

Index for Chapter 013 of Title 09

- [9-13-1.](#) Appointment of court reporter in circuit and chancery courts.
- [9-13-3.](#) Oath.
- [9-13-5.](#) Nature and term of office.
- [9-13-7.](#) Appointment and qualifications certified to other counties.
- [9-13-9.](#) Bond.
- [9-13-11.](#) Removal from office.
- [9-13-13.](#) Resignation or vacation of office.
- [9-13-15.](#) Court reporter pro tempore; effect of appointment upon compensation of regular reporter.
- [9-13-17.](#) Additional court reporters; compensation of regular reporter when assistant reporter alone is serving.
- [9-13-19.](#) Salary; annual report.
- [9-13-21.](#) Court reporter's tax fee.
- [9-13-23.](#) Stationery furnished.
- [9-13-25.](#) Duties.
- [9-13-27.](#) Custody of exhibits.
- [9-13-29.](#) Withdrawal of exhibits.
- [9-13-31.](#) Trial; reporting the trial.
- [9-13-32.](#) Trial; attorney of record may have proceeding recorded where official court reporter is not provided.
- [9-13-43.](#) Transcript as prima facie correct; use as evidence.
- [9-13-45.](#) Penalty for wilful neglect of duty.
- [9-13-61.](#) Official county and family court reporter.
- [9-13-63.](#) County court reporter fees as items of costs.
- [9-13-101.](#) Board of Certified Court Reporters; membership; terms of office.
- [9-13-103.](#) Meetings of board; officers; mailing address.
- [9-13-105.](#) Duties and powers of board.
- [9-13-107.](#) Certification of reporters required; application for certification examination.
- [9-13-109.](#) Requirements for certification.
- [9-13-111.](#) Issuance of certification without examination; requirements.
- [9-13-113.](#) Official court reporters must be Certified Shorthand Reporters; exception for temporary reporters.
- [9-13-115.](#) Free-lance and nonresident reporters.
- [9-13-117.](#) Revocation or suspension of certificate; disqualification.
- [9-13-118.](#) Practicing court reporting without certification; filing false information to obtain certification; penalties.
- [9-13-119.](#) Annual certification fee; renewal of certification; disposition of funds.
- [9-13-121.](#) Giving of examinations for certification; notice; effect of not passing examination; temporary certificates; photo identification.
- [9-13-123.](#) "Court" defined; effect of chapter on courts and individual's rights.

SEC. 9-13-1. Appointment of court reporter in circuit and chancery courts.

Each circuit judge and chancellor shall appoint a competent person as shorthand reporter in his district by an entry upon the minutes of the court of an order to that effect, dated and signed by him. The said shorthand reporter shall be known as the official court reporter of said district.

SOURCES: Codes, 1892, Sec. 4235; 1906, Sec. 4785; Hemingway's 1917, Sec. 3138; 1930, Sec. 709; 1942, Sec. 1624.

SEC. 9-13-3. Oath.

Before entering into his office, the court reporter shall take, in open court, an oath that he will faithfully discharge the duties thereof; and the oath so taken shall be entered in the minutes of the court.

SOURCES: Codes, 1892, Sec. 4236; 1906, Sec. 4786; Hemingway's 1917, Sec. 3139; 1930, Sec. 710; 1942, Sec. 1625.

SEC. 9-13-5. Nature and term of office.

The court reporter when appointed and qualified by taking the oath required, and by filing the bond hereinafter mentioned, thereby becomes an officer of the court, and shall hold his office as court reporter for the term of four years from the date of his appointment unless sooner removed.

SOURCES: Codes, 1892, Sec. 4237; 1906, Sec. 4787; Hemingway's 1917, Sec. 3140; 1930, Sec. 711; 1942, Sec. 1626.

SEC. 9-13-7. Appointment and qualifications certified to other counties.

Copy of the writing by which the court reporter was appointed, and of the minutes relative to court reporter's oath shall, at the cost of the court reporter, be certified by the clerk of the court in which the entries thereof are made, to the clerk of the court in each of the several counties of the district for which the court reporter was appointed, to be entered on the minutes of the court in each county.

SOURCES: Codes, 1892, Sec. 4238; 1906, Sec. 4788; Hemingway's 1917, Sec. 3141; 1930, Sec. 712; 1942, Sec. 1627.

SEC. 9-13-9. Bond.

The judge or chancellor shall require the court reporter to give bond in a penalty of not less than two thousand dollars to be approved by the court, conditioned for the faithful discharge of his duties, and such bond shall be filed in the office of the clerk of the court of any county in the district, who shall, at the cost of the court reporter, certify a copy thereof to the clerk of said court in each of the other counties of the district, to be filed and preserved in his office, and said copies shall be competent evidence in any proceedings. And such bond shall be recorded at length in the bond record book of the county where the original is filed.

SOURCES: Codes, 1892, Sec. 4239; 1906, Sec. 4789; Hemingway's 1917, Sec. 3142; 1930, Sec. 713; 1942, Sec. 1628.

SEC. 9-13-11. Removal from office.

The judge or chancellor may in his discretion at any time remove the court reporter from office for incompetency or neglect of duty, and may appoint a court reporter to fill the vacancy as often as such removals occur. The appointment of a successor to the court reporter shall be made, and he shall qualify in the same manner, and he shall comply with all the other requirements, as is provided in the foregoing sections of this chapter.

SOURCES: Codes, 1892, Sec. 4246; 1906, Sec. 4796; Hemingway's 1917, Sec. 3149; 1930, Sec. 714; 1942, Sec. 1629.

SEC. 9-13-13. Resignation or vacation of office.

It shall not be lawful for the court reporter to resign or vacate his office so long as any business connected therewith, upon the discharge of which he has entered, is unfinished; but after such business has been completed as required by law, he may at any time resign or vacate his office; and his resignation shall take effect from the time he notifies the judge or chancellor of the same.

