



# *Administrative Office of the Courts*

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DEBORAH TAYLOR TATE  
Director

## **MEMORANDUM**

**TO: Attorneys Representing Indigent Defendants**

**CC: Court Reporters**

**FROM: Indigent Defense Staff**

**DATE: September 27, 2019**

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



The AOC continues to receive numerous requests from court reporters for payment of transcription of CD's, video taped 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 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 [Lacy.Wilber@tncourts.gov](mailto:Lacy.Wilber@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.

Please also note that as of July 1, 2019, the rate paid to court reporters by the AOC for transcription services is \$4.00/page for a set (based on the date the transcript was ordered; if the transcript was ordered prior to July 1, 2019, the per page rate will be \$3.50/page). A set 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. Additionally, to prevent any misunderstandings regarding the AOC's compensation schedule, we strongly encourage you to only use court reporters who are already employed by the AOC or who already have fully executed contracts on file with our office. 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 defense staff at 615-741-2687 with any questions you may have regarding this matter or any other Rule 13 matter.