



OFFICES OF THE
ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY

JOHN C. DANFORTH
ATTORNEY GENERAL

January 27, 1975

OPINION LETTER NO. 74

Mr. William J. Raftery
Director, Division of Accounting
Room 121, State Capitol Building
Jefferson City, Missouri 65101

Dear Mr. Raftery:

This is in response to your request for an opinion relating to the time for payment of a circuit court reporter. Specifically, you ask the following question:

"Is a newly elected circuit judge authorized to hire and order payment to a court reporter before the date at which the judge is authorized to assume the duties of his office?"

Section 478.010, RSMo 1969, states that circuit judges ". . . shall enter upon the duties of their office on the first Monday in January next following their election." Section 485.040 provides that circuit judges ". . . shall appoint an official court reporter for each court, or each division of the circuit court, who shall be well skilled in the art of shorthand reporting, . . ." Since a circuit judge does not enter upon his term until the first Monday in January following his election, it is clear that his power to appoint a court reporter does not officially begin until that date. Therefore, a court reporter cannot be appointed officially before the first Monday in January following the election of the circuit judge. Thus, the reporter's official capacity begins at the earliest when the circuit judge begins his duties.

A circuit court reporter ". . . shall receive an annual salary of twelve thousand dollars, payable in equal monthly

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installments on the certification of the judge of the court or division in whose court the reporter is employed." Section 485.060.

We enclose Opinion Letter No. 93 rendered May 13, 1963, to Joe R. Ellis, which we believe sets out the principles of law here involved.

Thus, the pay period for the reporter begins at the time his appointment is valid, that is when the circuit court judge's term begins.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 93
5/13/63, Ellis