

## Legal Aid Organizations Sue Superior Courts of Contra Costa, Los Angeles, Santa Clara, and San Diego to Protect Constitutional Rights of Low-Income Litigants

For Immediate Release

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**Oakland, CA (December 4, 2024)** - Family Violence Appellate Project, represented by Covington & Burling LLP and Community Legal Aid SoCal, and Bay Area Legal Aid have filed a lawsuit in the California Supreme Court against the Superior Courts of Contra Costa, Los Angeles, Santa Clara, and San Diego Counties to resolve the constitutional crisis caused by the statewide court reporter shortage.

**The lawsuit filed today alleges that the courts' failure to provide a verbatim record (word-for-word record) to low-income litigants violates due process, equal protection, and separation of powers under the California Constitution.** Without a verbatim record, it is essentially impossible for litigants to appeal an incorrect decision that may be harmful to them. Currently, litigants are denied equal access to the appellate courts simply because they cannot afford a private court reporter – an average cost of \$3,300 per day.<sup>1</sup> In addition, verbatim records are vital to the basic operation of our court system, allowing judges to fairly and efficiently administer justice.

Historically, California courts have relied on court reporters to transcribe a verbatim record of hearings and trials, but for several years, there has been a growing shortage of court reporters. **The court reporter shortage has now reached a tipping point: it is estimated that over one million hearings and trials in family, probate, and unlimited civil cases had no verbatim record during the year ending in March 2024.**<sup>2</sup> The lawsuit seeks an order from the California Supreme Court mandating that, when a litigant cannot afford a private court reporter, they are entitled to have the proceeding recorded at no charge, including by electronic recording if a court reporter is not available. California courts have the ability to create official verbatim records using electronic recording equipment when no court reporter is available, but a state statute (Government Code section 69957) prohibits this in family, probate, and unlimited civil cases. However, electronic recording is permitted for this purpose in several other kinds of civil cases.

Jennafer Wagner, Family Violence Appellate Project's Director of Programs, explains: "*Thousands of litigants in family law and probate cases leave courtrooms every day without a verbatim record of what transpired. The result is often devastating for low-income litigants including survivors of domestic violence who rely on courts for critical orders to protect them and their families, including restraining*

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<sup>1</sup> Judicial Council of California, *Fact Sheet: Shortage of Certified Shorthand Reporters in California* (June 2024).

<sup>2</sup> California Access to Justice Commission, *Issue Paper on Access to the Record of California Trial Court Proceedings* (Nov. 14, 2024), at pg. 1.

*orders, child custody and visitation orders, spousal and child support orders, orders declaring debt was caused by domestic abuse, and many others. This puts them at a disadvantage as the lack of a verbatim record will impact their ability to appeal or access accurate documentation of legal proceedings."*

*Genevieve Richardson, Bay Area Legal Aid's Executive Director, adds: "Far too often in California's courts, access to justice comes at a cost: the cost of a private court reporter. Our constitution demands that wealth must not be the deciding factor in determining access to a verbatim record of legal proceedings, especially when this record can make the difference in securing timely protection against violence, financial exploitation, and loss of child custody for survivors of abuse."*

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*Family Violence Appellate Project is a California and Washington state non-profit legal organization whose mission is to ensure the safety and well-being of survivors of domestic violence and other forms of intimate partner, family, and gender-based abuse by helping them obtain effective appellate representation. For more information about this case, visit [FVAP's Webpage](#).*

*Bay Area Legal Aid is the largest provider of free civil legal services in the Bay Area, serving thousands of low-income clients each year with advice and counsel, referrals, and representation in seven counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara. For more information about this case, visit [BayLegal's Webpage](#).*

*Community Legal Aid SoCal is a legal aid organization dedicated to fighting injustice and advocating for social, economic, and racial equity by providing compassionate, holistic, and impactful legal services to low-income people throughout Orange and Southeast Los Angeles Counties. For more information about this case and others, visit the [Systemic Impact Unit Webpage](#).*

*In an increasingly regulated world, Covington & Burling LLP provides corporate, litigation, and regulatory expertise to help clients navigate their most complex business problems, deals, and disputes. The firm is frequently recognized for pro bono service, including 12 times being ranked the number one pro bono practice in the U.S. by *The American Lawyer*.*