) 11(a) (2) 11(a) (1) 11(a) 11(a) (1) 11(a) (3) 	4

STEP	DAYS	PARTY RESPONSIBLE	ITEM	ACTION	RULE	FORM
V.	28 days from notice of appeal	A. Appellant	(1) Prepares a statement of the evidence if no report was made or a transcript is unavailable	Files with trial clerk and serves on appellee	10(d)	
		B. Appellee	(1) Serves objections or proposes amendments	Files with trial clerk, serves appellant with copy	10(d)	
	14 days after appellant's service of statement of the evidence on appellee	C. Appellant	(1) Serves statement of evidence and objections or proposed amendments on trial court	Files with trial clerk	10(d)	
		D. Trial Court	21 days after statement served on appellee	Settles statement of evidence	10(d)	
	7 days after appellee serves appellant with objections or proposed amendments	E. Trial Clerk	(1) Includes settled statement of evidence in record on appeal	Serves copy of record on appellate court and all parties	10(d)	
		F. Trial Clerk	(1) Includes settled statement of evidence in record on appeal	Serves copy of record on appellate court and all parties	10(d)	

STEP	DAYS	PARTY RESPONSIBLE	ITEM	ACTION	RULE	FORM
VI.	56 days (8 weeks) from filing notice of appeal	A. Court Reporter	(1) Designated transcript	(i) Completes as designated paginates starting with page 1 in upper right corner (iii) Prepares an appropriate index and files original record with trial clerk	11(a) (2)	5
			(2) Certificate of completion including a certificate of correctness	(i) Serves certificate of completion on clerk of appellate court with copies on appellant, appellee, clerk of trial court, with a copy of the index	11(a) (2) Part III	1A,
VII.	7 days after receiving designated reporter's transcript	A. Trial Clerk	(1) Record on appeal clerk's record and reporter's transcript	Completes by combining into volumes of not more than 200 pages each	11(a) (3)	
			(2) Certificate of completion of record on appeal	Makes record on appeal available to parties for preparation of briefs Files with clerk of appellate court and all parties	11(a) (3)	6

STEP	DAYS	PARTY RESPONSIBLE	ITEM	ACTION	RULE	FORM
VIII.	14 days from certificate of completion of record on appeal	A. Trial Clerk	(1) Makes extra copy of record on appeal	Files with clerk of appellate court	11(a) (4)	
IX.	28 days after certificate of completion of record	A. Appellant	(1) Appellant's brief	Files appropriate number with clerk of appellate court One copy is served on all other parties	31(a) & (b)	7
		A. Appellee	(1) Appellee's brief	Files appropriate number of copies with clerk of appellate court and serves copy on all other parties	31(a) & (b)	8
X.	21 days after appellant files brief	A. Appellee	(1) Appellee's brief	Notifies circuit clerk that brief was filed	31(a)	
		A. Appellant	(1) Appellant's brief	Files with clerk of appellate court	11(a) (3)	10
XII.	14 days after appellee files brief	A. Trial Clerk	(1) Record on appeal	Serves notice of filing on all parties		
		B. Appellant	(1) Reply brief	Files appropriate number with clerk of appellate court and serves copy on all other parties	31(a)	

STEP	DAYS	PARTY RESPONSIBLE	ITEM	ACTION	RULE	FORM
XI.	7 days from date of filing order directing supplementing or correcting of record on appeal with clerk of trial court	A. Court reporter	(1) Supplemented or corrected transcript	Files with clerk of trial court	10(F) (2)	
	7 days from receipt of reporter's transcript or, if no reporter's transcript, within 7 days of filing of order directing supplementing or correcting of record with clerk of trial court	B. Trial Clerk	(1) Supplemented or corrected record on appeal	Files with appellate clerk	10(F) (2)	

OPINION OF THE CLERK.

Opinion No. 47.

Supreme Court of Alabama.

July 13, 1990.

State Comptroller requested opinion of the Clerk of the Supreme Court as to whether free lance reporters were governed by Rules of Judicial Administration fee schedule. The Supreme Court, Esdale, Clerk, gave opinion that: (1) free lance reporters are governed by the rules, and (2) there is no distinction between fee permitted an official court reporter and the fee permitted a free lance reporter who is appointed by the court.

Opinion given.

1. Courts ⇔57(2)

If a "free lance" court reporter is carrying out responsibilities referred to in the Alabama Rules of Judicial Administration, rule limiting fees for court reporters is applicable. Judicial Administration Rule 29.

2. Courts ⇔57(2)

Any court reporter, however designated or referred to, is bound by fee schedule set forth in the Rules of Judicial Administration. Judicial Administration Rule 29.

