

**No. S288176**  
**IN THE**  
**SUPREME COURT OF THE STATE OF CALIFORNIA**

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FAMILY VIOLENCE APPELLATE PROJECT and BAY AREA LEGAL AID,

*Petitioners,*

vs.

SUPERIOR COURTS OF CALIFORNIA, COUNTIES OF CONTRA COSTA,  
LOS ANGELES, SANTA CLARA, AND SAN DIEGO,

*Respondents,*

LEGISLATURE OF THE STATE OF CALIFORNIA,

*Real Party in Interest.*

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**APPLICATION OF AMICUS CURIAE COMMITTEE OF THE  
CALIFORNIA ACCESS TO JUSTICE COMMISSION FOR LEAVE TO  
FILE AMICUS CURIAE BRIEF IN SUPPORT OF PETITIONERS; and  
AMICUS CURIAE BRIEF IN SUPPORT OF PETITIONERS**

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**AMICUS CURIAE COMMITTEE OF THE  
CALIFORNIA ACCESS TO JUSTICE COMMISSION**

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**APPLICATION OF AMICUS CURIAE COMMITTEE OF  
CALIFORNIA ACCESS TO JUSTICE COMMISSION  
FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN  
SUPPORT OF PETITIONERS**

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The California Access to Justice Commission (“Access Commission”) is dedicated to improving access to justice for all Californians, particularly those with low and moderate incomes. Dating to 1997, the Access Commission was convened by the State Bar of California to pursue long-term

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fundamental improvements in our civil justice system so that it is accessible for all Californians. In 2019, the Access Commission transitioned to a California nonprofit public benefit corporation, and in 2023, the Commission was established in state law through enactment of Government Code Section 68655.

The Access Commission is a collaborative effort of all three branches of government and other stakeholders. Its members include judges, lawyers, professors, and business, labor, and other civic leaders. The Access Commission is dedicated to ensuring that all Californians have access to justice and the ability to enforce their legal rights. Its goals include making recommendations about the barriers to equal access to justice, addressing the justice gap by increasing access to legal aid, expanding pro-bono and self-help assistance, and working to increase language access. To carry out its mission, the Access Commission works closely with a variety of stakeholders, including the State Bar of California, the Judicial Council, the California Lawyers Association, and the Legal Aid Association of California. A fundamental aspect of access to justice is ensuring that all

litigants have access to an accurate and complete record of court proceedings.

The Amicus Curiae Committee of the Access Commission (the “Committee”) was established in 2016 for the purpose of raising awareness about access to justice issues in litigation which, in the Committee’s opinion, have ramifications relevant to the mission of the Access Commission. The Committee’s membership is limited to non-judicial members of the Access Commission; it does not speak on behalf of the judicial members or the Access Commission as a whole. The Committee is authorized to participate in litigation where one or more of the following criteria are met:

- a. The views of the Access Commission have been specifically requested by the court;
- b. The issues to be briefed involve access to justice; or
- c. Resolution of the issues briefed is likely to have a significant impact on access to the justice system.

The Committee has concluded that the issues before the Supreme Court in this matter meet the latter two of these criteria. Moreover, in November 2024, the Access Commission released *Issue Brief: Access to the Record of*



*California Trial Court Proceedings* (2024) (“Issue Brief”),<sup>1</sup> which is widely referenced in the filings in this matter, including in the Petition and multiple amici curiae letters. In the Issue Brief, the Access Commission reported the findings of its investigation into California’s worsening court reporter shortage and the large number of state trial court proceedings for which there exists no official verbatim record.

The Committee, whose membership includes persons who did significant work preparing the Access Commission’s Issue Brief, believes it can assist the Court by presenting its views based on of the findings set forth in the Issue Brief, as well as providing updated information and data published after the Issue Brief was released.

No party or party’s counsel participated in this application and brief or the decision to file it, in whole or in part, or made a monetary contribution intended to fund its

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<sup>1</sup> Cal. Access to Justice Comm’n, *Issue Brief: Access to the Record of California Trial Court Proceedings* (Nov. 2024), <https://static1.squarespace.com/static/6493852d5789f82c67c661a4/t/6736686d9ee62639df5fa5dc/1731618927089/Access+to+the+Record+of+CA+Trial+Court+Proceedings.pdf>.