SOURCES: Codes, 1892, Sec. 4245; 1906, Sec. 4795; Hemingway's 1917, Sec. 3148; 1930, Sec. 715; 1942, Sec. 1630.

SEC. 9-13-15. Court reporter pro tempore; effect of appointment upon compensation of regular reporter.

If the court reporter is absent during the session of the court, the judge or chancellor may, by an order entered upon the minutes of the court, appoint a court reporter pro tempore, who shall be sworn to faithfully discharge his duties as such, and who shall perform all the duties and be liable to all the penalties and punishments described for or incident to the office of court reporter. The court reporter pro tempore shall be paid for his services by the Administrative Office of Courts, out of the salary of the regular court reporter and at the same rate as the regular court reporter for the time that the court reporter pro tempore shall act. The court which is being served by the court reporter pro tempore shall authorize his compensation by auditing and reporting the time served by the court reporter pro tempore to the Administrative Office of Courts. However, if the appointment of a court reporter pro tempore is made because of illness of the regular court reporter, the court may authorize compensation of said court reporter pro tempore from the Administrative Office of Courts without diminution of the salary of the regular court reporter, for a period not to exceed forty-five (45) days in any one (1) calendar year. The salary of the court reporter pro tempore shall be paid as provided in Section [9-13-19](#).

All acts of the court reporter pro tempore shall be as valid and effectual as if done by the regular court reporter; and such acts as are required to be certified and signed by the court reporter shall be certified and signed by him as court reporter pro tempore.

SOURCES: Codes, 1892, Sec. 4244; 1906, Sec. 4794; Hemingway's 1917, Sec. 3147; 1930, Sec. 716; 1942, Sec. 1631; Laws, 1966, ch. 349, Sec. 1. Laws, 1993, ch. 518, Sec. 38, eff July 13, 1993 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section).

SEC. 9-13-17. Additional court reporters; compensation of regular reporter when assistant reporter alone is serving.

The circuit judge, chancellor, family court judge or county judge may, by an order spread upon the minutes and made a part of the records of the court, appoint an additional court reporter for a term or part of a term whose duties, qualifications and compensation shall be the same as is now provided by law for official court reporters. The additional court reporter shall be subject to the control of the judge or chancellor, as is now provided by law for official court reporters, and the judge or chancellor shall have the additional power to terminate the appointment of such additional court reporter, whenever in his opinion the necessity for such an additional court reporter ceases to exist, by placing upon the minutes of the court an order to that effect. The regular court reporter shall not draw any compensation while the assistant court reporter alone is serving; however, in the event the assistant court reporter is serving because of the illness of the regular court reporter, the court may authorize payment of said assistant court reporter from the Administrative Office of Courts without diminution of the salary of the regular court reporter, for a period not to exceed forty-five (45) days in any one (1) calendar year. However, in any circuit, chancery, county or family court district within the State of Mississippi, if the judge or chancellor shall determine that in order to relieve the continuously crowded docket in such district, or for other good cause shown, the appointment of an additional court reporter is necessary for the proper administration of justice, he may, with the advice and consent of the board of supervisors if the court district is composed of a single county and with the advice and consent of at least one-half (1/2) of the boards of supervisors if the court district is composed of more than one (1) county, by an order spread upon the minutes and made a part of the records of the court, appoint an additional court reporter. The additional court reporter shall serve at the will and pleasure of the judge or chancellor, may be a resident of any county of the state, and shall be paid a salary designated by the judge or chancellor not to exceed the salary authorized by Section [9-13-19](#). The salary of the additional court reporter shall be paid by the Administrative Office of Courts, as provided in Section [9-13-19](#); and mileage shall be paid to the additional court reporter by the county as provided in the same section. The office of such additional court reporter appointed under this section shall not be abolished or compensation reduced during the term of office of the appointing judge or chancellor without the consent and approval of the appointing judge or chancellor.

SOURCES: Codes, Hemingway's 1917, Sec. 3154; 1930, Sec. 717; 1942, Sec. 1632; Laws, 1916, ch. 236; 1955 Ex. ch. 36; 1966, ch. 350, Sec. 1; 1969 Ex Sess, ch. 22, Sec. 1; 1972, ch. 498, Sec. 1; 1976, ch. 315., Laws, 1993, ch. 518, Sec. 39, eff July 13, 1993 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section).

SEC. 9-13-19. Salary; annual report.

[Until Laws, 2004, ch. 505, § 6, is effectuated under Section 5 of the Voting Rights Act of 1965, this section will read as follows:]

(1) Court reporters for circuit and chancery courts shall be paid an annual salary of Thirty-eight Thousand Dollars (\$38,000.00) payable by the Administrative Office of Courts. In addition, any court reporter performing the duties of a court administrator in the same judicial district in which the person is employed as a court reporter may be paid additional compensation for performing the court administrator duties. The annual amount of the additional compensation shall be set by vote of the judges and chancellors for whom the court administrator duties are performed, with consideration given to the number of hours per month devoted by the court reporter to performing the duties of a court administrator. The additional compensation shall be submitted to the Administrative Office of Courts for approval.

(2) The several counties in each respective court district shall transfer from the general funds of those county treasuries to the Administrative Office of Courts a proportionate amount to be paid toward the annual compensation of the court reporter, including any additional compensation paid for the performance of court administrator duties. The amount to be paid by each county shall be determined by the number of weeks in which court is held in each county in proportion to the total number of weeks court is held in the district. For purposes of this section, the term "compensation" means the gross salary plus all amounts paid for benefits, or otherwise, as a result of employment or as required by employment, but does not include transcript fees otherwise authorized to be paid by or through the counties. * * *However, * * * only salary earned for services rendered shall be reported and credited for retirement purposes. Amounts paid for transcript fees, benefits or otherwise, including reimbursement for travel expenses, shall not be reported or credited for retirement purposes.

