

**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

FAMILY VIOLENCE APPELLATE PROJECT and
BAY AREA LEGAL AID,
Petitioners,

v.

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.

**APPLICATION FOR LEAVE TO FILE *AMICUS CURIAE*
BRIEF OF SURVIVOR JUSTICE CENTER IN SUPPORT
OF PETITIONERS**

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Attorneys for Survivor Justice Center

Service on the California Attorney General Required by
California Rule of Court 8.29(c)

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**TO THE HONORABLE PRESIDING CHIEF JUSTICE
PATRICIA GUERRERO AND TO THE HONORABLE
ASSOCIATE JUSTICES OF THE CALIFORNIA SUPREME
COURT:**

Pursuant to Rule 8.520(f) of the California Rules of Court, the Survivor Justice Center (the Center) requests leave to file an *amicus curiae* brief in support of the Petition for Writ of Mandamus and/or Prohibition challenging the prohibition on electronic recording of certain proceedings in Government Code section 69957, subdivision (a) filed by the Family Violence Appellate Project and Bay Area Legal Aid. The Center has a substantial interest in the outcome of this Petition as the vulnerable families and advocates navigating the legal system that the Center serves will be directly impacted by the outcome of this case. The Center requests leave to file its *amicus* brief to share its unique perspective on the impact this decision will have and to assist the Court in its just resolution of this matter.

Pursuant to Rule 8.520(f)(4)(A), the Center confirms that no “party or counsel for a party on the pending appeal” “[a]uthored the proposed amicus brief in whole or in part,” or “[m]ade a monetary contribution intended to fund the preparation or submission of the brief.”

The Center is a non-profit legal aid organization that fights for the rights of vulnerable families and advocates for a more just legal system. For over 50 years, the Center has helped vulnerable families overcome hurdles to access the courts successfully. As part of its mission, the Center helps vulnerable families and

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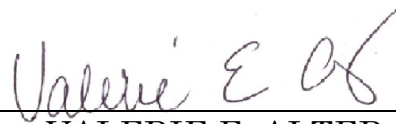
advocates understand their legal issues and provide in-depth individualized legal services. The Center's attorneys and staff provide direct legal services, including representation in courts, as well as education and advocacy primarily in the areas of in family law and immigration law. The Center has filed briefs as an *amicus curiae* in numerous cases, including briefs in this Court.

As an organization actively involved in family and immigration law issues and legislation, the Center has a direct interest in—and offers a unique perspective on—the Court's analysis of, and conclusions regarding, the use of electronic recording to create a record of oral proceedings.

DATED: April 4, 2025

SHEPPARD, MULLIN, RICHTER
& HAMPTON LLP

By:


VALERIE E. ALTER

Attorneys for
Survivor Justice Center

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Respondents.

LEGISLATURE OF THE STATE OF CALIFORNIA
Real Party in Interest.

**PROPOSED *AMICUS CURIAE* BRIEF OF SURVIVOR
JUSTICE CENTER ON THE MERITS OF THE PETITION
FOR WRIT OF MANDATE AND/OR PROHIBITION OF
PETITIONERS**

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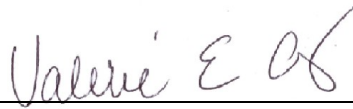
CERTIFICATE OF INTERESTED PARTIES

Pursuant to California Rules of Court 8.724(c) and 8.208(e)(3), *Amicus Curiae* Survivor Justice Center (the Center) hereby confirms that it is not aware of any entities or persons with: (1) a ten percent (10%) or more ownership interest in the Center; or (2) a financial or other interest in the outcome of the proceeding that the Center reasonably believes the justices should consider in determining whether to disqualify itself, as defined under Rule 8.208.

DATED: April 4, 2025

SHEPPARD, MULLIN, RICHTER
& HAMPTON LLP

By: _____



VALERIE E. ALTER

Attorneys for
Survivor Justice Center

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I. INTRODUCTION

The Petition underscores a critical issue within California’s court system: the lack of access to verbatim recordings of court proceedings, which significantly undermines the ability of litigants—especially those from underserved communities—to secure meaningful appellate review, fair trial outcomes, and transparent judicial processes. The California Supreme Court has recognized that access to justice requires verbatim records of court proceedings. (See [Jameson v. Desta \(2018\) 5 Cal.5th 594](#).) However, the growing shortage of court reporters, coupled with the California Legislature’s prohibition of electronic recordings in unlimited civil, family, and probate cases, has led to a systemic crisis whereby many litigants are deprived of an official record of their proceedings. (See [Gov. Code, § 69957](#).) This issue disproportionately affects vulnerable populations, including those served by the Center, who lack the financial means to hire private court reporters to preserve the record. Such disparity also infringes upon the California Constitution’s guarantees of separation of powers, due process, and equal protection.

