



Administrative Office of the Courts

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MICHELLE J. LONG
Director

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MEMORANDUM

TO: Attorneys, Experts, Investigators

FROM: Joseph K. Byrd, Lead Attorney (Indigent Services Team)

DATE: September 1, 2023

RE: Policies for Submission of Expenses Under Rule 13

This memorandum replaces the memorandum dated December 7, 2020 regarding submission of expenses. Please carefully review the content below for potential changes or clarifications made since the December 7, 2020 memorandum. The policies/procedures have been established to assist the AOC staff with auditing requirements and with streamlining payment of claims. Please ensure your claim complies with the following non-exhaustive list of requirements in addition to all of the requirements listed in Tennessee Supreme Court Rule 13 (“Rule 13”).

Travel Related Expenses

- Claims for mileage must include the cities of origination and destination and a brief description of the purpose of travel. Rule 13, sec. 4(a)(3)(B).
- Claims for parking are reimbursed up to \$10 per day if accompanied by a receipt. Rule 13, sec. 4(a)(3)(E). Claims for monthly parking bills are not accepted and will not be reimbursed.

Court Reporters

- Court reporter expenses are not considered miscellaneous expenses and except for felony trials require prior approval by the judge and the AOC before the court reporter performs any work. Rule 13, section 4(b).

- Once an approved order is obtained from the court, you may email it to the AOC at indigentteam@tncourts.gov. Once prior approval is granted by the AOC, a copy of the approval will be emailed back to you. This will be your notice that the expenses may then be incurred.
- Retain only court reporters who are already employed by the AOC or who already have fully executed contracts on file with our office (this prevents misunderstandings regarding the AOC's compensation schedule). The AOC maintains a list of these reporters and will be happy to provide it to you upon request.
- The rate paid to court reporters by the AOC for transcription services is \$4.00/page for a set which includes one original and one copy (then \$.50/page for each additional copy).
- After the court reporter has produced the transcript, you may submit to the AOC an invoice from the court reporter that details the court reporter's name and address, the number of pages transcribed, the date the transcript was requested, the total amount requested, and a copy of the order granting prior approval by the trial court and the AOC.

Miscellaneous Expenses

- Miscellaneous expenses under R. 13, sec. 4(a)(3)(I) includes various expenses necessary to representation **totaling less than \$250**. Examples in the rule are not a limitation of the expenses that would be permissible. (IST Policy #04-002-2023)
- Examples of miscellaneous expenses include, but are not limited to, reimbursements for items such as postage, commercial delivery service, film, memory devices required for electronic discovery, publication in a newspaper, fees for private process servers (as permitted below), preliminary CDs, medical reports, and background checks. (IST Policies #04-002-2023 and #04-003-2023)
- Expenses or fees that are waived or paid by another agency (such as filing fees or TBI diversion fees) **will not be paid**, even if filed as a miscellaneous expense.
- Expenses for private process servers must be for a necessary party and only where service by the county sheriff is impossible or cannot be completed timely. Attorneys must affirm this information in the comments section in ACAP when entering this expense as a miscellaneous expense. (IST Policy #04-003-2023).
- Claims for reimbursement of overhead are not permitted and will not be paid even if entered as a miscellaneous expense. Rule 13, sec. 4(a)(2). Overhead includes but is not limited to office supplies, such as folders, envelopes, tabs, pens, etc.
- All miscellaneous expenses must be supported with receipts, except for in-house postage up to \$8/day per claim. (IST Policy #04-001-2023)

Receipts

- As a general rule, claims for all expenses must be supported by receipts. The following expenses are exceptions to the general rule and do not require receipts:
 - Mileage (see travel related expenses above)
 - In-house copies
 - Postage up to \$8.00/day per claim (IST Policy #004-001-2023)

Anticipated Expenses for Investigators and Experts

- For reimbursement of expenses for an investigator or expert, the order approving the services must provide an estimated amount of anticipated miscellaneous expenses.