For example, if there are thirty-eight (38) scheduled court weeks in a particular district, a county in which court is scheduled five (5) weeks out of the year would have to pay five-thirty-eighths (5/38) of the total annual compensation.

(3) The salary and any additional compensation for the performance of court administrator duties shall be paid in twelve (12) installments on the last working day of each month after it has been duly authorized by the appointing judge or chancellor and an order duly placed on the minutes of the court. Each county shall transfer to the Administrative Office of Courts one-twelfth (1/12) of the amount required to be paid pursuant to subsection (2) of this section by the twentieth day of each month for the salary that is to be paid on the last working day of the month. The Administrative Office of Courts shall pay to the court reporter the total amount of salary due for that month. Any county may pay, in the discretion of the board of supervisors, by the twentieth day of January of any year, the amount due for a full twelve (12) months.

(4) From and after October 1, 1996, all circuit and chancery court reporters will be employees of the Administrative Office of Courts.

(5) No circuit or chancery court reporter shall be entitled to any compensation for any special or extended term of court after passage of this section.

(6) No chancery or circuit court reporter shall practice law in the court within which he or she is the court reporter.

(7) For all travel required in the performance of official duties, the circuit or chancery court reporter shall be paid mileage by the county in which the duties were performed at the same rate as provided for state employees in Section 25-3-41. The court reporter shall file in the office of the clerk of the court which he serves a certificate of mileage expense incurred during that term and payment of such expense to the court reporter shall be paid on allowance by the judge of such court.

[From and after the date Laws, 2004, ch. 505 § 6 is effectuated under Section 5 of the Voting Rights Act of 1965, this section will read as follows:]

(1) Court reporters for circuit and chancery courts shall be paid an annual salary * * * payable by the Administrative Office of Courts not to exceed Forty Thousand Five Hundred Dollars (\$40,500.00) for court reporters with five (5) years experience or less; not to exceed Forty-three Thousand Five Hundred Dollars (\$43,500.00) for court reporters who have more than five (5) years experience but less than ten (10) years; and not to exceed Forty-six Thousand Dollars (\$46,000.00) for court reporters who have ten (10) years or more experience. In addition, any court reporter performing the duties of a court administrator in the same judicial district in which the person is employed as a court reporter may be paid additional compensation for performing the court administrator duties. The annual amount of the additional compensation shall be set by vote of the judges and chancellors for whom the court administrator duties are performed, with consideration given to the number of hours per month devoted by the court reporter to performing the duties of a court administrator. The additional compensation shall be submitted to the Administrative Office of Courts for approval.

(2) The several counties in each respective court district shall transfer from the general funds of those county treasuries to the Administrative Office of Courts a proportionate amount to be paid toward the annual compensation of the court reporter, including any additional compensation paid for the performance of court administrator duties. The amount to be paid by each county shall be determined by the number of weeks in which court is held in each county in proportion to the total number of weeks court is held in the district. For purposes of this section, the term "compensation" means the gross salary plus all amounts paid for benefits, or otherwise, as a result of employment or as required by employment, but does not include transcript fees otherwise authorized to be paid by or through the counties. However, only salary earned for services rendered shall be reported and credited for retirement purposes. Amounts paid for transcript fees, benefits or otherwise, including reimbursement for travel expenses, shall not be reported or credited for retirement purposes.

For example, if there are thirty-eight (38) scheduled court weeks in a particular district, a county in which court is scheduled five (5) weeks out of the year would have to pay five-thirty-eighths (5/38) of the total annual compensation.

(3) The salary and any additional compensation for the performance of court administrator duties shall be paid in twelve (12) installments on the last working day of each month after it has been duly authorized by the appointing judge or chancellor and an order duly placed on the minutes of the court. Each county shall transfer to the Administrative Office of Courts one-twelfth (1/12) of the amount required to be paid pursuant to subsection (2) of this section by the twentieth day of each month for the salary that is to be paid on the last working day of the month. The Administrative Office of Courts shall pay to the court reporter the total amount of salary due for that month. Any county may pay, in the discretion of the board of supervisors, by the twentieth day of January of any year, the amount due for a full twelve (12) months.

(4) From and after October 1, 1996, all circuit and chancery court reporters will be employees of the Administrative Office of Courts.

(5) No circuit or chancery court reporter shall be entitled to any compensation for any special or extended term of court after passage of this section.

(6) No chancery or circuit court reporter shall practice law in the court within which he or she is the court reporter.

(7) For all travel required in the performance of official duties, the circuit or chancery court reporter shall be paid mileage by the county in which the duties were performed at the same rate as provided for state employees in Section [25-3-41](#). The court reporter shall file in the office of the clerk of the court which he serves a certificate of mileage expense incurred during that term and payment of such expense to the court reporter shall be paid on allowance by the judge of such court.

SOURCES: Codes 1892, Sec. 4242; 1906, Sec. 4792; Hemingway's 1917, Sec. 3145; 1930, Sec. 718; 1942, Sec. 1633; Laws, 1916, ch. 232; 1928, ch. 228; 1942, ch. 303; 1944, ch. 187; 1946, ch. 348, Secs. 1, 2; 1948, ch. 265, Secs. 1, 2; 1950, ch. 327, Secs. 1-3; 1952, ch. 237; 1958, ch. 339; 1960, ch. 325; 1966, ch. 351, Sec. 1; 1966, ch. 435, Sec. 1; 1970, ch. 395, Sec. 1; 1973, ch. 484, Sec. 1; 1977, ch. 449; 1980, ch. 478; 1985, ch. 510, Sec. 1; 1988, ch. 538; 1989, ch. 350, Sec. 1; 1990, ch. 433, Sec. 1. Laws, 1993, ch. 550, Sec. 2; 1993, ch. 518, Sec. 37; 1996, ch. 414, Sec. 2; 1997 Laws, Chapter 570, Sec. 8; Laws, 2004, ch. 505, § 6, SB 2647, eff _____ (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section), or October 1, 2004, whichever occurs later.