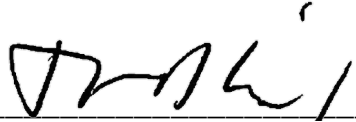
preparation or submission. Other than the Committee and its members, no person or entity made a monetary contribution intended to fund the preparation or submission of this application and brief.

Wherefore, for the foregoing reasons, the Committee respectfully seeks leave to file the accompanying brief.

Dated: April 4, 2025

Respectfully submitted,

Amicus Curiae Committee of the  
California Access to Justice  
Commission

By:   
Jonathan D. Libby, Chair

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**BRIEF OF AMICUS CURIAE COMMITTEE OF THE  
CALIFORNIA ACCESS TO JUSTICE COMMISSION  
IN SUPPORT OF PETITIONERS**

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**INTRODUCTION**

In *Jameson v. Desta* (2018) 5 Cal.5th 594, 608, this Court emphasized the “crucial importance that the presence of a court reporter currently plays in the actual protection of a civil litigant’s legal rights and in providing such a litigant

equal access to appellate justice in California.” The Court ordered measures to increase access to the record for persons who cannot pay the appearance fee for a court reporter.<sup>2</sup>

California law provides that Certified Shorthand Reporters (CSRs) are the only legally permitted way to create official transcripts in felony criminal cases, dependency, juvenile justice, unlimited civil cases, probate, and family law matters.<sup>3</sup> Indeed, as relevant here, Gov. Code section 69957, subdivision (a), expressly prohibits using electronic recording of most court proceedings in California.<sup>4</sup>

Concerned with whether the requirements and goals of *Jameson* were being met, the Access Commission created a

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<sup>2</sup> The *Jameson* Court held that under current law a court may not withhold court reporter services from a fee waiver litigant when another litigant who can afford to pay for a private court reporter is permitted to obtain such services to create an official record. *Jameson v. Desta* (2018) 5 Cal.5th 594, 610. The Amicus Curiae Committee of the Access Commission urged the Supreme Court to reach this conclusion.

<sup>3</sup> Code Civ. Proc., § 269; Gov. Code, §§ 69941, 69942, 69957.

<sup>4</sup> Gov. Code section 69957 permits electronic recording only “in a limited civil case, or a misdemeanor or infraction case,” and only when a court reporter is unavailable.

Working Group on Access to the Record to investigate and draft a report.<sup>5</sup> In November 2024, the California Access to Justice Commission issued its *Issue Brief: Access to the Record of California Trial Court Proceedings* (“Issue Brief”),<sup>6</sup> in which the Access Commission reported what its investigation had found: that California is denying low- and moderate- income litigants equal access to civil justice and due process because there are far too few CSRs who work for Superior Courts to cover the large numbers of hearings in the categories that California law prohibits being recorded in any other way. Indeed, based on an extrapolation from then-available data, the Issue Brief found it likely that approximately one million proceedings a year were being

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<sup>5</sup> The Working Group on Access to the Record included current and former justices of the California Courts of Appeal, judges in the California Superior Courts, attorneys, and others with experience in the California judicial system. None of the judicial officers have had any part in the preparation or approval of this amicus brief.

<sup>6</sup> Cal. Access to Justice Comm’n, *Issue Brief: Access to the Record of California Trial Court Proceedings* (2024), <https://static1.squarespace.com/static/6493852d5789f82c67c661a4/t/6736686d9ee62639df5fa5dc/1731618927089/Access+to+the+Record+of+CA+Trial+Court+Proceedings.pdf> [“Issue Brief”].

conducted in California Superior Courts in case categories where only a CSR could create an official transcript, but no CSR was provided, creating an access to justice crisis. Moreover, the Access Commission found that the shortage of court-employed CSRs does not affect all Californians equally. Well-funded litigants can afford to bring a private court reporter to court, creating an uneven playing field for those without the ability to pay, who do not have access to the official record. Equal justice is denied to poor and moderate-income litigants, creating and exacerbating a two-tier justice system based on financial resources.

