

6-248

February 20, 1939

Hon. J. L. Crosthwait
County Auditor
Dallas, Texas

Dear Sir:

Opinion No. O-248
Re: Payment of the transcript fees
to court reporter where county
is involved.

This will acknowledge receipt of your letter of January 30, 1939, in which you request the opinion of this Department on whether or not you, as county auditor, can pay the official court reporter transcript fees in cases where the county is involved in addition to his regular salary as set by statute.

I quote the pertinent parts of your letter as follows:

"Salary of the Official Court Reporters in Dallas County is \$3,000.00 per annum. Can I, as County Auditor, in addition thereto, pay Official Court Reporters transcript fees in cases where the County is involved?"

Article 2325 of the Revised Civil Statutes of Texas, 1925, provides the fees for preparing a transcript and statement of facts and reads as follows:

"The official court reporter shall receive as fees for making a transcript of the evidence given in civil cases the sum of fifteen cents per one hundred words when made in question and answer form and twenty cents per one hundred words when made in narrative form. He shall also receive the sum of fifteen cents per one hundred words for preparing statements of facts. No charge shall be made in any case for duplicate copies."

Article 2325b establishes the salary for a court reporter in counties which constitute one or more judicial districts within themselves. Dallas County comes under this Article of the statutes and establishes his salary at \$3,000.00 per annum.

Article 2326b reads as follows:

"The salary of the official shorthand reporter in each Judicial District in any county of this State which alone constitutes two or more Judicial Districts, in addition to the compensation for transcript fees as provided by law shall be \$3,000.00 per annum, to be paid as the salary of other court reporters are paid, out of the general fund of the county."

You will observe that Article 2325 sets the sum of fifteen cents per one hundred words for transcript fees when made in question and answer form and twenty cents per one hundred words when in narrative form and likewise provides for the payment of fifteen cents per one hundred words for preparing a statement of facts. It will be observed too, that these fees are provided for "in civil cases". There is nothing in the statute that specifically excepts the county or State from the payment of the fees provided in Article 2325.

Article 2326b provides for the payment of the per annum salary of \$3,000.00 in addition to compensation for transcript fees as is provided for in Article 2325.

It is, therefore, the opinion of this Department and you are so advised that a court reporter is entitled to payment of the transcript fees provided by law in addition to his per annum salary in cases where the county is involved.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Lloyd Armstrong
Assistant

LA:AW

APPROVED:

George C. Mann
ATTORNEY GENERAL OF TEXAS