

ALABAMA RULES OF JUDICIAL ADMINISTRATION

Rule 12.

Court reporters.

(A) *Official court reporters.* The administrative director of courts ("ADC") shall determine the need for court reporters for circuit and district court judges and provide court reporters, on either a full-time or part-time basis, for each judge in accordance with the reasonable requirements of the business of the court, upon consideration of available funding, the population and the geographic area to be served, the caseload of the judge seeking a court reporter, the availability of special roving reporters and other official court reporters within the circuit, and other special circumstances which may exist in each geographic location. All official court reporters authorized pursuant to the provisions of this rule shall be confidential employees of the appointing judge; provided, however, that this rule shall not be construed to affect the merit status of any individual serving as an official court reporter on October 1, 1987.

Official court reporters may be authorized by the ADC to take depositions upon the recommendation of the presiding circuit judge and the judge employing the court reporter; provided, however, that each official court reporter who is authorized to take depositions must take particular care to see that such work does not interfere in any way with the preparation of transcripts of cases on appeal and other routine work of the court. 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.

(B) *Special roving reporters.* The ADC may appoint special roving reporters, on either a full-time or part-time basis, who shall perform court reporting duties at such places as directed by the ADC. When assigned to serve in the circuit or district courts, special roving reporters shall perform their duties under the direction and supervision of the judges to whom they are assigned.

(C) *Special court reporters.* All requests for special court reporters shall first be submitted to the presiding circuit judge, who, upon making a determination of need, shall request approval from the ADC. The availability of special roving reporters and official court reporters shall be considered before requesting approval by the ADC for a special court reporter. When special court reporters are approved and assigned to serve in a circuit or district court, they shall perform their duties under the direction and supervision of the judges to whom they are assigned.

[Amended 11-9-76; amended 9-28-87, eff. 10-1-87.]

Comment

Subdivisions (A), (B) and (C) are supplemental to and should be read in conjunction with Ala.Code 1975, Sections 12-17-271 and 12-17-272, which provide for additional official court reporter positions, special roving reporters and special reporters. Pursuant to Ala.Code 1975, Section 12-17-270, each circuit judge is entitled to appoint an official court reporter.

Subdivision (A) provides the criteria to be considered by the ADC when considering requests for official court reporter positions. This subdivision also provides a procedure under which official court reporters may be conditionally authorized to take depositions.

Subdivision (B) makes it clear that special roving reporters, when assigned to serve in the trial courts, perform their duties under the direction of the judges to whom they are assigned.

Subdivision (C) emphasizes that special reporters should be requested only when other reporters are unavailable. This subdivision also provides that when the ADC approves requests for special court reporters, such reporters shall be subject to the direction and supervision of the judges to whom they are assigned.

This Rule replaces former Rules 22 and 24.