While the Issue Brief agreed that ongoing efforts to recruit and retain CSRs in Superior Courts should continue, and perhaps can be improved, it also found that the hiring shortfalls are persistent and certain to continue because of the dramatic gap between the numbers of CSRs needed and those employed by the courts, and the fact that the number of CSRs leaving the profession continues to increase each year. Indeed, despite the efforts to address the CSR shortage, there has been no alleviation of the ongoing due process, equal protection, and access to justice concerns that large numbers

of civil litigants in California face including being systematically deprived of the basic right to an appeal. The Issue Brief then reviewed solutions to the lack of a record including the use of electronic recording technologies to provide an official record both in California state courts (i.e., in the limited categories of cases in which it is currently permitted) and in other court systems, and found that electronic recording would be one workable and appropriate alternative for categories of proceedings that Superior Courts now lack CSRs to cover.

## ARGUMENT

### **I. The failure to provide a verbatim record of trial court proceedings denies due process and equal access to civil justice.**

In *Jameson v. Desta* (2018) 5 Cal.5th 594, this Court addressed a challenge to a superior court's policy of not providing official court reporters in most civil trials even for litigants who are entitled to a waiver of official court reporter fees, and instead requiring those litigants who wish to have a verbatim record of their trial to hire and pay for a private court reporter. *Id.*, at 599. The Court invalidated this policy, finding it "inconsistent with the general teaching of prior

California in forma pauperis judicial decisions and the public policy of facilitating equal access to the courts embodied in [Gov. Code] section 68630, subdivision (a).” *Id.*<sup>7</sup> Accordingly, the Court held that “an official court reporter, *or other valid means to create an official verbatim record for purposes of appeal*, must generally be made available to in forma pauperis litigants upon request.” *Id.* (emphasis added).

In the six years since *Jameson*, however, there remains a systemic failure to provide in forma pauperis litigants an official court reporter or other valid means of creating a verbatim record. As the Access Commission found in its recent Issue Brief, this failure is due in large part to an ongoing and worsening court reporter shortage, both in California and nationwide, which means that trial courts throughout California are unable to provide a court reporter

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<sup>7</sup> Gov. Code section 68630, subdivision (a), provides: “The Legislature finds and declares all of the following: [¶] (a) That our legal system cannot provide ‘equal justice under law’ unless all persons have access to the courts without regard to their economic means. California law and court procedures should ensure that court fees are not a barrier to court access for those with insufficient economic means to pay those fees.”



for most civil proceedings. *Issue Brief*, at 1–2. Further, state law prohibits trial courts from using electronic recording to produce a verbatim record in most civil cases—even when no court reporter is available—effectively rendering the requirements of *Jameson* an empty promise. The result is a systemic violation of low-income civil litigants’ rights to equal protection and due process.

The consequences of not having a record of court proceedings are well known, and the *Jameson* decision discusses them at length. *See, e.g.*, 5 Cal.5th at 608–610. The failure to create a verbatim record for low-income litigants “effectively deprives such litigants of equal access to the appellate process that the in forma pauperis status was intended to afford,” and “will often have a devastating effect on a litigant’s ability to have an appeal of a trial court judgment decided on the merits.” *Id.*, at 622 (citations omitted). The Access Commission found that other consequences of the lack of a verbatim record of trial court proceedings include, among others:<sup>8</sup>

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<sup>8</sup> *Issue Brief*, at 3–5.

- Self-represented litigants may not fully or meaningfully understand what happened in court, what they have gained or lost, or what is required of them.
- Self-represented litigants are hamstrung in seeking legal advice about trial court proceedings and orders, including judges' findings of fact and conclusions of law. The only information such litigants can provide to a lawyer is their memory of what transpired, which may be a slim reed on which to base legal advice. Without access to a verbatim record, a lawyer will have difficulty informing a client about the context and significance of trial court orders, as well as any potential errors made by the court.
- Parties' ability to confer productively to prepare a proposed order is compromised by the absence of a verbatim record, and is much more likely to prolong disputes the judge had already decided. Absent a record, parties and judges have no definitive statement of what transpired in court, including important oral rulings from the bench.
- Sometimes hearings and trials are held on non-consecutive days with significant breaks between testimony or over long periods of time. The quality of a judge's work during or after trial—such as ruling on admissibility of newly offered evidence, preparing findings of fact, and issuing orders—can suffer. Without a verbatim record, relying exclusively on memory and personal notes, a judge can forget or misremember subtleties in the evidence.
- Complaints about judges' conduct can become unreviewable. For example, there is considerable evidence from other jurisdictions that trial judges do not always follow protocols concerning required accommodations of self-represented litigants' unique

needs.<sup>9</sup> Without a record of the proceedings, the judicial branch has no ability to investigate such complaints, whether to address misconduct or to reject unjustified complaints, or otherwise to become aware of the need for additional training of its bench officers.