One of the Respondent Courts, the Superior Court of California, County of Los Angeles (LASC), recently issued a General Order recognizing the urgent constitutional crisis created by the ongoing shortage of court reporters and permitting individual judges to authorize the electronic recording of hearings “at which fundamental rights are at stake” (the General Order). (Superior Court of California, County of Los Angeles, General Order (Sept. 5, 2024), at p. 3.) Specifically, the General Order

discusses how the Legislature permits courts to “order [], in a limited civil case, or a misdemeanor or infraction case, the action or proceeding [to] be electronically recorded”, but prohibits electronic recording in any other type of case. ([Section 69957, subd. \(a\).](#)) [Section 69957](#)’s prohibition on electronic recording in unlimited civil, family law, and probate proceedings, combined with the longstanding court reporter vacancies LASC has faced and the extensive yet largely ineffective recruitment and retention efforts of court reporters, has led to hundreds of thousands of hearings that remain unrecorded each year in its courtrooms. (General Order at pp. 1-2.) In an effort to mitigate this problem, LASC tried to provide court reporters on an ad hoc basis in the family law, probate, and unlimited civil departments, where they were typically unavailable. However, this approach “has proven inadequate, and [LASC] cannot maintain it going forward.” (*Id.* at p. 2.) Indeed, despite the LASC’s significant efforts to hire and retain court reporters, in the first six months of 2024, LASC held 193,000 hearings with no verbatim record. (*Id.* at p. 6.) LASC subsequently issued the General Order, which authorizes the use of electronic recording equipment, but only under specific, limited circumstances. (*Id.* at pp. 19-20.) The General Order provides electronic recording is allowed *only if* the judicial officer determines the proceeding and/or parties meet six criteria, such as the proceeding “implicat[ing] fundamental rights or liberty rights” and “involv[ing] significant legal and/or factual issues.” (*Id.* at pp. 19-20.)

Although the LASC's General Order represents a positive step towards permitting electronic recording, it does not guarantee verbatim recording for all litigants. Only this Court holds the authority to address the significant constitutional issues at play and to ensure that all litigants have a meaningful opportunity to obtain verbatim recordings. This would provide consistent, statewide protection of the rights of low-income civil litigants, reinforcing fairness and access to justice across California.

This *amicus curiae* brief aims to highlight real-world challenges faced by the Center's clients, who have experienced and/or will experience severe consequences because of their inability to electronically record proceedings and secure a verbatim record. Many of these individuals, particularly vulnerable low-income families, are and will be left without access to an official record, which deprives them of the ability to challenge judicial decisions that have a direct impact on their safety, families, and livelihoods. Without a verbatim recording, they are often unable to demonstrate reversible error, leaving them effectively without recourse to contest court decisions.¹

The underlying Petition proposes a straightforward but essential solution: lifting the restrictions in [section 69957](#) on the use of electronic recordings in all civil, family, and probate

¹ The Center does not suggest that a record is required in *all* instances, such as rulings on summary judgment or pleadings motions, which are reviewed de novo. However, as described in the main text, much of the Center's work involves evidentiary hearings.

proceedings. This change would broaden access to verbatim recordings for litigants, such as the Center’s clients, legal aid organizations, and the public, ensuring that all parties—regardless of financial means—benefit from greater court transparency and equal access to justice.

II. ARGUMENT

A. The Importance of Verbatim Recordings in Family Law and DVRO Cases

Based on the Center’s experience, verbatim recordings are essential, especially in family law and domestic violence restraining order cases. The Center has worked with many self-represented litigants in urgent matters, such as DVROs or child custody disputes, where they are often forced to proceed to trial without a court reporter.

In these trials, which involve the presentation of live evidence, including witness testimony, litigants are left without a verbatim record of the proceedings, meaning they cannot accurately recall, much less present to an appellate court, key evidence or the trial court’s rulings on evidentiary objections, which are typically communicated orally. Without an official record, these cases face significant barriers to meaningful appellate review, as demonstrated by recent case law. For example, in [*In re Marriage of D.S. & A.S.*](#), the court reversed a restraining order against a self-represented party, relying on a transcript that exposed the trial court’s failure to adequately investigate the allegations. ([*In re Marriage of D.S. & A.S. \(2023\)*](#) [87 Cal.App.5th 926, 932-933, 936.](#)) This case demonstrates the critical importance of having a verbatim record. Without such

records, that permitted a reversal in [*In re Marriage of D.S. & A.S.*](#), the Center's clients are at a disadvantage in seeking justice and challenging court decisions.

The absence of a court reporter not only deprives the parties of an accurate record of the trial court's reasoning, but also places significant logistical and financial burdens on them. Litigants should not be forced to proceed without a reporter, which compounds the challenges they face if they choose to appeal and potentially prevents them from securing justice.