PREVIOUS VERSIONS: [Pre-2004](#)

SEC. 9-13-21. Court reporter's tax fee.

In each suit, cause or matter where (1) a plea or answer is filed, and (2) in probate or any other cause or matter wherein the court reporter actually serves, a court reporter's tax fee of ten dollars (\$10.00) shall be collected as costs, and paid into the treasury of the county in which the case is tried, as the jury tax is collected by law and paid in the circuit court.

SOURCES: Codes, 1930, Sec. 719; 1942, Sec. 1634; Laws, 1926, ch. 144; 1978, ch. 427, Sec. 1, eff from and after passage (approved March 23, 1978).

SEC. 9-13-23. Stationery furnished.

The board of supervisors of each county shall provide the court reporter with all necessary stationery used by him in the performance of his official duties in the county.

SOURCES: Codes, 1892, Sec. 736; 1906, Sec. 797; Hemingway's 1917, Sec. 582; 1930, Sec. 720; 1942, Sec. 1635; Laws, 1896, ch. 83; 1910, ch. 111; 1926, ch. 156.

SEC. 9-13-25. Duties.

The court reporter shall attend each session of the court of the district for which he was appointed, from day to day, and unless the same be waived, shall take, under the control of the judge or chancellor full and complete notes, stenographically (and may use recording machines in aid thereof) of all the oral evidence and other oral proceedings, except arguments of counsel, in each case, civil and criminal, tried therein upon an issue of facts and, in any other matter or in any other case that the judge or chancellor may especially direct. He shall carefully note the order in which the evidence, both oral and written, is introduced, and by whom it is introduced, giving the name of each witness, and identifying each deposition, exhibit made, or other item of evidence or matter of proceedings by words or figures of description, and he shall carefully note oral motions and all objections of counsel and rulings of the court made during the trial, in the order in which the same shall occur. And, upon request of any party, he shall, within the time required by the Mississippi Supreme Court Rules, or from the time of the demand, if made after the trial, neatly write out in typewriting a complete copy of his stenographic notes as taken therein or he shall neatly write out in typewriting a complete copy of all matters recorded on the recording machine with a caption showing the style of the case, its number, the court in which it was tried, and when tried, and shall affix thereto a suitable index, and shall certify, sign, and file the same in the office of the clerk of the court in which the case was tried; and he shall preserve his stenographic notes or his tape or record made by said recording machine in each case in which an appeal is taken, as a record of his office. If a party demand the writing out of the court reporter's notes for any other than the bona fide purpose of perfecting an appeal, he shall pay the court reporter in advance Twenty-five Cents (25cents) per hundred words for the same, but such work shall not delay the preparation of records for appeals. The court reporter shall serve in all habeas corpus and other matters which are heard in vacation, by agreement or otherwise, in the county of residence of the judge or chancellor. The court is authorized to purchase recording machines for the use of the court reporter, the cost of which shall be allocated to each county in the district according to the weeks of court held in each county. Any recording machine purchased for this purpose shall be of such quality as to accurately take and preserve all notes and records herein required to be made and preserved.

SOURCES: Codes, 1892, Sec. 4240; 1906, Sec. 4790; Hemingway's 1917, Sec. 3143; 1942, Sec. 1636; Laws, 1926, ch. 144; 1930, Sec. 721; 1958, ch. 280, Sec. 1; 1971, ch. 423, Sec. 1; 1991, ch. 573, Sec. 11, eff from and after July 1, 1991.

SEC. 9-13-27. Custody of exhibits.

It shall be the duty of the court reporter to deliver to the clerk of the court in which any suit may be tried, at the conclusion of the trial, all depositions, exhibits, maps or other item of evidence, or matter of proceeding, introduced in evidence during the progress of the trial, and such clerk is hereby designated the custodian of such depositions, exhibits, maps or other item of evidence, or matter of proceeding, and he shall file and identify the same and, in the event an appeal to the supreme court shall be perfected in the suit, it shall be the duty of the clerk to correctly transcribe such depositions, exhibits, or other item of evidence, or matter of proceeding, and to cause a correct copy of any map to be made and to incorporate said copies of depositions, exhibits, maps, or other item of evidence, or matter of proceeding in the record of such suit to be filed with the supreme court. Provided, however, that upon order of the trial court any original exhibit shall be forwarded to the supreme court as a part of the record.

It shall be the duty of the clerk to safely keep in his custody all of such original depositions, exhibits, maps or other item of evidence, or matter of proceeding, until the final determination of the suit, or until the time has expired in which an appeal to the supreme court may be perfected.

SOURCES: Codes, 1930, Sec. 722; 1942, Sec. 1637; Laws, 1930, ch. 16.

SEC. 9-13-29. Withdrawal of exhibits.