Moreover, in cases involving litigants with limited English proficiency (LEP), especially if self-represented, the lack of electronic recording of judicial proceedings renders it practically impossible to challenge the translations upon which their testimony depends. Court reporters stenographically record only the English spoken to and by the interpreter. They cannot capture either the non-English words spoken by the witness, or by the interpreter to the witness. Interpreters, like court reporters, lawyers, and the rest of us, are fallible. Without electronic recording of proceedings in which interpretation is used, English speakers can challenge alleged errors in a reporter's English-to-English transcription, but no real means exists for LEP or

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<sup>9</sup> See *Turner v. Rogers* (2011) 564 U.S. 431; Carpenter, Shanahan, Steinberg & Mark, *Judges in Lawyerless Courts* (2022) 110 Georgetown L.J. 509; Degnan, Ferriss, Greiner & Sommers, *Trapped in Marriage* (2018), available at <https://ssrn.com/abstract=3277900>.

deaf litigants to challenge alleged errors in in-court interpretations.<sup>10</sup>

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<sup>10</sup> California’s access-to-justice initiatives have increasingly recognized language access as an important goal. As discussed in the Issue Brief, electronic recording makes it possible to review alleged errors in interpretation with the benefit of an audio recording of the testimony in the original language testimony. *Issue Brief*, at 17–18. While well-financed litigants can bring to court a private “check interpreter” to alert that litigant to issues in interpretations made by the official court interpreter, without an electronic recording there is no other basis available to most litigants to correct or obtain review of alleged errors in official interpreter’s in-court interpretations. *Id.* This puts low- and moderate-income litigants at a material disadvantage.

The Futures Commission reached similar conclusions, noting that electronic recordings of trial court proceedings provide “equal access, enhanced accuracy and completeness by preserving the original language of testimony as well as translations, enhancing the ‘cold record’ by capturing inflection and tones of voice, and permitting broadcast of court proceedings to assistive listening devices.” Comm’n on the Future of California’s Court System, *Report to the Chief Justice* (2017) at 244, <https://www.courts.ca.gov/documents/futures-commission-final-report.pdf>; see also *id.*, at 238251 (discussing the Futures Commission’s recommendation on using digital recording to improve access to the record, and to provide a more comprehensive record).

Indeed, many years ago, the California Court of Appeal agreed with a defendant’s claim that the “failure to videotape the victim’s sign language testimony deprived him of a complete record for adequate consideration on appeal.” *People v. Younghanz* (1984) 156 Cal.App.3d 811, 819 (ultimately denying relief upon finding that defendant failed to allege any errors in translation). For a broader discussion

**II. The long-standing court reporter shortage is real and only getting worse, resulting in an access to justice crisis.**

The Issue Brief, published in November 2024, used extrapolated data based on then-available information to estimate that no verbatim record was available in 73% of all hearings, including 94% of proceedings in unlimited civil cases. *Issue Brief*, at 6. This estimate generally is consistent with the Judicial Council’s most recent survey data, which covers a 21-month period through the end of 2024. *Shortage of Court Reporters in California* (data updated Mar. 2025), available at <https://courts.ca.gov/news-reference/research-data/shortage-court-reporters-california> (“*Shortage of Court Reporters*”). This data shows that “[o]f the 2,122,318 family law, probate, and unlimited civil hearings listed by courts between April 1, 2023 to December 31, 2024, an estimated 1,518,805 hearings had no verbatim record (72%).” *Id.* This

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of the constitutional concerns resulting from the lack of electronic recording of testimony involving court interpreters, albeit focused on criminal cases, see Santaniello, *If an Interpreter Mistranslates in a Courtroom and There is No Recording, Does Anyone Care?: The Case for Protecting LEP Defendants’ Constitutional Rights* (2018) 14 Nw. J. L. & Soc. Pol’y 91, available at <https://scholarlycommons.law.northwestern.edu/njls/vol14/iss1/3>.

included 93.9% of proceedings in unlimited civil cases with no verbatim record being made. *Id.* The conclusion that the Judicial Council draws from this data is that “[c]ourts across California are experiencing a persistent and deepening shortage of court reporters.”

