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A FEE OF \$8.00 SHOULD BE COLLECTED AS COST IN ANY PARTICULAR CASE FOR ONE DAY THAT THE OFFICIAL OR ASSISTANT SHORTHAND REPORTER RENDERS SERVICE—  
§§2301.20, R.C., 2301.21, R.C.

SYLLABUS:

Under Section 2301.21, Revised Code, a fee of eight dollars should be collected as costs in any particular case for each day that the official or assistant shorthand reporter renders services in the case, regardless of the actual time spent in rendering such services.

Columbus, Ohio, June 28, 1962

Hon. Rex Larson, Prosecuting Attorney  
Richland County, Mansfield, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“Request has been received in this office from the Judge of the Court of Common Pleas, Division of Domestic Relations,

Richland County, Ohio, for an opinion from your office with respect to taxing of court costs under provisions of Section 2391.21, Revised Code of Ohio. I quote hereinafter in full the question as presented for your opinion :

“ ‘In the first instance, I require a record of our motions and contempt proceedings. Some of them are very brief. As a matter of fact, it is not unusual for me to have as high as 30 motions, contempt proceedings and uncontested divorce cases in a single day. Some of them are passed but many of them are carried on to completion of that particular motion or action. The clerk of this court, who serves not only this, the Domestic Relations branch but the other Common Pleas branch, has been taxing court costs for the court reporter pursuant to Section 2301.21 in the amount of \$8.00 per case. It is readily understandable that he may charge for 20 cases in a single day or \$160.00 for that particular day’s services of the court reporter. This, of course, she does not receive but it goes into the general fund of the county. Several attorneys have been objecting strenuously on paying \$8.00 for the services of a court reporter for 15 or 20 minutes, but I know of no way to break down or divide that particular part of the court costs.’

“Paraphrasing the above request, it is my belief that the question is whether it is required that in a situation as above, costs to be taxed to each separate matter in the amount of \$8.00 per matter, or whether there is some manner by which costs for the services of the court reporter may be placed on a time basis.”

Section 2301.20, Revised Code, reads as follows :

“Upon the trial of a case in the court of common pleas, if either party to the suit, or his attorney, requests the services of a shorthand reporter, the trial judge shall grant the request, or such judge may order a full report of the testimony or other proceedings, in which case such shorthand reporter shall take accurate shorthand notes of the oral testimony or other oral proceedings, which notes shall be filed in the office of the official shorthand reporter and carefully preserved.”

Section 2301.21, Revised Code, here pertinent, reads as follows :

“In every case reported as provided in section 2301.20 of the Revised Code, there shall be taxed for each day’s service of the official or assistant shorthand reporters a fee of eight dollars, to be collected as other costs in the case. The fees so collected shall be paid quarterly by the clerk of the court of common pleas in which such case was tried, into the treasury of such county, and credited to the general fund.”

The fees collected under said Section 2301.21 are not paid to the reporter but are paid into the general fund of the county. The reporter receives an annual salary, set by the court, of not more than six thousand dollars. (Section 2301.22, Revised Code.) The county would be expected to collect in costs at least as much as is paid in salary, but this would not necessarily be the case if only eight dollars could be collected per day for each reporter's services. Thus, I would not construe the section to require that the reporter serve an entire day on a case in order that the fee of eight dollars will become part of the costs.

Further, Section 2301.21, *supra*, gives no definition of the word "day" as used therein and no basis on which a charge could be made on an actual time basis—other than a fee of eight dollars in a case for any day in which the reporter renders services therein.

Accordingly, I am of the opinion and you are advised that under Section 2301.21, Revised Code, a fee of eight dollars should be collected as costs in any particular case for each day that the official or assistant shorthand reporter renders services in the case, regardless of the actual time spent in rendering such services.

Respectfully,  
MARK McELROY  
Attorney General