



Administrative Office of the Courts

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MICHELLE J. LONG
Director

RACHEL HARMON
Deputy Director

MEMORANDUM

TO: Attorneys Representing Indigent Defendants

CC: Court Reporters

FROM: Joseph Byrd
Lead Attorney, Indigent Services Team

DATE: August 15, 2023

RE: **REVISED** Clarification of Procedure for Payment of Rule 13 Expenses



This email revises the email dated September 27, 2019 addressing the requests from court reporters for payment for transcription of CD's, videotaped interviews and depositions, transcripts of preliminary hearings in General Sessions courts, and other hearings that **have not** occurred in a court of record. These types of requests are covered under Tennessee Supreme Court Rule 13. **They are not considered miscellaneous expenses and require prior approval** by the AOC. Please note that these requirements are a responsibility of the attorney, not the court reporter. The pertinent part of Rule 13 is set out below.

Rule 13, section 4(b) Expenses not listed in section 4(a), including travel outside the state, will be reimbursed only if prior authorization is obtained from the court in which the representation is rendered and prior approval is obtained from the director.

(1) Authorization of expenses shall be sought by motion to the court.

(2) The motion shall include both an itemized statement of the estimated or anticipated costs and specific factual allegations demonstrating that the expenses are directly related to and necessary for the effective representation of the indigent party.

(3) The court shall enter an order that evidences the action taken on the motion. If the motion is granted, the order shall either recite the specific facts demonstrating that the expenses are directly related to and necessary for the effective representation of the indigent party or incorporate by reference and attach the defense motion that includes the specific facts demonstrating that finding.

(4) The order and any attachments shall be submitted to the director for prior approval before any expenses are incurred.

Please note that an approved order from the trial court and pre-approval from the director of the AOC must be obtained "before any expenses are incurred."

Once an approved order is obtained from the court, you may email it to the AOC at **indigentteam@tncourts.gov**. Once prior approval is granted by the AOC, a copy of the approval will be emailed back to you. This will be your notice that the expenses may then be incurred.

The rate paid to court reporters by the AOC for transcription services is \$4.00/page for a set which includes one original and one copy (then \$.50/page for each additional copy).

After the court reporter has produced the transcript, you may submit to the AOC an invoice from the court reporter that details the court reporter's name and address, the number of pages transcribed, the date the transcript was requested, the total amount requested, and a copy of the order granting prior approval by the trial court and the AOC. Retain only court reporters who are already employed by the AOC or who already have fully executed contracts on file with our office (this prevents misunderstandings regarding the AOC's compensation schedule). The AOC maintains a list of these reporters and will be happy to provide to you upon request.

Please also ensure that all requests for these types of expenses follow the above requirements. Failure to obtain prior approval could result in the court reporters' request for reimbursement being delayed and possibly denied.

You may contact a member of the Indigent Service Team at 615-741-2687 with any questions you may have regarding this matter or any other Rule 13 matter.