In addition, as the Access Commission’s Issue Brief found (*Issue Brief*, at 9–10), and the updated data from the Judicial Council now confirms, “[d]espite widespread use of incentives, courts continue to lose reporters faster than they can hire them,” and the availability of court-employed court reporters throughout the state is worsening and is not likely to improve (*Shortage of Court Reporters*). According to the Judicial Council, based on recent data covering all case types where a court reporter is required or electronic recording is not authorized, the “[n]umber of court-employed reporters falls far short of need,” and that “[t]o meet the demands of the current caseload, California courts need an additional 458 full-time court reporters.” *Shortage of Court Reporters*, at 1.

The Judicial Council has identified several factors contributing to and exacerbating the ongoing court reporter shortage in California courts, including a long-term decrease

in the number of California-licensed court reporters and competitive pressure from private court reporting firms in the labor market. *Shortage of Court Reporters, Fact Sheet*, at 1–2. Specifically:

- There were 4,587 active California-licensed court reporters residing in the state as of January 1, 2025. However, between FY 2013–14 and FY 2022–23 the total number of licensees declined 20.9%, and the number of new license applications declined 42.9%. *Id.*, at 1 (citing Cal. Dept. of Consumer Affairs, Data Portal, [https://www.dca.ca.gov/data/annual\\_license\\_stats.shtml](https://www.dca.ca.gov/data/annual_license_stats.shtml)).
- Only eight court reporting programs recognized by the state remain open (down from 17 in 2010). *Id.* (citing Court Reporters Bd. of Cal., School Information, available at [https://www.courtreportersboard.ca.gov/applicants/school\\_info.shtml](https://www.courtreportersboard.ca.gov/applicants/school_info.shtml)).<sup>11</sup>
- Most court reporters are likely nearing retirement: The National Court Reporters Association reported the average age of its court reporter members to be approximately 55 years old as of January 1, 2025. *Id.*, at 2 (citing Nat. Court Reporters Assn., NCRA Statistics, <https://www.ncra.org/home/about-ncra/NCRA-Statistics>). In California, approximately 45.9% of all active licenses were issued at least 30 years ago. *Id.* (citing Cal. Dept. of Consumer Affairs, Licensee List (as of Jan. 2025), [https://www.dca.ca.gov/consumers/public\\_info/index.shtml](https://www.dca.ca.gov/consumers/public_info/index.shtml)). And an

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<sup>11</sup> But students may also qualify for California’s Certified Shorthand Reporter exam by obtaining national certification demonstrating proficiency in machine shorthand reporting or voice writing.

estimated 50% of court reporter employees were eligible for retirement as of December 1, 2023. *Id.*

Moreover, according to the Judicial Council, “[d]espite widespread use of incentives, courts continue to lose reporters faster than they can hire them.” *Shortage of Court Reporters*. Between January 1, 2023, and December 31, 2024, approximately 91.4% of trial courts have used at least one incentive to recruit and retain court reporters, including increased salary ranges (74.1%), retention and longevity bonuses (72.4%), signing bonuses (69%), finder’s fees (48.8%), and more. *Id.* Yet, during that same two-year period, while California courts reported that 187.5 (FTE) court reporters were hired, 40.0 (FTE) of those new hires came from other courts (21% of all hires) and 212.7 (FTE) court reporters have left positions at the courts, resulting in a *net loss* of 25.2 (FTE) reporters employed across the Judicial Branch. *Id.*

Some recent developments could potentially have a positive effect on the supply of CSRs. Voice writers, authorized starting in 2024, pass the examination at a higher rate. Of the 96 Voice Writers who took the dictation examination in 2024, 73% passed. New legislation, AB 3252,



effective January 1, 2025, hopes to add new licensed court reporters in California by granting reciprocity with national certifications and lowering the skills examination scores required to pass to align with the level in other states. The recent prospect of increases cannot be projected yet to be large enough to exceed the numbers of CSRs leaving the profession and create a *net* gain in CSR numbers, or to close the gap in Superior Court hiring. But they suggest that the current magnitude of the gap may not be permanent, and that efforts to hire more CSRs are not futile. As we discuss below, the recent changes also suggest adopting a flexible solution that can adjust to changing circumstances.

