



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

July 7, 1960

Mr. N. F. Foster  
County Auditor  
Smith County  
Tyler, Texas

Opinion No. WW-874

Re: Whether the County Auditor of Smith County can approve for payment a claim by a court reporter for a transcript of a tape recording under facts submitted.

Dear Mr. Foster:

You have requested an opinion from this office as to whether you can approve for payment a claim in the amount of \$5.25 submitted by the Court Reporter of the Court of Domestic Relations in Smith County, for the transcript of a tape recording which the Criminal District Attorney of Smith County authorized her to transcribe. You state further that this was a transcription of a radio broadcast by the owner and operator of the Starlight Club whose club was involved in a raid by all departments of the law enforcement of Smith County during the month of March, 1960, and that two criminal cases were filed as a result of such raid.

Article 2324, Vernon's Civil Statutes, sets forth the duties of a court reporter for which the reporter is compensated by the State. These duties evidence only services which are incident to the trial of a case in the court which the reporter is appointed to serve. However, a court reporter may contract with other individuals for the performance of stenographic services which are not a part of his official duties. Attorney General Opinions Nos. O-4575, O-4575A, V-538 and V-976. In our opinion, under the facts that you have described the court reporter is not prohibited from making a charge for work done in transcribing the tape of a radio broadcast.

Accepting the fact that a court reporter can contract with other individuals for the performance of stenographic duties outside of those assigned by the court or by statute, it must be determined whether the Criminal District Attorney of Smith County has the authority to order the transcribing by the court reporter of this radio tape. Under Article 3899, Section (b), Vernon's Civil

Mr. N. F. Foster, Page 2 (WW-874)

Statutes, a Criminal District Attorney is authorized to charge to his county all reasonable expenses necessary in the proper and legal conduct of his office:

"Each officer named in this Act, where he receives a salary as compensation for his services, shall be entitled and permitted to purchase or charge to his county all reasonable expenses necessary in the proper and legal conduct of his office . . ."

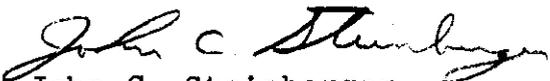
According to the letter to you by the Criminal District Attorney, he thought that the transcript in question would be of material aid to his office in preparing for the trial of criminal cases. Under those circumstances, it is our opinion that the work in question was such that would authorize the District Attorney to charge it to the County.

SUMMARY

A court reporter, upon authorization by the proper official, may make a claim against the county for compensation for stenographic duties performed for the Criminal District Attorney outside of those duties prescribed by the court or by statute.

Yours very truly,

WILL WILSON  
Attorney General of Texas

By   
John C. Steinberger  
Assistant

JCS:mm

APPROVED:

OPINION COMMITTEE  
C. K. Richards, Chairman

Mary K. Wall  
Marietta Payne  
Fred Werkenthin

REVIEWED FOR THE ATTORNEY GENERAL  
BY: Leonard Passmore