At any time prior to the expiration of the period allowed by law to perfect an appeal to the supreme court, or before the determination of the suit, any party to said suit, or any witness who may have testified therein, may, upon petition duly filed and presented to the court or presented to the trial judge thereof in vacation, and upon ten days notice to the opposite party or parties, or to one of his attorneys of record, in which notice the time and place of the presentation of the petition shall be given, obtain an order from the court or judge authorizing the clerk of the court to permit said petitioning party to withdraw from the clerk's custody, any exhibit, map or other item of evidence, which may be the property of said party or witness, if in the opinion of the court or judge such withdrawal shall be proper. Provided, however, the party or witness requesting the withdrawal shall cause a true copy of such exhibit, map, or other item of evidence, or matter of proceeding to be made by the clerk, and such clerk shall duly certify to the correctness of the copy, and such party or witness shall pay all fees authorized by law for making such copy and for such certificate; the clerk shall be required to make the copy and certificate upon the payment of such fees. Thereafter such certified copy of said exhibit, map or other item of evidence, or matter of proceedings shall remain in custody of the clerk, and during any hearing or trial of the cause and for all other purposes the duly certified copy of such exhibit, map or item of evidence, or matter of proceeding shall be deemed and considered as the true exhibit, map, item of evidence or matter of proceeding exhibited and introduced in such suit.

SOURCES: Codes, 1930, Sec. 723; 1942, Sec. 1638; Laws, 1930, ch. 16.

SEC. 9-13-31. Trial; reporting the trial.

In all criminal cases, and (a) in all civil cases, and (b) matters in probate, and (c) in matters of special proceedings, wherein property or demands of as much as Fifty Dollars (\$50.00) may be in issue, no party shall be required without his consent to go to trial in a circuit or chancery court unless the case is attended by a court reporter; provided, however, that the judge of any chancery court may dispense with the requirement of a court reporter in hearings on temporary support and maintenance and/or temporary child custody in domestic cases unless one (1) or both of the parties request a court reporter. And in and by means of the court reporter's shorthand notes, it shall be competent and effectual, for the purposes of appeal and all otherwise, to make of the record every part of the proceedings arising and done during the trial, from the opening until the conclusion thereof, including motions so arising to amend the pleadings, except amendments to indictments, and the ruling of the court thereon and all other motions and steps that may occur in the trial, in addition to the oral testimony. And in such a trial, provided objections are duly made and noted, no exceptions need be taken, either for the purposes of appeal or otherwise, or if taken shall not be noted, to any ruling or decision of the court, and this provision shall include the rulings of a court on objections to testimony. If any ruling or decision of the court as to any matter arising during the trial appear in the copy of the court reporter's notes, it shall not be necessary to take any exceptions or bill of exceptions thereto. Exceptions and bills of exception shall be necessary only when it is desired to reserve exceptions to some ruling or decision of the court which would not otherwise appear of record. No bill of exceptions need be taken to the action of the court in overruling a motion for a new trial. In all cases tried either in the circuit or chancery court in which the evidence is taken down by an official court reporter, all pleadings and all papers filed or introduced in the case, all orders of the court entered on the minutes, all instructions and a copy of the court reporter's notes shall constitute the record and no bill of exceptions shall be necessary in order to make any of the above matters part of the record.

SOURCES: Codes, 1892, Sec. 736; 1906, Sec. 797; Hemingway's 1917, Sec. 581; 1930, Sec. 724; 1942, Sec. 1639; Laws, 1896, ch. 83; 1910, ch. 111; 1989, ch. 446, Sec. 1; 1990, ch. 407, Sec. 1, eff from and after passage (approved March 15, 1990).

SEC. 9-13-32. Trial; attorney of record may have proceeding recorded where official court reporter is not provided.

Any attorney of record in any cause pending in a court which does not provide an official court reporter, may, in the discretion of such attorney, record or have recorded any court proceeding in such cause by mechanical means or stenographically. Any expenses incident thereto shall be borne by the party or parties represented by such attorney of record. The record of the court proceeding shall be used for impeachment purposes only.

SOURCES: Laws, 1975, ch. 317, eff from and after passage (approved February 28, 1975).

SEC. 9-13-43. Transcript as prima facie correct; use as evidence.

When a transcript has been made by the official reporter and certified to as being a correct transcript of notes, tapes or audio records of the testimony and other proceedings of the trial, the same shall be prima facie a correct statement thereof and may thereafter be introduced and read in evidence in the trial of any case in any state court of the state of Mississippi, without the necessity of further identification, provided such matter is otherwise admissible.

SOURCES: Codes, 1942, Sec. 1636.1; Laws, 1958, ch. 280, Sec. 2.

SEC. 9-13-45. Penalty for wilful neglect of duty.

If the court reporter willfully neglects to perform any duty required of him by law, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, may be fined not exceeding Five Hundred Dollars (\$500.00), or imprisoned not more than six (6) months. Moreover, he shall be liable to a deduction from his salary at the rate of Ten Dollars (\$10.00) a day for each day that he shall be in such default, which deduction shall be made by the court when it authorizes his salary to the Administrative Office of the Courts, and in addition thereto he shall be liable on his bond to the party injured for all damages which may be sustained by reason of his neglect of duty. If any court reporter shall neglect or refuse to transcribe his official notes and to file such transcript within the time and in the manner required by law, or by order of the court or judge, he shall be liable upon his bond for a penalty in the amount of Two Hundred Fifty Dollars (\$250.00), to be recovered by the party aggrieved thereby, whether the person aggrieved has suffered any actual damage or not.

SOURCES: Codes 1892, Sec. 4243; 1906, Sec. 4793; Hemingway's 1917, Sec. 3146; 1930, Sec. 730; 1942, Sec. 1645. Laws, 1993, ch. 518, Sec. 40, eff July 13, 1993 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the amendment of this section).

SEC. 9-13-61. Official county and family court reporter.

There shall be an official court reporter for each county and family court judge in the State of Mississippi, to be appointed by such judge, for the purpose of performing the necessary and required stenographic work of the court or division thereof over which the appointing judge is presiding, said work to be performed under the direction of such judge and in the same manner and to the same effect as is provided in the chapter on court reporting.

Except as hereinafter provided, the reporters of said courts may, at the discretion of the board of supervisors, receive a monthly salary equal to that of the reporter of the circuit court district wherein the county lies, the same to be paid monthly by the county out of its general fund.

