

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

December 12, 1938.

Mr. Glen Copple,
County Attorney,
Yuma, Arizona.

Attn: A. J. Eddy,
Deputy County Attorney.

Dear Sir:

We have your letter of October 2, 1938, wherein you request our opinion as to whether or not the regularly appointed, qualified and acting Court Reporter who draws a regular monthly salary as Court Reporter, may draw additional per diem for services in the Justice Court, taking testimony in a Coroner's Inquest.

Section 3707, Revised Code of Arizona, 1928, provides that each judge of the superior court shall appoint a court reporter who shall subscribe to the oath of office before the judge appointing him.

Section 3709 of the Code prescribes the duties of the court reporter, and is as follows:

"The court reporter shall attend court during the hearing of all matters before it, unless excused by the judge. He shall make stenographic notes of all oral proceedings before the court; but unless requested by court or counsel, he need not make stenographic notes of arguments of counsel to a jury, nor of argument of counsel to the court in the absence of a jury. Upon the payment or tender of the fees therefor, he shall furnish to any person, a typewritten transcript of all or any part of the proceedings so reported by him, and upon request, certify that such transcript is a correct and complete statement of such proceedings."

Section 3712 of the Code provides:

"The court reporters of the counties of Greenlee, Coconino, Apache, Navajo, Santa Cruz, Yuma, Pinal, Graham and Mohave, shall,

December 12, 1938.

with the consent of the judge, when requested by the county attorney of said counties so to do, render stenographic services, without charge, exclusive of transcripts of, or work in, the superior and other courts."

You will note that the Court Reporter is made an officer of the Superior Court, and by Section 3709 it is made his duty to attend court during the hearing of all matters before it, unless excused by the judge. We take it that this means the Superior Court.

Section 3712 above quoted, requires the court reporters in several counties including Yuma, to perform certain duties for the county attorney with the consent of the judge, exclusive of work in the Superior and other courts.

In view of the above quoted sections, it is the opinion of this office that the court reporter of your county is not required by statute to perform any duties in any court other than the Superior Court appointing him to the office of court reporter, and for which he is compensated by a salary fixed by the Court and approved by the Board of Supervisors, and that if he does perform stenographic services in reporting inquest proceedings before a coroner's inquest, that these are duties not imposed upon him by statute and for which he may collect a reasonable compensation.

Very truly yours,

JOE CONWAY,
Attorney General

EARL ANDERSON,
Special Assistant
Attorney General.