



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

CURT T. SCHNEIDER
ATTORNEY GENERAL

October 31, 1978

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

ATTORNEY GENERAL OPINION NO. 78- 352

Mr. Jack R. Grubb
Chairman
Dickinson County Commission
Dickinson County Courthouse
Abilene, Kansas 67410

Re: Courts--Court Reporters--Transcripts

Synopsis: The County must pay the reasonable fee to an official court reporter for the transcription from the reporter's official notes of any proceedings recorded by such reporter.

* * *

Dear Mr. Grubb:

You ask whether the county must pay the transcription fees for official court reporters for the District Court sitting in your county. Supreme Court Rule 356, relating to official reporters for district courts, appearing in the 1977 Supplement to K.S.A. 20-915 provides in part:

"Each official court reporter shall receive from ANY PERSON ORDERING A TRANSCRIPT from his or her official notes a reasonable fee based on rates rixed by the State Board of Examiners of Court Reporters with the approval of the Supreme Court. . . ."
[Emphasis added.]

Further, Rule No. 12, as amended, of the State Board of Examiners of Court Reporters, as approved by the State Supreme Court, provides that the transcript rate for each 25 line page of transcript

Mr. Jack R. Grubb
Page Two
October 31, 1978

is as follows: "\$1.25 for the original copy and \$.50 for all other copies."

We emphasize the language from Rule No. 356, supra, "any person ordering a transcript" because that language will be dispositive as to who must reimburse the court reporter. If the district court judge orders a transcript of a plea or sentencing (or any other officially recorded court proceeding) the State must pay the fee as hereinbefore described. If the County Attorney orders the original transcript it is the county who must pay the fee. If the defendant or any other party in the private sector orders the original transcript, he or she must pay the fee, unless that defendant is entitled to have the transcript paid for out of the state aid to indigent defendants fund.

Once an original has been transcribed, the reporter is only entitled to the lesser fee. In this instance, however, the determining factor as to who must pay the fee is the party originally ordering either the original or a copy. The reporter is entitled to look to the state for reimbursement if a state official orders a transcript or copy. The reporter must look to the county if a county official orders a transcript or a copy thereof. The reporter must look to the person from the private sector who orders the transcript or a copy thereof for the fee.

The fact that official court reporters are paid a salary set by state law does not preclude the reporter from being entitled to the reasonable fees set forth in Supreme Court Rule 356 as hereinbefore discussed.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:MGM:jj