

85-00528

# OFFICE OF THE ATTORNEY GENERAL

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Honorable Thomas N. Younger  
Circuit Judge  
Twenty-Third Judicial Circuit  
Madison County Courthouse  
Huntsville, Alabama 35801

Courts - Reporters - Judicial  
Administration

Whether an individual is qualified to be a court reporter is to be determined by the judge who wishes to appoint the court reporter and the need for such reporter is to be determined by the Administrative Director of Courts.

Dear Judge Younger:

Reference is made to your request for an opinion from the Attorney General regarding the following matter:

"May a person trained in the use of a Stenomask be appointed and serve as an Official Court Reporter in the State of Alabama?"

This question is asked in the light of Code of Alabama 1975, Section 12-17-275 which states that a court reporter shall take and preserve full stenographic notes of the oral testimony and proceedings in sessions of Court. With the stenomask system, the court reporter makes a verbatim recording of the proceedings by repeating what is being said and who is saying it into a mask containing a microphone which records the court reporter's voice onto a cassette tape. The tape is then transcribed when necessary.

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Code of Alabama 1975, Section 12-17-270 provides that a circuit judge is to appoint a court reporter for the court over which the judge presides. Rule 22 of the Alabama Rules of Judicial Administration states:

(A) The presiding circuit judge shall assign court reporters and other officials and employees of the judicial system from his circuit to service in the district court within his circuit as, in his discretion, such service is required.

(B) The administrative director of courts (ADC) shall determine the need for court reporters for circuit and district court judges, and provide, within available funding, court reporters for each judge on either a full-time or part-time basis in accordance with the reasonable requirements of the business of the court. Court reporters may be certified by the ADC as necessary, within the purview of existing statutes, upon consideration of funding, population and geographic area to be served, caseload of the judge seeking a court reporter and special circumstances existing in each geographic location.

(C) Court reporters may be authorized by the ADC to take depositions and perform other duties upon the recommendation of the presiding circuit judge and the judge employing the court reporter. The ADC is authorized to cancel, modify, suspend or rescind such authorization at any time when, in his opinion, such action is in the best interest of the administration of justice. (Emphasis added)

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Considering Section 12-17-270 and Rule 22 of the Rules of Judicial Administration, the Attorney General concludes that the matter of whether an individual is qualified to be a court reporter is one to be determined by the judge who wishes to appoint the court reporter. The Administrative Director of Courts determines the need for court reporters for circuit and district judges.

If our office can be of assistance to you in the future, please let us know.

Sincerely,

CHARLES A. GRADDICK  
ATTORNEY GENERAL

BY:



LYNDA KNIGHT OSWALD  
ASSISTANT ATTORNEY GENERAL

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