Provided, however, that in any Class 1 county having a population in excess of fifty-six thousand (56,000) persons according to the 1970 federal decennial census, the reporter shall receive a monthly salary equal to that of the reporter of the circuit court district wherein the county or family court lies, the same to be paid monthly by the county out of its general fund.

Provided further, that in any Class 1 county bordering on the Mississippi River and which has situated therein a national military park and national military cemetery, and having a population in excess of forty-four thousand (44,000) according to the 1970 federal decennial census, the reporter shall receive a monthly salary equal to that of the reporter of the circuit court district wherein the county lies, the same to be paid monthly by the county out of its general fund.

Provided further, that in any Class 1 county bordering on the Mississippi River wherein U.S. Highways 61 and 84 intersect, and having a population in excess of thirty-seven thousand (37,000) in the 1960 federal decennial census, the reporter shall receive a monthly salary equal to that of the reporter of the circuit court district wherein the county lies, the same to be paid monthly by the county out of its general fund.

Provided further, that in addition to the foregoing compensation, all county and family court reporters shall be paid the same fees for transcript of the record on appeals as are now or hereafter paid circuit court reporters for like or similar work.

SOURCES: Codes, 1930, Sec. 700; 1942, Sec. 1611; Laws 1926, ch. 131; 1928, ch. 219; 1948, ch. 224; 1950, ch. 355; 1952, ch. 240; 1956, ch. 232; 1960, ch. 235; 1966, ch. 346, Sec. 1; 1966 Ex sess, ch. 24 Sec. 1; 1968, ch. 333, Sec. 1; 1968, ch. 311, Sec. 3; 1970, ch. 395, Sec. 2; 1975, ch. 385; 1977, ch. 447, Sec. 1; 1985, ch. 510, Sec. 2, eff from and after October 1, 1985.

1997 Amendment:

SECTION 1. Section 9-13-61, Mississippi Code of 1972, is amended as follows:

9-13-61. There shall be an official court reporter for each county and family court judge in the State of Mississippi, to be appointed by such judge, for the purpose of performing the necessary and required stenographic work of the court or division thereof over which the appointing judge is presiding, said work to be performed under the direction of such judge and in the same manner and to the same effect as is provided in the chapter on court reporting.

Except as hereinafter provided, the reporters of said courts shall receive an annual salary of not less than Twenty-four Thousand Dollars (\$24,000.00) and may, at the discretion of the board of supervisors, receive a monthly salary equal to that of the reporter of the circuit court district wherein the county lies, the same to be paid monthly by the county out of its general fund.

Provided, however, that in any Class 1 county having a population in excess of fifty-six thousand (56,000) persons according to the 1970 federal decennial census, the reporter shall receive a monthly salary equal to that of the reporter of the circuit court district wherein the county or family court lies, the same to be paid monthly by the county out of its general fund.

Provided further, that in any Class 1 county bordering on the Mississippi River and which has situated therein a national military park and national military cemetery, and having a population in excess of forty-four thousand (44,000) according to the 1970 federal decennial census, the reporter shall receive a monthly salary equal to that of

the reporter of the circuit court district wherein the county lies, the same to be paid monthly by the county out of its general fund.

Provided further, that in any Class 1 county bordering on the Mississippi River wherein U.S. Highways 61 and 84 intersect, and having a population in excess of thirty-seven thousand (37,000) in the 1960 federal decennial census, the reporter shall receive a monthly salary equal to that of the reporter of the circuit court district wherein the county lies, the same to be paid monthly by the county out of its general fund.

Provided further, that in addition to the foregoing compensation, all county and family court reporters shall be paid the same fees for transcript of the record on appeals as are now or hereafter paid circuit court reporters for like or similar work.

SOURCE: 1997 Laws, Chapter 432, Sec. 1, Effective October 1, 1997.

SEC. 9-13-63. County court reporter fees as items of costs.

In all cases filed in the county court, a court reporter's fee shall be charged as an item of cost as follows: A fee of one dollar (\$1.00) shall be charged in all cases which, if there were no county court, would have been filed in the justice of the peace court; a fee of two dollars (\$2.00) shall be charged in all cases appealed to the county court and a fee of three dollars (\$3.00) shall be charged in all cases which, if there were no county court, would be filed in the circuit or chancery courts. All of said reporter's fees above mentioned are to be paid into the general fund of the county; provided, however, that no jury tax shall be charged in any case unless there is an issue joined and no court reporter's fee shall be charged unless issue has been joined in such case and testimony taken.

SOURCES: Codes, 1942, Sec. 1611.5; Laws, 1970, ch. 395, Sec. 3, eff from and after July 1, 1970.

SEC. 9-13-101. Board of Certified Court Reporters; membership; terms of office.

(1) The Board of Certified Court Reporters, hereinafter referred to as "the board," shall be composed of nine (9) members. Two (2) of the members shall be judges, one (1) from the Supreme Court and one (1) from a trial court, appointed by the Chief Justice of the Supreme Court of Mississippi with the approval of the full court. Two (2) of the board members shall be practicing attorneys and shall be appointed by the Chief Justice, with the approval of the full court, on nomination by the Mississippi Bar. Two (2) of the members shall be official court reporters in, and citizens of, Mississippi for at least five (5) years prior to their appointments and shall be appointed by the Chief Justice with approval of the full court on nomination by the Board of Directors of the Mississippi Court Reporters Association. Two (2) of the members shall be free-lance court reporters in, and citizens of, Mississippi for at least five (5) years prior to their appointments and shall be appointed by the Chief Justice with approval of the full court on nomination by the Board of Directors of the Mississippi Court Reporters Association. Initially, for judges, lawyers and reporters, one (1) of the two (2) shall be appointed for a term of one (1) year and one (1) for a term of two (2) years. For court reporters, one (1) official shall be appointed for a term

of one (1) year and one (1) for a term of two (2) years and one (1) free-lance court reporter shall be appointed for a term of one (1) year and one (1) for a term of two (2) years. The ninth board member shall be the Supreme Court Clerk, who shall serve as a permanent member of the board.