### **III. The remedy can be tailored to minimize cost and burden on courts and court reporters.**

The Amicus Curiae submission on behalf of court reporters, dated December 16, 2024, argues that their employment and financial interests can be harmed by allowing increased use of electronic recording to create an official transcript. However, the Access Commission's Issue Brief noted that a more flexible approach could ensure access to a record while preserving the use of current and future

court reporters. Specifically, the Issue Brief concluded: “The current definitions [of cases that may only be transcribed by a Certified Shorthand Reporter] leave hundreds of thousands of proceedings without a CSR or an alternative, which means alternatives could be allowed for those proceedings without displacing current or future court-employed CSRs.” *Issue Brief*, at 2. The Issue Brief noted the valuable role played by CSRs. A Legislative preference for using them is arguably present in the statutory language. The actual usage of CSRs and their future hiring need not be reduced to achieve compliance with the Constitution, but that outcome will depend on the concrete measures taken to implement a remedy imposed by this Court.

For example, the Chief Justice of the Supreme Court of Colorado responded to shortages of court reporters by creating priorities for case types to be transcribed by CSRs, and a mandate to the chief judges of Colorado’s district (trial) courts to implement plans:

The preferred method of making an accurate record of court proceedings is with the assistance of a realtime certified court reporter; therefore, all proceedings conducted before a district

court judge may be reported by a court reporter in person or remotely using a stenotype machine on a “realtime” basis. In the absence of a court reporter, digital electronic sound recording equipment can record proceedings.

Pursuant to this [Chief Justice Directive], the chief judge of each judicial district shall determine which methods of preserving court proceedings are to be used based upon current economic issues, availability of reporters, and other relevant factors.

Colo. Supreme Court, Office of the Chief Justice, Chief Justice Directive 05-03 (amended eff. July 1, 2023), *Management Plan for Court Reporting and Recording Services*, available at [https://www.coloradojudicial.gov/sites/default/files/2023-08/CJD\\_05-03\\_Amended\\_Effective\\_July\\_1%2C\\_2023\\_PAGE\\_RATE\\_increases\\_WEB.pdf](https://www.coloradojudicial.gov/sites/default/files/2023-08/CJD_05-03_Amended_Effective_July_1%2C_2023_PAGE_RATE_increases_WEB.pdf). The plans enacted by Colorado district courts can contain differing priorities for transcription methods by case type, other than the priorities for felonies set in the statewide Directive.<sup>12</sup>

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<sup>12</sup> See, e.g., Colo. 7th Judicial Dist., Dist. Admin. Order 2015-03, *Court Reporter Assignment and Management Plan*, available at <https://www.coloradojudicial.gov/sites/default/files/2024-06/AO%202015-03%20Court%20Reporter%20Assignment%20and%20Management%20Plan.pdf>.

Respondents Superior Courts contend that the remedy should be interpreted or tailored to avoid imposing a duty on courts to install and maintain electronic recording equipment in courtrooms that lack it. As we discuss below, this practical challenge can also be accommodated by a more granular and flexible implementation than simply mandating that electronic recording be used if a CSR is unavailable.<sup>13</sup>

California must not continue to tolerate the denial of due process and access to justice to litigants who lack the financial means, the knowledge, and the experience to supply their own court reporters; and it should not needlessly erode CSR jobs and compensation or create a spending mandate for superior courts not yet fully equipped for electronic recording.

