



STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

LUTHER STRANGE  
ATTORNEY GENERAL

September 16, 2014

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Honorable Paula McCaleb  
Executive Director  
Alabama Board of Court Reporting  
2011 Berry Chase Place  
Post Office Box 241565  
Montgomery, Alabama 36124-1565

Dear Ms. McCaleb:

This Office received your letter in which you requested an opinion regarding whether the Alabama Board of Court Reporting ("Board") has the statutory authority to adopt and enforce a code of ethics in the rules and regulations of the Board.

A review of your current rules and regulations reveals that the Board has already adopted Standards of Professional Conduct. ALA. ADMIN. CODE r. 257-X-4 (2012). A comparison of the current rules with the rules being proposed reveals that at least five of the proposed additions are virtually identical to provisions already enacted within the Standards of Professional Conduct. The remaining proposals are merely more specific regulation of issues already covered within the existing rules.

The Attorney General is authorized to issue opinions to public officials and public bodies that relate to the present performance of a duty to be performed by that official or public body and may not issue opinions on moot or private questions. ALA. CODE § 36-15-1 (Supp. 2013). Because the Board has already adopted rules that amount to a code of ethics, your question is moot.

I regret that we are unable to issue a formal opinion on this issue, but it is hoped that the following information may be of assistance. One of the purposes of the enabling legislation of the Board is to provide for the "examination, licensing, and *supervision of the conduct*" of court reporters. ALA. CODE § 34-8B-1 (2010) (emphasis added). The Board has authority to promulgate rules in conformity with the Administrative Procedures Act, which are necessary to carry out its duties. ALA. CODE § 34-8B-7 (2010). It is established law that an administrative body's interpretation of its authorizing legislation is entitled to great weight. *Ala. Metallurgical Corp. v. Ala. Pub. Serv. Comm'n*, 441 So. 2d

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565, 571 (Ala. 1983). Moreover, all state agencies authorized to promulgate rules also have the ability to amend its rules. ALA. CODE § 41-22-2(d) (2013).

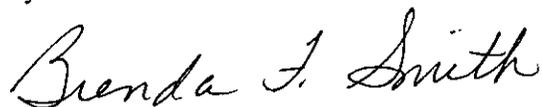
If I can be of assistance with another matter, please do not hesitate to let me know.

Sincerely,

LUTHER STRANGE

Attorney General

By:

A handwritten signature in cursive script that reads "Brenda F. Smith".

BRENDA F. SMITH

Chief, Opinions Division

LS/BB

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