

**LEGAL SERVICES**  
of  
NORTHERN CALIFORNIA

VIA TRUEFILING

January 7, 2025

Chief Justice Patricia Guerrero and Associate Justices  
Supreme Court of California  
350 McAllister Street  
San Francisco, CA 94102-4783

Re: *Family Violence Appellate Project and Bay Area Legal Aid v. Superior Courts of California, Counties of Contra Costa, Los Angeles, Santa Clara, and San Diego*  
Case No. S288176  
Amicus Letter in Support of Petition for Writ of Mandate and/or Prohibition

Honorable Justices:

Pursuant to California Rules of Court, rule 8.500(g), Legal Services of Northern California writes to urge the Court to issue an order to show cause on this original writ petition so it may address the merits. As set forth below, this writ presents an opportunity to ensure that all civil litigants in California state courts, regardless of income or availability of court reporters, have the opportunity to have an official verbatim recording of civil proceedings.

I. INTEREST OF LEGAL SERVICES OF NORTHERN CALIFORNIA

Legal Services of Northern California (“LSNC”) is a non-profit legal services organization providing free civil legal services to thousands of low-income individuals and families in 23 northern California counties each year. Founded in 1956, LSNC’s mission is to provide quality legal services to empower the poor to identify and defeat the causes and effects of poverty within our community, efficiently utilizing all available resources. LSNC represents clients in both trial court and appellate proceedings, including matters involving elder abuse restraining orders, health care rights, landlord-tenant, consumer rights, land use, public benefits, and civil rights. LSNC serves a wide range of vulnerable populations, including people with disabilities, survivors of domestic violence, older adults, people who are geographically isolated, and people experiencing discrimination because of race, culture, sexual orientation, or gender identity.

Of particular relevance to this proceeding, LSNC’s geographic service area, which is roughly the size of the state of Ohio, is predominantly rural. As a result, LSNC has developed significant experience with the wide array of challenges faced by litigants (especially low-income unrepresented litigants) not only in simply accessing the rural courts themselves, but in

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understanding and enforcing their rights to the process and procedures those courts are required to provide.

## II. REASONS FOR GRANTING WRIT OF MANDATE AND/OR PROHIBITION

The issues presented in Petitioner’s Petition for Writ of Mandate significantly impact the rights of low-income litigants in civil cases to equal access to justice. LSNC agrees with Petitioners that denying low-income litigants access to verbatim recordings in unlimited civil proceedings violates procedural due process and equal protection. LSNC’s clients are indigent and cannot afford to retain private Certified Shorthand Reporters (CSRs) in civil cases to create verbatim records, which are essential to preserve the parties’ ability to appeal. As noted by the Petitioners, “The ‘lack of a verbatim record’ of trial court proceedings ‘will frequently be fatal to a litigant’s ability to have his or her claims of trial court error resolved on the merits by an appellate court.’” (Petn. at pp. 21-22, quoting *Jameson v. Desta* (2018) 5 Cal.5<sup>th</sup> 594, 608.) As Petitioners noted, this creates two classes of litigants—those who can afford a private court reporter and those who cannot. (Petn. at p. 67.) “‘At core, the requirement of equal protection ensures that the government does not treat a group of people unequally without some justification.’ [Citation].” (*People v. Hardin* (2024) 15 Cal.5<sup>th</sup> 834, 847.) There is no rational justification to treat low-income civil litigants differently than moderate and above moderate income civil litigants.

Even if LSNC’s clients could afford to pay for private Certified Shorthand Reporters, there are only a few CSRs willing to travel to the more rural parts of northern California where LSNC practices. The Superior Court of California, County of Siskiyou explained the problem facing rural counties in a Standing Order addressing the shortage of CSRs: “Siskiyou County is a remote, rural county with only a couple of resident certified court reporters willing to accept per diem work on an occasional basis. The nearest reporters outside the county reside 50-100 miles away and are frequently unwilling to travel to Siskiyou County, particularly during the winter months when travel is challenging and roadways frequently close [sic] due to weather conditions.” (See <https://www.siskiyou.courts.ca.gov/general-information/court-reporter-transcript-information>, Superior Court of California, County of Siskiyou, Findings Concerning Availability of CSR Court Reporters for the Siskiyou County Superior Court and Standing Order Regarding Electronic Recording Filed June 9, 2022, p. 4.) Superior Courts are necessarily forced to prioritize the use of Certified Shorthand Reporters who work for them for felony criminal cases, juvenile dependency, juvenile justice, and Lanterman-Peris-Short Act proceedings, and family court matters where an official court reporter is mandated by law.

Although CSRs are in short supply in rural northern California, most of the Superior Courts have the technology and equipment to electronically record court proceedings. Nonetheless, in LSNC’s experience, several rural Superior Courts are not utilizing the technology to create a verbatim record for civil litigants, even when requested and authorized by statute. However, in the larger courthouses where LSNC practices, like Solano and Sacramento, the judicial officers record civil hearings and allow litigants access to those recordings in limited civil cases, like unlawful detainer lawsuits. This creates geographic inequity where rural, low income limited civil litigants do not have meaningful access to verbatim records and thus are

severely disadvantaged in appellate proceedings, while low income urban litigants in limited civil cases have access to a verbatim record with which to pursue their appellate rights. There is no justification for this unequal treatment where geography is the only distinction between the litigants.

This Court's intervention is necessary to address the severe inequity facing low income and rural civil litigants in California's trial courts. LSNC urges the Court to issue an order to show cause on the Petition and to ensure that in any civil proceeding, a litigant who cannot afford to pay for a private court reporter is entitled to have an official verbatim recording created at no charge, including by electronic recording if a court reporter is not available.

Respectfully Submitted,



Alysa Meyer (173655)  
Director of Advocacy and Litigation,  
Legal Services of Northern California

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**DECLARATION OF ELECTRONIC SERVICE**

Case Name: *Family Violence Appellate Project and Bay Area Legal Aid v. Superior Courts of California, Counties of Contra Costa, Los Angeles, Santa Clara, and San Diego*

Case No.: S288176

I, April Battaglia, declare that I am a resident of Sacramento County, California. I am over the age of 18 and not a party to this case. My business address is 517 12<sup>th</sup> Street, Sacramento, CA, 95814.

On January 7, 2025, I electronically served the attached Amicus Letter in Support of Petition for Writ of Mandate and/or Prohibition by transmitting a true copy via this Court's TrueFiling system on the following:

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I declare under penalty of perjury under the laws of the State of California the foregoing  
is true and correct.

Executed on January 7, 2025, at Sacramento, California.



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April Battaglia