The choice of remedy can avoid such a Hobson's choice. Among the remedial options could be for the Supreme Court

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<sup>13</sup> A report of the Senate Judiciary Committee Staff described uncertainties and practical problems with relying on a criterion of court reporter unavailability, even if narrowed by additional restrictions. Cal. Sen. Com. on Judiciary, Rep. on Sen. Bill No. 662 (2023–2024 Reg. Sess.) Mar. 20, 2023, *available at* [https://sjud.senate.ca.gov/sites/sjud.senate.ca.gov/files/sb\\_662\\_rubio\\_sjud\\_analysis.pdf](https://sjud.senate.ca.gov/sites/sjud.senate.ca.gov/files/sb_662_rubio_sjud_analysis.pdf).

to appoint a Special Master authorized to review and recommend approval or amendment of plans by Superior Courts to provide equitable and full access to official transcripts.<sup>14</sup> As in Colorado, the preference for CSR reporting that is implicit in California statutes could be preserved to the extent feasible, and the practical logistics of making the best use of available CSRs and electronic recording equipment could be accommodated, and (as has been done in Colorado) different priorities for types of cases for CSRs to report exclusively could be adopted in different courts so that the supply of CSRs could match the demand. Interested stakeholders such as court executives, CSRs, attorneys, and litigants could voice their views.

The Legislature's Response does not state any position on the issues presented by the writ, noting "that its only connection is that it passed the law at issue . . . ." Letter from Robin J. Johansen, Mar. 2, 2025, at p. 1. If and when

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<sup>14</sup> For example, in *Wilson v. Eu* (1991) 54 Cal.3d 471, 473, this Court appointed Special Masters to oversee the development of legislative and congressional reapportionment plans.

this Court issues relief to vindicate the constitutionally protected rights and interests at stake, the Legislature and the Governor can, if they so choose, enact legislation to implement their policy choices, within bounds of the Constitution as interpreted by this Court. Until and unless that happens, it is appropriate to use a Special Master (or another procedure chosen by the Court to exercise its inherent supervisory authority over the trial courts) to formulate workable operational procedures.

This should not, however, delay relief. Californians are unable to obtain an official verbatim transcript in 72,000 trial court hearings in an average month. The long duration and everyday immediacy of this denial weigh strongly against waiting for a Special Master or the Legislature to act. We therefore respectfully suggest that any remedy mandated by this Court should be self-executing for a limited time period, after which it would be replaced by a more nuanced remedy that could be developed under a Special Master unless or until it has been replaced by a Legislative enactment.

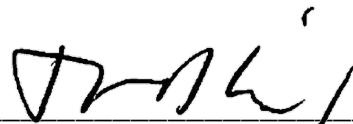
## CONCLUSION

For all of the foregoing reasons, and those raised by Petitioners in the Petition for Writ of Mandate and/or Prohibition, the writ should be granted with remedial provisions such as those discussed above.

Dated: April 4, 2025

Respectfully submitted,

Amicus Curiae Committee of the  
California Access to Justice  
Commission

By:   
Jonathan D. Libby, Chair

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### **CERTIFICATE OF COMPLIANCE**

Pursuant to Rule 8.204(c)(1) of the California Rules of Court and in reliance on the word count of the computer program used to prepare this Brief, counsel certifies that the text of this Brief (including footnotes) was produced using 13-point type and contains 3,924 words.

DATED: April 4, 2025

/s/ Jonathan D. Libby  
JONATHAN D. LIBBY

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## PROOF OF SERVICE

I, Jonathan D. Libby, hereby certify as follows:

I am an active member of the State Bar of California, and I am not a party to this action. My business address is 234 South Figueroa Street, No. 1642, Los Angeles, California 90012, and my electronic service address is JonathanLibbyLaw@gmail.com.

On April 4, 2025, I served true copies of the following document:

**APPLICATION OF AMICUS CURIAE  
COMMITTEE OF THE CALIFORNIA  
ACCESS TO JUSTICE COMMISSION  
FOR LEAVE TO FILE AMICUS CURIAE  
BRIEF IN SUPPORT OF PETITIONERS;  
and AMICUS CURIAE BRIEF IN  
SUPPORT OF PETITIONERS**

on counsel for the parties as follows:

☒ BY TRUEFILING: I electronically filed the document with the Clerk of the Court by using the TrueFiling system to the following:

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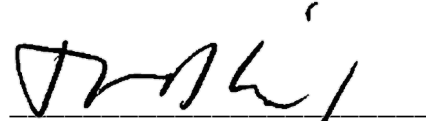
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I declare under penalty of perjury under the laws of the  
State of California that the foregoing is true and correct.

Executed on April 4, 2025, at Abington, Pennsylvania.

  
Jonathan D. Libby

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