Montana Judicial Branch

Administrative Policies

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| **Subject: District Court Trial Expenses** | **Policy No.: 1010** |
| **Chapter: Court** | **Number of Pages: 4** |
| **Section: 3-5-901, 3-5-902, 3-5-604, 47-1-201,** | **Revision Date: March 16, 2004, July 1, 2006, and June 20, 2017; July 1, 2019; November 14, 2023** |
| **Effective Date: July 1, 2006** |  |

# Policy

Certain transcript fees, witness fees and necessary expenses, and juror fees are Judicial Branch costs. Certain payments to be made by the Office of the Court Administrator must be accompanied by a valid court order.

# Transcript Fees

## Civil Cases:

### Pursuant to 3-5-604, MCA, if the judge requires a copy of the transcript in a civil case to assist in rendering a decision, the reporter shall furnish the copy without charge.

### In civil cases in which the county is a party, all transcripts requested by the legal representative of the county must be furnished and the county shall pay the reporter’s actual cost of preparation. The Judicial Branch is not responsible for the cost of civil transcripts requested by the county.

### In cases pursuant to Title 41, chapter 3 or Title 41, chapter 5, MCA, if a public defender, as defined in 47-1-103, MCA, requests a transcript, the transcript must be furnished to the public defender and paid for by the state office of public defender, as provided in 47-1-201, MCA.

### In cases pursuant to Title 41, chapter 3 or Title 41, chapter 5, MCA, if an indigent party is eligible for a public defender but is acting pro se and requests a transcript, the transcript must be furnished to the party and paid for by the Office of the Court Administrator as provided in 3-5-604, MCA. A valid court order stating that the person is indigent but has elected to proceed in the cause without an assigned public defender must accompany the invoice.

## Criminal Cases:

### If the county attorney, attorney general, or judge requires a transcript in a criminal case, the reporter shall furnish it. The Office of the Court Administrator as provided in 3-5-604, MCA must pay the transcription fee. A valid court order stating that the county attorney, attorney general or judge requested the transcript must accompany the invoice.

### If an indigent party is eligible for a public defender but is acting pro se and requests a transcript, the transcript must be furnished to the party and paid for by the Office of the Court Administrator, as provided in 3-5-604, MCA. A valid court order stating that the person is indigent but has elected to proceed in the cause without an assigned public defender must accompany the invoice.

### If a public defender, as defined in 47-1-103, MCA, requests a transcript, the transcript must be furnished to the public defender and paid for by the state office of public defender, as provided in 47-1-201, MCA.

# 3.0 Jury Fees and Expenses:

Pursuant to 3-15-201, MCA, the Office of the Court Administrator shall reimburse counties for jury fees for attendance before a district court plus a mileage allowance (at state rates) for traveling each way between their residence and the county seat.

## 3.1 Potential jurors will receive $12 per day plus mileage until selected for the jury or dismissed.

## 3.2 A person selected to sit on a jury will receive $25 per day plus mileage.

# Witness Fees and Expenses:

When a person attends before a judge, grand jury, or court as a witness in a criminal case or a case held pursuant to Title 41, chapter 3 or Title 41, chapter 5, MCA, upon a subpoena, the witness must receive the witness fee. The fees are paid as follows:

### When a witness is subpoenaed by a public defender, as defined in 47-1-103, MCA, the fees and expenses must be paid by the state office of public defender as provided in 47-1-201, MCA.

### In a proceeding, when a witness is subpoenaed on behalf of the attorney general or a county attorney, the statutory witness fees and expenses must be paid by the Attorney General’s office or the county attorney pursuant to 26-2-506, MCA.

### In any proceeding in which a defendant or respondent is entitled to a public defender, as defined in 47-1-103, MCA, but is acting pro se, the statutory witness fees and expenses must be paid by the Office of the Court Administrator. A copy of the subpoena must accompany the request for reimbursement.

# PSYCHOSEXUAL EVALUATIONS

Pursuant to 46-18-111,1(b), the Office of Court Administrator, through the district court operations budget, directly pays the costs associated with the required psychosexual evaluation if the party is indigent and unable to pay the cost. Evaluation costs are capped at $1,500 plus necessary travel expenses at the state rate.

# Reimbursement Payments

Pursuant to 3-5-901, MCA, the Office of the Court Administrator, through the district court operations budget, shall reimburse counties for juror fees and related necessary expenses, allowable under this policy.

# Payment and Procedures

* + 1. The Office of the Court Administrator will reimburse valid Judicial Branch expenditures within 30 days of receipt of an approved claim from a clerk of district court. Payment may be delayed if the claims are returned for clarifications or corrections; and
    2. Claims for valid Judicial Branch expenditures must be submitted using the standard payment form provided by the Office of the Court Administrator.

# Closing

Questions about this policy should be directed to Office of the Court Administrator at the following address:

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