(2) After each member's term expires, his successor shall be appointed for a term of two (2) years. The Chief Justice of the Supreme Court shall fill any vacancy for the duration of an unexpired term by appointing a person having the appropriate qualifications and the Supreme Court may remove any member for cause. Members may be appointed to successive terms.

(3) Each member shall take an oath that he will fairly, impartially and to the best of his ability administer the provisions of Sections [9-13-101](#) through [9-13-121](#).

SOURCES: Laws, 1994, ch. 599, Sec. 10, eff from and after July 2, 1994

SEC. 9-13-103. Meetings of board; officers; mailing address.

The Supreme Court shall specify a date for the first meeting of the board, at which the board will organize itself by electing one (1) of its members chairman and electing such other officers as deemed appropriate. The office of the Supreme Court shall be the permanent mailing address for all applications or correspondence of the board. The board shall hold its meetings not less than once a year at such times and places as the board shall designate.

SOURCES: Laws, 1994, ch. 599, Sec. 11, eff from and after July 2, 1994

SEC. 9-13-105. Duties and powers of board.

The board is charged with the duty and vested with the power and authority:

- (a) To determine the content of and administer examinations to be given to applicants for certification as Certified Shorthand Reporters.
- (b) To determine an applicant's ability to make a verbatim record of proceedings which may be used in any court in this state by any recognized system designated by the board and to pass upon the eligibility of applicants for certification.
- (c) To issue certificates to those found qualified as Certified Shorthand Reporters who are in compliance with Section [9-13-109](#).
- (d) To promulgate, amend and revise regulations relevant to its duties as necessary to implement this chapter. Such regulations shall be consistent with the provisions of Sections [9-13-101](#) through [9-13-121](#) and shall not be effective until approved by the Supreme Court.
- (e) To make studies and, from time to time, recommendations to the Supreme Court concerning matters pertaining to Certified Shorthand Reporters.

(f) To account to the Supreme Court in all fiscal matters following recognized accounting procedures of the State Auditor.

(g) To exercise jurisdiction over disciplinary matters with regard to Certified Shorthand Reporters in accordance with rules and regulations adopted by the board.

(h) To enter into contracts, hire staff and do such other things as may be necessary to implement the provisions of Sections [9-13-101](#) through [9-13-121](#).

SOURCES: Laws, 1994, ch. 599, Sec. 12, eff from and after July 2, 1994

SEC. 9-13-107. Certification of reporters required; application for certification examination.

No person shall be qualified or authorized to report testimony or proceedings relevant to matters under the jurisdiction of the courts of the State of Mississippi, all state agencies or the Legislature or any committee or subcommittee thereof, or where appeal to any court of the State of Mississippi is allowable by law, unless such person satisfies the provisions of Sections [9-13-101](#) through [9-13-121](#) with respect to certification. Sections [9-13-101](#) through [9-13-121](#) shall not be construed to apply to any proceedings that take place outside the borders of the State of Mississippi.

Every applicant for examination for certification as a Certified Shorthand Reporter shall file with the person designated by the board a written application in the form prescribed by the board. At the time the application is filed, the applicant shall pay to the board an application fee established by regulation, which fee shall not be subject to withdrawal by the applicant in the event he should decide not to take the examination or is denied the right to take the examination. Upon request, the board shall forward to any interested person application forms together with the text of this chapter and copies of regulations promulgated by the board under the provisions of this chapter.

SOURCES: Laws, 1994, ch. 599, Sec. 13, eff from and after July 2, 1994

SEC. 9-13-109. Requirements for certification.

Every applicant for certification shall have reached the age of majority, be of good moral character and be a resident citizen of the State of Mississippi. Further, every applicant shall meet the criteria established by the board for certification or shall meet the requirements of Section [9-13-109](#).

SOURCES: Laws, 1994, ch. 599, Sec. 14, eff from and after July 2, 1994

SEC. 9-13-111. Issuance of certification without examination; requirements.

Upon application and payment of the application fee within six (6) months of the effective date of this chapter [July 2, 1994] and upon a showing of residence within the State of Mississippi, certification without examination shall issue to:

(a) Any official court reporter serving on January 3, 1996, in a Mississippi court on a full-time basis, if such reporter is actually engaged in verbatim reporting through shorthand symbols or the stenomask method.

(b) Any free-lance reporter actually engaged in verbatim reporting through shorthand symbols or the stenomask method and who had been so engaged as of July 2, 1994.

(c) Any person enrolled in any public or private institution in the State of Mississippi on July 2, 1994, who is majoring in a course of study in court reporting and who receives a degree in such course of study.

SOURCES: Laws, 1994, ch. 599, Sec. 15; 1996, ch. 484, Sec. 1, eff from and after passage (approved April 11, 1996)

SEC. 9-13-113. Official court reporters must be Certified Shorthand Reporters; exception for temporary reporters.

After July 2, 1994, no judge of any court of this state shall appoint an official court reporter who is not a Certified Shorthand Reporter. In the event of a vacancy, a judge may appoint a temporary reporter; but such temporary reporter shall, within thirty (30) days of such appointment, make application for temporary certification and shall not serve for more than six (6) months without having obtained a permanent certification under Sections [9-13-101](#) through [9-13-121](#), except as provided by Section [9-13-121](#) (3).

SOURCES: Laws, 1994, ch. 599, Sec. 16, eff from and after July 2, 1994

SEC. 9-13-115. Free-lance and nonresident reporters.

