

**Opinion No. 350****Courts—Stenographers—Pro  
Tempore—Payment.**

HELD: Court stenographer appointed Pro Tempore, in absence of regular stenographer, is entitled to compensation provided by Section 8933, which is not to be deducted from regular stenographer's salary, for days spent in court, as well as for time spent in transcribing notes.

November 28, 1938.

Mr. I. W. Choate  
County Attorney  
Miles City, Montana

My dear Mr. Choate:

On September 26, 1938, an opinion was rendered holding that a court stenographer pro tempore acting for the regular court stenographer was entitled to the compensation provided for by Section 8933, Revised Codes of

Montana, 1935, and such payment should not be deducted from the salary of the regular stenographer. (Vol. 17, Opinions of the Attorney General, No. 336.)

You have asked if the pro tempore stenographer is to be paid only for actual attendance in court, or if compensation is to be made both for attendance in court and time spent in transcribing his notes.

In my opinion compensation is due the pro tempore stenographer for the time spent transcribing his notes in addition to compensation for time actually spent in court. Transcribing of notes is a necessary part of court reporting and is work that only the stenographer who made the notes can do. An analogous case is *State ex rel King v. District Court*, 25 Mont. 1, 63 Pac. 402. The fees, both for attendance in court and transcription of notes, are a proper charge against the county and not deductible from the salary of the regular stenographer in accordance with Opinion No. 336. *supra*.