3. Courts ⇔57(2)

There is no distinction between the fees permitted an official court reporter and the fees permitted to a "free lance" reporter appointed by the court or the administrative director of courts when the free lance reporter is performing those tasks set out in the Alabama Rules of Judicial Administration. Judicial Administration Rules 12, 29.

4. Courts ⇔57(2)

Opinion of the Clerk of the Supreme Court governing applicability of fee schedules for court reporters to free lance reporters applies only to cases where an indigent defendant is entitled by law to a transcript provided at state expense, and does

not apply to civil litigation between private parties where an official reporter is unavailable and the party desiring a court reporter agrees to pay private or free lance court reporter compensation above or below that set out in the Rules of Judicial Administration. Judicial Administration Rule 29.

RULE 29, RULES OF JUDICIAL ADMINISTRATION—DESCRIPTION OF AND FEE FOR TRANSCRIPTS

ESDALE, Clerk.

Robert L. Childree, state comptroller, has submitted to me, as Clerk of the Supreme Court, pursuant to § 12-2-19(d), Code of Alabama 1975, the following questions:

1. Are "free lance" reporters governed by Rule 29, Alabama Rules of Judicial Administration?

2. Is there a distinction between the fee permitted an official court reporter and the fee permitted a "free lance" reporter appointed by the court?

The answer to the first question is yes.

The answer to the second question is no.

I.

[1] Rule 12, Alabama Rules of Judicial Administration, and §§ 12-17-270 and -272, Code of Alabama 1975, provide for three categories of court reporters: official court reporters, special roving reporters, and special court reporters. There arises the question "exactly what is a 'free lance' reporter as referenced in the first question?" If a "free lance" reporter is actually another title for the three types of designated reporters, then these "free lance" reporters are certainly governed by Rule 29 of the Alabama Rules of Judicial Administration. If, on the other hand, a "free lance" reporter has duties and responsibilities other than those set out in Rule 12, then the answer to the first question must be a conditional yes. If a "free lance" reporter is carrying out responsibilities referred to in the Alabama Rules of Judicial Administration, then Rule 29 does apply to the "free lance" reporter. If there are

responsibilities not contemplated by the Alabama Rules of Judicial Administration, then it is questionable whether Rule 29 would apply to the "free lance" reporter while the reporter is fulfilling those responsibilities.

[2] Assuming that this question arises almost always in the context of the preparation of "the transcript of the judicial proceedings," as provided by Rule 29(A), my opinion is that any court reporter, however designated or referred to, is bound by the fee schedule provided in Rule 29. That is, when one voluntarily agrees to transcribe "judicial proceedings," within the meaning of the Alabama Rules of Judicial Administration, one assumes all of the duties and responsibilities of the Rules, including the fee schedule of Rule 29.

In answering the first question in the affirmative, I have assumed, therefore, that the responsibilities undertaken by the "free lance" reporter are those contemplated by the Alabama Rules of Judicial Administration.

II.

[3] Having answered the first question in the affirmative based on the assumption that the "free lance" reporter is doing basically the same tasks that are set out in Rule 12 for the three designated types of court reporters, I conclude that the answer to the second question is "no." There is no distinction between the fees permitted an official court reporter and the fees permitted a "free lance" reporter appointed by the court or the Administrative Director of Courts when the "free lance" reporter is performing those tasks set out in the Alabama Rules of Judicial Administration. This opinion is consistent with *Opinion of the Clerk No. 34*, 396 So.2d 99 (Ala.1981), which stated that, "Rule 40(A) [now Rule 29], Alabama Rules of Judicial Administration, specifically governs all court reporters."

Section 12-17-272, Code of Alabama 1975, provides: "Transcript fees of special roving reporters and special reporters shall be paid at the rate set for court reporters, pursuant to § 12-17-276." Section 12-17-

276 simply states that such transcript fees may be fixed by the Supreme Court. The Supreme Court has fixed fees in Rule 29. I note that § 12-17-272 provides that the "rate of compensation of such special roving reporter shall be established by the Administrative Director of Courts," but that is not the question or issue here.

III.

[4] Because this opinion is requested by the state officer responsible for approving payments for transcripts in indigent cases, this opinion applies only to "cases wherein the court finds that the defendant is indigent and entitled by law to a transcript provided at State expense," Rule 29(D), if a timely appeal is taken. This opinion does not relate to civil litigation between private parties, where an official court reporter (that is, a State-paid employee) is unavailable, and the party desiring a court reporter agrees to pay the private or "free lance" court reporter compensation above or below the fee set out in Rule 29(B). (See *Ex parte French*, 547 So.2d 547 (Ala.1989).)