B. The Inadequate Process of Requesting Electronic Recordings

The current process for requesting electronic recordings of court hearings is flawed, creating significant challenges, especially for self-represented litigants. To obtain a free court reporter, they must request both a fee waiver and the reporter's services in advance of their hearing. However, even when these requests are submitted on time, there is no guarantee that a court reporter will be available. Litigants do not know whether a court reporter will be present until they appear in court. If the court reporter is absent, litigants often request to electronically record the proceeding. These same-day requests are typically denied, on the grounds that such requests must be made before the hearing. Of course, a request cannot be made before a hearing where a litigant follows the proper process to request a court reporter and expects to have a reporter present, but the court reporter does not appear. As a result, these litigants are left with two difficult choices—proceed without a verbatim record of the proceedings or reschedule the hearing and deal with the

consequences of a lengthy delay. Both options significantly impede litigants' ability to effectively and timely represent themselves.

In a recent case, the Center represented a client for a two-day hearing, which involved the opposing party's request to move the client's child to another state. The attorney requested a court reporter for the hearing. On the first day of the hearing, the court reporter was present. On the second day of the hearing, the court reporter was absent, and the attorney requested the opportunity to record the second day of the hearing electronically. The trial court denied the request and informed the attorney that such a request must be made in advance. The trial court also suggested the attorney "take notes," which the attorney declined because she recognized the importance of having an official electronic record. After the attorney declined this suggestion, the trial court decided to delay the hearing and rescheduled it for four months later. This situation caused significant anxiety and uncertainty for the Center's client and her child. The client, who had already made extensive arrangements for childcare and transportation to attend the hearing, and her child were left to cope with ongoing uncertainty about whether they would be separated.

C. The Unavailability of Court Reporters

Even when a court reporter is properly requested, they are often unavailable, leading to long continuances that are prejudicial, not to mention inconvenient. For example, one of the Center's clients recently sought a modification of custody and visitation to change her children's school after relocating to a

different school district. The hearing was initially scheduled for November. The client had requested a court reporter and applied for a free court reporter to attend. However, when the client arrived, no court reporter was present, and the attorney's request for electronic recording was denied. After the client declined to proceed without either a court reporter or electronic recording, the trial court rescheduled the hearing for the next available date, which resulted in a five-month delay.

This extended continuance placed a significant burden on both the mother and her child, as the mother had to travel much farther to drop her child off at school. Had this occurred earlier, when no custody orders were in place in this case, the delay could have left the mother in an extremely vulnerable position, having to negotiate custody and visitation with her abuser, thereby jeopardizing her safety. Continuances in custody cases are deeply problematic and should not be left to the discretion of judges. Instead, judges should prioritize ensuring electronic recordings are available, rather than allowing cases to be unnecessarily delayed.

III. CONCLUSION

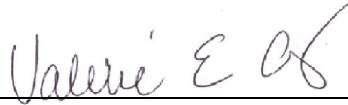
As demonstrated above, the experiences of the Center's clients underscore the critical importance of granting the Petition. Verbatim recordings are indispensable in family law and DVRO cases, as they equip self-represented litigants with the essential records needed to accurately recall and present key evidence in appellate courts. Further, by allowing electronic recordings in all civil proceedings, the flawed process for

requesting such recordings can be eliminated. This change would also address the issue of court reporter unavailability, which frequently results in inconvenient and prejudicial continuances, thereby enhancing access to justice for all litigants. The Center respectfully urges this Court to grant the Petition.

DATED: April 4, 2025

SHEPPARD, MULLIN, RICHTER
& HAMPTON LLP

By:



VALERIE E. ALTER

Attorneys for
Survivor Justice Center

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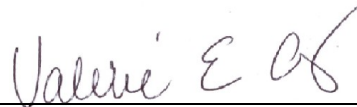
**CERTIFICATE OF COMPLIANCE PURSUANT TO
CALIFORNIA RULES OF COURT RULE 8.204(c)(1)**

Pursuant to California Rules of Court Rule 8.504(d)(1), I
certify that according to Microsoft word the attached brief is
proportionally spaced, has a typeface of 13 points and contains
1,753 words.

DATED: April 4, 2025

SHEPPARD, MULLIN, RICHTER
& HAMPTON LLP

By:

A handwritten signature in cursive script, appearing to read "Valerie E. Alter", is written over a horizontal line.

VALERIE E. ALTER

Attorneys for
Survivor Justice Center

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PROOF OF SERVICE

Family Violence Appellate Project, et al v. Superior Courts of
California, et al
Case No. S288176

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 1901 Avenue of the Stars, Suite 1600, Los Angeles, CA 90067.

On April 4, 2025, I served true copies of the following document(s) described as **APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF OF SURVIVOR JUSTICE CENTER IN SUPPORT OF PETITIONERS** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY ELECTRONIC SERVICE: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling), I provided the document(s) listed above electronically on the TRUE FILING Website to the parties on the Service List maintained on the TRUE FILING Website for this case, or on the attached Service List. TRUE FILING is the on-line e-service provider designated in this case. Participants in the case who are not registered TRUE FILING users will be served by mail or by other means permitted by the court rules.

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 Los Angeles, California.



Lily Young Chu

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SERVICE LIST

Family Violence Appellate Project, et al v. Superior Courts of
California, et al
Case No. S288176

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