



Los Angeles Superior Court removes roadblock for survivors of abuse to access justice by allowing electronic reporting in certain situations

“NO RECORD, NO JUSTICE”

- LA Superior Court Chief Judge, Samantha Jessner announcing a General Order permitting electronic recording where justice demands!

Oakland, CA (September 5, 2024) The [Family Violence Appellate Project](#) applauds the leadership of the Los Angeles Superior Court in addressing the access to justice crisis that exists because low and moderate income litigants have no legislatively approved method for obtaining a record of what happened at their hearings. The fact that 1500 hearings every day – just in Los Angeles County – go without any record of what happened is untenable. FVAP and the Legal Aid Association of California sponsored SB 662, a common sense approach to this crisis that would have protected and preserved court reporter jobs while also opening the path to justice to civil litigants. Despite Senator Susan Rubio’s heroic efforts to advance the bill and the full throated support of California’s legal aid and domestic violence communities, the bill was defeated. This necessary step will staunch the flow of injustice for thousands of survivors of domestic violence, elder abuse, human trafficking, and other forms of abuse in Los Angeles County.

This is a real crisis, not just in LA but throughout the state. The Judicial Council of California tracks the number of hearings that go without a court reporter statewide. Between October 1, 2023 and March 31, 2024, of 664,700 reported family, probate, and unlimited civil hearings in California, an estimated 483,500 hearings had no verbatim record (72.7%).

Despite [robust efforts to recruit, retain and hire court reporters](#), the demand cannot be fulfilled. Although courts are paying upwards of \$150,000 in salary plus generous benefits, signing bonuses as high as \$50,000, retention bonuses in the 5 figures each year, and are even paying other staff to attend court reporter school, [more court reporters leave court employment each year than join it](#). Courts have to compete with the private sector, where certified court reporters are also statutorily required to take depositions. Private sector jobs offer even higher pay with more flexibility – and even in the private sector there is more demand than can be met. One estimate is that 10 hours of depositions are taken for every 1 hour of testimony in court.

The result is often devastating for the survivors FVAP serves every day. Survivors of domestic violence rely on courts for critical orders to protect them and their families, including restraining orders, child custody and visitation orders, spousal and child support orders, orders declaring debt was caused by domestic abuse, and many others. **Under current law, although the Legislature has said that “[f]amily law touches the most central aspects of Californians’ lives” and “can have a dramatic and lasting impact on people’s lives”** ([Stats](#).

[2009, ch. 352 \(Assem. Bill No. 939\), § 1, subd. \(a\)](#), court reporters are not required to be at any of these hearings.

However, a record of what happens at these hearings is necessary to have orders enforced by law enforcement and the courts, to challenge wrong or dangerous orders, and because these cases often last years in the courts. Electronic recording works and we already use it in evictions, small claims, criminal misdemeanors, and infractions cases. The technology is there now and justice demands we use it.

As but one example of what this crisis looks like, **recently a survivor came to us asking for help with two orders—one denying her request for a domestic violence restraining order, and one granting her and her abuser joint custody of their children.** The survivor told us the family law judge did not fully review her evidence or hear from her during the hearing, did not let her testify about the abuser threatening her process server, and did not let her support person sit with her during the hearing (as required by [Family Code section 6303](#)). These errors by the trial court could be enough on appeal to reverse and get a restraining order for the survivor—and if she got a restraining order, the custody order would have to be different because of the presumption in [Family Code section 3044](#).

But the only record of what happened at this survivor's hearing was a short Minute Order, which simply indicated that the parties were sworn and heard by the court, and the court denied the restraining order request—and then granted joint custody of the children, which is not unusual when no abuse has been found. **As is common for Minute Orders in family law cases, no further detail was provided: none on what the parties said, what evidence they tried to present, or the court's reasons for any of the decisions it made.**

Although FVAP did not start tracking how many appeals we decline because no court reporter was present until very recently, we know of at least 30 survivors whose appeals we could not take between April 2023 and April 2024 merely because there was no court reporter present at their hearing. These survivors came to us from every corner of the state seeking to overturn court decisions that put them and their children at risk of harm and we could not help them.

FVAP applauds the efforts of the Los Angeles Superior Court to address this crisis and provide true access to justice!

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