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**E-86-19 Court reporter: Full-time employee of law firm**

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**Facts**

A law firm proposes to employ a court reporter as a full-time staff member. The firm contemplates utilizing this court reporter's services in litigation in which the firm is involved and also allowing their employee to perform court reporting services for other lawyers. The court reporter would be paid a salary by the law firm which would be paid directly by other lawyers for the reporter's services. It is not contemplated that the court reporter would provide any services for anyone holding judicial office.

**Question**

Do any professional ethics rules or considerations preclude or restrict the proposed employment and utilization of a court reporter?

**Opinion**

We are unaware of any ethical rules or considerations which either per se preclude the full-time employment of a court reporter by a law firm to be utilized in litigation in which the firm engages or the contracting out of such an employee's services to other lawyers.

Regarding considerations generally applicable to non-lawyer employees, *see, e.g.*, SCR 20.19 (division of fees with non-lawyer), SCR 20.20 (partnership with non-lawyer) and SCR 20.21(2) (selection and training of non-lawyers). *See also* Committee on Professional Ethics Formal Opinion E-86-13 [59 Wis. Bar Bull. 27 (Nov. 1986)]; and ABA *Model Rules of Professional Conduct*, Rule 5.3 (responsibilities regarding non-lawyer assistants).

Whether or not any *legal* impediment precludes a law firm from utilizing a court reporter employed by it in litigation in which it is involved is not a question this committee is authorized to address. *But see generally* Wis. Stats. § 804.03(3) and 59 Marq. L. Rev. 463, 483 (1979) (quoted extensively at W.S.A. 804.03).