



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

September 13, 1957

Honorable Wayne Pearson  
County Attorney  
Kaufman County  
Kaufman, Texas

Opinion No. WW-257

Re: May an individual serve  
as an official court  
reporter and perform the  
duties prescribed by  
Article 2324, V.C.S. and  
Article 2324a, V.C.S.,  
when the individual is  
under the age of 21 years  
and is unable to take  
shorthand notes?

Dear Mr. Pearson:

You have requested an opinion concerning the qualifications of an official District Court Reporter. In your request you have posed the following questions:

"1. Under Article 2324, do stenotype notes constitute 'full shorthand notes?'

"2. Is a person under the age of 21 years, and who has had his disabilities of minority removed and who is otherwise competent, qualified to serve as an official shorthand court reporter?

"3. Under Article 2324-A, is an official District Court reporter, who is not a notary public, and who, by reason of age, can not qualify as a notary public, qualified to perform the acts enumerated in said Article?"

We shall answer your questions in the order presented.

Article 2324, Vernon's Civil Statutes, reads in part as follows:

"Each official court reporter shall:

"Attend all sessions of the court; take full shorthand notes of all oral testimony offered in every case tried in said court, together with all objections to the admissibility of the evidence,

the rulings and remarks of the court thereon, and all exceptions thereto; take full shorthand notes of closing arguments when requested so to do by the attorney for any party to such case, together with all objections to such arguments, the rulings and remarks of the court thereon, and all exceptions thereto; . . . "

The above quoted provisions require that the official court reporter keep an adequate record of oral testimony offered in each case, along with certain other pertinent oral statements. We believe that the purpose of these provisions is to insure the preservation of such oral statements as might be required upon an appeal of the decision of the trial court. We further believe that the use of the phrase "full shorthand notes" is not to be construed as limiting the transcription of oral statements to this method alone, but rather may be taken as an indication of the degree of detail required in such records. For this reason, it is our opinion that the inclusion of the phrase "full shorthand notes" in the provisions of Article 2324, Vernon's Civil Statutes, does not preclude the use of notes made by a stenotype machine, or any other mechanical device, so long as the method used provides a complete and accurate transcription of such oral statements as are required to be recorded under the provisions of the statute. For this reason your first question must be answered in the affirmative.

Article 2321, Vernon's Civil Statutes, provides for the appointment of official district court reporters. We have failed to find any age requirement within the provisions of this or any other statute relating to official court reporters. For this reason, we are of the opinion that a person under the age of 21 years is qualified to serve as an official court reporter, and therefore, must answer your second question in the affirmative.

Article 2324a, Vernon's Civil Statutes, provides in part as follows:

"Section 1. All official District Court reporters are authorized to take depositions of witnesses, and to receive, execute and return commissions, administer oaths and affidavits, in connection with such depositions, and make a certificate of such fact, and do all other things necessary in the taking of such depositions in accordance with existing laws.

"Sec. 2. Said reporters shall have authority

to perform the above mentioned acts only within any county within the judicial district that such reporter was appointed and serving in connection with his official business, in the State of Texas."

Article 2321 provides in part as follows:

"Each district and criminal district judge shall appoint an official court reporter who shall be a sworn officer of the court and shall hold his office during the pleasure of the court.  
... " (Emphasis added)

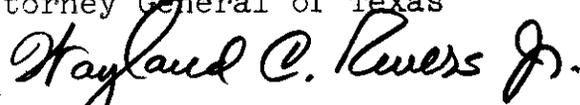
We believe that the above quoted provisions clearly indicate that an official district court report is an officer of the court and as such, his powers and duties extend to the boundaries of all counties within the judicial district. We, therefore, believe that when a district court reporter undertakes to perform the functions as set forth in Article 2324a, he acts as an officer of the court and functions under the authority vested in him by virtue of that office. For this reason, we believe that he may perform all of the acts set forth in this statute, irrespective of the fact that he may or may not be a notary public. For this reason we must also answer your third question in the affirmative.

SUMMARY

An individual may serve as an official district court reporter and perform the functions required of him by Article 2324, Vernon's Civil Statutes, and Article 2324a, Vernon's Civil Statutes, even though that person is under twenty-one years of age and is unable to take shorthand notes.

Very truly yours,

WILL WILSON  
Attorney General of Texas

By   
Wayland C. Rivers, Jr.  
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WCR:pf:jl

APPROVED:

OPINION COMMITTEE

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REVIEWED FOR THE ATTORNEY GENERAL

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