(1) Free-lance reporters shall make application for certification in the manner prescribed in Section [9-13-105](#). Without satisfying the requirements of this chapter, no free-lance reporter shall make a verbatim record of any testimony of a proceeding, jurisdiction of which is within the courts of Mississippi or where appeal to any court of the State of Mississippi is allowable by law.

(2) Any court reporter not a resident of Mississippi wishing to make a verbatim record or transcript of testimony to be used in a legal proceeding within the State of Mississippi may do so upon obtaining temporary permission from the board or the judge of any court of record, such permission not to be valid for more than thirty (30) days unless special conditions are established therein by the board or judge from whom the temporary permission was obtained.

SOURCES: Laws, 1994, ch. 599, Sec. 17, eff from and after July 2, 1994

SEC. 9-13-117. Revocation or suspension of certificate; disqualification.

The board, for good cause shown and in keeping with its regulations and after a hearing conducted in a manner consistent with due process, may revoke or suspend any certificate issued or may disqualify any applicant from certification.

SOURCES: Laws, 1994, ch. 599, Sec. 18, eff from and after July 2, 1994

SEC. 9-13-118. Practicing court reporting without certification; filing false information to obtain certification; penalties

(1) Any person who: (a) undertakes or attempts to undertake the practice of court reporting for remuneration without having first procured a certificate or temporary permission under Sections 9-13-101 through 9-13-123; or (b) knowingly files false information with the board for the purpose of obtaining certification or temporary permission under Sections 9-13-101 through 9-13-123, shall be subject to a civil fine to be imposed by the board of Five Hundred Dollars (\$ 500.00).

(2) Each day's violation shall be considered a separate infraction.

(3) A person who is not authorized to practice court reporting under Sections 9-13-101 through 9-13-123 shall not bring or maintain an action to recover fees for court reporting services that the person performed in violation of this section.

SOURCES: Laws, 2011, ch. 311, § 2, eff from and after July 1, 2011.

SEC. 9-13-119. Annual certification fee; renewal of certification; disposition of funds.

(1) All Certified Shorthand Reporters and Certified Stenomask Reporters shall pay to the board an annual certification fee established by the board. All certificates issued under the provisions of this chapter shall expire one (1) year from the date of issue. Applications for renewal of certification shall be accompanied by the required annual certification fee.

(2) All funds collected under the provisions of this chapter shall be deposited into a special fund, hereby created in the State Treasury. All expenses incurred by the board in implementing the provisions of this chapter shall be paid out of such special fund pursuant to legislative appropriation.

SOURCES: Laws, 1994, ch. 599, Sec. 19, eff from and after July 2, 1994

SEC. 9-13-121. Giving of examinations for certification; notice; effect of not passing examination; temporary certificates; photo identification.

(1) (a) Except as otherwise provided in paragraph (b) of this subsection (1), any person graduating from a * * * court reporting school * * * approved by the State of Mississippi or some other state shall be given a temporary certification but shall make application for and pass a Certified Shorthand Reporter's (CSR) examination as is provided * * * in this section.

(b) Any person who is enrolled in a court reporting program or court reporting school, whether in Mississippi or out-of-state, that is accredited by the National Court Reporting Association, and who graduates prior to November 1, 2008, shall be granted certification without examination.

(2) (a) The Board of Court Reporters shall implement a true CSR examination wherein all examinees are given the option to take any part or parts of the * * * examination independent of the other parts; however, each part, once passed, need not be retaken by that examinee. Any applicant granted a temporary certification or permit * * * shall be allowed not less than thirty-six (36) months after being granted the temporary certification or permit to pass the examination.

(b) (i) Examinations for certification shall be given not less than every six (6) months at a time and place designated by the board. Notification of such examinations shall be given each applicant in writing not less than thirty (30) days before each examination date. Proof of notice of an examination having been sent less than thirty (30) days before an examination date shall automatically extend a temporary certificate for an additional six (6) months beyond what is otherwise provided in this section.

(ii) If * * * an applicant holding * * * temporary certification has not qualified for certification within the required time, the applicant shall be permitted a hearing before the board. If said applicant has passed at least two (2) parts of the examination, the applicant will be given an additional extension of not more than one (1) year.

(iii) If a court reporter is unavailable, the use of audio or video equipment shall be authorized.

(3) Those reporters holding temporary certificates must submit their applications, together with the fee, to the board and take the next scheduled examination. If * * * the applicant holding * * * temporary certification has not qualified for certification within the required time, the applicant shall be deemed unqualified to serve as a reporter until the applicant passes the examination and receives permanent certification or has been granted an extension according to subsection (2).

(4) Photo identification may be required of any applicant prior to the taking of an examination for security reasons only but shall not be used for discrimination against applicants on the basis of race, gender, age, creed or national origin.

SOURCES: Laws, 1994, ch. 599, Sec. 20, eff from and after July 2, 1994. Amended by Laws 2000, Ch. 402, Sec. 1, SB3103; Laws, 2003, ch. 479, § 1, SB 2741, eff from and after passage (approved Apr. 10, 2003).

PREVIOUS VERSIONS: [Pre-2003](#)

SEC. 9-13-123. "Court" defined; effect of chapter on courts and individual's rights.

"Courts," as used in Sections [9-13-101](#) through [9-13-121](#), shall include all courts. Nothing in this chapter shall be construed as a limitation upon the power of the Supreme Court or of the trial courts to govern the conduct of, and to discipline, official court reporters, nor shall this chapter be construed as any limitation upon the rights of any individual to seek any remedy afforded by law, nor as any exclusive mode of regulating court reporters. **SOURCES:** Laws, 1994, ch. 599, Sec. 21, eff from and after July 2, 1994